

**Yolo Superior Court  
Proposed Additions/Modifications to Local Rules  
Effective 1-1-14**

**Example** = proposed deletion                    **Example** = proposed addition/change

**Proposed Deletion of the second paragraph of the opening statement:** *not necessary*

In addition to these local rules, Yolo Superior Court enforces all applicable state statutes and the California Rules of Court. Counsel and self-represented litigants are responsible for knowing and complying with applicable state statutes and the California Rules of Court. In general, the local rules do not contain rules that are duplicative of state statutes or the California Rules of Court.

~~Yolo Superior Court has also adopted policies for alternative dispute resolution, early settlement conference program and case management. They are attached as appendices to the local rules and are also available on the court's website at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). The programs described in the policies are grant dependent. Counsel and self-represented litigants should consult the court's web site frequently regarding the status of the grant-funded programs.~~

**Rule 2: Location and Organization**

**Proposed Modifications to Rule 2.3:** *Delete rule, we no longer accept fax filings for civil, probate and family law*

***Re-number Rule 2.4 to 2.3***

**Proposed Addition Rule 2.4:**

**2.4 FORM OF PAPERS PRESENTED FOR FILING**

When filing any document, the parties shall furnish the court with both: (1) a single sided original that is unbound and binder-clipped or unbound and rubber-banded together; and (2) one bound copy. Judicial Council and local court forms, records on appeal in limited civil cases, and briefs filed in appellate divisions need not be single-sided, but must be submitted unbound.

**Rule 4: Court Security and Conduct**

**Proposed Modification to Rule 4.5:**

**4.5 RECORDING EQUIPMENT PROHIBITED**

(a) **Prohibited Activities.** Photographing, videotaping, televising, or otherwise recording any court proceeding is prohibited unless a written request has been filed and approved by the Judge presiding at the proceeding prior to the commencement of the proceeding. No one may use a **any electronic device**, camera or camera-phone to transmit, record, or take pictures in any portion of the courthouse except as permitted by these rules and Rule 1.150 of the California Rules of Court. (~~Appendix 1~~)

(c) **Prohibition Against Visual Displays, Banners, Flags, Photographs.** No person present at a court proceeding may display any buttons, flags, signs, images or otherwise that might prejudice the court or jury or undermine the security or decorum of the proceeding. The bailiff on duty, under the supervision of the

Judge, shall have the authority to enforce this rule. ~~Attached as part of these Rules is a standing Order of the Yolo Superior Court, effective May 27, 2005, prohibiting such displays in a courtroom. (Appendix 3)~~

## Rule 11: General Civil

### Proposed Modification to Rule 11.1:

#### 11.1 FORM OF FILINGS

All documents presented for filing shall comply with the California Rules of Court, in particular Rules 3.1110 through 3.1115 of the California Rules of Court.

(a) **Format of Filings.** The format for any papers filed with the Yolo Superior Court shall conform to Rule 3.1110 of the California Rules of Court **and Rule 2.4.**

### Proposed Modification to Rule 11.3:

#### 11.3 LAW AND MOTION

(c) **Continuances.** Upon stipulation by all parties, or upon request of the moving party with appropriate notice, law and motion matters may be continued once by the clerk at least ~~two (2)~~ **five (5)** court days prior to the matter being heard. Any party seeking a continuance that is not received timely shall appear in court at the time set for hearing and request such from the judge to whom the matter has been assigned.

(a) **Drops.** When a matter is to be dropped from the law and motion calendar, the moving party shall promptly notify the clerk's office, but in no event shall notice be later than ~~two (2)~~ **five (5)** court days before the hearing. **Any notice less than the five (5) shall require approval from the Court.**

### Proposed Modification to Rule 11.8:

#### 11.8 MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES

All motions for summary judgment or summary adjudication of issue(s) shall conform to the requirements of the Code of Civil Procedure ~~437(e)~~ **437c** and Rules 3.1350, 3.1352 and 3.1354 of the California Rules of Court.

