SUPERIOR COURT OF CALIFORNIA

COUNTY OF AMADOR

Proposed Local Rules of Court

Effective Date: January 1, 2027

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PREFACE TO LOCAL RULES AND STANDARDS OF PROFESSIONAL CONDUCT

The Amador County Superior Court endorses the "CALIFORNIA ATTORNEY GUIDELINES OF CIVILITY AND PROFESSIONALISM" adopted by the State Bar of California on July 20, 2007, and hereby encourages all attorneys practicing before it to comply with these guidelines. In addition, the Court adopts the following rules of conduct:

0.10 GENERAL

A. Lawyers must observe all rules of law, including the California Rules of Professional Conduct and the State Bar Act, particularly Business and Professions Code section 6068.

B. Lawyers should honor their commitments.

C. Lawyers should honor and maintain the integrity of our system of justice.

D. Lawyers should not compromise their integrity for the sake of a client, case or cause.

E. Lawyers should conduct themselves in a professional manner.

F. Lawyers should be guided by a fundamental sense of fair play in all professional dealings.

0.20 DUTIES OWED IN PROCEEDINGS BEFORE THE COURT

A. Lawyers should always be courteous and respectful to the court.

B. Lawyers should always be candid with the court.

C. Lawyers and clients appearing in court should be dressed neatly and appropriately when they enter the courtroom. The court deems it inappropriate for any attorney to appear in court wearing jeans or tennis shoes.

D. Lawyers should be on time.

E. Lawyers should be prepared for all court appearances.

F. Lawyers should attempt to resolve, by agreement, their differences relating to procedural and discovery matters.

G. Lawyers should discourage and decline to participate in litigation that is without merit or is designed primarily to harass or drain the financial resources of the opposing party.

H. Lawyers should avoid any communication, direct or indirect, about a pending case with a judge except as permitted by court rules or otherwise authorized by

law.

I. Lawyers should refrain from impugning the integrity of the judicial system, its proceedings, or its members.

J. Lawyers should be cognizant of the fact that when they appear in court at the same time pro per litigants are appearing, the pro per litigants may look to the lawyers to set the standards of conduct. Lawyers should endeavor to set a proper example in their dealings with the court, opposing counsel, and opposing parties.

K. For purposes of these rules, the term counsel or attorney shall include self-represented parties.

(Effective 7/1/2015)

CHAPTER 1 – GENERAL RULES

1.00 Scope of Rules

These Local Rules of Court apply to the Amador County Superior Court.

(Effective 1/1/95; Amended 1/1/00)

1.01 Citation of Rules

These Rules shall be known and cited as the "Local Rules for the Amador County Superior Court."

(Effective 1/1/95; Amended 1/1/00)

1.02 Effective Date of Rules

These Rules shall take effect July 1, 2017

(Effective 1/1/95; Amended 7/1/01; Amended 1/1/03; Amended 7/1/07; Amended 1/1/08; Amended 7/1/08; Amended 1/1/09; Amended 7/1/09; Amended 1/1/10; Amended 7/1/10; Amended 1/1/11; Amended 7/1/11; Amended 7/1/12; Amended 1/1/13; Amended 7/1/13; Amended 7/1/2015; Amended 7/1/2017)

1.03 Effect of Rules

These rules shall on their effective date supersede all local court rules previously adopted by the Amador County Superior Court.

(Effective 1/1/95; Amended 1/1/00; Amended 1/1/2027)

1.04 Construction and Application of Rules

These Rules shall be construed and applied in such a manner as to not conflict with the California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice by the Amador County Superior Court.

(Effective 1/1/95; Amended 1/1/00)

1.05 Adoption of California Rules of Court

The court hereby adopts the California Rules of Court, which are applicable to superior courts in civil and criminal cases, and the Uniform Local Rules for Third Appellate District Superior Courts. In every proceeding, Judicial Council forms shall be used when applicable.

(Effective 1/1/95; Amended 1/1/00; Amended 7/1/2015)

1.06 Amendment, Addition, or Repeal of these Rules; Sanctions for Failure to Comply

A. These local rules may be adopted, amended, or repealed by the judges of the court at any judges' meeting. Any rules adopted or amended shall be effective subject to the notice and publication requirements of Code of Civil Procedure section 575.1 and the requirements of Government Code section 68071.

B. These rules, where applicable to civil actions and proceedings and as amended from time to time, are adopted pursuant to Code of Civil Procedure section 575.1. Any counsel, party represented by counsel, or party appearing in pro per, who fails to comply with any of the requirements set forth in these rules, shall upon motion of a party or the court be subject to the sanctions set forth in Code of Civil Procedure section 575.2, Code of Civil Procedure section 177.5 and California Rules of Court, rule 2.30.

(Effective 1/1/95; Amended 1/1/00; Amended 1/1/07; Amended 7/1/2015)

1.07 Rules Governing Probate Filings

With the exception of tentative ruling procedures, the civil law and motion rules contained herein shall be applicable to the filing of documents in probate proceedings except where otherwise provided by statute.

(Effective 1/1/97; Amended 7/1/2017)

1.08 Rules Governing Electronic Filing

Documents filed through electronic filing/delivery will comply with all applicable statutes and California Rules of Court. The submission of documents through electronic filing/delivery is permitted in the following case types:

1. Case Initiation and Subsequent Filings
    a. Civil
    b. Small Claims
    c. Family
    d. Probate/LPS
    e. Mental Health Certification
    f. Juvenile Dependency

2. Subsequent Filings for Existing Cases
    a. Criminal

b. Traffic
c. Juvenile Delinquency

Users may submit documents through the court's approved electronic service provider, accessible on the court's website at: www.amador.courts.ca.gov.

There may be a fee charged by the electronic filing service provider or electronic filing manager. These fees are waived for government entities and any litigant who has received a fee waiver. Contact the specific service provider directly for further information.

(Effective 1/1/2027)

1.09 Rules Governing Electronic Signatures

For purposes of these Local Rules and in conformity with Code of Civil Procedure sections 17(b)(3), 34, and 1010.6(b)(1), Government Code section 68150, subdivision (g), and California Rules of Court, rule 2.257(a), the term "Electronic Signature" is defined as an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the document.

An electronic signature shall have the same legal effect as an original signature. All electronic filings must comply with California Rules of Court, rule 2.257, and Code of Civil Procedure section 1010.6(b)(1). When a document requires the signature under penalty of perjury of any person, the document shall be deemed to have been signed by that person if filed electronically (a) if the person has signed a printed form of the document before, or on the same day as, the date of filing or (b) if the person has signed the document using a computer or other technology.

(Effective 1/1/2027)

CHAPTER 2 – JUDICIAL ADMINISTRATION

2.00 Presiding Judge

The presiding judge of the Amador County Superior Court shall be selected by agreement of the judges and shall serve a two-year term, which shall commence on January 1 of the first year and expire on December 31 of the second year. The next term shall commence effective January 1, 2021 and expire December 31, 2022. The terms shall run in two-year periods for each term thereafter. If the presiding judge is absent or unable to act, then the other judge will act as presiding judge.

(Effective 1/1/95; Amended 7/1/01; Amended 12/01/2020)

2.01 Definition of Judicial Vacation

A day of vacation for a judge of the court is an approved absence for one full business day. Other absences from the court listed in California Rules of Court, rule 10.603(c)(2)(H) are excluded from this definition.

(Effective 7/1/2015)

CHAPTER 3 – COURT EXECUTIVE OFFICER

3.00 Clerk of the Superior Court - Court Executive Officer

There shall be appointed a Court Executive Officer (or CEO) for the Superior Court of Amador County who shall be selected by agreement of the Superior Court Judges and shall serve at the pleasure of said judges. Under the direction of the Presiding Judge, the Court Executive Officer shall perform the duties described in Rule 10.610 of the Standards of Judicial Administration as adopted by the Judicial Council, and any other duties as may be outlined in the job description or assigned by the Presiding Judge.

(Effective 1/1/95; Amended 7/1/01; Amended 1/1/07; Amended 7/1/10; Amended 7/1/17)

CHAPTER 4 – CIVIL LAW AND MOTION RULES

4.00 Preemption of Local Rules

All local rules related to pleadings, demurrers, ex parte applications, motions, discovery, provisional remedies, and form and format of papers have been preempted by the California Rules of Court and applicable provisions of the Code of Civil Procedure. To the extent there is a conflict or inconsistency between the Rules of Court and these rules, the Rules of Court will take precedence. The failure of counsel or a party to comply with the relevant provisions of the California Rules of Court may subject counsel and/or the party to sanctions pursuant to Rules of Court, rule 2.30.

(Effective 1/1/00; Amended 1/1/07; Amended 7/1/2015)

4.01 Withdrawing Civil Motions

The moving party shall file with the Court, at least two (2) court days before the motion is to be heard, a notice of withdrawal of motion, which identifies the motion to be heard, the date it is scheduled to be heard, and that the moving party has withdrawn the motion, with or without prejudice. The notice of withdrawal of the motion shall include a representation s/he has notified the opposing party that the moving party has withdrawn the motion, with or without prejudice.

(Effective 7/1/12; Amended 7/1/2015)

4.02 Summary Judgment Motions

At the time moving and opposing papers are filed, the parties shall lodge with the clerk's office a clearly marked chambers copy of all pleadings and papers filed.

(Effective 7/1/2015; Amended 1/1/2027)

4.03 Tentative Rulings

A. The court operates a tentative ruling procedure for all regularly scheduled civil law and motion matters. On the afternoon of the court day before a law and motion matter is calendared for hearing, the court shall prepare a tentative ruling for each matter on calendar. Tentative rulings for the next court day will be available after 2:00 p.m. on the Court's online portal under "Events" of the case once logging in at www.amadorportal.org. Notice of intent to appear at the hearing by leaving a voice message on the court's oral argument line at (209) 257-2692, pursuant to

CRC 3.1308(a) is required. If a party is unable to access the online portal, the tentative ruling may be accessed by telephoning (209) 257-2603, prior to 3:00 p.m.

B. Parties satisfied with a tentative ruling need not appear at the scheduled hearing, unless ordered to do so by the court. Parties intending to appear and contest the tentative ruling must notify the court and opposing counsel by telephone no later than 4:00 p.m. on the court day before the hearing. Unless opposing counsel has been notified of such intent, oral argument will not be permitted.

C. Where appearance has been requested or invited by the court, limited oral argument will be entertained.

D. All noticed motions and demurrers in civil matters shall include the following information in the notice:

"Pursuant to Local Rule 4.03, the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling, call (209) 257-2603 or visit the Court's website, www.amador.courts.ca.gov. If you intend to appear and contest the tentative ruling, you must notify the court and opposing counsel of such intent by telephone no later than 4:00 p.m. on the court day preceding the hearing. If you do not provide proper notice to the court and the opposing party no hearing will be held."

E. Absent oral argument, the tentative ruling will become the ruling on the motion, becoming effective at the date and time set for the noticed motion.

F. These tentative ruling procedures do not apply in any case in which a self-represented party is in the custody of the California Department of Corrections.

(Effective 7/1/01; Amended 7/1/04; Amended 1/1/08; Amended 7/1/10; Amended 7/1/11; Amended 7/15/2015; Amended 1/1/2023, Amended 1/1/2025; Amended 1/1/2027)

4.04 Default Judgments by Affidavit

If a default judgment is requested by affidavit pursuant to Code of Civil Procedure section 585(d), the requesting party shall comply with rule 3.1800 of the Rules of Court. If, after reviewing the materials submitted, the court determines personal testimony is required, the clerk shall so advise the moving party. If testimony is required, the moving party must apply to the clerk for a hearing date and file the form provided by the court for setting default or uncontested matters for hearing.

(Effective 7/1/01; Amended 1/1/07; Amended 7/15/2015)

4.05 Joining Motions of Other Parties

If a party desires to receive the same relief as another party and files papers "joining"

another party's motion, the court will not grant relief to the party joining the motion, unless that party has complied with all procedural requirements for the filing of motions, including payment of filing fees, proper notice, format of motion and method of service. The notice of joinder must include a specific showing of the basis for the relief sought by the other party and how it applies to the joining party.

(Effective 7/1/01; Amended 7/1/12; Amended 7/1/2015)

4.06 Continuances

These provisions apply only to the continuances of law and motion matters and do not apply to the continuances of trial or any matters set pursuant to the Trial Delay Reduction Rules. If the requested continuance is uncontested and has been served, the matter may be re-calendared upon request of the moving party. The party or counsel requesting the continuance must send a confirming notice to the court at least two (2) days before the time originally set for hearing with a copy to opposing counsel or parties appearing in pro per. In no event shall the matter be reset more than twice. Failure to provide confirming notice, as directed herein, will result in the matter being dropped from the calendar.

If the continuance involves a motion, which has not yet been served, the matter may be re-calendared by contacting the calendar clerk for a new date and re-noticing the motion.

If the requested continuance is contested, or if the matter has been previously reset by the clerk more than twice, the request shall be made by noticed motion or ex parte application pursuant to the rules set forth herein.

Any court ordered hearing, such as a hearing on an order to show cause, an application for a temporary restraining order or injunctive relief, may be continued only on order of the court. The order may be obtained ex parte or by written stipulation of all parties submitted to the court five (5) court days before the date set for hearing.

The court must approve any continuance of a motion for summary judgment or a motion for summary adjudication. The order may be obtained by ex parte application. Any request for continuance of such a motion must be made at least seven (7) court days before the scheduled hearing.

If any party intends to appear in court to request continuance of a motion, such party shall notify the court at least seven (7) court days before the time set for hearing.

(Effective 7/1/01; Amended 7/01/04; Amended 1/1/07; Amended 7/1/09; Amended 7/1/11; Amended 7/1/2015)

CHAPTER 5 - PRETRIAL SETTLEMENT CONFERENCES

5.00 Settlement Conferences and Settlement Conference Statements

A. This court views efforts to settle civil proceedings as an essential part of the judicial process. The Court expects that all efforts to settle shall be made in good faith and in conformity with the rules of this chapter.

B. A party to any contested civil proceeding may file a written application to the court for a specially set settlement conference. If granted, the rules in this chapter shall be applicable to such settlement conference.

C. Each party shall lodge with the court no later than five (5) court days before the conference and serve on the other parties a written statement that conforms to rule 3.1380 of the California Rules of Court.

(Effective 1/1/95; Amended 1/1/00; Amended 7/1/2015; Amended 7/1/2017; Amended 7/1/2019)

5.01 Settlement Conference Procedures

A. Attendance and Authority.

Trial counsel, the parties, and all persons whose consent is necessary for a settlement must attend. All persons required to attend must have full authority to settle the case.

B. Powers of the Court at Settlement Conferences.

1. A judge pro tem shall not, without stipulation, change the date set for trial. The judge pro tem shall not, without stipulation, hear or rule upon law and motion matters, and may also accept and file the written stipulations by the parties.

2. If parties stipulate, in a writing signed by the parties outside the presence of the court, or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. Enforcement of the settlement shall be pursuant to Code of Civil Procedure section 664.6.

C. Excuses from Attendance; Telephone Availability.

1. Any person whose attendance at a settlement conference is required by these rules may be excused by the court, on request made in writing not less than five (5) court days before the date set for the settlement conference.

2. Any person excused by the court for good cause shown shall remain immediately available for telephone communication with counsel and the court for the duration of the settlement conference.

3. Any person seeking to be excused from personal appearance shall meet and confer with the opposing party and shall attempt to obtain a stipulation excusing the person from attendance before to submitting a request to the court.

D. Waiver of Rules.

Waiver of the provisions of this chapter or rule 3.1380 of the California Rules of

Court is disfavored. The court may, in its discretion, waive certain provisions for good cause but absent extraordinary circumstances, will not waive the provisions of rule 3.1380 relating to settlement conference statements.

(Effective 1/1/95; Amended 7/1/01; Amended 1/1/03; Amended 7/1/04; Amended 1/1/08; Amended 7/1/11; Amended 7/1/12; Amended 7/1/2015; Amended 1/1/2023)

CHAPTER 6 – CRIMINAL

6.00 Arraignment

Where a defendant has been held to answer on felony charges following a preliminary examination, or where a defendant has waived a preliminary hearing, the court will seek a stipulation that the complaint or amended complaint be deemed the information filed forthwith. The defendant may then be arraigned on the information.

(Effective 1/1/95; Amended 1/1/00; Amended 7/15/2015)

6.01 Continuances

No matters will be continued unless approved by the court for good cause. Strict compliance with Penal Code section 1050 is required, unless excused by the court pursuant to subdivisions (c) and/or (d) of section 1050.

(Effective 1/1/95; Amended 7/15/2015)

6.02 Withdrawal as Attorney of Record

An attorney privately retained to represent a defendant in a criminal proceeding shall not withdraw from such representation, unless authorized by order of the court, pursuant to the consent of the defendant, or following a hearing on a duly noticed and a timely motion seeking permission to withdraw.

