YUBA COUNTY SUPERIOR COURT

LOCAL
RULES OF COURT

Effective January 1, 2026

LOCAL RULES OF COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA

Adoption and Applicability of Rules

The judges of Yuba County Superior Court have formally adopted Local Rules of Court effective January 1, 2026. Unless otherwise noted, rules are applicable to all cases including cases of limited jurisdiction.

Filing Instructions

These Local Rules supersede all other local rules previously adopted by Superior Court of Yuba County.

Availability of Local Rules

Copies of the Local Rules of Court of the Yuba County Superior Court have been filed with the Judicial Council and Clerk of the Court, in accordance with Rule 10.613 and Government Code Section 68071. Copies of the rules may be purchased from the Clerk of the Court 215 Fifth Street, Suite 200 Marysville, CA 95901.

Certification of Presiding Judge

I, Debra L. Givens, Presiding Judge of the Yuba County Superior Court, do hereby certify that this Court has complied with the applicable provisions of Rule of Court 10.613, California Rules of Court.

DATED: 9-30-2025

Hon. DEBRA L. GIVENS
Presiding Judge

HEATHER PUGH
Court Executive Officer

YUBA COUNTY SUPERIOR COURT
EFFECTIVE DATE OF LOCAL RULES
January 1, 2026

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2.7	DRESS POLICY	1/01/05
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3.1	UNLAWFUL DETAINERS	1/01/03
3.2	SETTLEMENTS AND SETTLEMENT CONFERENCES	7/01/07
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RULES OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA

GENERAL PROVISIONS

INTRODUCTION

The following Rules of Court, as adopted by Superior Court of California, County of Yuba, are intended to supplement and enhance the statutes and rules provided in the California statutes and the California Rules of Court. To the extent any of these rules may conflict with either statutory requirements or the California Rules of Court, the local rule is of no legal effect.

Unless otherwise indicated herein, the following shall have the meanings designated below:

Clerk	**Clerk of the Superior Court, County of Yuba**
Counsel	**The attorney who represents a party, or the party if appearing in propria persona**
County	**The County of Yuba**
Court	**Superior Court of California, County of Yuba**
CPS	**Yuba County Department of Child Protective Services**
CC	**California Civil Code**
CCP	**California Code of Civil Procedure**
CRC	**California Rules of Court**
EC	**California Evidence Code**
FC	**California Family Code**
Gov. Code	**California Government Code**
PnC	**California Penal Code**
PrC	**California Probate Code**
W&I	**California Welfare and Institutions Code**
YCROC	**Yuba County Rules of Court**
YCSC	**Yuba County Superior Court**
JC	**Judicial Council**

CHAPTER 1. ORGANIZATION OF THE COURT

1.0 PRESIDING JUDGE

The Presiding Judge shall serve for a two-year term, and shall be selected in even numbered years at the January judges' meeting.

Effective 7/1/99

1.1 JUDGES' MEETINGS

The judges shall hold meetings on such day as they may from time to time designate.

Effective 7/1/99; Amended 1/01/17

1.2 COURT EXECUTIVE OFFICER

The Court Executive Officer, under the direction of the Presiding Judge, shall administer, direct, and be responsible for all personnel who serve the Court in the following capacities:

Senior Attorney
Child Custody Recommending Counselors (I/II).
Court Fiscal Manager
Court Division Managers
Court Information Services Staff (Reports to Presiding Judge)
Senior Clerks
Administrative Analyst
Executive/Judicial Secretary
Court Clerks (I/II/III)
Legal Office Assistants

Any administrative officer that is related to the CEO by blood or marriage shall report to the Presiding Judge.

The functions defined herein were transferred from the County Clerk to the Superior Court effective September 1, 1989.

Effective 7/1/99, Amended 7/01/22

1.3 JUDICIAL DEPARTMENTS AND ASSIGNMENTS

Superior Court of California, County of Yuba's judicial officers serve in the following departments:

Department 1	Hon. Debra L. Givens
Department 2	Hon. Benjamin Z. Wirtschafter
Department 3	Hon. Julia Scrogin
Department 4	Hon. Stephen W. Berrier
Department 5	Hon. Melanie K. Bendorf
Department 6	Hon. Kim McBride-Pera, Family Support Commissioner

The following assignments are effective January 1, 2024:

Presiding Judge	Hon. Debra L. Givens
Presiding Judge, Appellate Division	Hon. Melanie K. Bendorf
Probate and Civil Law	Hon. Stephen W. Berrier
Case Management	Hon. Stephen W. Berrier