## Rule 12: Case Management

### Proposed Modification to Rule 12.5:

#### 12.5 CONDUCT AT CASE MANAGEMENT CONFERENCE (CMC)

(e) At the CMC, the judge will make appropriate pre-trial orders that may include the following:  
(1) An order referring the case to ADR or by party's agreement or to mediation (~~Appendices 3 & 4~~);

**Proposed Modification to Rule 12.6,**

**12.6 LIMITED CIVIL COLLECTION CASES**

~~(e) **Case Management Conference:** If a Defendant files an answer more than 45 days prior to a date calendared for case management conference the plaintiff must file and serve a case management statement that calendars a case management conference in Department 10 of the Yolo Superior Court for any Thursday at 1:30 p.m. at least 25 days from the date of the mailing of plaintiff's case management statement. If the answer is filed within 45 days prior to the case management conference date set forth in the case management conference notice a new case management conference date need not be set.~~

**(e) Judgment or Dismissal:** If a judgment or dismissal of the entire action is filed prior to the date of any calendared case management conference, no appearance or case management statement need be made or filed and the date will be vacated.

**(f) Case Management Statement:** If no judgment or dismissal of the entire action is filed prior to any calendared case management conference a case management statement must be filed and served and an appearance in person or by court call must be made at the calendared case management conference.

**(g) Failure to Follow the Rules:** If the rules as set forth herein are not followed, an order to show cause hearing shall be set and notice given. The non-complying party will be ordered to show cause why sanctions, including but not limited to monetary, evidentiary, issue sanctions, striking pleadings and/or dismissal should not be ordered, all order to show cause hearings will require written responses.

**Rule 13: Judicial Arbitration**

*Delete entire rule, the court does not offer judicial arbitration*

**Rule 16: General Criminal**

**Proposed Modification to Rule 16.3, 16.17 & 16.18,**

**16.3 SETTINGS**

Unless ordered by the court, at the arraignment the court shall set the dates for:

**(a)** The trial, giving priorities as required by law;

**(b)** A trial readiness conference ~~in every felony matter;~~

~~**(c)** A trial confirmation conference in every misdemeanor matter;~~

**(c)** The last date to file and serve motions and responses and any hearing thereon. All pretrial motions will be set for hearing on or before the date set for the trial readiness ~~or trial confirmation~~ conference.

## 16.17 PURPOSE OF TRIAL READINESS AND TRIAL CONFIRMATION CONFERENCES

The purpose of trial readiness conferences ~~and trial confirmation conferences~~ is to consider the negotiated resolution of pending cases and to confirm trials. In the event there are insufficient judges or courtrooms available to try all confirmed cases, a determination regarding the priority of scheduled trials will be made. At these conferences, attorneys shall inform the court of any need for interpreter services and other special accommodations.

Attendance at the criminal trial readiness/~~confirmation~~ conference is mandatory in felony cases for the defendant, counsel for the defendant and a prosecuting attorney with full authority to dispose of the case. The Court may require a defendant charged with a misdemeanor only to attend such a conference upon a finding of good cause based on the circumstances of a particular case. Prior to the conference the attorneys shall discuss the case to determine the possibility of disposition without trial.

## 16.18 RESOLUTION OF CASES SUBSEQUENT TO TRIAL READINESS/~~CONFIRMATION~~ CONFERENCE

Except in unusual circumstances, after the trial readiness/~~confirmation~~ conference the defendant will not be permitted to plead guilty to less than the principal charges.

### Rule 17: General Family Law

*Proposed Modification to Rule 17.1, 17.2, 17.3 and 17.4, delete and replace with new Rule 17.1*

#### 17.1 REQUESTS FOR EMERGENCY ORDERS AND FOR ORDERS SHORTENING TIME (“OSTs”)

(a) **Definitions:** Requests for Orders in Family Court are set to be heard approximately 30 days after the date of filing. Circumstances sometimes require a hearing within 72 hours (an “Emergency Hearing”) or a hearing on something less than 30 days’ notice, but not as soon as within 72 hours of filing. **Requests for Emergency Family Court Orders are highly disfavored and should be reserved for matters where great or irreparable injury would result before the matter could be heard on regular notice. OSTs are also disfavored and should not be requested without good cause.**

(b) **Sanctions:** If, at the hearing, the court finds that there was no emergency or need for hearing on shortened time, *i.e.*, that the matter could have been heard on regular notice and the requesting party knew that at the time of the request, the court may impose attorneys’ fees as a sanction against the requesting party under Family Code §271, after notice and an opportunity to be heard.