(Effective 1/1/95; Amended 7/15/2015)

6.03 Pretrial Motions Not Waived

Any pretrial motions, including demurrers, may be made after arraignment on the information.

(Effective 1/1/95; Amended 7/15/2015)

6.04 Filing of Papers

A. A law and motion matter may be set:

1. By filing a noticed motion.

2. By court order issued upon oral request of a party made in open court at a time when the case is otherwise regularly calendared; or

3. By submission of an Ex Parte Application to set matter on calendar and Proposed Order on the form available on the Court's website,

www.amador.courts.ca.gov Notice of any Ex Parte Application to set matter on calendar must be provided to the opposing party no less than twenty-four (24) hours prior to the hearing. If twenty-four (24) hours notice is not given, an explanation why proper notice was not provided must be included in the Ex Parte Application. Notice must be provided during regular business hours. Failure to include the required notice, or sufficient cause for failing to do so, may result in the denial of the Application. The twenty-four (24) hour notice provision may be waived by the parties upon written stipulation.

B. Unless otherwise ordered by the court, the date and time of all hearings will be set by the clerk.

C. All initial moving papers relating to pretrial motions, including those filed after obtaining an order shortening time, shall be filed with the clerk. No matter shall be calendared prior to the filing of the moving papers. Documents submitted for filing which are required to be kept confidential pursuant to statute or court order, must contain the word "CONFIDENTIAL" in bold caps directly beneath the document title and should be filed under seal under the provisions set forth in rule 2.551 of the California Rules of Court.

1. Police Reports Containing Confidential Personal Information

In accordance with Penal Code section 964 and the public policy set forth therein, prosecutors and law enforcement agencies should not submit police reports, arrest reports or investigative reports containing "confidential personal information" (as defined in subd. (b) of Penal Code § 964) of victims or witnesses to the court in support of a criminal complaint, indictment, or information; or in support of a search or arrest warrant. Rather, prosecutors and law enforcement agencies should present the court with written declarations from law enforcement officers that are devoid of this confidential personal information.

In the alternative to providing declarations to the court, the parties may submit copies of police reports, arrest reports or investigative reports that are redacted of all "confidential personal information" of victims and/or witnesses. The redacted copies of these reports provided to the court must be attached to a declaration attesting to the fact that all "confidential personal information" of victims and/or witnesses has been effectively redacted from the reports.

All agencies should bear in mind that the court will not undertake the task of redacting any confidential personal information of victims or witnesses from documents submitted for the court's consideration. Rather, the burden to ensure that this information is not included within any documents presented falls squarely on the agencies preparing and presenting them to the court. In this respect, the court may exercise its discretion to accept or reject a police,

arrest or investigative report containing confidential personal information that is submitted

2. Confidentiality of Pretrial Services Records and Information.

Information supplied by a defendant to a representative of the Amador County Probation Department during the defendant's initial interview or subsequent contacts, or information obtained by the Probation Department as a result of the interview or subsequent contacts, will be deemed confidential and will not be subject to subpoena or to disclosure, and will not subject any employee or agent of the Probation Department to subpoena, with the following exceptions:

(a) Information relevant to the imposition of conditions of release must be presented to the court, the prosecutor, the defendant, and the defendant's attorney, on a standardized form when the court is considering what conditions of release to impose, and if the information given is false or misleading, it may be used for prosecution or impeachment;

(b) Information concerning compliance with any conditions of release imposed by the court must be furnished to the court, the prosecutor, the defendant and the defendant's attorney, for prosecution, impeachment, or for consideration of modification of conditions of release;

(c) As otherwise ordered by the court in the interest of justice, upon noticed motion of the party seeking disclosure and a showing of good cause.

D. Failure to serve and file papers in opposition to a motion, other than an ex parte application, may, in the court's discretion, be deemed a forfeiture of any objections and an admission that the motion or other application is meritorious. The court may also deem, in its discretion, that the party who has failed to timely file written opposition to a noticed motion has forfeited the right to orally oppose the motion at the hearing.

E. All opposition and reply papers shall be served upon opposing counsel by personal delivery, express mail, federal express, email (when agreed to in writing by the parties), fax, or other means designed to ensure that the opposition and reply papers are received by opposing counsel within twenty-four (24) hours of filing. The motion shall not be heard unless the above-mentioned documents have been served on all parties to the proceeding within the time limits specified. A party shall not be deemed to have been served until that party receives actual notice of the motion; or if the notice of motion is mailed through the U.S. mail, a party shall be deemed to have been served five (5) calendar days after the posting of the notice of motion.

F. Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving initial papers may, in the discretion of the court, be deemed an admission that the motion is without merit. Failure, without good cause, to comply with the requirements of this rule concerning the time for filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule.

G. The above filing rules, paragraphs (A) through (D), do not apply to motions for continuance.

(Effective 1/1/95; Amended 1/1/96; Amended 1/1/06; Amended 7/1/09; Amended 7/1/11; Amended 7/1/2015; Amended 1/1/2027)

6.05 Format of Motions, Citations

A. Citations.

Citations to all authorities must conform to the CALIFORNIA STYLE MANUAL. If counsel relies on authorities from a foreign jurisdiction, such as another state, a copy of such authority shall be attached to the motion. This rule includes Attorney General opinions, local ordinances, law review articles, citations to other state cases and statutes, other than federal cases and United States Supreme Court decisions.

(Effective 1/1/95; Amended 7/15/2015)

6.06 Motions at Trial

In felony and misdemeanor cases, unless otherwise ordered by the court, all motions in limine, any extraordinary or complex trial motions, and any motions requiring live testimony shall be made in writing with a supporting memorandum of points and authorities. These motions must be served on opposing counsel and filed with the court no later than the date of the Trial Readiness Conference (TRC).

(Effective 7/1/2017)

6.07 Failure of Moving Party to Appear

If a moving party fails to appear when called, the court may, in its discretion, order the matter off calendar. In the event of an unavoidable scheduling conflict, the moving party can avoid having the matter dropped by calling the court at any time prior to the scheduled hearing and reporting the conflict.

(Effective 1/1/95; Amended 7/15/2015)

6.08 Taking Matters off Calendar

The moving party may withdraw a motion from calendar up to forty-eight (48) hours before the calendar appearance date by filing a written notice to the court and all parties.

(Effective 1/1/95; Amended 1/1/96; Amended 1/1/09; Amended 7/1/12; Amended 7/15/2015)

6.09 Setting Evidentiary Motions

Motions requiring the testimony of witnesses, including but not limited to motions to suppress evidence, shall not be set for an evidentiary hearing except on a date as selected by the court with both sides present. A motion to set such an evidentiary hearing date may be brought within the time requirements prescribed by the statutory authority governing the motion.

(Effective 1/1/95; Amended 7/1/11; Amended 7/15/2015)

6.10 Discovery Requests

A. At the time of the defendant's first appearance on a felony or misdemeanor matter, an informal request for continuing discovery shall be deemed to have been made by the defendant requesting the prosecuting attorney to disclose all materials required to be disclosed by Penal Code section 1054.1, and by the state and federal Constitutions, including exculpatory information regarding guilt or innocence and sentencing mitigation covered by *Brady v. Maryland* (1963) 373 U.S. 83 and its progeny.

B. At the time the prosecuting attorney provides the discovery of items in compliance with subparagraph (A) above, the prosecuting attorney shall provide to defense counsel a written receipt showing the date of compliance and shall include a written notice that either an informal request is made that the defense disclose all materials and information set forth in Penal Code section 1054.3 or that no informal request is being made.

C. Upon receipt of the original request as specified above or any other informal request, the receiving party shall respond by either providing the information requested or specifying the items the party refuses to produce and the reason for the refusal.

(Effective 1/1/95; Amended 7/15/2015)

6.11 Numbering of Discovery Documents and Tapes

All discovery material provided to the opposing side, including documents, photographs, audio, or video tape recordings, shall be described and listed in a document to be retained by the party providing the discovery. This document shall also set forth the date each item was provided to the opposing side.

(Effective 1/1/95; Amended 7/15/2015)

6.12 Discovery Motions

A. When a party's compliance with an informal discovery request under Local Rule 6.10 is considered insufficient by the requesting party, the requesting party shall make an informal request for the particular items sought prior to making a formal discovery motion.

B. A formal motion for an order to compel discovery shall be supported by a declaration stating facts showing a failure by the opposing party to comply with the

informal request for discovery. The declaration shall specify in particular those items not disclosed in response to any informal request for discovery.

(Effective 1/1/95; Amended 7/1/2015)

6.13 Probable Cause Hearings

Upon the booking of any person into the county jail, other than pursuant to an arrest warrant, the arresting agency shall present a declaration to a judge establishing probable cause for the detention. The declaration shall be on a form approved by the court.

(Effective 1/1/95; Renumbered Effective 1/1/06)

6.14 Temporary Release from Jail

A. Except as indicated in subdivision (B) below, applications for temporary release from custody (in the custody of the sheriff or without such custody) by or on behalf of inmates confined in the county jail, as sentenced or committed prisoners, shall be made to the sheriff and not to the court. This process applies to applications for release for medical, family emergency, education, employment, and related purposes.

B. The following applications shall be made to the court:

1. Applications for orders to produce an inmate to testify in court as a witness or to appear in court in a civil matter as a party, including appearances other than as a petitioner in a habeas action.

2. Applications to the court by affidavit of the sheriff for removal of an inmate who requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at county jail pursuant to Penal Code section 4011.

3. Applications for commitment of an inmate to mental facility pursuant to Penal Code section 4011.6.

4. Applications for removal of inmate for mental health services pursuant to Penal Code section 4011.8.

(Effective 1/1/95; Renumbered Effective 1/1/06; Amended 7/15/2015)

6.15 Alternative Sentencing

Any sentencing order requiring community service shall be administered through the probation department.

(Effective 1/1/95; Amended 1/1/06)

6.16 [NUMBER RESERVED FOR FUTURE USE]

6.17 Jury Instructions

Unless otherwise ordered by the court, by no later than the date of the Trial Readiness

Conference (TRC), the parties shall submit proposed jury instructions for use in that case in a condition to go to the jury.

(Effective 7/1/2017)

6.18 Pleas at the Time of Trial

Following the Trial Readiness Conference, only a plea of guilty or no contest to all counts in the Complaint or Information will be accepted, except when the counts are pled in the alternative or one count is a lesser-included count of another count.

(Effective 1/1/06; Amended 7/15/2015; Renumbered Effective 7/1/2017)

6.19 Plea Bargaining

Sentencing is a function of the judiciary. The limitations of Penal Code sections 1192.6 and 1192.7 and the California Supreme Court's decision in People v. Clancy (2013) 50 Cal.4th 562, will be strictly adhered to in plea-bargaining.

(Effective 1/1/06; Amended 7/15/2015; Renumbered Effective 7/1/2017)

6.20 [NUMBER RESERVED FOR FUTURE USE]

6.20.2 Claims for Payment

Services rendered by investigators, experts and others under appointment by the Court's Presiding Judge, or his/her designee, must comply with the rules and guidelines for appointed ancillary defense services specified in the Court's Appointed Service and Expenditure Rules, Funding Application and Payment Procedures.

6.20.3 Investigators, Experts and Other

Investigators, experts and others appointed by the Court may not charge fees for their services in excess of the rates and limits set forth in the appointed Services Fee Schedule in effect at the time of appointment.

6.20.4 Transcription Services

Transcription services are deemed to be an expert service; compensation for transcription service shall be at the lowest commercially-available rate.

(Effective 7/1/2019)

CHAPTER 7 - CIVIL PRETRIAL AND TRIAL SETTING FOR CIVIL CASES

7.00 [NUMBER RESERVED FOR FUTURE USE]

7.01 Duties if Case Settles

Whenever a case assigned a trial date settles, the attorneys or parties appearing in pro per shall immediately notify the court. The primary obligation to notify the court shall lie with the party seeking affirmative relief or with plaintiff if either is unrepresented; otherwise this shall be counsel's obligation. Notice of settlement shall be orally conveyed to the court by telephone at the earliest possible time, and confirmed in writing by email, if agreed, fax transmittal or personal delivery of a written notice of settlement. No trial or mandatory settlement conference date will be vacated and no action will be dropped from the civil active list until the court receives written Notice of Settlement.

Counsel and all parties shall be required to comply with the settlement requirements of rule 3.1385 of the California Rules of Court. With the exception of conditional settlements, as defined in California Rules of Court, rule 3.1385, upon receipt of a Notice of Settlement, using the mandatory Judicial Council Form CM-200, the action will be scheduled for dismissal on the court's own motion. The clerk will serve all parties with a Notice of Dismissal and the action will be dismissed forty-five (45) days after the Court receives the Notice of Settlement unless a Request for Dismissal is filed or good cause is shown why the case should not be dismissed.

(Effective 1/1/95; Amended 1/1/00; Renumbered 1/1/03; Amended 7/1/04; Amended 1/1/07; Amended 7/1/12; Amended 7/15/2015)

7.02 Motions in Limine

Unless otherwise ordered by the court, all motions in limine shall be filed no later than seven (7) court days prior to the date set for trial.

(Effective 1/1/00; Renumbered 1/1/03; Amended 7/1/11)

CHAPTER 8 - TRIAL COURT DELAY REDUCTION

8.01 Trial Court Delay Reduction Program

The rules set forth in this chapter are adopted pursuant to the Trial Court Delay Reduction Act and amendments thereto, and shall apply only to actions included in the court's program. It is the policy of the court, in accordance with the Trial Court Delay Reduction Act, to bring general civil actions to disposition by settlement, trial, or other means as quickly as possible, and within the court's guidelines established herein and by statute. The court, in administering the program, will employ techniques of calendar management necessary to achieve the goal of reducing delay in the disposition of civil actions. The Presiding Judge shall conduct the program. The Court Executive Officer shall provide administrative assistance necessary to the successful operation of the program and obtainment of the program goals.

(Effective 1/1/95; Amended 1/1/00; Amended 7/1/2015)

8.02 Included Actions; Exceptions, Excluded Actions

A. Except as provided in subdivision (b) of this rule, all civil actions filed on or after July 1, 1992, shall be included in the program.

B. The following actions shall be excluded from the program: probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act,

Uniform Parentage Act, and Uniform Child Custody Jurisdiction Act, freedom from parental custody and control proceedings, and adoption proceedings), juvenile court proceedings, small claims actions, petitions to establish the fact of birth, petitions to establish the fact of death, petitions for conciliation, petitions for writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, change of name, coordinated proceedings, unlawful detainer actions, petitions for forfeiture, proceedings brought under Food and Agricultural Code section31601, et seq., petitions for appointment of an arbitrator, and petitions to compel extra-judicial arbitration.

(Effective 1/1/95; Amended 7/1/04; Amended 7/1/08; Amended 7/1/09; Amended 7/1/2015)

8.03 Disposition of Program Cases

It is the policy of the court that all program cases shall be this policy, the court adopts the case disposition time standards set forth in the Appendix to the California Rules of Court, Division 1, Standards of Judicial Administration, Section 2.2.

(Effective 1/1/95; Amended 7/1/04; Amended 1/1/07)

8.04 Filing and Service of Pleadings

At the time of filing the complaint, the clerk will issue a "Notice of Inclusion in Delay Reduction Program." The notice must be served with the complaint. All pleadings must be served and filed pursuant to rule 3.110 of the California Rules of Court.

(Effective 1/1/95; Amended 1/1/00; Amended 1/1/03; Amended 1/1/07; Amended 7/15/2015)

8.05 Case Management Conferences

A. All parties or their counsel of record shall file with the courts, a Case Management Conference Statement (Judicial Council Form CM-110) at least fifteen (15) days prior to the Case Management Conference. Failure to submit a timely Case Management Conference Statement will result in the issuance of an Order to Show Cause and sanctions may be imposed, pursuant to Local Rule 8.06. A new Case Management Conference Statement is required prior to each Case Management Conference, unless otherwise ordered by the court.

B. No later than thirty (30) calendar days before the first scheduled Case Management Conference, the parties shall meet and confer, in person or by telephone, and discuss the issues identified in subdivisions 1-9 of rule 3.724 of the California Rules of Court.

C. A Case Management Conference shall be held before a judicial officer or judge pro tem designated by the Presiding Judge approximately 125 days after the filing of the initial pleading. All parties or their attorneys shall be present and be prepared to discuss all elements of the case, including, but not limited to, the suitability of the case for arbitration (as required by Code of Civil Procedure section 1141.16) or

other form of alternative dispute resolution, the status of discovery, pending or anticipated law and motion matters, and scheduling the matter for trial. Counsel and self-represented parties may appear by telephone if the procedures set forth in rule 11.09 are followed.