Family Law	Hon. Melanie K. Bendorf
Misdemeanor Trials	Hon. Benjamin Z. Wirtschafter
Criminal Law	Hon. Julia Scrogin & Benjamin Z. Wirtschafter
Juvenile Law/Guardianships	Hon. Debra L. Givens
Unlawful Detainer	Hon. Stephen W. Berrier
Felony Trials	Hon. Julia Scrogin
Traffic Court Trials	Hon. Benjamin Z. Wirtschafter
Family Support Commissioner	Hon. Kim McBride-Pera
Small Claims	Hon. Stephen W. Berrier
LPS Conservatorship	Hon. Stephen W. Berrier
Drug Court/Prop 36	Hon. Debra L. Givens

The presiding judge may from time to time issue general orders that certain classes of cases, or some or all cases filed in a particular division shall be automatically assigned to a particular judge for all purposes. Unless and until changed by such an order, all cases filed in the Civil Division of the Superior Court of California, County of Yuba are assigned to the Hon. Stephen W. Berrier for all purposes. Cases in the Civil Division already pending as of the effective date of these rules, and not otherwise already assigned are likewise assigned to the Hon. Stephen W. Berrier for all purposes. All cases filed in the Family Law Division of the Superior Court of California, County of Yuba are assigned the Hon. Melanie K. Bendorf for all purposes. All felony trials are hereby assigned to the Honorable Julia Scrogin for all purposes.

Amended 7/01/22; Amended 1/01/2023

CHAPTER 2. GENERAL

2.0 PAPERS

A. RETURN ENVELOPE

A self-addressed, stamped envelope must be provided for the return of endorsed-filed copies. Documents forwarded without a return envelope will be placed in a holding bin for a period of thirty- (30) days, after which time they will be discarded.

Effective 7/1/99, Amended 7/1/01; Former subds. A-F revoked, 1/1/03, 7/1/07, revoked subds. B, 1/1/24

2.1 PAYMENT OF FILING FEES

A. FILING FEE

Documents shall not be filed, received, or forwarded to the Judge for review unless the full, correct filing fee, or an approved application for waiver of fees, accompanies such document.

B. FEE WAIVERS

1. VERIFICATION OF INFORMATION PROVIDED IN APPLICATION

Superior Court of California, County of Yuba hereby authorizes the Court Collection Division, or his/her agents, to verify all information provided in the Application for Waiver of Court Fees and Costs (hereinafter called "Application"). Should erroneous information be discovered, penalties may be assessed and/or the documents filed thereunder may be stricken by the Court.

2. RECOVERY OF WAIVED FEES

At any time within three years after the Court has granted a litigant permission to proceed in forma pauperis, the Clerk or Court Collection Division may notify the Court of any change in financial condition, which may enable the litigant to pay all, or a portion of the fees and costs, which had been waived. The Court may authorize the Clerk or the Court Collection Division to require the litigant to appear before and be examined by the Court. The Court may then order the litigant to pay to the Court such sum and in such a manner as the Court deems appropriate given the litigant's ability to pay.

Amended 7/1/07; Amended 1/1/13;Amended 7/1/22

C. STIPULATION AND ORDER

The fee for filing a stipulation and order, regardless of the title of said document, is $20. Unless such fee accompanies the document(s) when presented, the documents will not be processed.

D. RETURNED CHECKS

Pursuant to CCP § 411.20 regarding a check which is returned without payment, the payor shall pay, in addition to reimbursement for the returned check, $25 insufficient check charge to Superior Court of California, County of Yuba in cash or cashier's check. If both the reimbursement and the insufficient check charge are not paid within said time limit, any papers covered by the returned check will be stricken from the Court's record.

Effective 7/1/99, Amended 7/1/01, 1/1/03

E. A Courtesy copy of all e-filed documents filed in connection with a law and motion matter in excess of 10 pages shall be submitted to the court within one court day after filing.

Effective 1/1/20; Amended 7/1/22

2.2 TIME FOR FILING PAPERS

A. MOTIONS IN LIMINE; TRIAL BRIEFS

1. CIVIL AND CRIMINAL

Motions in limine and trial briefs must be filed five (5) court days prior to the trial date or at such other time as the Court may order.

2. CIVIL JURY TRIALS

The parties will lodge joint jury instructions five (5) court days prior to the trial date or at such other time as the court may order. The joint instructions will include all instructions to be offered by any party. Any instructions on which the parties do not agree will be tabbed.