(c) **How to request a hearing for an Emergency Family Court Order or OST:**

- (1) **Call or fax the appropriate Family Law Department for an emergency hearing date.** The correct Department and telephone number is listed on the court’s website at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). The Courtroom clerk will provide a hearing date within 3 court days at 11:00 a.m. (or other times and dates as the court’s calendar permits.) **DO NOT** give the courtroom clerk any information about the case. That is considered an improper *ex parte* communication.
- (2) **Give notice to other parent/party** or their attorney by no later than 10:00 a.m. on the court day before the hearing. Notice may be given by telephone, in writing, or by voicemail message. (CRC rule 5.165(a), (b).)

- (3) **Serve the Declaration of Notice** and Service of Ex Parte Application, Request For Order and any other papers for the court to consider (or the opposition thereto) on the other party at the first reasonable opportunity before the hearing, Rule 5.167 of the California Rules of Court.
- (4) Before the appearing in court for the ex parte hearing, the moving party must pay the *ex parte* hearing fee at the courthouse civil filing window. (If this is a first appearance, the moving party must also pay the first appearance fees or obtain a fee waiver)
- (5) **Bring to the hearing:**
- The receipt showing payment of the ex parte hearing fee. The court will not hear the matter without proof of prior payment.
  - The request for order (what the moving party wants the court to order) form FL-300
  - A declaration signed under penalty of perjury showing the urgency. The declaration should show why the matter must be heard on less than the normal 30 days' notice.
    - **If the moving party believes irreparable injury would result if the other party were notified,** then provide the court with a written declaration signed under penalty of perjury that includes facts showing good cause why notice should not be given to the other party.
    - **If the moving party only needs an order shortening time (OST)(i.e., less than the normal 30 days' notice but not within 72 hours),** try to get the other party to agree to the shortened time and bring a signed stipulation and order to the hearing for the judge to sign, or a declaration describing attempts to get a stipulation and the good cause for shortening time. Good cause for an OST includes, among other things, setting a motion on the same day as the opposing party's already scheduled motion on the same or related issue. OST's do not require an emergency, but they do require good cause to set a hearing on less than normal notice.
- (6) **At the hearing, the court will first determine whether notice was proper or whether good cause exists not to require notice.** Good cause may include those matters set forth in Rule 5.165(b)(2) of the California Rules of Court.
- (7) **The hearing:** After the court confirms proper notice (or determines that there is good cause not to give notice), the court will determine if the matter should be heard on shortened time. The court may hear argument on this issue. If the court finds that notice was not proper or that the matter does not need to be heard on an emergency basis or on shortened time, the court will set a hearing on regular notice. If notice was proper or good cause is found not to require notice, then the court will rule on the matter

**Re-number 17.5 to 17.2**

**Proposed Modification to Rule 17.6,**

### 17.617.3 LAW AND MOTION

(c) Except as excused by law, no case requiring determination of support issues shall be heard unless current Income and Expense Declarations (*i.e.*, filed and current within the 90 days prior to the hearing) have been completed, filed and served; no case requiring determination of property issues shall be heard unless current Property Declarations and/or Financial Statements have been completed, filed and served (Judicial Council Forms FL 140, 141, 142 or 160, and 150). The declarations shall be deemed to be received in evidence at the hearing. Examination on matters covered by the declarations will be heard only under exceptional circumstances and normally will be limited to testimony regarding unusual items not adequately explained on the written declarations.

(d) Documentation of a party's wages and other income, including but not limited to copies of recent current (*i.e.*, within the 90 days prior to the hearing) paycheck stubs, W-2 forms, 1099 forms, Schedule C forms, other profit and loss statements, or proof of retirement, unemployment, or disability benefits being paid, shall be attached to a party's Income and Expense Declaration.

(e) **Continuances.** Upon stipulation by all parties and order filed at least 5 court days prior to the hearing, or upon request of the moving party with appropriate notice, law and motion matters may be continued once by the clerk at least ~~two (2)~~ five (5) court days prior to the matter being heard. Any party seeking a continuance that is not received timely shall appear in court at the time set for hearing and request such from the judge to whom the matter has been assigned. The request for continuance should be submitted on pleading paper with proof of service.