D. At the time of the Case Management Conference, the court or judge pro tem designated by the Presiding Judge, shall be empowered to establish discovery schedules, set an additional Case Management Conference, order the matter to arbitration, schedule the exchange of expert witness information, set the matter for trial, consider a request to be placed on an 18 or 24 month case disposition track, and otherwise actively manage the progress of the litigation. At the first Case Management Conference, the court may order the matter to arbitration to be completed within 90 days. Absent a waiver by the parties, a case may not be referred to arbitration prior to 210 days after the filing of the complaint. (Government Code section 68616(g).) Failure to object to an earlier referral to arbitration at or before the Case Management Conference shall be deemed a forfeiture.

E. At 2:00 p.m. on the day before a scheduled conference, the court will post tentative rulings on the court's website at www.amador.courts.ca.gov Any party who wishes to contest the tentative ruling must request a hearing and notify the opposing party of the request no later than 4:00 p.m. on the day before the hearing. If a hearing is not requested by 4:00 p.m., the tentative ruling will become the final ruling of the court. Unless proper notification of a request for oral argument is provided, oral argument will not be permitted.

F. The tentative ruling procedures do not apply in any case, in which a self-represented party is in the custody of the California Department of Corrections and Rehabilitation.

(Effective 1/1/95; Amended 1/1/00; Amended 1/1/03, Amended 7/1/06; Amended 1/1/07; 7/1/08; Amended 1/1/10; Amended 7/15/2015; Amended 1/1/2027)

8.06 Failure to Comply with Rules

Any failure to comply with these Local Rules, or order of the court, unless good cause is shown, is an unlawful interference with the proceedings of the courts. For any such failure, the courts may impose upon the offending party, attorney, or both, sanctions which may include, but not be limited to, monetary sanctions, attorney's fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and contempt.

(Effective 1/1/95; 1/1/00)

8.07 [NUMBER RESERVED FOR FUTURE USE]

8.08 Motions for Relief from Time Limits.

Motions for relief from any of the provisions of these rules relating to the Trial Court Delay Reduction Program shall be brought before the judge. Any such motion shall be signed by the attorney, if any, and the moving party, except for good cause shown by declaration under penalty

of perjury of the attorney, setting forth facts establishing the unavailability of the moving party. The mere fact that a party resides out of county will not, standing alone, constitute good cause. If a motion to continue a status conference date, a trial setting conference date, a settlement conference date, or a trial date is granted by the judge or his/her designee, the matter shall be reset on a specific date at the time the motion is granted. Motions for relief from any of the rules relating to the program shall be made and may be granted only upon showing of good cause.

(Effective 1/1/95; Amended 1/1/00)

8.09 [NUMBER RESERVED FOR FUTURE USE]

8.10 Exemption of Complex Litigation

At any time a case is at-issue, a party may file a motion with the judge to exempt the case from the program because of its complex nature. There shall be filed with said motion a declaration, under penalty of perjury, setting forth in detail the reasons such party believes the case cannot be brought to trial within two years. Said declarations shall be signed by the attorney, if any, and the moving party, except for good cause shown by declaration of the attorney, setting forth facts establishing the unavailability of the moving party. The mere fact a party resides out of county will not, standing alone, constitute good cause.

The court shall consider, in ruling on said motion, the nature of the subject matter of the case, the number of parties, cross-complaints filed, anticipated law and motion matters, anticipated discovery and anticipated trial time.

If the motion to exempt the case from the Delay Reduction Program is granted, a status conference shall be set before the judge within thirty (30) days of the granting of the motion for exemption and the judge shall thereafter set further status conferences as necessary to actively monitor the progress of the case.

(Effective 1/1/95; Amended 7/1/01)

8.11 Dismissals

The parties and attorneys are not excused from attending any scheduled proceeding based upon a promise or representation of a dismissal unless the dismissal has actually been filed with the clerk of the court.

(Effective 1/1/95; Amended 7/1/01)

8.12 At-Issue Memorandum

No at-issue memorandum shall be filed by the clerk's office in any delay reduction case. (Effective 1/1/06)

8.13 Cross-Complaints

Cross-complainants shall serve all new cross-defendants with a copy of the initial "Notice of Inclusion in Delay Reduction Program" document and with notice of any other pending Case Management Conference hearing date.

(Effective 1/1/06)

8.14 Civil Mediation Program

A. Purpose: The purpose of the civil mediation program is to promote and facilitate the voluntary resolution of civil disputes.

B. Eligibility: All general civil cases may be assigned to civil mediation if (1) the parties agree to participate; and (2) the court so orders. Cases will be ordered to mediation at a Case Management Conference. A failure by any party to participate in good faith in the mediation may result in the imposition of sanctions.

C. Mediators:

1. The court will maintain a roster of court-approved mediators, referred to as "Panel Mediators." All mediators will be required to attend an orientation session before they are accepted on the Panel. Members of the mediation Panel shall have been admitted to practice law in the State of California for a minimum of five (5) years and have either completed a mediator training course or have substantial experience as a mediator. The court will retain discretion to modify these requirements for good cause on a case-by-case basis. Membership on the Panel shall be at the sole discretion of the Presiding Judge.

2. Within ten (10) days following the order to mediate, the parties shall provide the court with written notification of their agreed mediator by using the court's Stipulation to Mediator Form, which is located on the court's website. If the court is not notified of the selected mediator within ten (10) days, the court will appoint a mediator from the Panel.

3. The parties may stipulate, in writing, to use a non-Panel mediator. In such cases, the parties shall arrange payment directly to the mediator.

D. Fees: The court will pay for the first three (3) hours of the Panel Mediator's services at the mediation session. The parties are responsible for payment of any mediation fees in excess of three (3) hours. Additional fees are subject to negotiation between the parties and the mediator.

E. Appearance: Each party must personally appear at the mediation, unless excused by the mediator. When the party is other than a natural person, it shall appear by a representative, other than its attorney, with full authority to resolve the dispute or, in the case of a governmental entity that requires an agreement to be approved by an elected official or legislative body, by a representative with authority to recommend such agreement. Each party is entitled to have counsel present at all mediation sessions and such counsel and an insurance representative of the covered party shall also be present unless excused by the mediator.

F. Time Limits:

1. The mediation shall be completed within the time specified by the court when the case is ordered to mediation.

2. The election to mediate in lieu of arbitration will not suspend any time periods specified by statute, California Rules of Court, or these local rules.

G. Mediator's Statement: Within ten (10) days of the conclusion of mediation, the mediator shall file a statement on Judicial Council Form ADR-100, advising the court whether the mediation ended in full agreement or non-agreement as to the entire case or as to particular parties in the case. Submission to the court of the mediator's statement does not relieve the parties of their obligation to promptly notify the court of a settlement pursuant to rule 3.1385 of the Rules of Court.

H. Mediator Fees: The mediator's fee statement must be submitted to the Court within thirty (30) days of completion of mediation. Untimely claims may, in the discretion of the court, be denied.

(Effective 7/1/06; Amended 1/1/07; Amended 7/1/08; Amended 1/1/09; Amended 7/1/09; Amended 7/15/2015)

CHAPTER 9 – ARBITRATION

A. Election of plaintiff under CRC 3.812 (b). Plaintiffs are encouraged to elect to arbitrate in appropriate cases prior to the first case management conference. The election shall be indicated in the Case Management Conference Statement.

B. Stipulation to arbitrate. Parties may stipulate to judicial arbitration in appropriate cases prior to the Case Management Conference. A written stipulation to arbitrate will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise. Each party shall pay their pro-rata share of the expenses and fees of the neutral arbitrator.

C. Referral to Arbitration. When a case is referred to judicial arbitration, the Court will set a deadline for the completion of arbitration. This deadline shall not be modified unless the trial date is also modified by the Court. Failure to arbitrate by the date given by the Court may result in the arbitration referral being vacated. The deadlines for filing of the arbitration award and a request for trial de novo shall be governed by the appropriate statute. Failure to timely file a request for trial de novo shall result in entry of judgment based on the arbitration award and vacation of the mandatory settlement conference and trial dates.

D. If the parties agree to judicial arbitration, they will be responsible for payment of the arbitrator's fees pursuant to California Code of Civil Procedure §1141.28(b).

(Effective 1/1/09; Amended 7/15/2015; Amended 1/1/2027)

CHAPTER 10 - [NUMBER RESERVED FOR FUTURE USE]

CHAPTER 11 – MISCELLANEOUS

11.00 [NUMBER RESERVED FOR FUTURE USE]

11.01 [NUMBER RESERVED FOR FUTURE USE]

11.02 Acceptance of Checks and Other Negotiable Paper

No checks or money orders will be accepted in payment of court fees and/or fines unless they meet the requirements set forth in rule 10.821, California Rules of Court. Prior to acceptance of any check or money order, the clerk may require satisfactory proof of its validity and of the identity of the person who tenders it.

In criminal proceedings, a personal check will be accepted in payment of any fine or for a deposit of bail for any offense, which is not declared to be a felony. A personal check will not be accepted for an amount in excess of $300.00 from a defendant in custody as a deposit of bail for an alleged violation of law in which the bail is not forfeitable under the court's bail schedule.

Any person or firm who tenders a check or money order in payment of a court fee or fine, which check or money order is dishonored, shall be assessed a service charge in the maximum amount permitted by section 71386 of the Government Code. Collection will be sought for any personal check or money order which is returned without payment for any reason in addition to any amount allowed by law for the failure to make payment following a written demand as provided in Civil Code section 1719. In addition, no further court filings will be accepted from said person or firm until payment is received, and all future filings will be accepted on a cash-only basis. Exceptions to the cash-only basis will be made only at the direction of the court in which the matter is pending. Further, the court may strike the filing of any pleadings for which a fee is required and paid for with a dishonored check, if payment in full is not received within ten (10) days.

(Adopted pursuant to Gov. Code §71386, subd. (a). Effective 1/1/95; Amended 1/1/96; Amended 1/1/07; Amended 7/15/2015)

11.03 Jury Fees

Jury fees shall be deposited pursuant to Code of Civil Procedure section 631.

(Effective 1/1/95; Amended 7/1/01; Amended 1/1/03; Amended 7/1/2015)

11.04 [NUMBER RESERVED FOR FUTURE USE]

11.05 Official Reporter Fees

Pursuant to Government Code section 68086 and rule 2.958 California Rules of Court parties utilizing the services of the official reporter in civil proceedings shall pay the following fees:

Full Day $800.00

Half Day $400.00

Proceedings less than one hour $100.00

Fees are subject to change without notice or amendment of these rules. Fees shall be deposited with the court prior to the commencement of trial or hearing.

Any party(s) requesting a daily transcript in a civil case shall pay the fees therefore to the court reporter contracted with the court prior to the commencement of each day of trial.

(Effective 1/1/95; Amended 7/1/01; Amended 7/1/03; Amended 1/1/07; Amended 1/1/13; Amended 7/15/2015; Amended 7/1/2017, Amended 1/1/2025, Amended 1/1/2027)

11.06 Availability of Court Reporting Services

A. This rule sets forth the Court's policy concerning availability of and payment for court reporters in compliance with Government Code Section 68086(a) and California Rule of Court 2.956. The provision of staff or pro-tem court reporters is contingent upon availability and the Court cannot guarantee availability of the same at any given hearing.

The Court will not generally have a certified court reporter available for the following calendars:

- Case Management Conferences
- Civil Harassment and Elder Abuse Restraining Orders
- Unlawful Detainer
- Family Law Civil Trials
- Infractions
- Probate
- Probate Guardianships and Conservatorships
- Domestic Violence Restraining Orders
- Small Claims
- Traffic Appellate Division Matters

The court may utilize electronic recording as the official court record in these types of matters when available, and subject to applicable requirements.

B. Any party requiring the services of the official reporter for trial or any other hearing shall file a statement with the court requesting those services at least seven (7) court days prior to the trial or hearing. If the nature of the hearing does not allow for such notice, notice must be given at the earliest possible time, but no later than twenty- four (24) hours in advance of the hearing. All fees for the Court Reporter must be paid prior to the hearing. Proof of payment shall be presented to the Court Reporter at the time of the hearing.

C. The clerk shall notify any party having filed such a statement if the services of an official reporter will not be available. Pursuant to rule 2.956 of the California Rules of Court, if the services of an official court reporter are not available for hearing or trial, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is the requesting party's responsibility to pay the pro tempore reporter's fee directly to the reporter for attendance at the proceedings. The official reporter may be contacted for assistance in securing a pro tempore reporter.

(Effective 1/1/95; Amended 1/1/96; Amended Effective 1/1/06; Amended 1/1/07; Amended 1/1/09; Amended 1/1/10; Amended 7/1/11; Amended 1/1/13; Amended 7/15/2015; Amended 1/1/2025; Amended 1/1/2027)

11.07 Interpreters and Translators

Interpreters are provided by the court in actions where the court is required to do so by law. Counsel or, if self-represented, the party shall notify the court that an interpreter is required as early as possible, and at least fourteen (14) days in advance, unless good cause exists for notice on shortened time. The court has developed an Interpreter Request Form (MISC-051) for use when requesting interpreter services. The form is available on the court's website at www.amador.courts.ca.gov.

(Effective 1/1/95; Amended 7/1/2015; Amended 7/1/2017, Amended 1/1/2027)

11.08 Contacting Court's Legal Research Staff

No party, or attorney for a party, in any action or proceeding pending in this court shall contact or attempt to contact any member of the court's legal research staff concerning such pending matter, without the prior approval of the judge to whom the matter has been assigned, or if the matter has not been assigned, the Presiding Judge.

(Effective 1/1/95)

11.09 [NUMBER RESERVED FOR FUTURE USE]

11.10 Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures; Attorney's Fee Schedule

The following attorney's fees shall, under normal circumstances, be awarded in actions on promissory notes, contracts providing for the payment of attorney's fees and foreclosures:

A. (Default action on note or contract) Exclusive of costs:

25% of first $1,000 with minimum fee of $150.00

20% of next $4,000

15% of next $5,000

10% of next $10,000

5% of next $30,000

2% of the amount over $50,000

B. Notwithstanding subdivision (A), in a default action to obtain a judgment in which attorney's fees are awarded under Civil Code sections 2983.4 or 2988.9, in no event shall attorney's fees exceed one thousand ($1,000) dollars, except in unusual circumstances. Any application for attorney's fees for an amount in excess of one thousand ($1,000) dollars shall be filed before the default hearing and shall be accompanied by a declaration.

C. (Contested action on note or contract) The same amount as computed under subdivision (A), increased by such reasonable compensation computed on an hourly or per-day basis for any additional research, general preparation, trial, or

other services as may be allowed by the court.

D. (Foreclosure of mortgage or trust deed) The same amount as computed under subdivision (A) or (B), increased by ten (10) percent.

E. (Foreclosure of assessment or bond lien relating to a public improvement) The same amount as computed under subdivision (A) or (B), except that the minimum fee shall be $75 in an action involving one assessment or bond, and an additional $20 for each additional assessment or bond being foreclosed in the same action.

F. Where a defendant is the prevailing party, the fee will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

G. Where prevailing party is entitled to the recovery of a reasonable attorney's fee in an otherwise appropriate clerk's judgment, the clerk shall include an attorney fee computed, pursuant to the schedule set forth in subdivision (A) above.

H. In any case where a party claims fees in excess of those allowed by this rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fee will thereupon be fixed by the court.

(Effective 1/1/95; Amended 7/15/2015)

11.11 Attorney's Fees in Residential Unlawful Detainer Actions

In actions for unlawful detainer for possession of residential property, the attorney's fees awarded by the court will not, under normal circumstances, exceed the following amounts:

A. $600.00 in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure section 1170.

B. $900.00 in cases uncontested at trial where the defendant has filed an answer.

C. $1000.00 in cases contested at trial.

(Effective 1/1/95; Amended 1/1/00; Amended 7/1/2015, Amended 1/1/2027)

11.12 Form of Judgment

In drafting forms of judgment for the trial judge to sign, counsel shall use the required Judicial Council form, if one exists, which shall:

A. Clearly show the full names of the parties for whom, and against whom, the judgment is rendered, including their capacities as plaintiffs, defendants, cross- complainants and cross-defendants.

B. Refer to such full names as they appear in the pleadings, or obtain an order

amending the pleadings in respect to such names.

C. Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows: "...and costs in the sum of $."

(Effective 1/1/95; Amended 7/15/2015; Amended 1/1/2027)

11.13 Stipulated Judgment Form to be Separate from Stipulation

If the parties enter into a written stipulation for judgment, the form of the proposed judgment to be signed and filed shall be a separate document; however, a copy of the proposed judgment may be incorporated into the stipulation by reference, or attached as an exhibit to the stipulation.

(Effective 1/1/95; Amended 7/15/2015)

11.14 Replacing Lost Papers

If an original pleading or paper previously filed with the court is lost, an order authorizing the filing of a copy in lieu of the original is required, and may be based upon declaration of the requesting attorney or pro per party, or the certificate of the clerk.