3. FAMILY LAW

Trial briefs must be filed five (5) court days prior to the trial/hearing date, with a courtesy copy provided for the trial judge.

B. FILING OF LATE MOTION PAPERS

Any document presented for filing on the day of the hearing shall be filed in the courtroom in addition to the Processing Counter.

Amended 7/1/07; 1/1/13, Former subds. 4, 4C revoked, Amended 1/1/24

2.3 CALENDARED MATTERS

A. CONTINUANCES

1. TRIALS, SETTLEMENT CONFERENCES, CASE MANAGEMENT CONFERENCES

This Court practices a firm continuance policy. Requests for continuances of settlement conferences, case management conferences, or trials, whether contested or uncontested, are to be requested with supporting declarations and proper filing fee. Motions for continuance shall be heard by the Department or Judge assigned to the case.

2. LAW AND MOTION MATTERS

Requests for continuances of Law and Motion matters shall be made as follows:

a. By written stipulation of the parties or counsel filed with the Court; or

b. By oral agreement of the parties, provided the requesting party files with the Court, prior to the date and time set for the hearing, written notification with proof of service to opposing party/counsel.

c. No law and motion matter will be continued more than twice without leave of court first obtained.

d. No continuance will be granted if requested less than five (5) court days prior to the date set for hearing absent a showing of good cause.

Amended 1/01/17

3. FEE FOR CONTINUANCE OF CALENDARED EVENT

The fee for continuance of any calendared event, which is continued at the request of a party, is $20. This fee is payable at the time the request is made, whether orally or in writing. If the request is made orally in open court, the Clerk's minutes shall reflect who made the request and whether the $20 fee was paid. If the $20 fee is not paid prior to the date of the continued event, the event will be dropped from the calendar, to be reset only upon the re-filing of all moving papers.

Superior Court of California, County of Yuba will not accept a portion of the $20 nor be responsible for collecting the balance from the other party. The entire $20 is due immediately upon the request being made.

B. EX PARTE APPLICATION/ORDER

1. SUBMITTING PLEADINGS AND/OR SCHEDULING HEARINGS

a. All ex parte matters shall be conducted in strict accordance with CRC, Rule 3.1200 et seq.

b. Except for matters for which no personal appearance is required per CRC, Rule 3.1207, the ex parte applicant, or his or her counsel shall contact the judicial secretary, (530) 740-1800, option 8 to arrange an appointment for presentation of the application no later than the time set for notice to the opposing party.

c. A courtesy copy of the ex parte request and all supporting documentation shall be provided to the Court by 2:00 p.m. on the day prior to the scheduled hearing.

d. Ex parte applications for Orders to Shorten Time will be considered only when accompanied by the proposed moving papers. Orders to Shorten Time will be filed only when the motion has been previously filed or is simultaneously filed.

e. Ex parte applications will be heard only after each party with papers to present has given them to the Court and other counsel who appear, and after both Court and counsel have had adequate time to review them. Therefore, whenever practicable, moving papers should be served on the affected party or that party's attorney by personal delivery, fax, express mail, or similar means before the hearing.

2. FILING FEE

The fee for processing an ex parte application is $40, if no hearing required $60 if hearing is required, which fee shall accompany the moving documents in addition to any other filing fee, which may be due (i.e., first paper filing, motion fee, etc.)

Effective 7/1/99, Amended 1/01/17, Amended 7/1/22

C. ATTORNEY FEES

1. ATTORNEY FEES IN CIVIL MATTERS

When the Clerk will enter Judgment for Attorney Fees:

Open Book Fees: If the complaint pleads a cause of action on Open Book Account for a debt owing by a natural person for goods, money or services, which were primarily for personal, family, or household purposes, the clerk, will enter a requested award of attorneys' fees of $960, or 25 percent of the obligation, whichever is less. For all other book accounts, attorneys fees will be $1200, or 25 percent of the obligation, whichever is less. CC § 1717.5(a). If, however, there is a written agreement between the parties signed by the party to be charged, open books fees will not be entered unless the agreement contains a statement that

the prevailing party in any action between the parties is entitled to fees provided by § 1717.5. Persons requesting that the clerk enter an award of open book fees must submit a declaration identifying the paragraph of the parties' agreement compliant to the requirements of § 1717.5. If the agreement is not appended to the complaint, it must be appended to the declaration.