(f) **Drop/Withdrawal.** When a matter is to be dropped from the law and motion calendar, the moving party shall promptly notify the clerk's office and the opposing party, but in no event shall notice be later than ~~two (2)~~ five (5) court days before the hearing. The notice of drop/withdrawal should be submitted on pleading paper with proof of service.

~~(g) **Discovery.** To minimize the adversarial nature of dissolution and its attendant costs, the parties are required to cooperate in the full and fair disclosure of all matters and activities affecting their assets and liabilities. Until such matters are resolved, the parties have a mutual fiduciary duty of management, control and disclosure. All discovery motions shall comply with the Code of Civil Procedure and the Court may issue an attorney fee sanction against the non-complying party.~~

~~(h) **Attorney Fees.** All requests for an order awarding attorneys fees must be properly noticed and supported by an attorney declaration stating in detail the work performed, the amount of time taken on the work, the billing rate, and the skill and experience of the attorney performing or supervising the work. Motions for advance on fees should be similarly supported.~~

**Proposed Modification to Rule 17.7, redundant to CRC, Rule 5.125, delete**

**Proposed Modification to Rule 17.8 & 17.9, delete and replace with new Rule 17.4**

### 17.8—SHORT CAUSE MATTERS

Upon stipulation, or request of the moving party with notice to any previously noticed party and an order signed by the judge, any short cause matter as defined in Rule 3.735(a) of the California Rules

~~of Court may be continued once any time prior to three (3) court days before the hearing. All requests whether by stipulation or not must be submitted on pleading paper. (Effective January 1, 2007; As~~

## ~~17.9 LONG CAUSE MATTERS~~

~~Any continuance of long cause matters shall meet the standard for trial continuances under Rule 3.1332 of the California Rules of Court. (Effective January 1, 2007)~~

## 17.4 TRIAL CONTINUANCE

Continuances of family trials are disfavored. If the parties agree to continue the trial for good cause, the matter must be set for a trial setting conference before the trial judge with both parties appearing to set new dates if the court approves the continuance. If the parties do not agree to a trial continuance, the party requesting the continuance must file a request for order seeking a trial continuance, with appropriate supporting declarations, and the request must meet the standard for trial continuances under Rule 3.1332 of the California Rules of Court.

### Re-number 17.10 to 17.5

## Rule 18: Child Custody and Child/Spousal Support

### Proposed Modification to Rule 18.1

#### 18.1 DISPUTES RE: CUSTODY

(a) Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any court hearing **and shall be prepared to describe their good faith efforts to the Court.**

~~(b) If there is disagreement over child custody or visitation in the matter before the court, this issue shall ordinarily be submitted to a mediator present at the court hearing. However, repeated requests for modifications of custody and/or visitation orders, or for mediation, without a significant change of circumstances, are disfavored by the court.~~

Parties appearing on a request for order seeking custody or visitation orders will be referred to an in-court child recommending counselor (CCRC) prior to having their case called by the judge. The CCRC will meet with the parents, and, as appropriate, with the child or other parties present in court, to facilitate an agreement. After the short time available with the CCRC (not more than 30 minutes), the CCRC will make a recommendation to the judge. The parties will appear before the court and discuss the recommendation. The court may adopt the recommendation as a stipulated order, or as a temporary order until the issue can be set for trial, or may make other orders that the court deems in the best interest of the child. **If there is disagreement over child custody or visitation in the matter before the court, this issue shall ordinarily be submitted to a mediator present at the court hearing. However, Repeated requests for modifications of custody and/or visitation orders, without a significant change of circumstances, are disfavored by the court. Unless review hearings are set by the Court on its own motion or unless otherwise allowed by the Court for good cause shown, parties will be limited to one (1) mediation session with the Court CCRC per six-month period. If the parties need further assistance, the Court may order them to long-term counseling with a private counselor at the parties' expense.**

(c) If the parties cannot agree ~~upon which party should have physical~~ on custody, the court may refer the matter for ~~an investigation, a~~ report and recommendation to a ~~court-appointed investigator~~ professional who performs private custody and/or psychological evaluations, as the court deems appropriate for a report, as provided in Family Code Section 3111 and Rule 5.220 of the California Rules of Court. In the usual case, the investigation will require an eight-week continuance. The cost of any ~~investigation report~~ shall be paid for and advanced by the parties, in shares as ordered by the court, ~~subject to reallocation~~ the cost may be reallocated on completion of the ~~investigation and~~ report.