(Effective 1/1/95)

11.15 Appeal from Decision of the Labor Commissioner under Labor Code section 98.2

A. Any party filing a Notice of Appeal of the order, decision or award of the Labor Commissioner, pursuant to Labor Code section 98.2, shall file with the Clerk of the Court:

1. A copy of the complaint and any answer filed with the Labor Commissioner; and

2. A copy of the order, decision or award of the Labor Commissioner, which shall include a summary of the hearing and the reasons for the decision; and

3. A declaration of proof of service of a copy of the Notice of Appeal upon the Labor Commissioner.

B. Appellant shall file the papers required under paragraph (A) with the Notice of Appeal or within ten (10) days thereafter. The court shall set the matter for hearing de novo upon the filing of said papers.

1. Appellant is deemed to be on notice that the trial judge will consider sanctions against the appellant for delay in prosecution of the appeal under Code of Civil Procedure section 177.5 if the appellant fails to file such papers timely.

2. If sanctions are imposed under Code of Civil Procedure section 177.5, appellant shall file the papers prescribed in paragraph (A) within thirty (30) days thereafter. If the appellant fails to file such papers timely, appellant is deemed to be on notice that the trial judge will consider sanctions against the

appellant under Government Code section 68606, including dismissal of the appeal.

C. The Notice of Appeal filed pursuant to Labor Code section 98.2 shall be treated as the first paper for the purpose of determining the filing date.

(Effective 1/1/95; Amended 7/15/2015)

11.16 [NUMBER RESERVED FOR FUTURE USE]

11.17 Filing/Lodging of Confidential Papers

The court shall follow the provisions set forth in rule 2.551 of the California Rules of Court. Documents submitted for filing under seal must be transmitted to the court in a secure manner that preserves the confidentiality of the records to be lodged. The materials to be lodged under seal must be clearly identified as "CONDITIONALLY UNDER SEAL." The envelope or container lodged with the court must also be labeled "CONDITIONALLY UNDER SEAL." A record must not be filed under seal without a court order.

(Effective 1/1/96; Amended 7/1/2017)

11.18 Extraordinary Writs

In seeking mandamus or prohibition relief, it is not necessary to obtain an alternative writ (Code of Civ. Procedure section 1088). The noticed motion procedure should be used whenever possible. Relief by extraordinary writ should not be sought until all existing legal and administrative remedies have been exhausted.

(Effective 1/1/00; Amended 7/1/2015; Amended 7/1/2017)

11.19 Electronic Recording

Pursuant to Government Code section 69957, certain court proceedings may be electronically recorded when a court reporter is not available. The electronic recording serves as the official record of the proceeding in these instances.

In cases where an electronic recording serves as the official record, a party may request a copy by completing a Request for Electronic Recording form available on the court's website at **www.amador.courts.ca.gov**.

(Effective 7/1/06; Amended 1/1/08; Amended 7/15/2015; Amended 1/1/2027)

11.20 Case Intake Sheet

In each civil and family law matter, a Case Intake Sheet must be submitted with the complaint. The plaintiff must serve a blank copy of the Case Intake Sheet with the summons and complaint. The defendant shall submit a Case Intake Sheet upon filing a responsive pleading. This document does not become part of the case file.

(Effective 1/1/08; Amended 1/1/2027)

11.21 Submission of Orders and Settlement Agreements

A. Stipulations: All stipulations, including those made in habeas corpus matters,

must be accompanied by a proposed order.

B. Requests for Continuances, Extensions of Time, and Other Motions Submitted on the Pleadings: All requests for continuances, extensions of time, and other motions submitted on the pleadings, including in habeas corpus matters, shall be accompanied by a separate order and served on all parties according to the applicable rules and statutes.

C. Settlement Agreements: All settlement agreements submitted to the court for approval shall be initialed by all parties on each page.

D. Format of Orders: No order submitted shall have the judge's signature line on a page without substantive text, i.e. there shall be no "hanging orders."

(Effective 1/1/08; Amended 7/1/08; Amended 1/1/09; Amended 1/1/10; Amended 1/1/2027)

11.22 Drop Box Policy

A depository will be available for anyone seeking to file documents with the court outside of normal office hours. Any documents deposited in the drop box, which are court time stamped before 5:00 p.m. on the date of deposit will be deemed filed on the date of deposit, if they are appropriate for filing. If the document is inappropriate for filing, it will be returned to the filing party. The party depositing the document must assure the document to be deposited is date and time stamped with the court's stamp, prior to depositing said document in the drop box. The party depositing the document shall include a copy of the document to be conformed and a self-addressed stamped envelope for return of the conformed copy.

(Effective 7/1/08)

11.23 Direct Calendaring of Cases

Cases subject to direct calendar assignment shall be assigned to a judicial officer for all purposes, who shall, thereafter, handle all proceedings in the case, except as otherwise provided or required by law. At the time of filing of any case, the clerk shall affix to the face of the complaint or petition, by stamp or other writing, a notice regarding the judicial assignment.

Nothing herein shall be construed to interfere with the Presiding Judge's authority to assign or reassign cases.

(Effective 7/1/08; Amended 7/1/11; Amended 7/15/2015; Amended 1/1/2027)

11.24 Habeas Corpus

A. All petitions for writ of habeas corpus shall be prepared as specified by the California Rules of Court and filed with the Clerk. Unless otherwise directed by the court, each petition will be assigned a unique case number by the Clerk and immediately forwarded to the research staff for review.

B. Once this initial review has been completed, the petition will be sent to the designated judge. Unless otherwise specified by the Presiding Judge, all such petitions will be acted upon by the judge assigned to hear criminal law and motion

matters. Action on the petition will be taken in accordance with the provisions of the Penal Code and the California Rules of Court.

C. Priority will be given to emergency petitions, i.e., those alleging that time is of the essence to protect the petitioner from death, permanent disability, or the service of dead time. Ex parte communications are discouraged.

D. Petitions that do not comply with the California Rules of Court and these rules may be summarily denied. Habeas Corpus petitions are not a substitute for a timely appeal, and should not be sought until all legal and administrative remedies have been exhausted.

E. The repeated filing of unmeritorious petitions may be deemed an abuse of process, and may subject the petitioner to appropriate sanctions as ordered by the court.

F. Immediately after the Court issues an Order to Show Cause, the court shall order respondent to file a Return within thirty (30) days, and shall also appoint counsel for the petitioner.

G. After an Order to Show Cause has issued and counsel has been appointed for petitioner, the Court may immediately grant those requests for extensions of time that have been served on opposing counsel, and in which the moving party has represented that s/he has contacted opposing counsel about the request and that opposing counsel does not oppose the extension of time sought. All opposed requests for extensions of time and all other motions, made after the issuance of an Order to Show Cause, must be served upon the opposing party.

H. The opposing party shall have ten (10) days from the date of service of the motion or opposed request for an extension of time in which to file an opposition. Upon expiration of said time period, the court will issue a written ruling.

I. After the Order to Show Cause has issued and respondent has filed its Return, the petitioner may, by written motion, seek leave of court to engage in discovery. If the court finds good cause for allowing discovery, it will direct the parties to confer in person or by telephone and agree to a discovery plan. If the parties cannot agree, the petitioner may file a noticed motion asking the court to convene a discovery conference at which the court will fashion a discovery plan, which will specify the form and subjects of discovery the petitioner may utilize, and the time period in which discovery may take place.

(Effective 7/1/08; Amended 7/1/10; Amended 7/15/2015; Amended 7/1/2019)

11.25 Photography and Recording in Courthouse

Unless approved by a written order of a Judge of the Superior Court, no filming, videotaping, photographing, and/or electronic recording is permitted in any area of the courthouse, including, but not limited to, entrances, exits, and hallways. Application for filming, videotaping, photographing, and recording in said areas shall be directed to a Judge of the Superior Court.

Filming, videotaping, and photographing the interior of the Courthouse, including the courtrooms, through windows or the glass portions of the courtroom doors is prohibited.

No microphones, cameras or recording devices shall be permitted in any courtroom, unless the judge hearing the matter within the courtroom has expressly authorized the same in a written order, pursuant to California Rules of Court, rule 1.150. This rule does not prevent anyone from possessing a cell phone or other mobile device while in the courtroom, but it does prohibit the activation of any microphone and/or camera contained in the device unless it has been approved by a Judge of Superior Court in a written order.

A copy of the order approving media coverage must be presented to the Bailiff, stationed at the entrance of the courthouse, prior to any coverage commencing. If such an order is not presented, media coverage may be prohibited.

(Effective 1/1/09; Amended 7/1/10; Amended 7/1/12; Amended 7/1/2015)

11.26 Ex Parte Orders in Family Law Matters

An applicant for ex parte orders is required to complete Judicial Council Form FL-303 and Mandatory Judicial Council Forms FL-300 and FL-305. As required pursuant to California Rules of Court 3.1200 et seq., the applicant must provide notice and submit moving papers by 10:00 a.m. for a judicial decision to be issued the same day on the papers alone. Otherwise, a decision shall be issued the next court day. A hearing on the ex parte request may be set prior to issuing orders if there is a judicial determination a hearing is necessary.

(Effective 7/1/09; Amended 7/1/13; Amended 7/1/2015; Amended 1/1/2023; Amended 1/1/2027)

11.27 Filing of Papers

A. All papers, including moving, opposition, reply papers, proofs of service, matters on shortened time, and ex parte matters must be filed with the clerk of the court. No more than two (2) copies may be submitted for endorsed filing. All moving and supporting papers shall be filed in conformance with the time requirements set forth in rule 3.1300 of the California Rules of Court and Code of Civil Procedure section 1005.

B. Failure to comply with the requirements of this rule concerning filing and serving opposing and reply papers may, in the discretion of the court, be deemed cause for acting on the matter without consideration of the document filed in violation of the rule and cause for imposing sanctions. (Cal. Rules of Court, rule 2.30, Code of Civ. Pro.§§177.5 and §575.2.)

C. Unless previously filed, proofs of service must be filed five (5) court days before the hearing or the matter may be dropped from the law and motion calendar.

(Effective 7/1/01; Amended 1/1/07; Renumbered effective 1/1/10; Amended 7/1/2015; Amended 7/1/2017)

11.28 [NUMBER RESERVED FOR FUTURE USE]

11.29 Courtroom Attire

Persons appearing in court shall wear appropriate attire. The bailiff on duty, under the supervision of the judge presiding in that courtroom, has authority to enforce this rule and exclude persons. "Appropriate attire" is clothing consistent with the seriousness and dignity of the judicial process. At minimum the Court requires: buttoned shirts; no visible undergarments; shoes worn at all times; no bare midriffs, pants that fall below the hips, halter tops, cut offs, tank tops, undershirts, see-through or overly revealing blouses, bathing suits, lingerie, athletic uniforms, hats, sunglasses, or clothing emblazoned with obscene words or gang slogans. This list is not completely exhaustive and the Court has full discretion when deciding what is appropriate.

(Effective 1/1/10; Amended 7/15/2015)

11.30 [NUMBER RESERVED FOR FUTURE USE]

11.31 Small Claims – Return of Service

A small claims case is commenced by the filing of a Plaintiff's Claim and Order to Go to Small Claims Court and the scheduling by the clerk of a hearing date. Plaintiff must file proof of service on the defendant in the Clerk's Office at least five (5) calendar days before the hearing or the case may be dismissed without prejudice.

(Effective 7/1/2017)

11.32 Small Claims – Exhibits

Exhibits in small claims cases will be returned to the proffering party at the hearing, or returned to the party at a later time if the matter is taken under submission, unless the court finds good cause and orders the exhibits be retained by the court.

(Effective 7/1/2017)

11.33 Small Claims - Untimely Appeals

The Clerk shall not accept any Small Claims Notice of Appeal submitted after the statutory period for filing a Notice of Appeal has expired, unless a Writ of Mandate has issued directing the Clerk to file the untimely Notice of Appeal.

(Effective 7/1/11; Renumber 7/1/2017)

CHAPTER 12 - CLAIMS OF MINORS AND INCOMPETENT PERSONS

12.00 Application for Appointment of Guardian Ad Litem

Petitions for appointment of a Guardian Ad Litem for a minor or incompetent person shall be submitted to the clerk.

When an application is made for appointment of a Guardian Ad Litem and the nominee for appointment is a plaintiff in the same action with the ward or in some manner was a participant in the transaction or occurrence giving rise to the alleged injury to the ward, the nominee will ordinarily not be appointed unless the application is accompanied by:

A. A declaration under penalty of perjury setting forth facts establishing that no other parent, relative, or friend can or will accept the appointment of Guardian Ad Litem for the minor in the action; and

B. A declaration under penalty of perjury by the attorney for the nominee stating that the attorney, having investigated the circumstances, has represented to the nominee and represents to the court that there is no conflict of interest between the nominee and the minor if the nominee is appointed the Guardian Ad Litem.

C. If an attorney's contract is submitted for approval at the time of appointment of a Guardian Ad Litem, approval thereof will not be considered approval of a fee, which shall be subject to Local Rule 12.01. If a lien on any recovery is provided for in such a contract, such will be allowed only to the extent of costs and services actually and reasonably provided on behalf of the ward.

(Effective 1/1/95; Amended 7/1/2015)

12.01 [NUMBER RESERVED FOR FUTURE USE]
12.02 [NUMBER RESERVED FOR FUTURE USE]

CHAPTER 13 - FAMILY LAW

13.00 Matters Heard; Financial Declarations

A. Matters heard on the family law calendar shall include the following:

1. All orders to show cause, motions, requests for order, and other family law matters preliminary to trial; all defaults under the Family Code; and all required settlement conferences and trials;

2. All orders to show cause, requests for order, and motions relating to enforcement or modification of family law orders or judgments;

3. All orders to show cause, requests for order, and motions relating to child custody, support, visitation, or attorney's fees and costs under the Uniform Parentage Act (Fam. Code §7600 et seq.) and the Uniform Child Custody Jurisdiction Act (Fam. Code §3400 et seq.);

4. All proceedings under the Uniform Interstate Family Support Act (Fam.Code §4900, et seq.);

5. All applications for restraining orders enjoining domestic violence under the Family Law Act, the Uniform Parentage Act, and the Domestic Violence Prevention Act (Fam. Code §6200 et seq.);

6. Family law discovery matters;

7. All applications for issuance of writs of execution and habeas corpus, or

warrants in lieu thereof, in family law cases;

8. All proceedings under the Family Conciliation Court Law (Fam. Code §1810 et seq.); and

9. Adoptions and all matters relating thereto, including proceedings pursuant to Family Code sections7800 et seq. or 7660 et seq.

B. Income and Expense Declarations.

Except as excused by law, no case shall be heard unless current Income and Expense Declarations as required by rules 5.260(a) and 5.427(d)(2) of the California Rules of Court (forms FL-150 or FL-155 and FL-160) have been completed by each side. Any pending hearing date shall be set forth clearly in the top right-hand corner of page one of the Income and Expense Declaration form. Note: "Current" means the Income and Expense Declaration has been completed within the past three months providing no facts have changed. (Rule 5.260(a)(3).)

The parties shall complete the portions of the declarations relevant to the issues to be determined at the hearing. If a party is receiving public assistance benefits, that fact shall be disclosed in No. 1 of the Income and Expense Declaration or Financial Statement. The court may impose sanctions as permitted by law if delay results from the failure of either party to comply with these requirements.

The Income and Expense Declarations or Financial Statement shall be deemed to be received in evidence at the hearing, subject to amendment and cross-examination. Examinations on matters covered by the Income and Expense Declarations or Financial Statements will be heard only under exceptional circumstances within the court's discretion and normally will be limited to testimony regarding unusual items not adequately explained in the Income and Expense Declarations or Financial Statements.

Documents supporting each party's wages, income, and other matters set forth in the Income and Expense Declaration, such as a copy of the three (3) most recent pay stubs representing at least one full month's wages and deductions and a W-2 form shall be attached to the Income and Expense Declaration filed by the party. In addition, the parties shall exchange copies of their most recently filed federal and state personal income tax returns at least five (5) court days prior to the date set for hearing unless otherwise ordered by the court.

C. Orders to Show Cause.

In addition to the requirements of the California Rules of Court, a blank copy of the forms Responsive Declaration re: Request for Order, and Income and Expense Declaration prescribed by the California Rules of Court shall be served upon the opposing party when he or she is served with the moving party's Request for Order.

(Effective 1/1/95; Amended Effective 1/1/06; Amended 7/1/12; Amended 7/1/2015)

13.01 Calendar for Family Law and Motion, Orders to Show Cause, and Requests for Other Orders

A. Date, Time, and Place of Hearing and Orders Shortening Time.

1. The date, time, and place of hearing shall be scheduled through the clerk's office.

2. All matters set for hearing on the family law calendar shall state on the face sheet immediately below the title of the document the issues to be heard.