All Other Cases: Because the Yuba County Superior Court does not have an attorney's fees schedule, the Clerk will not ministerially enter an award of attorneys' fees in any other circumstance. Rather, the Court will determine the amount of the reasonable fee. CCP § 585 (a).

When the Court will enter Judgment for Attorneys fees:

Contract/Statutory Fees: Because the Yuba County Superior Court does not have an attorneys fee schedule, in contract cases where the contact provides for attorneys fees to the prevailing party, or in cases where entitlement to fees is established by statute (excluding open book accounts.), application must be made for the Court to fix the amount of the reasonable fee. CCP § 585(a).

Sufficiency of Showing: A showing sufficient to support an award of attorney's fees must be verified by counsel, and must conform to the requirements enunciated in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49. Declarations which state a claim for fees with no itemization, or which otherwise present insufficient evidence for the court to make the so-called "lodestar" determination will be rejected.

Amended 1/01/17

2.4 LOCAL FORMS

A. PAYMENT OF CLAIMS

Any party submitting a claim for payment by the Court, whether for services rendered per court order or related expenses, must submit his/her claim upon the Superior Court of California General Claim form. The top half of the form must be completed by the claimant, dated and signed, and must include claimant's Social Security number and/or federal tax identification number. The completed form must be submitted to the Court Executive Officer or the Judge upon whose order the services were rendered.

B. PETITION TO ESTABLISH FACT OF MARRIAGE

A Petition to Establish Fact of Marriage shall be submitted in the form approved by this Court [YCSC Form FL03009], accompanied by local form *Notice of hearing re Petition to Establish Fact of Marriage* [YCSC FORM FL03010]. The filing fee is $435.

Effective 7/1/99, Amended 1/01/17, Subd (B) Amended & Relettered; Subd(C) Relettered effective 1/1/24

2.5 FACSIMILE FILINGS/FEES

A. COURT FAX NUMBERS

Documents shall be received for fax filing at (530) 740-1801.

B. FAX FILING FEE

The filing fee of facsimile filings is $20, plus $.50 per page, **in addition to** any other filing fee required (i.e., motion fee.) The fax filing fees must be paid no later than the business day after the transmission of the fax filing. If all charges and fees are not included when the original document is received by the Court, the original document shall not be filed.

The court accepts documents for fax filing in accordance with CRC 2.300 et seq. The court accepts fax filing both through a fax filing agency pursuant to CRC 2.303, and by direct fax filing pursuant to

CRC 2.304. The court accepts payment by credit card in accordance with CRC 2.304 (e). If the charge is rejected in accordance with CCP 411.20 the payor shall pay, in addition to the applicable filing fee(s), $25 charge payable to the Superior Court of California, County of Yuba in cash or cashier's check or by credit card. No papers will be filed until the fees and $25 have been received by the court.

Revised 7/1/11; Amended 1/1/13

2.6 PROHIBITION OF FIREARMS IN THE COURTROOM

The only individuals who may carry a weapon into a courtroom are: (1) the bailiff(s) providing courtroom security; (2) an individual described in PnC § 830.1(a); (3) State Traffic Officers in the employ of the California Highway Patrol, unless the individual is appearing as a party to the action before the Court.

Unless the individual is in uniform, any weapon must be worn in a fashion where it is not visible. An individual not in uniform who is authorized to carry a weapon pursuant to this rule shall notify the courtroom bailiff of the fact that he/she is armed.

Effective 7/1/99, Amended 1/1/05; Subd (2.8) renumbered effective 1/1/24

2.7 DRESS POLICY

All persons who appear in any courtroom shall dress appropriately. The bailiff on duty, under the supervision of the judges, shall have the authority to enforce this rule and prevent the public or any other person with inappropriate attire from entering the courtroom. Hats shall not be permitted unless worn for religious purposes. Shoes shall be worn. Shorts shall not be worn. Glasses with darkened lenses shall not be permitted except when prescribed or worn for medical reasons.

Effective 7/1/01, Amended 1/1/05; Subd (2.9) renumbered effective 1/1/24

2.8 COURT REPORTERS

A. Reported Proceedings

Notice is hereby given that Superior Court of California, County of Yuba does not routinely provide court reporters, except in proceedings involving LPS conservatorships, felony criminal and juvenile dependency and wardship, and other proceedings where the Court may be required by law on request to provide a transcript of proceedings. Parties who desire to have a court reporter present for any other proceedings must make their own arrangements with any reporting service they desire.