**Proposed Modification to Rule 18.2**, delete, redundant to Family Code 3020

**Proposed Modification to Rule 18.3**

**18.3 18.2 GUIDELINES FOR TEMPORARY CHILD/SPOUSAL SUPPORT ORDERS**

(c) In setting child support, the court will apply Division 9, Parts 1, 2 and 3 of the Family Code. (Family Code §§ 3500 *et seq.*)

**Proposed Modification to Rule 18.4**

**18.4 18.3 CHILD CUSTODY RECOMMENDING COUNSELING**

(b) The court has child custody recommending counselors (“CCRCs” ~~“counselors”~~) assigned on a rotational basis to the family law department to provide in-court, mandatory counseling. Either party may object to an in-court counselor when he/she is appointed. If the court honors the objection and another counselor is not available, the case will be continued to a date when a different counselor will be present. Objections to in-court counselors may be made orally, and without cause or explanation, but must be made prior to the parties leaving the courtroom to meet with the CCRC. ~~Once a counselor has been appointed, an objection will be accepted only after the counselor makes his/her report. At that time, a different follow-up counselor may be requested.~~

**Proposed Modification to Rule 18.5**

**18.5 18.4 VOLUNTARY CHILD CUSTODY RECOMMENDING COUNSELING**

(a) Voluntary counseling is encouraged by the court and nothing in these rules prevents the parties from choosing an independent counselor to help them. Both parties may, at any time, stipulate to out-of-court voluntary counseling by submitting a court approved “Stipulation for Child Custody Recommending Counseling” form for approval by the family court judge, and the mandatory Judicial Council form FL 327 order.

(b) Out-of-court counselors shall prepare and file a report with the court before the date indicated on the ~~stipulation form~~ order. The report shall contain a brief statement of the counselor’s findings, agreements entered into by the parties and any recommendation the counselor may have on issues not settled by agreement.

(a) Out-of-court counselors negotiate their fees with the parties. Their fees

are paid directly by the parties in equal shares unless the court directs otherwise **in the order**. Out-of-court counselors are not required to file their written reports until they have been appropriately paid by the parties for their services.

**Proposed Modification to Rule 18.6**

**18.6 18.5 RECOMMENDATIONS**

Counselors **CCRC's**, both in- and out-of-court, will offer their recommendations on any issue not settled by agreement. The judge may accept the recommendation or make a different order as appropriate. There is no confidentiality between the ~~counselor~~ **CCRC** and the parties. ~~Counselors~~ **CCRC's** may be called to testify in court as to the reasons for their recommendations. If a ~~counselor~~ **CCRC** is called, he/she shall be subpoenaed and paid as an expert **by the subpoenaing party** before testifying.

**Re-number 18.7 to 18.6**

**Proposed Modification to Rule 18.8**

**18.8 18.7 GRIEVANCES**

**(a) Child Custody Recommending Counseling.** Parties who wish to make a complaint about the counseling process, or a ~~counselor~~ **CCRC**, may do so in writing to the court in accordance with the grievance policy available on the courts website or the clerk's office. The court may ask any involved party for his/her oral or written response. The answer to the complaining party shall be in writing.

~~**(b) Court-ordered Child Custody Evaluations.** Any grievance concerning a court-ordered evaluation report shall be directed to the Court Executive Office. Those grievances which are not, on their face, frivolous, or made in bad faith, shall be the subject of inquiry by the Court or its personnel. The results of the inquiry shall be communicated in writing to the person making the grievance.~~

**Proposed Modification to Rule 18.9**

**18.9 18.8 COURT APPOINTED COUNSEL FOR MINOR CHILDREN IN FAMILY LAW CASES**

~~(a) The Court maintains a panel of qualified minor's counsel~~ **The court may in its discretion appoint counsel for a minor in accordance with Family Code § 3150. Fees and costs for minor's counsel shall be paid by the parties at a rate approved by the court pursuant to Family Code § 3153.**