3. An order shortening time for service and/or hearing will not be granted unless supported by a separate written affidavit or declaration demonstrating good cause. If an order shortening time is requested, the supporting affidavit or declaration shall state, pursuant to California Rules of Court, rules 3.1200-3.1207, whether the opposing party is represented by counsel and whether that party has been contacted and has agreed to the requested order shortening time. Reasonable notice, which is presumed to be not less than twenty-four (24) hours, shall be given to the opposing party prior to application. If the opposing party has not been contacted or agreed to the order shortening time, the supporting affidavit or declaration shall demonstrate why the hearing should be set on the proposed date without the consent of the opposing party. As a general rule, an affidavit or declaration in support of an order shortening time must show emergency circumstances, unless it is solely to enable a responding party to obtain affirmative relief on a hearing date previously set by the opposing party. The moving party shall deliver his or her moving papers to the other party at the earliest reasonable opportunity in advance of the ex parte appearance, using the most expeditious means available, including, but not limited to, personal delivery or facsimile transmission.

B. Time Limitation on Filing Moving Papers, Declarations, or Points and Authorities; Place of Filing; Meet-and-Confer Rule.

1. Unless otherwise ordered or good cause is shown, all moving papers, points and authorities, and declarations, including financial declarations, relating to a family law matter, shall be filed with the court and served on the opposing party or counsel pursuant to Rules of Court, Rule 3.1300 and Code of Civil Procedure section 1005. All papers opposing a matter or order to show cause shall be filed with the court and served on each party at least nine (9) Court days prior to hearing. Unless good cause is shown, failure to comply may result in refusal by the court to consider any papers not timely filed or in the imposition of sanctions as permitted by law.

2. Counsel shall confer before the date of hearing to make a reasonable attempt to resolve disputed issues and to exchange all relevant documents. Failure to comply with this rule in good faith may result in dropping the matter from the calendar and/or the imposition of sanctions.

(Effective 1/1/95; Amended 7/1/01; Amended 7/1/06; Amended 1/1/07; Amended 7/1/09; Amended 1/1/11; Amended 7/1/11; Amended 7/1/2015)

13.02 Settlement Conferences and Meet-and-Confer Rule

Counsel and the parties shall personally appear for a settlement conference. The date of the settlement conference will be set at the time the contested hearing date is determined. Counsel and the parties shall participate in good faith in the settlement conference until released by the settlement judge or until the contested hearing date is confirmed by the judge. Failure to participate in good faith in the settlement conference may be a basis for the imposition of sanctions or changes in the calendar status of the action. All motions for continuances or requests to drop the matter shall be heard by the assigned judge.

Counsel shall meet and confer before the date of the contested hearing in a reasonable attempt to resolve the disputed issues and to exchange all relevant documents.

Upon application of any party, or on the court's own motion, the judge may specially set a settlement conference in any family law matter.

(Effective 1/1/95; Amended 7/1/08; Amended 7/1/2015)

13.03 Statement of Issues in Long Cause Cases

At least twenty (20) days prior to a long cause hearing, the parties shall serve and file a statement setting forth each issue in dispute, and the legal and factual basis in support of the party's contentions as to each disputed issue. (See Statement of Issues, local form FCS-92.) The original of each party's statement shall be filed with the court and copies served on the opposing parties or counsel. If both parties fail to file timely a statement of issues, the mandatory settlement conference shall take place, but the matter shall be dropped from the trial calendar. Failure by one party will allow the complying party to continue or drop the hearing and may result in the imposition of sanctions against the non- complying party.

(Effective 1/1/95; Amended 1/1/96; Amended 7/1/2015; Amended 7/1/2017)

13.04 Failure to Serve

Absent a written order resetting the matter to a new date, if service is not completed by the date specified by law, in the request for order or order to show cause, the matter will be dropped from the calendar and counsel must file new papers to reset the matter.

(Effective 1/1/95; Amended 7/1/2015)

13.05 Continuances on Short Cause Calendars

Continuances for the short cause matters are governed by local rule 4.06. If a motion for continuance is to be made in court, the court shall be notified by phone or written notice filed with the court two (2) days prior to the hearing.

(Effective 1/1/95; Amended 7/1/11; Amended 7/1/2015)

13.06 Lack of Appearance

Any matter in which there is no appearance at the time of calendar call shall be ordered off calendar, unless the courtroom clerk has been notified that there will be a late appearance.

(Effective 1/1/95)

13.07 Matters Exceeding 5-10 Minutes; Special Setting.

A. Unless leave of court is obtained by stipulation and order prior to the date of the hearing, the clerk shall set all matters be heard initially on the law and motion calendar.

B. Hearings on the short cause calendar are limited to five (5) to ten (10) minutes. In the event both parties in good faith believe that the matter cannot be completed in fifteen (15) minutes, they shall, at the time the matter is called, so inform the court. The court may then set the matter as may be appropriate.

(Effective 1/1/95; 1/1/96; Amended 7/1/04; Amended 7/1/2015)

13.08 Child Custody/Visitation; Referral for Report

A. Process of Referral to Mediation.

1. In any contested proceeding involving issues of custody and/or visitation, the court will refer the parties to mediation upon filing a request for order where child custody and visitation are at issue.

2. Upon stipulation of the parties the court may order a return to mediation.

3. On the court's own motion in the course of regular law and motion, domestic violence restraining order, ex parte, or other court proceedings.

4. Immediate referral may be made in an emergency with imminent danger to a child involving sudden and serious physical or emotional abuse, domestic violence, sexual abuse, neglect, or substance abuse, or if there is a risk of parental flight or other emergency circumstances deemed appropriate by the court.

B. Mediation Process.

Mediation shall be for a maximum time of three (3) hours. Mediation shall be confidential.

The mediator shall prepare and have the parties sign any agreement reached through mediation. This agreement is provided to the court and copies provided to counsel, pursuant to section 3-186, subdivision (b) of the Family Code. If mediation is successful and an agreement on all issues is reached, the mediation process is completed.

If the parties are unsuccessful in reaching an agreement, the mediator will so notify the court. The mediator will provide the court with a list of unresolved issues and may

recommend that an attorney be appointed for the children pursuant to Family Code section 3150 and rule 5.240 of the California Rules of Court or that the parties be referred for a child custody evaluation. The parties shall return to court and the court may make orders as may be appropriate.

The parties may stipulate to have a professional child custody evaluator make a recommendation to the court. The cost of such evaluation is the responsibility of the parties.

C. Evaluation Report and Recommendation.

The Court, in its discretion, may appoint an evaluator (different from the individual who performed the mediation.) The evaluation report and recommendation is not confidential and shall be considered by the court under Evidence Code section 730. The evaluator is allowed 10 hours to complete the evaluation. The evaluation shall be in accordance with Family Code section 3111. The evaluator will interview the parents and the children and will provide the court with a written report and recommendation on the issue of custody, visitation and/or a proposed parenting plan. The evaluation report and recommendation will be reviewed and considered by the court.

1. When the court refers the matter for an evaluation, it is considered a court appointment pursuant to Evidence Code section 730 and will be read and considered by the court at motion hearing or trial.

2. When the report is submitted to the court, the court may adopt, partially adopt, or reject the report. If either party contests the court's ruling that party may request an evidentiary hearing. If custody/visitation is the only issue or if the parties wish to bifurcate that issue, the court shall order the matter set for trial on a preferential trial date basis.

3. The party who wishes to have the evaluator present at the evidentiary hearing/trial must notify the evaluator at least 20 days prior to the evidentiary hearing/trial date and subpoena that person. The party who subpoenas the evaluator is responsible for paying the evaluator for the appearance and testimony at the evidentiary hearing/trial.

4. Any deposition of an evaluator shall be noticed at least 10 days prior to the deposition date or by agreement between the evaluator and the party. Further, the party seeking the deposition is responsible for any and all evaluator fees in connection with the deposition testimony.

5. The evaluator may inspect other related and relevant Court files in conjunction with the preparation of his or her report.

D. Peremptory Challenge of Mediator.

A peremptory challenge to the mediator is not permitted. However, a challenge for cause may be presented to the court within five (5) days of the appointment. The challenge

for cause may be made on an ex parte basis, giving the opposing side at least twenty-four (24) hours notice.

E. Confidential Documents.

The following documents are deemed to be confidential and are not available for inspection by the parties or their attorneys through the evaluator: CII records, medical reports; mental health professionals' reports; drug test analysis; restricted law enforcement reports; mediation discussions; NCADD (National Council of Alcohol and Drug Dependence) reports, and any Alcohol and Drug Program report.

Parties seeking to inspect such reports must petition the court for an order permitting such inspection. To the extent that the contents of such records have been disclosed in another manner, or have otherwise been made discoverable, such documents will no longer be deemed confidential.

Ex Parte communication between the mediator and either party is hereby prohibited, unless a stipulation regarding such contact is reached and approved by the Court.

F. Mediation Complaint Procedure.

The court is committed to the delivery of quality mediation services. Complaints must be in writing and directed to the Court Executive Officer, Amador Superior Court, 500 Argonaut Lane, Jackson, CA 95642. You will receive a written response within ten (10) business days of receipt of the written complaint.

G. "Report" Defined.

For purposes of these rules, the word "report" includes evaluations and/or recommendations, submitted by the evaluator appointed by the court, or mental health expert appointed pursuant to Evidence Code section 730.

H. Payment of Evaluation Costs by Parties.

The parties shall pay the cost of evaluation within thirty (30) days of the Court's referral.

(Effective 1/1/95; 1/1/96; Amended 7/1/04; Amended 1/1/06; Amended 1/1/08; Amended 7/1/08; Amended 1/1/09; Amended 7/1/12; Amended 7/1/2015; Amended and Renumbered 7/1/2017; Revised 1/1/2023; Amended 1/1/2027)

13.09 Appointment of Counsel for Minor Child Pursuant to Family Code Section 3150 and rule 5.240 of the California Rules of Court

A. Counsel appointed by the court shall have the following duties as a necessary part of that attorney's representation of the child:

1. To interview the child; and

2. To review the court file and all accessible records available to the parties and make any further investigations as he or she deems necessary to ascertain facts relevant to the custody or visitation hearings.

B. Counsel appointed by the Court shall have the following rights under rule 5.242 of the California Rules of Court:

1. To have reasonable access to the child with adequate notice;

2. To receive notice after appointment of any and all proceedings, including any request for examinations affecting the child;

3. To have full access to all court pleadings and records, as well as any medical and school records for the child;

4. To veto any physical or psychological examination or evaluation, for purposes of trial, that has not been ordered by the Court;

5. To assert on behalf of the child any privilege for discovery purposes;

6. To seek independent psychological and/or physical examination or evaluation of the child upon application to the court;

C. Unless otherwise ordered, full payment of the reasonable costs of counsel appointed pursuant to Family Code section 3150 as determined by the court shall be shared by the parties in equal amounts.

(Effective 1/1/95; Amended 7/1/06; Amended 1/1/09; Amended 1/1/13; Amended 7/1/2015)

13.09.1 Participation of Child

The Court may accept testimony of a child under Family Law Code section 3042, giving weight to rule 5.520 of the California Rules of Court. (Effective 7/1/2015.)

13.10 Report of Expert Appointed Pursuant to Evidence Code section 730

Whenever any expert appointed by the court pursuant to Evidence Code section 730 renders a report, the expert shall concurrently provide a copy of his or her report to the court, and to each attorney and unrepresented party.

(Effective 1/1/95; Amended 7/1/2015)

13.11 Temporary Orders for Child Custody and Support

A. Duration of Support Orders.

Unless otherwise ordered, all temporary orders shall remain in effect until further order of the court.

B. Stipulations for Temporary Orders.

Stipulations concerning temporary child support orders shall comply with Family Code section 4065 and shall contain a declaration by the parties that the right to support has not been assigned to the county pursuant to Welfare and Institutions Code section11477 and that no public assistance application is pending.

In cases involving recipients of public assistance, the signature of the attorney for Central Sierra Child Support Agency must appear on the stipulation. A printout of the child support calculation shall be attached to the stipulation.

C. Temporary Child Custody.

Factors which may be considered by the judge when making a temporary order for custody include, but are not limited to, the following:

1. The child normally will be left in the home where he or she has been living on a regular basis unless there are compelling circumstances dictating otherwise, such as evidence of harm or violence to the child.

2. The closer the child is to the age of majority, the more likely the child's preference will be followed, but the choice must be in the child's best interest and is not to be motivated either by reward to the child or by the playing of one parent against the other.

3. If either parent has left the home and has taken the child without the consent of the other or without an order of the court, that parent shall state the reasons therefore.

4. If violence has taken place or seems likely, the court encourages a victim or other parent to leave the home until after a court hearing is held; the court will not penalize a parent for leaving the home.

D. Temporary Support Schedule.

1. In setting temporary spousal support, the Court applies the Santa Clara guideline support formula. However, the Court considers the facts and circumstances of each case and may deviate from the guideline support amount when appropriate.

2. If the parties stipulate to child support and the stipulated amount is below the statewide guidelines, the parties must complete a Stipulation to Establish or Modify Child Support and Order (FL-350). The parties shall attach to the stipulation ~~a~~ computer printout from an approved child support calculator.

(Effective 1/1/95; Amended 7/1/11; 7/1/2015)

13.12 Stepparent Adoptions

In stepparent adoptions the Court shall order the Court Investigator to conduct a home study in conjunction with the preparation of the Court Investigator's Report. (Fam. Code § 9001.)

(Effective 7/1/11; Amended 7/1/2015)

13.13 Stipulations Modifying Existing Orders

A. General.

In any family law matter where a modification is sought by stipulation, the parties and their attorneys must sign the stipulation. If the stipulation changes the amount of support, the parties shall attach a printout of the child support calculation to the stipulation.

B. Recipients of Public Assistance Benefits.

If the custodial parent has assigned support rights to the County under Welfare and Institutions Code section11477, the Central Sierra Child Support Agency, and a supporting non-custodial parent may stipulate, without the signature of the custodial parent, to an order modifying the method of payment of, or to facts supporting a change in the amount of child support; provided however, that reasonable notice be given to the custodial parent. Any such stipulation must conform to the requirements of Family Code section 4065.

C. Custody and Support Stipulations.

Stipulations for modification of custody or support orders shall disclose whether a party is a recipient of public assistance. Stipulations for modification of child support orders shall conform to the requirements of Family Code section 4065.

(Effective 1/1/95; Amended 7/1/10; Amended 7/1/2015)

13.14 Uncontested Trials in Dissolution and Legal Separation Matters

A. In all proposed Judgments, whether uncontested or in which the parties have entered into a written agreement, the following information shall be included in the proposed Judgment.

1. Where there are minor children, a Child Custody and Visitation Order Attachment (Form FL 341, 341(A), (B), (C), or (D), as appropriate or a written agreement containing the same information shall be attached to the Judgment. In all cases in which the Judgment includes a child support order, a Child Support Information and Order Attachment, Form FL-342 shall be used, along with a computer printout of the child support calculation. A Notice of Rights and Responsibilities and Information Sheet on Changing A Child Support Order, Form FL192 shall be attached to the Judgment. After entry of Judgment, a Child Support Case Registry Form (form FL 191) shall be lodged with the court.

2. Where spousal support is included in the Judgment, a Spousal, Partner, or Family Support Order Attachment (form FL 343) or similar language shall be included in the Judgment.

3. Where attorney's fees and costs are an issue, an Attorney Fees and Costs

Order Attachment (form FL 346) or similar language shall be included in the Judgment.

4. In every case, the party making the request for entry of judgment may consult form FL 182 - Judgment Checklist - Dissolution/Legal Separation in determining the appropriate forms to file.

B. Uncontested matters where the Respondent has not appeared.

1. Proof of Service of Summons.

2. A Request for Default and Declaration for Default or Uncontested Dissolution or Legal Separation (forms FL-165, FL-180 and FL-190) pursuant California Rules of Court, rules 5.401, 5.402 and 5.405.

3. Petitioner's Declaration Regarding Service of Declaration of Disclosure (FL-141).

4. A completed Income and Expense Declaration (FL-150) and Property Declaration (FL-160) and proposed Judgment (FL-180) shall be filed when the Request for Default is filed.

5. Judgment shall be entered on the basis of the Declaration for Default or Uncontested Dissolution or Legal Separation (FL-170), unless the court or the Petitioner requests a hearing.

6. All relevant documents described in 13.14.A.

C. Uncontested matter with written agreement.

1. In addition to the forms required in 13.14.A., the parties shall file Respondent's Declaration Regarding Service of Declaration of Disclosure, (FL-141), a Stipulation and Waiver of Final Declaration of Disclosure (FL- 144) and an Appearance, Stipulations and Waivers (FL-130).

2. The Respondent's signature on the written agreement shall be notarized and the written agreement shall be attached to the Judgment (FL-190).

3. Respondent shall pay the first appearance filing fee, unless respondent files a fee waiver or is currently on active duty in the military.

4. All relevant documents described in 13.14.A.

D. Uncontested matter where Respondent has appeared.

All documents as described in 13.14.A and 13.14.B (provided that

Respondent has paid the first appearance filing fee or it has been waived or Respondent is currently on active duty in the military).