B. The court shall provide court reporters in accordance with Gov. Code §68086 and CRC 2.956.

C. Pursuant to CRC 5.123 Yuba County Superior Court does not regularly provide court reporters or electronic recording for requests for orders or motions in family law matters.

D. Parties may obtain a reporter for proceedings other than those listed in YCROC 2.10A, B and C by making their own arrangements with a court reporting service.

E. Court-provided court reporters in cases involving fee waiver litigants. Upon receipt of a timely request from a litigant who has been granted a fee waiver under Government Code section 68631 et seq., the Court shall provide a court reporter for any hearing or trial. Parties who have not been granted a fee waiver will be required to pay any applicable court reporter attendance fee, pursuant to Government Code 68086. A request for a court-provided court reporter is timely if it is made ten (10) or more court days before the hearing or trial is to be held. The request must be made by filing Local Court Form YCSC G19075.

F. Recording of proceedings, other than by an official court reporter, is prohibited, absent judicial permission.

Effective 7/1/99, Amended 1/01/20; Subd (2.10) renumbered effective 1/1/24

2.9 COURT INTERPRETERS

Interpreters are provided by the Court in actions where the Court is required to do so by law. In such cases, counsel shall notify the Court that an interpreter is required fourteen (14) days before the hearing or a shorter time upon a showing of good cause.

Effective 1/01/17; Subd (2.11) renumbered effective 1/1/24

2.10 SANCTIONS

Failure to comply with any provisions of the Local Rules may result in the imposition of sanctions pursuant to CCP § 575.2.

Effective 1/1/05; Subd (2.12) renumbered effective 1/1/24

2.11 RECORD REQUESTS

Records requests made pursuant to CRC 10.500 et., seq. must be made in writing and addressed to:

Heather Pugh, Court Executive Officer
215 5th Street, Suite 200
Marysville, CA 95901

Effective 7/1/22; Subd (2.13) renumbered effective 1/1/24

2.12 ELISORS

(a) Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized representative or designee may be appointed as an elisor to sign the document.

(b) When applying for the appointment of an elisor, the application and proposed order must designate "The Clerk of the Superior Court, County of Yuba Heather Pugh or the Clerk's Designee" as the elisor.

(c) An application for appointment of an elisor shall be made by filing an application and proposed order. The Application for Appointment of Elisor shall have as an attachment a sample copy of the document(s) to be signed by the elisor. The sample copy shall be highlighted in the location(s) where the elisor is to sign his/her name. Beneath the signature line(s) on the sample copy the moving party shall print the language being requested to identify the elisor's signature.

(d) The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.

(e) The proposed order shall clearly identify the document(s). A deed must state the type of deed (i.e. grant deed, interspousal transfer deed, etc.) Escrow documents must be listed separately (i.e. Escrow Instruction Dated, Disclosure Regarding Real Estate Agency Relationship, Hazards Report, etc.). The order shall describe the exact location(s) in the document(s) where the elisor is to sign and identify the name of the party for whom the elisor is signing.

(f) If the Court grants the application for appointment of an elisor, the Clerk's Office will arrange for a time for the actual signing of the documents. The appointed elisor has up to three (3) court days to complete the actual signing of the documents. Any exceptions to the three-day period shall be addressed on a case-by-case basis by the Court.

(g) If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s) in the event one is not available at the Court.

(e) A $50 fee is due and payable to the Superior Court State of California, County of Yuba.

Effective 7/01/22; Amended 7/1/22; Subd (2.14) renumbered effective 1/1/24

2.13. FUTURE CALENDAR DATES VACATED

When a case is removed to federal court or stayed in bankruptcy court, all future case management, trial setting, settlement conference, and trial dates are automatically vacated. The Case Management Conference Clerk will set a follow-up case management conference for six (6) months from the date of removal/stay for status purposes only. Counsel for plaintiff shall so notify the Court by submitting a photocopy of the endorsed-filed bankruptcy petition.

CHAPTER 3. CIVIL

3.0 CASE MANAGEMENT

A. NOTICE OF CASE MANAGEMENT CONFERENCE

A Notice of Case Management Conference [YCSC CV03014] must accompany all civil complaints.

Amended 7/1/07; Amended 1/1/13

B. IMPOSITION OF SANCTIONS FOR FAILURE TO APPEAR

Any counsel or party appearing in propria persona who fails to timely file the Case Management Conference Questionnaire to attend the conference or who fails to participate effectively in the conference shall be subject to the imposition of sanctions as provided in GC § 68608 (b), and CCP § 575.2.