**Rule 19: Uncontested and Default Judgments**

**Proposed Addition to Rule 19.1**

**19.1 GENERAL POLICY**

**(c) Parties shall submit requests for uncontested and default judgments using the mandatory Judicial Council forms. Parties should seek the assistance of the court's Family Law Facilitator to ensure that their filings are correct. Incorrect or incomplete filings may be rejected or may delay entry of judgment.**

Proposed Modification to Rule 19.2 delete, redundant to Family Code 2338.5

Re-number 19.3 to 19.2

Re-number 19.4 to 19.3

Re-number 19.5 to 19.4

## **Rule 20: Settlement and Trial of Family Law Matters**

Proposed Modification to Rule 20.1

### **20.1 MANDATORY SETTLEMENT CONFERENCES**

(a) All family law matters shall be scheduled for a settlement conference before proceeding to trial ~~or to a long cause hearing~~, unless expressly exempted by the judge presiding over the family law calendar. Good faith attendance and participation by all parties and counsel are mandatory unless excused by the court.

(b) Upon stipulation of the parties, experienced family law attorneys shall be assigned as ~~pro-tem judges~~ **settlement conference officers** to preside over the settlement conferences.

(d) As provided in Rule 1.4, a party and/or an attorney's failure, without substantial justification, to file the documents and/or attend the mandatory settlement conference shall subject that person to sanctions. Sanctions may include, but are not limited to an order for payment to the ~~pro-tem~~ settlement conference **judge officer** for the time he or she spent at **his/her** ~~that judge's~~ customary hourly rate.

(e) The attorneys, or parties in propria persona, shall set forth the details for any settlement reached, which shall be signed by the parties and/or their attorneys and a copy attached to the clerk's minute order. **The written recitation of the specific terms of the settlement must be prepared and signed by the parties and counsel, and presented to the clerk. The judge will review the settlement with the parties and counsel in court after the settlement conference, and enter appropriate orders.** If one of the parties refuses, without substantial justification, to sign the prepared order concurring with this agreement, after ten (10) days the court shall sign the order.

Proposed Modification to Rule 20.2

### **20.2 GOOD FAITH ATTEMPT AT INFORMAL RESOLUTION**

(b) Any financial declaration to be submitted at the trial shall be served on the opposing parties with the above-referenced written proposal for settlement. If the declarations filed before the settlement conference remain **current (i.e., valid within the preceding 90 days)** at this time, they need not be resubmitted.

Proposed Modification to Rule 20.3

### **20.3 TRIAL STATEMENT**

If the settlement conference statement remains current at this time (*i.e., valid within the preceding 90 days*), the information contained therein need not be resubmitted. It may be used in lieu of a trial statement. If a party's settlement conference statement is no longer current or requires supplementation, the party shall prepare, serve, and file a trial statement, the original of which shall be **filed** ~~submitted to the courtroom clerk~~ for review by the trial judge, five (5) court days prior to commencement of the trial. The statement shall contain proof of service on opposing counsel at least five (5) calendar days prior to the date set for trial. The statement shall include updates of all information that is no longer current in the settlement conference statement, in the following order:

**Proposed Modification to Rule 20.4, delete**

**Re-number 20.5 to 20.4**

**Proposed Modification to Rule 20.6 delete, redundant to Family Code 10004 et seq.**

## **Rule 21: General Juvenile**

**Proposed Modification to rule 21.3**

### **21.3 FILING OF PAPERS**

(a) All papers shall be accompanied by a proof of service, if applicable, and shall be filed on any applicable Judicial Council form.

(1) **New petitions charging minors not in custody shall be filed no later than four (4) court days prior to the minors appearance.**

(2) Jurisdictional and/or Dispositional reports shall be filed not later than noon on the third court day before the hearing.

(3) Dependency status review reports shall be filed not later than ten (10) calendar days before the hearing.

(4) All other reports shall be filed not later than noon on the third court day before the hearing.

(b) All reports and pleadings prepared by child welfare workers, probation officers, attorneys, parties, or others shall be timely filed and served as required by law or these rules. A party's failure to file a report or a pleading in a timely fashion may be grounds for contempt or other permissible sanctions. Detention reports and uncontested jurisdictional hearing reports are considered timely if filed on the day of such hearing.