E. Income and Expense and Property Declarations.

Income and Expense and Property Forms and Declarations shall be on Forms FL-150 or FL-155 and FL-160, shall be dated where specified, and shall be completed as follows:

1. Every Income and Expense Declaration shall include the best estimate of the opposing party's income, if known, and shall be fully completed if the case involves child support or spousal support, whether or not an agreement in writing has been reached by the parties, or if there is any request for attorney's fees, costs, or payment of other obligations which has not been resolved by written agreement of the parties.

2. If there are community assets or joint obligations not disposed of by written agreement of the parties, the value of the assets or obligations must be set forth in the Property Declaration and must be proved at the hearing.

3. Item No. 5 of the Income and Expense Declaration form shall be fully completed whenever a party is represented by counsel and attorney's fees or costs are requested by either party.

4. A Child Support Case Registry form (FL 191) shall be completed whenever child support has been ordered.

F. Proceedings Involving Recipients of Public Assistance Benefits.

Notwithstanding any other rule, if a party is receiving public assistance benefits:

1. That fact shall be disclosed in Item No. 1 of the Income and Expense Declaration; and

2. All orders submitted to the court shall comply with Family Code section 4200.

G. Hearing on Default or Uncontested Matters

At the hearing on the default or uncontested matter, counsel or self-represented party shall present evidence in support of the proposed judgment.

(Effective 1/1/95; Amended 7/1/01; Amended Effective 1/1/06; Amended 7/1/10; Amended 7/1/11; Amended 7/1/12; Amended 7/1/2015; Amended 7/1/2017)

13.15 Long Cause Contested Hearings/Trials

A. Purpose of Rules; Duties of Counsel.

The purpose of this rule is to ensure the thorough and expeditious trial of contested

family law matters and to avoid using the trial itself as a vehicle for what should be pretrial deposition, discovery, and settlement procedures. Unrepresented parties or counsel, vested with full authority from their clients to dispose of these matters, shall confer in good faith to review the pretrial statements required by these rules no later than one week prior to the time set for any settlement conference and/or trial in order that, to the fullest extent possible, issues can be resolved by stipulation, and those issues remaining for determination by the court can be clearly delineated.

B. Relief from Rules.

Relief from the operation of these rules relating to trials may be obtained in appropriate cases, but only on motion for good cause. The parties shall not waive the requirements of these rules by stipulation. Either side may move to strike the At Issue Memorandum, Pretrial Statement/Request for Admissions, or Reply Pretrial Statement of the other side upon the ground that the document was not prepared and filed in good faith, but not as a means to avoid the operation of these rules. Sanctions against the offending side may be requested, as permitted by law.

C. At Issue Memorandum.

The at-issue memorandum shall be filed before any contested case may be set for trial. However, this shall not apply to post-judgment motions, which may be set for long cause hearing by stipulation or court order. It shall be the responsibility of the party filing the At-Issue Memorandum to insure that a response has been filed before filing the At-Issue Memorandum. Alternatively, matters may be set for trial at a Family Law Case Management Conference. In those cases, an at-issue memorandum is not required.

E. Settlement Conferences and Meet-And-Confer Rule.

Counsel and the parties shall personally appear for a settlement conference to be scheduled at the time the trial date is determined. Counsel and the parties shall participate in good faith in the settlement conference until released by the settlement judge or until the trial date is confirmed by the settlement judge. Failure to participate in good faith in the settlement conference may be a basis for the imposition of sanctions or change in the calendar status of the action. All motions for continuances or to drop the matter shall be heard by the assigned judge.

Unrepresented parties or counsel shall meet and confer before the date of the settlement conference, or any other contested hearing, in a reasonable attempt to resolve the disputed issues and to exchange all relevant documents.

Upon application of any party, the judge may, in his/her discretion, specially set a settlement conference in any family law matter. In addition, the parties may request the matter be specially set for a settlement conference at the Family Law Case Management Conference.

F. Statement of Issues, Contentions and Proposed Disposition of the Case.

Where a matter is set for contested trial, either short or long cause, both parties shall file with the Court and serve a "Statement of Issues, Contentions and Proposed Disposition of the Case" at least twenty (20) days prior to the trial date, and if there is a settlement conference, at least five (5) court days before the settlement conference. (See form FCS-92 at www.amador.courts.ca.gov) If both parties fail to timely file a Statement of Issues the matter shall not be permitted to proceed to trial; however, a court assisted settlement conference shall remain available. Failure by one party to file a Statement pursuant to this rule will allow the complying party to continue or drop the trial date and may result in the imposition of sanctions. The imposition of sanctions pursuant to this rule shall be heard upon noticed motion.

(Effective 1/1/95; Amended 1/1/97; Amended 1/1/06; Amended 1/1/08; Amended 1/1/10; Amended 7/1/2015; Amended 7/1/2017; Amended 1/1/2027)

13.16 Judgments and Orders

A. Duty to Prepare.

1. After Contested Hearing.

The party directed to prepare the "Finding and Order After Hearing" (Judicial Council Form FL-340) shall do so in compliance with rule 3.1312 of the Rules of Court.

2. After Contested Trial.

(a) The party directed by the court shall prepare the judgment in accordance with the court's decision and shall submit it to the opposing counsel with a place for the latter's signature under the legend "Approved As Conforming To Court Order."

(b) If the opposing party does not so approve within twenty (20) days, the preparing party shall send the order to the court with a cover letter explaining why it was submitted without such approval and a proof of service of the letter and proposed order on the opposing party. If the opposing party does not explain his/her objection with specificity in writing to the court within fifteen (15) days of the date of service by the preparing party, the court will sign the submitted order. If there is written objection with specificity, the court will then decide whether to adopt the proposed judgment or what changes shall be required, with or without a hearing, at the court's discretion.

3. Statement of Decision.

If either or both parties request a statement of decision, the rules pertaining to Statements of Decision under California Rules of Court, rule 3.1590 and Code of Civil Procedure section 632 shall apply.

B. Contents.

Except as otherwise agreed between the parties and subject to the approval of the court:

1. Child Support - Amount and Duration. All judgments providing child support shall state the name, date of birth, and amount of support for each child and shall state, "child support payments shall continue until further order of court, or until the child marries, dies, is emancipated, reaches age 19, or reaches age 18 and is not a full-time non-self-supporting high school student, whichever occurs first.

2. Spousal Support. All judgments shall state the amount of spousal support, if any, and shall state, "payable until the remarriage of the recipient spouse, the death of either party or further order of the court," unless otherwise ordered or stipulated.

3. Real Property. All judgments shall contain the common legal address or the Assessor's Parcel Number (APN) of all interests in real property affected by the court's decision.

4. Personal Property and Debts. All judgments shall contain a description and a division of personal property and debts.

C. Recipients of Public Assistance Benefits.

If a party is receiving public assistance benefits for a minor child, the judgment shall require the child support to be paid to the Central Sierra Child Support Agency in compliance with Civil Code section 4702.

(Effective 1/1/95; Amended 1/1/06; Amended 1/1/07; Amended 7/1/10; Amended 7/1/2015)

13.17 [NUMBER RESERVED FOR FUTURE USE]

13.18 Continuance Fees

A continuance fee will be charged for continuances in all family law matters, pursuant to Government Code section 70617, subdivision (c)(1), except where a statute, rule or case law precludes charging said fee.

(Effective 7/1/08; Amended 7/1/12; Amended 7/1/2015)

13.19 [NUMBER RESERVED FOR FUTURE USE]

13.20 [NUMBER RESERVED FOR FUTURE USE]

13.21 Duties of the Family Law Facilitator

In addition to the services required to be provided under Family Code section 10004, the Family Law Facilitator may, upon the direction of the Presiding Judge, perform the following

additional duties for pro per litigants set forth in Family Code section 10005:

A. Meet with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Family Code section §1005, giving priority to actions where one or both parties are unrepresented by counsel.

B. Draft stipulations to include all issues agreed to by the parties, which, in addition to those duties specified in Family Code section 10004, may include other non-specified issues.

C. Where the parties are unable to resolve issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.

D. Assist the clerk in maintaining records.

E. Prepare formal orders consistent with the court's announced order in cases where both parties are unrepresented by counsel.

(Effective 1/1/98; Amended 7/1/2015)

13.22 Counsel Appointed to Represent Child in Custody or Visitation Proceedings: Complaint Procedure

A. Any party to a family law custody or visitation proceeding may lodge a written complaint with the Court Executive Officer concerning the performance of the attorney appointed to represent the child in said proceeding. The types of complaints, which may be lodged with the Court Executive Officer, include, but are not limited to: the failure of the attorney to meet with the child, the failure of the attorney to facilitate visitation, and the failure to attend appointments with mediators and therapists. The Court Executive Officer cannot consider complaints going to the merits of the case. Complaints going to the merits of the case include, but are not limited to, complaints regarding whether the attorney is acting in the best interest of the child and complaints regarding discretionary litigation tactics.

B. The Court Executive Officer shall review all complaints received. If the Court Executive Officer determines that the complaint presents reasonable cause to believe that the claim is meritorious, the Court Executive Officer shall notify the attorney in question of the complaint and shall give the attorney an opportunity to respond in writing to the complaint.

C. The Court Executive Officer shall review the complaint and the response, if any, to determine whether the complaint is valid. The Court Executive Officer may obtain additional information prior to making a determination on the complaint.

D. If the Court Executive Officer finds that the complaint is meritorious, the Court

Executive Officer may take any actions deemed appropriate to resolve the complaint, including informing the Presiding Judge. The Court Executive Officer does not have the authority to remove court appointed attorneys. The power to remove a court appointed attorney lies exclusively with the judge assigned to hear the case.

E. The Court Executive Officer shall notify the attorney and the complaining party in writing of its determination concerning the allegations of the complaint.

(Effective 7/1/06; Amended 7/1/2015)

13.23 Family Law Case Management

A. The goal of Family Law Case Management is to expedite timely and just resolutions in family law actions. In each dissolution action, the Petition and Summons shall be served within sixty (60) days of filing. The response shall be served within thirty (30) days of service of the Petition and Summons on the respondent. Notwithstanding these case management rules, any party may file a motion on the Civil Law and Motion calendar. When appropriate, any party may file an At-Issue Memorandum requesting the setting of a trial date. The Family Law Case Management calendar is not the Law and Motion calendar.

B. Each dissolution, nullity, or legal separation action filed after the effective date of this rule shall be included in the Family Law Case Management calendar and shall, thereafter, be subject to court supervision until the entry of judgment or dismissal. Upon filing a dissolution, nullity, or legal separation action, the court shall provide the petitioner with a Family Law Case Management Notice. The Notice shall set forth the date and time of the first Case Management Conference, typically set120 days from the filing of a Petition. The petitioner is required to serve the Notice on the respondent with the Summons and Petition. Proof of Service of the Summons and Petition should reflect service of the Notice as well.

C. At least fifteen (15) days prior to each Family Law Case Management Conference, the parties shall file with the court and serve on all other parties, a Family Law Case Management Conference Statement. Parties may elect to file a joint statement. The form for the Family Law Case Management Statement is available on the court's website, www.amadorcourt.org, and at the clerk's office.

D. At 2:00 p.m. on the first court day before the schedule conference, the court will post tentative rulings on the Court's website, www.amador.courts.ca.gov. If no party appears at the hearing, the Court will adopt the tentative ruling. If any party disagrees with the tentative ruling, the party shall notify all other parties by 4 p.m. on the court day immediately preceding the hearing.

E. If there is an objective to the tentative ruling, counsel for each party and each unrepresented party appearing in the action shall attend the Family Law Case Management Conference and be familiar with and prepared to discuss all issues in the case. Counsel and unrepresented parties may arrange to appear

telephonically.

F. At the Family Law Case Management Conference, the court shall take appropriate action to facilitate prompt case resolution. Such actions include, but are not limited to:

1. Setting the case for a settlement conference and/or trial;

2. Continuing the case for further case management conference;

3. Setting for special settlement conferences;

4. Referring the parties to family law resources; and/or

5. Ordering counsel or parties to engage in and report back on meet and confer discussions.

(Effective 1/1/10; Amended 7/1/10; Amended 7/1/11; Amended 7/1/13; Amended 7/1/2015)

CHAPTER 14 – JUVENILE

14.01 Appointment of Counsel in Juvenile Dependency Proceedings

A. Purpose and Applicability.

This rule is established to comply with section 317.6 of the Welfare and Institutions Code and rule 5.660 of the California rules of court. On proper application and showing, the requirements of these rules pertaining to competence of counsel can be waived or modified when necessary to provide appointed counsel in juvenile dependency cases, where the court automatically appoints counsel for children.

b. General Competency Requirement.

All attorneys appointed by the court in juvenile dependency proceedings must meet minimum standards of competence as set forth in this rule.

C. Screening for Competency.

1. All attorneys who are appointed by the court to represent parties in juvenile court proceedings shall meet the minimum standards of training and/or experience set forth in this rule. Each appointed attorney of record for a party to a dependency matter pending before the Court on the effective date of these rules, who believes he or she meets the minimum standards of competency shall complete and submit to the Court, within 30 days of the effective date of these rules, a Certification of Competency. After the effective date of these rules, any appointed attorney appearing in a dependency matter for the first time shall complete and submit a Certification of Competency to the court within 10 days of his or her first appearance in a dependency matter.

2. Attorneys who meet the minimum standards of training and/or experience as set forth in this rule, as demonstrated by the information contained in the Certification of Competency submitted to the Court, shall be deemed competent to be appointed by the Juvenile Court in dependency cases, unless a Judge of the juvenile court determines a particular appointed counsel does not meet minimum competency standards.

3. If certified counsel fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date or the Court determines counsel does not meet the competency requirements, the Court shall notify counsel that he or she will be decertified. The attorney shall have thirty (30) days from the date of mailing the notice of decertification to submit evidence of competency. If the attorney fails to complete such training, the Court shall 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.

4. In order to retain his or her certification of competency, counsel shall file a declaration certifying that counsel has completed at least eight (8) hours of continuing education related to dependency proceedings within the last three (3) years. The declaration must be filed on or before January 15 of each year.

D. Minimum Standards of Education and Training.

1. Each attorney appointed by the Court to represent a party in a dependency matter before the Juvenile Court shall not seek certification of competency and shall not be certified by the Court as competent until the attorney has completed the minimum training and education requirements set forth in rule 5.660 of the California Rules of Court, or has at least twenty-four (24) hours of experience within the last year in dependency proceedings in which the appointed counsel has demonstrated competence in the appointed counsel's representation of his or her clients in said proceedings.

2. In the case of court-appointed attorneys new to the field of representation of parties to dependency proceedings, the local County Bar Association shall establish a mentor program to provide "mentor attorneys," who are experienced in the field of dependency representation, and who meet the competency requirements set forth in this rule, to advise and, as necessary, assist such new counsel in the field of dependency representation. Such mentor attorneys may attend dependency court proceedings and provide such other assistance, in and out of court, to the new attorney in order to assist in providing competent representation to parties in dependency cases.

E. Standards of Representation.

All attorneys appearing in dependency proceedings shall meet the following

standards of representation:

1. The standards set forth in rule 5.660 of the California Rules of Court shall be the minimum standards of representation of clients in dependency proceedings.

2. Attorneys representing children are strongly encouraged to visit the children in the children's placement environment as an integral part of preparation for upcoming disposition or review hearings. It is important for the child to meet with the attorney outside of the courthouse setting. The attorney should make an independent assessment of how the child is being cared for on a day-to-day basis. If the attorney receives any information that the child is at risk in his/her placement, the attorney shall take the appropriate action.

F. Procedures for Reviewing and Resolving Complaints.

1. Any party to a juvenile court proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed attorney in a Juvenile Court proceeding.

2 The Court shall review all complaints received. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently, the Court shall notify the attorney in question of the complaint and shall give the attorney an opportunity to respond in writing to the complaint.

3 The Court shall review the complaint and the response, if any, to determine whether the attorney acted incompetently. The Court may obtain additional information prior to making a determination on the complaint.

4. If the Court finds that the attorney acted incompetently, the Court may replace the attorney, impose sanctions in a manner provided by law, or refer the matter to the State Bar of California for further action.

5 The Court shall notify the attorney and the complaining party in writing of its determination concerning the allegations of the complaint.

(Effective 1/1/97; Amended 7/1/97; Amended 1/1/07; Amended 1/1/08; Amended 7/1/2015)

14.02 Appointment of Guardian Ad Litem for Minors.

(Welfare and Institutions Code section 326.5)

A. Purpose and Applicability.

This rule is established to comply with Welfare and Institutions Code section 326.5 and California Rules of Court, rule 5.660. This rule shall apply in any case in which a petition is filed pursuant to Welfare and Institutions Code section 300 et seq. based upon neglect or

abuse of a child or in which a prosecution is initiated under the Penal Code arising from neglect or abuse of a child.

B. Appointment of Guardian Ad Litem in Welfare and Institutions Code section 300 et seq. cases.

If a petition is filed pursuant to Welfare and Institutions Code section 300 et seq. based upon neglect or abuse of a child, the Court will appoint a Guardian Ad Litem for the child. The Guardian Ad Litem will be the attorney appointed to represent the child pursuant to Welfare and Institutions Code sections 317 and 317.6. If the court implements a Court Appointed Special Advocate (CASA) program, a CASA volunteer may be appointed as Guardian Ad Litem.

C. Appointment of Guardian Ad Litem in Cases initiated under the Penal Code.

If an attorney has already been appointed for a child under the provisions of Welfare and Institutions Code sections317 and 317.6, that attorney shall be appointed Guardian Ad Litem for the child in any prosecution initiated under the Penal Code.

If there has not been an attorney appointed pursuant to Welfare and Institutions Code section 317.6, the court shall appoint an attorney as Guardian Ad Litem. If the court implements a Court Appointed Special Advocate (CASA) program, a CASA volunteer may be appointed as Guardian Ad Litem.

D. Qualifications and Competency of Guardians Ad Litem.

Any Guardian Ad Litem appointed under this rule shall be an attorney who meets the minimum standards of competence set forth in rule 14.01, unless the court implements a Court Appointed Special Advocate (CASA) program. If the court implements a CASA program, a CASA volunteer appointed as a Guardian Ad Litem shall satisfy the training and competency requirements set forth in California Rules of Court, rules 5.655 and 5.660.

(Effective 1/1/02; Amended 1/1/07; Amended 7/1/2015)

14.03 Court-Appointed Special Advocate (CASA).

A. Program.

A referral to the Child Advocates Office may be made by the Judicial Officer, or any party to the case at any point in delinquency and dependency proceedings, or upon request of the CASA program. Upon acceptance of the case by the Child Advocates Office, the Court will be asked to sign an Order Appointing a CASA. Where the referral is not made by the court at an appearance hearing, the Child Advocates Office will notice all parties of the CASA program's intent to request appointment and the name of the specific CASA volunteer to be assigned to the case.

B. Referral Criteria.

The court should consider referring a dependency or delinquency case to CASA when

it involves the following:

1. Severe physical sexual abuse cases where the child is not released to a parent or relative, and the child is seriously traumatized;

2. Special needs cases (e.g., education developmental, medical, mental health needs) that involve conflicting opinions as to assessment and/or treatment for child, or where treatment plans or resources will be difficult to arrange;

3. Cases of re-abuse that involve a number of issues or a number of interested parties;

4. Children 10 years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;

5. Children age 0-8 years old in foster care, where CASA might expedite the case toward family reunification or adoption, if reunification is not appropriate; and

6. Short-term CASA intervention/involvement is required in case resolution or clarification of issues by gathering or researching information: e.g., contacting out-of-state relatives or investigating medical concerns to assist the court in reaching a decision.

In delinquency cases, the court may make CASA referrals when it deems it to be appropriate.

C. Requests for Referrals

Any party, attorney representing a party or child, the welfare worker, or other person having an interest in the welfare of the child can request the Court make a referral to CASA. A request for CASA Referral must be submitted in writing to the Court for each child referred. The person requesting such a referral must give two (2) working days telephone notice to the child welfare worker, attorneys of record for the parents/guardians, and attorney for the child. If the child welfare worker is making the referral, the Court Officer will provide notice. Unless the attorney of record or the child welfare worker objects to the referral, the court will send the referral to CASA for evaluation.

Any objections to the referral must be in a brief written statement as to why the referral is not appropriate, without discussing the subject matter of the litigation. The basis for an objection will not be treated as confidential. After receipt of the objection, the Court will review the case and make an independent decision as to whether a referral to CASA is appropriate.

D. Status of CASA Volunteers.

1. The Court-Appointed Special Advocate (CASA) is appointed as a sworn officer of the court, serves at the pleasure of the court, and is bound by all court rules under the authority of Welfare and Institutions Code section

102, subdivision (c). CASA volunteers are appointed only on behalf of children.

2. Pursuant to Welfare and Institutions Code sections 100, 102, subdivision (c), 104 and 106, the Child Advocates Office and individual CASA volunteers have a right to be properly and timely noticed for all proceedings held in cases on which they have been appointed. The advocate has the right to be present in person at all hearings, and to sit at counsel table with the child. An advocate may not be excluded from any proceeding by virtue of the fact that he or she might be called upon to give testimony in the case at some later date.

3. Under rule 5.655(g)(1)(E) of the California Rules of Court, CASA programs must have access to an attorney, whether retained or pro bono, to provide advice and direction on legal issues. Pro bono attorneys retained in such a capacity have the right to be heard in any proceedings and may examine the child and other witness, as necessary.

4. CASA volunteer's personnel file is confidential under rule 5.655. No one shall have access to the file or any of its contents, except the volunteer, the CASA Program Director, and the Presiding Judge of the Juvenile Court. A volunteer's personnel records, however, are subject to the court's subpoena power. All subpoenas are to be served in the CASA office.

5. A CASA advocate is a mandated child abuse reporter with respect to the case to which he or she has been assigned (Penal Code section 11164, et seq.).

E. Court Reports.

In any case in which the court has ordered the appointment of an advocate, such advocate shall file reports regarding their findings and recommendations for the child with the court at least two (2) court days before each formal six month review hearing; reports for other hearings/reviews are encouraged when significant, new information is available. Copies of the report are to be provided by CASA to all parties or their counsel at least two (2) court days before the scheduled hearing, pursuant to California Rules of Court, rule 5.655(k)(5).

F. Family Law Advocacy.

Should the juvenile court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code section 362.4, the advocate's appointment may be continued in the family law proceeding, in which case the juvenile court order shall set forth the nature, extent, and duration of the advocate's duties in the family law proceeding.

(Effective 7/1/03; Amended 1/1/07; Amended 1/1/10; Amended 1/1/13; Amended 7/1/2015; Amended 7/1/2017)

CHAPTER 15—TRAFFIC

15.01 Trial by Declaration

Pursuant to section 40902 of the Vehicle Code, a defendant may elect to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to that code, other than an infraction cited pursuant to Article 2 (commencing with section 23152 of Chapter 12 of Division 11. This provision also applies to a defendant who receives a notice of delinquent parking violation filed under section 40230. In order to elect a trial by declaration, a defendant must deposit with the clerk of the court the amount of bail indicated on the courtesy notice. The defendant shall then file his or her written declaration or declarations under penalty of perjury within the time specified in the courtesy notice. No appearance by the defendant shall be required. The clerk shall then set the matter for trial and provide notice to the defendant and the arresting officer.

The citing officer may submit his or her sworn testimony by written declaration no later than two days prior to the date set for trial. No appearance by the citing officer shall be required although the officer may elect to appear in person. The court may receive into evidence the notice to appear issued, pursuant to California Vehicle Code section 40500, a business record or receipt, the written declaration of the defendant, a sworn declaration of the citing officer or, if the citing officer elects to appear in person, the sworn testimony of the officer.

In the event the defendant is found not guilty or if the charges are otherwise dismissed, the amount of the bail posted shall be promptly refunded to the defendant.

In the event the defendant is dissatisfied with a decision of the court in a proceeding pursuant to this rule, the defendant shall, within ten (10) days of the mailing of the clerk's notice of the court's decision, notify the clerk in writing, of a request for a trial de novo; in which case the court shall then set a regular trial requiring the appearance of all parties to be heard in open court.

(Effective 1/1/95; Amended 7/1/98; Renumbered Effective 1/1/06; Amended 7/1/2015)

15.02 Continuances

Prior to the date upon which the defendant promised to appear and without depositing bail, the defendant may request a continuance of the written promise to appear. Similarly, a traffic officer may request a continuance of the matter based upon his or her unavailability. All requests for continuances must be submitted at least ten (10) court days prior to the date of the hearing.

(Effective 1/1/06; Amended 1/1/09)

CHAPTER 16—DOMESTIC VIOLENCE COORDINATION RULES

16.01 Court Communication

This chapter sets forth the communication protocol for Domestic Violence and Child Custody Orders, as mandated by California Rules of Court, rule 5.445.

The Court's criminal, family, and juvenile law departments shall communicate and exchange information with each other prior to issuing protective orders and child custody and visitation orders to determine if such orders have already been issued as to the same parties and/or children in any other department.

(Effective 7/1/08; Amended 7/1/2015)

16.02 Avoiding Conflicting Orders

No department of the family or juvenile court shall issue a protective order or custody order in conflict with an order of the criminal court. In the event conflicting orders are issued inadvertently, the order of the criminal court controls.

(Effective 7/1/08)

16.03 Modification of Criminal Orders

A court issuing a criminal court protective order may, after consultation with the appropriate department of the family and/or juvenile court, modify the criminal court protective order to allow or to restrict contact between the restrained person and his or her children, spouse, or other protected person.

(Effective 7/1/08)

16.04 Coexisting Criminal and Family or Juvenile Orders

A family or juvenile court order may coexist with a criminal court protective order, subject to the following conditions:

A. Any order permitting contact between the restrained person and his or her children shall provide for the safe exchange of the children.

B. Any order permitting contact between the restrained person and his or her children shall not contain language, either printed or handwritten, that violates a "no contact order" issued by the criminal court.

C. Safety of all parties shall be the court's paramount concern. The family and/or juvenile court order shall specify the date, time, place, and manner of transfer of the child, as provided in Family Code section 3100.

(Effective 7/1/08; Amended 7/1/2015)

CHAPTER 17—PROBATE

17.01 Accountings in Guardianships and Conservatorships

Pursuant to Probate Code section 2620, subdivision (c)(3), the private professional or licensed guardian or conservator may elect to lodge with the Court the originals of the account statements referenced in section 2620, subdivisions (c)(1), (2), and (3). The originals of the account statements shall be released by the Court as provided in section 2620, subdivision (c)(3).

(Effective 1/1/09; Amended 7/1/2015; Renumbered Effective 7/1/2017)

17.02 Successor Conservators and Guardians

Successor conservators and guardians shall file an Inventory and Appraisal of the estate within 90 days of the date of appointment. (See Probate Code §2610.)

(Effective 7/1/09; Renumbered Effective 7/1/2017)

17.03 Investigator Fees

Unless investigator fees are waived due to hardship per Probate Code sections 1851.5 or 1513.1, the court will assess fees for the cost of investigations in guardianship and conservatorship cases. Petitioners in guardianship cases who do not qualify for waiver of investigation fees may request permission from the court to make monthly payments due to hardship. Bills will be sent to conservators and guardians or parents, and copies will be set to their attorneys. Upon receipt of the bill, payment must be remitted to the Court within thirty (30) days, unless a proper objection to the same is received.

(Effective 7/1/09; Renumbered Effective 7/1/2017)

17.04 Death of Conservatee

Within thirty (30) days of the death of the conservatee, the conservator must file a notice of death of the conservatee with a copy of the conservatee's death certificate attached and must file a copy of the notice with the court.

Within sixty (60) days of the conservatee's death, the conservator must file a final accounting with the court.

(Effective 7/1/09; Renumbered Effective 7/1/2017)

17.05 Conservator's Duty to Download Handbook and View Online Video

Before Letters of Conservatorship are issued, all conservators (except corporate or institutional conservators) must obtain a copy of the Handbook for Conservators published by the Judicial Council of California and, if available, view an online video on the duties and responsibilities of a conservator. The Handbook is available at www.courts.ca.gov/probate-law-conservatorship, and the video "With Heart: Understanding Conservatorship" is available at: https://saclaw.org/resource_library/conservatorship-videos.

After watching the video, prospective conservators must complete the online verification form and submit it to the court prior to the hearing on the conservator petition.

(Effective 1/1/10; Amended 7/15/2015; Amended and Renumbered Effective 7/1/2017; Amended 1/1/2023; Amended 1/1/2027)

17.06 Appointment of Investigator in Conservatorship Matters

Upon filing a Petition for Appointment of Conservator, the petitioner is required to file an Order Appointing Court Investigator (form GC-330) for the Court's review and approval.

The Court is not required to prepare an Order Appointing Court Investigator (form GC-

331) for the review investigations required by Probate Code sections 2684 and 2686. The Court adopted a standing order appointing the Court Investigator to conduct review investigations and investigations concerning the appointment of a successor conservator.

The Court is not required to prepare an Order Settling Biennial Review Investigation and Directing Status Report before Review (GC-332) when it orders biennial review investigations and directs status reports under Probate Code section1850 (a). The Court adopted a standing order appointing the Amador County Court Investigator to perform the biennial review investigations and prepare status reports.

(Effective 7/1/11; Amended 7/1/2015; Renumbered Effective 7/1/2017; Amended 1/1/2027)

17.07 Capacity Declarations

All capacity declarations (Form GC 335) are deemed confidential.

(Effective 7/1/12; Renumbered Effective 7/1/2017)

CHAPTER 18—APPELLATE DIVISION

18.01 Record in Misdemeanor and Infraction Appellate Division Cases.

The original trial court file shall be used as the record on appeal in all misdemeanor and infraction appeals. (Calif. Rules of Court, rules 8.860, 8.863, 8.914, 8.910.)

(Effective 7/1/09; Amended 7/1/2015)

18.02 Electronic Recording as Part of Appellate Record

Upon stipulation of the parties or order of the court, in all misdemeanor and infraetion appeals, in which electronic recording is utilized, the original electronic recording or a copy of said recording, made by the trial court, may be transferred to the appellate division as part of the record on appeal, without first being transcribed. (Calif. Rules of Court, rules 8.868, 8.917.)

(Effective 7/1/09; Amended 7/1/2015)

State of California Superior Court
County of Amador

APPENDIX OF LOCAL FORMS

AMADOR SUPERIOR COURT
LOCAL FORMS
EFFECTIVE 1/01/2023

NUMBER	FORM NAME	Date last revised	Mandatory	Optional
	CIVIL FORMS			
CIV-025	Stipulation to Mediator	4/2008		x
CIV-131	Stipulation to Allow Trial Judge to Conduct Settlement Conference	6/2016		x
CIV-132	Attachment to Stipulation to Allow Trial Judge to Conduct Settlement Conference	6/2016		x
CIV-133	Ex Parte Application for Stay of Execution of Judgment	3/2017	x	
CIV-134	Order on Ex Parte Application for Stay of Execution in eviction cases	3/2017	x	
CIV-135	Declaration re: Notice of Ex Parte Application for Orders or Order Shortening Time	4/2017		x
CIV-139	Request for Discovery Conference	1/2018	x	
	CRIMINAL FORMS			
CRIM-002	Waiver of Defendant's Personal Presence	05/2011		
CRIM-025	Request for Modification	2/2013		x
CRIM-026	Petition for Dismissal, Change of Plea, Modification or Reduction	09/2008		x
CRIM-032	Request for Recommendation for Restricted License	02/2007		x
CRIM-070	Ex Parte Application to Place Matter on Calendar	06/2008		x
CRIM-071	Order on Application to Place Matter on Calendar	05/2013		x
CRIM-072	Ex Parte Application to Shorten Time for Filing and Service	06/2008		x
CRIM-073	Order on Ex Parte Application to Shorten Time for Filing and Service	06/2013		x
CRIM-199, 200, 202	Certificate of Rehabilitation and Pardon - packet	2/2011		x
CRIM-203	Plea in Absentia	2/2014		x
CRIM-230	Defendant's Financial Statement	3/2013		x
CRIM-237	Application for Resentencing and Reduction	11/2014	x	
CRIM-238	Response to Application for Resentencing and Reduction	11/2014	x	
CRIM-240	Proof of Service on Resentencing	11/2014	x	
CRIM-243	Misdemeanor Plea Form	6/2018		x
CRIM-400	DUI Advisement of Rights, Waiver and Plea Form – 1st offense VC 23152	1/2017		x
CRIM-401	DUI Advisement of Rights, Waiver and Plea Form-subsequent Offense - VC 23152	1/2017		x
CRIM-402	Addendum to DUI Advisement of Rights, Waiver, and Plea form	1/2017		x
CRIM-403	DUI Advisement of Rights, Waiver and Plea Form – VC 23153	1/2017		
	FAMILY LAW			
FCA-200	Petition to Declare Minor Free From Parental Custody and Control for Step Parent Adoption	3/2017		x
FCA-201	Order on Petition To Declare Minor Free From Parental Custody & Control of Parent for Step Parent Adoption	3/2017		x
FCA-202	Adoption Citation to Declare Minor Free From Parental Custody and Control of Parent for Stepparent Adoption	3/2017		x

FCA-203	Consent to Adoption by Parent In/Outside CA giving custody to Wife or Other Parent	3/2017		x
FCA-204	Ex Parte Application for Publication of Citation	3/2017		x
FCA-205	Order on Ex Parte Application for Publication of Citation	3/2017		x
FCA-206	Declaration of Due Diligence in Support of Request for an Order for Publication or Dispensing with Notice	3/2017		x
FCS-031	Memorandum To Set Case For Trial	4/2012		x
FCS-043	Family Law Case Management Statement	9/2012	x	
FCS-044	Request to Set Default/Uncontested Matter For Hearing	8/2011		x
FCS-052	Family Law Settlement Conference Statement	9/2012		x
FCS-080	Petition for Joinder - Grandparent Visitation	6/2012		x
FCS-081	Petition for Grandparent Visitation	10/2016		x
FCS-092	Statement of Issues	4/2012		x
FCS-104	Request/Stipulation For Continuance	3/2017		x
FCS-106	Request/Petition to Inspect Adoption records	6/2016		x
	FINANCIAL FORMS			
FIN-021	Investigator Claim Form	10/2012	x	
FIN-022	Mediator's Claim Form	10/2010	x	
FIN-031	Attorney Claim Form	11/2016	x	
	JUVENILE FORMS			
JVDP-032	Request for Referral to Juvenile Court Mediation	3/2017	x	
JVDP-033	Order on Request for Referral to Juvenile Court Mediation	3/2017	x	
	PROBATE FORMS			
PR-001	Declaration Re: Ex Parte Application	1/2027		x
	TRAFFIC FORMS			
TRF-001	Waiver of Constitutional Rights & Plea	4/2010		x
TRF-026	Request For Continuance of Traffic Court Trial and Order	7/2009		x
TRF-027	Request for Traffic School & Order	9/2011		x
TRF-066	Request For Trial - Traffic	4/2014		x
	SMALL CLAIMS			
SC-020	Declaration of Judgment Debtor Regarding Satisfaction of Judgment	4/2017		x

FILING INSTRUCTIONS AND SUMMARY OF CHANGES

JANUARY 1, 2027 LOCAL RULES

The court submits the entire set of its local rules with a revised Table of Contents, List of Effective Dates, and Appendix (Alphabetical). The following chapters and sections have been amended, effective January 1, 2027:

CHAPTER 1 – GENERAL RULES

1.08 – Section added.

1.09 – Section added.

CHAPTER 4 – CIVIL LAW AND MOTION RULES

4.02 – Section amended.

4.03 – Section amended.

CHAPTER 6 – CRIMINAL

6.04 – Section amended.

6.16 – Section removed.

6.20 – Section removed.

CHAPTER 8 – TRIAL COURT DELAY REDUCTION

8.05 – Section amended.

CHAPTER 9 – ARBITRATION

Section amended.

CHAPTER 10 – SELECTION AND EMPANELMENT OF JURORS

Chapter removed.

CHAPTER 11 – MISCELLANEOUS

11.00 – Section removed.

11.01 – Section removed.

11.04 – Section amended.

11.06 – Section amended.

11.07 – Section amended.

11.09 – Section removed.

11.11 – Section amended.

11.12 – Section amended.

11.16 – Section removed.

11.19 – Section amended.

11.20 – Section amended.

11.21 – Section amended.

11.23 – Section amended.

11.26 – Section amended.

11.28 – Section removed.

11.30 – Section removed.

CHAPTER 12 - COMPROMISE OF CLAIMS

Chapter removed.

CHAPTER 13 – FAMILY LAW

13.08 – Section amended.

13.15 – Section amended.

13.20 – Section removed.

13.23 – Section amended.

CHAPTER 14 – JUVENILE

14.04 – Section removed.

CHAPTER 17 – PROBATE

17.07 – Section amended.

17.05 – Section amended.

17.06 – Section amended.

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State of California Superior Court
County of Amador

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		PREFACE		
-	0.10	General	7/1/15	
-	0.20	Duties Owed in Proceedings Before the Court	7/1/15	
		GENERAL RULES		
1	1.00	Scope of Rules	1/1/95	1/1/00
	1.01	Citation of Rules	1/1/95	1/1/00
	1.02	Effective Date of Rules	1/1/95.	7/1/19
	1.03	Effect of Rules	1/1/95	1/1/00
	1.04	Construction and Application of Rules	1/1/95	1/1/00
	1.05	Adoption of California Rules of Court	1/1/95	7/1/15
	1.06	Amendment, Addition, or Repeal of Rules; Sanction for Failure to Comply	1/1/95	7/1/15
	1.07	Rules Governing Probate Filings	1/1/97	7/1/17
	1.08	Rules Governing Electronic Filing	1/1/27	
	1.09	Rules Governing Electronic Signatures	1/1/27	
		JUDICIAL ADMINISTRATION		
2	2.00	Presiding Judge	1/1/95	12/1/20
	2.01	Definition of Judicial Vacation	7/1/15	
		COURT EXECUTIVE OFFICER		
3	3.00	Clerk of the Superior Court – Court Executive Officer	1/1/95	7/1/17
		CIVIL LAW AND MOTION RULES		
4	4.00	Preemption of Local Rules	1/1/00	7/1/15
	4.01	Withdrawing Civil Motions	7/1/12	7/1/15
	4.02	Summary Judgment Motions	7/1/15	1/1/27
	4.03	Tentative Rulings	7/1/01	1/1/27
	4.04	Default Judgments by Affidavit	7/1/01	7/15/15
	4.05	Joining Motions of Other Parties	7/1/01	7/1/15
	4.06	Continuances	7/1/01	7/1/15
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5	5.00	Settlement Conferences/Statements	1/1/95	7/1/19
	5.01	Settlement Conference Procedures	1/1/95	1/1/23
		CRIMINAL		
6	6.00	Arraignment	1/1/95	7/15/15

	6.01	Continuances	1/1/95	7/15/15
	6.02	Withdrawal as Attorney of Record	1/1/95	7/15/15
	6.03	Pretrial Motions Not Waived	1/1/95	7/15/15
	6.04	Filing of Papers	1/1/95	1/1/27
	6.05	Format of Motions, Citations	1/1/95	7/15/15
	6.06	Motions at Trial	7/1/17	
	6.07	Failure of Moving Party to Appear	1/1/95	7/15/15
	6.08	Taking Matters Off Calendar	1/1/95	7/15/15
	6.09	Setting Evidentiary Motions	1/1/95	7/15/15
	6.10	Discovery Requests	1/1/95	7/15/15
	6.11	Numbering of Discovery Documents/Tapes	1/1/95	7/15/15
	6.12	Discovery Motions	1/1/95	7/15/15
	6.13	Probable Cause Hearings	1/1/95	Renumbered 1/1/06
	6.14	Temporary Release from Jail	1/1/95	7/15/15
	6.15	Alternative Sentencing	1/1/95	1/1/06
	6.17	Jury Instructions	7/1/17	
	6.18	Pleas at the Time of Trial	1/1/06	7/15/15; Renumbered 7/1/17
	6.19	Plea Bargaining	1/1/06	7/15/15; Renumbered 7/1/17
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	11.06	Availability of Court Reporting Services	1/1/95	1/1/27
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	11.10	Attorney's Fees in Actions on Promissory Notes, Contracts Providing for Payment of Attorney's Fees, and Foreclosures: Attorney's Fee Schedule	1/1/95	7/15/15
	11.11	Attorney's Fees in Residential Unlawful Detainer Actions	1/1/95	1/1/27
	11.12	Form of Judgment	1/1/95	1/1/27
	11.13	Stipulated Judgment Form to be Separate from Stipulation	1/1/95	7/15/15
	11.14	Replacing Lost Papers	1/1/95	
	11.15	Appeal from Decision of Labor Commissioners Under Labor Code §98.2	1/1/95	7/15/15
	11.17	Filing/Lodging of Confidential Papers	1/1/96	7/1/17
	11.18	Extraordinary Writs	1/1/00	7/1/17
	11.19	Electronic Recording	7/1/06	1/1/27
	11.20	Case Intake Sheet	1/1/08	1/1/27
	11.21	Submission of Orders & Settlement Agreements	1/1/08	1/1/27
	11.22	Drop Box Policy	7/1/08	
	11.23	Direct Calendaring of Cases	7/1/08	1/1/27
	11.24	Habeas Corpus	7/1/08	7/1/19
	11.25	Photography and Recording in Courthouse	1/1/09	7/1/15
	11.26	Ex Parte Hearings in Family Law Matters	7/1/09	1/1/27
	11.27	Filing of Papers	7/1/01	7/1/17
	11.29	Courtroom Attire	1/1/10	7/15/15
	11.31	Small Claims – Return of Service	7/1/17	
	11.32	Small Claims – Exhibits	7/1/17	
	11.33	Small Claims – Untimely Appeals	7/1/11	7/1/17
		CLAIMS OF MINORS AND INCOMPETENT PERSONS		
12	12.00	Application for Appointment of Guardian Ad Litem	1/1/95	7/1/15
		FAMILY LAW		
13	13.00	Matters Heard – Financial Declarations	1/1/95	7/1/15
	13.01	Calendar for Family Law and Motion, Orders to Show Cause, and Requests for Other Orders	1/1/95	7/1/15

	13.02	Settlement Conferences – Meet and Confer Rule	1/1/95	7/1/15
	13.03	Statement of Issues in Long Cause Cases	1/1/95	7/1/17
	13.04	Failure to Serve	1/1/95	7/1/15
	13.05	Continuances on Short Cause Calendar	1/1/95	7/1/15
	13.06	Lack of Appearance	1/1/95	
	13.07	Matters Exceeding 5 – 10 Minutes; Special Setting	1/1/95	7/1/15
	13.08	Child Custody/Visitation; Referral for Report	1/1/95	1/1/27
	13.09	Appointment of Counsel for Minor Child(ren) Pursuant to Family Code §3150	1/1/95	7/1/15
	13.09.1	Participation of Child	7/1/15	
	13.10	Report of Expert Appointed Pursuant to Evidence Code §730	1/1/95	7/1/15
	13.11	Temporary Orders for Child Custody and Support	1/1/95	7/1/15
	13.12	Stepparent Adoptions	7/1/11	7/1/15
	13.13	Stipulations Modifying Existing Orders	1/1/95	7/1/15
	13.14	Uncontested Trials in Dissolution and Legal Separation Matters	1/1/95	7/1/17
	13.15	Long Cause Contested Hearings/Trials	1/1/95	1/1/27
	13.16	Judgments and Orders	1/1/95	7/1/15
	13.18	Continuance Fees	7/1/08	7/1/15
	13.21	Duties of Family Law Facilitator	1/1/98	7/1/15
	13.22	Counsel Appointed to Represent Child in Custody or Visitation Proceedings: Complaint Procedure	7/1/06	7/1/15
	13.23	Family Law Case Management	1/1/10	1/1/27
		JUVENILE		
14	14.01	Appointment of Counsel in Juvenile Dependency Proceedings	1/1/97	7/1/15
	14.02	Appointment of Guardian Ad Litem for Minors	1/1/02	7/1/15
	14.03	Court-Appointed Special Advocate (CASA)	7/1/03	7/1/17
		TRAFFIC		
15	15.01	Trial by Declaration	1/1/95	7/1/15
	15.02	Continuances	1/1/06	1/1/09
		DOMESTIC VIOLENCE COORDINATION RULES		
16	16.01	Court Communication	7/1/08	7/1/15
	16.02	Avoiding Conflicting Orders	7/1/08	
	16.03	Modification of Criminal Orders	7/1/08	
	16.04	Coexisting Criminal and Family or Juvenile Orders	7/1/08	7/1/15

PROBATE

17	17.01	Accounting in Guardianships and Conservatorships	1/1/09	Renumbered 7/1/17
	17.02	Successor Conservators and Guardians	7/1/09	Renumbered 7/1/17
	17.03	Investigator Fees	7/1/09	Renumbered 7/1/17
	17.04	Death of Conservatee	7/1/09	1/1/27
	17.05	Conservator's Duty to Download Handbook	1/1/10	1/1/27
	17.06	Appointment of Investigator in Conservatorship Matters	7/1/11	1/1/27
	17.07	Capacity Declarations	7/1/12	Renumbered 7/1/17

APPELLATE DIVISION

18	18.01	Record in Misdemeanor and Infraction Appellate Division Cases	7/1/09	7/1/15
	18.02	Electronic Recording as Part of Appellate Record	7/1/09	7/1/15

State of California Superior Court
County of Amador

APPENDIX OF LOCAL FORMS

AMADOR SUPERIOR COURT
LOCAL FORMS
ORDERED BY NAME
EFFECTIVE 1/01/2027

NUMBER	FORM NAME	Date last revised	Mandatory	Optional
CRIM-402	Addendum to DUI Advisement of Rights, Waiver, and Plea form	1/2017		x
FCA-202	Adoption Citation to Declare Minor Free From Parental Custody and Control of Parent for Stepparent Adoption	3/2017		x
CRIM-237	Application for Resentencing and Reduction	11/2014	x	
CIV-132	Attachment to Stipulation to Allow Trial Judge to Conduct Settlement Conference	6/2016		x
FIN-031	Attorney Claim Form	11/2016	x	
CRIM-199, 200, 202	Certificate of Rehabilitation and Pardon - packet	2/2011		x
FCA-203	Consent to Adoption by Parent In/Outside CA giving custody to Wife or Other Parent	3/2017		x
PR-001	Declaration in Support of Ex Parte Application	1/1/2027		x
FCA-206	Declaration of Due Diligence in Support of Request for an Order for Publication or Dispensing with Notice	3/2017		x
SC-020	Declaration of Judgment Debtor Regarding Satisfaction of Judgment	4/2017		x
CIV-135	Declaration re: Notice of Ex Parte Application for Orders or Order Shortening Time	4/2017		x
CRIM-230	Defendant's Financial Statement	3/2013		x
CRIM-400	DUI Advisement of Rights, Waiver and Plea Form – 1st offense VC 23152	1/2017		x
CRIM-403	DUI Advisement of Rights, Waiver and Plea Form – VC 23153	1/2017		
CRIM-401	DUI Advisement of Rights, Waiver and Plea Form-subsequent Offense - VC 23152	1/2017		x
FCA-204	Ex Parte Application for Publication of Citation	3/2017		x
CIV-133	Ex Parte Application for Stay of Execution of Judgment	3/2017	x	
CRIM-070	Ex Parte Application to Place Matter on Calendar	06/2008		x
CRIM-072	Ex Parte Application to Shorten Time for Filing and Service	06/2008		x
FCS-043	Family Law Case Management Statement	9/2012	x	
FCS-052	Family Law Settlement Conference Statement	9/2012		x
FIN-021	Investigator Claim Form	10/2012	x	
FIN-022	Mediator's Claim Form	10/2010	x	
FCS-031	Memorandum To Set Case For Trial	4/2012		x
CRIM-243	Misdemeanor Plea Form	6/2018		x
CRIM-071	Order on Application to Place Matter on Calendar	05/2013		x
FCA-205	Order on Ex Parte Application for Publication of Citation	3/2017		x
CIV-134	Order on Ex Parte Application for Stay of Execution in eviction cases	3/2017	x	
CRIM-073	Order on Ex Parte Application to Shorten Time for Filing and Service	06/2013		x
FCA-201	Order on Petition To Declare Minor Free From Parental Custody & Control of Parent for Step Parent Adoption	3/2017		x
JVDP-033	Order on Request for Referral to Juvenile Court Mediation	3/2017	x	

CRIM-026	Petition for Dismissal, Change of Plea, Modification or Reduction	09/2008		x
FCS-081	Petition for Grandparent Visitation	10/2016		x
FCS-080	Petition for Joinder - Grandparent Visitation	6/2012		x
FCA-200	Petition to Declare Minor Free From Parental Custody and Control for Step Parent Adoption	3/2017		x
CRIM-203	Plea in Absentia	2/2014		x
CRIM-240	Proof of Service on Resentencing	11/2014	x	
TRF-026	Request For Continuance of Traffic Court Trial and Order	7/2009		x
CIV-139	Request for Discovery Conference	1/2018	x	
CRIM-025	Request for Modification	2/2013		x
CRIM-032	Request for Recommendation for Restricted License	02/2007		x
JVDP-032	Request for Referral to Juvenile Court Mediation	3/2017	x	
TRF-027	Request for Traffic School & Order	9/2011		x
TRF-066	Request For Trial - Traffic	4/2014		x
FCS-044	Request to Set Default/Uncontested Matter For Hearing	8/2011		x
FCS-106	Request/Petition to Inspect Adoption records	6/2016		x
FCS-104	Request/Stipulation For Continuance	3/2017		x
CRIM-238	Response to Application for Resentencing and Reduction	11/2014	x	
FCS-092	Statement of Issues	4/2012		x
CIV-131	Stipulation to Allow Trial Judge to Conduct Settlement Conference	6/2016		x
CIV-025	Stipulation to Mediator	4/2008		x
TRF-001	Waiver of Constitutional Rights & Plea	4/2010		x
CRIM-002	Waiver of Defendant's Personal Presence	05/2011		