Effective 1/1/17; Former subds. C,D, E revoked, Amended 1/1/24

3.1 UNLAWFUL DETAINERS

1. Unlawful detainer plaintiffs shall attach to the complaint as exhibits true and correct copies of the written rental/lease agreement, if any, and all statutory notices served on the defendant(s).

2. Requests for defaults in which it does not appear from the Request for Entry of Default form and documentation submitted therewith that there has been full compliance with all applicable statutory procedures for notice and service thereof shall be rejected by the clerk and the matter set for hearing.

Effective 7/1/99, Amended 7/1/01; Amended 1/1/03

3.2 SETTLEMENTS AND SETTLEMENT CONFERENCES

A. Whenever a civil case has settled, counsel shall immediately notify the Court in writing. If a hearing, conference or trial is imminent, notice must be given orally to the assigned department followed by a confirmation in writing. The writing must specify when all closing papers will be filed with the Court. If a case settles within five (5) calendar days of the trial date, counsel shall have on file a dismissal, stipulated judgment, or a conditional settlement or make an appearance at the time and place designated for trial to place the settlement on the record. If a case settles before that time, counsel shall:

(1) Immediately give written notice to the Court, and;

(2) File a request for dismissal, stipulated judgment, or conditional settlement within 45 calendar days of the written notice of settlement.
If a request for dismissal, stipulated judgment, or conditional settlement is not filed within 45 calendar days, an Order to Show Cause shall issue as to why sanctions should not be imposed. Responsive papers to the Order to Show Cause must be filed Five (5) court days in advance of the hearing. See CRC 3.1385.

B. SETTLEMENT CONFERENCES

At this conference the parties shall:

(1) Serve and file five (5) court days before the conference, a written statement of the facts, law and respective contentions of the parties.

(2) Have in attendance all principals or clients, including physicians in medical malpractice cases and claims representatives with full authority to settle the case unless excused in writing by the Judge assigned to hear the matter.

C. SANCTIONS

If the Court determines that a party has not proceeded with due diligence or has otherwise failed to comply with the rule, the Court may impose sanctions as set forth in CCP§575.2.

Effective 1/01/17

3.3 ALTERNATIVE DISPUTE RESOLUTION

The Court has a policy of encouraging use of Alternative Dispute Resolution in civil cases. The Court will refer selected cases for inclusion in the Court's Mediation Program. The Court also maintains a list of ADR neutrals who are available to perform ADR services.

Effective 7/1/01; Amended 1/1/03, 7/1/07; 1/01/10;1/01/24

3.4 REMOVAL TO FEDERAL COURT/BANKRUPTCY STAY

A. DUTY TO NOTIFY COURT

If the removal or stay is still in force thirty (30) days prior to the date set for the follow-up case management conference, counsel for plaintiff will so notify the Court and all other counsel in writing, and the follow-up case management conference will be continued by the Case Management Conference Clerk for an additional six (6) months.

Effective 7/1/99; Amended 1/1/03

3. 5 LAW and MOTION

A. TELEPHONIC APPEARANCE

Counsel or parties may make a telephonic appearance by serving on all other counsel and parties, and delivering (via fax or mail) to CourtCall LLC not less than five (5) court days prior to the hearing date, a Request for Telephonic Calendar Appearance. This service is provided through CourtCall at a cost to be determined by CourtCall per appearance for timely requests, payable directly to CourtCall, for the following calendars:

Probate (Mondays @ 9:00 a.m.)
Civil Law and Motion (Mondays @ 10:00 a.m.)
Case Management Conference (Mondays @ 1:30 p.m.)

Department 6 (Department of Child Support Services) hearings at 8:30 a.m., 10:00 a.m. and or 1:30 p.m. by completing judicial council Form FL679, 12 days prior to the hearing and obtaining court approval by submitting the completed from to Family Court Services.

Arrangements for such appearances may be made by calling CourtCall: 1-888-882-6878,
Fax: 1-888-883-2946.

Effective 1/01/20; Amended 1/01/24

B. REMOTE APPEARANCES

Parties and non-parties may appear remotely in accordance with CCP 367.75 and CRC 3.675.

Effective 1/01/24

C. TENTATIVE RULING

The Superior Court of California, County of Yuba adopts CRC Rule 3.1308 (a) (2) as the tentative ruling procedure in law and motion matters. At the time of promulgation of the amendments to this rule, the Court lacks the technical ability to institute the procedure herein authorized. When the Court is able to commence

use of this procedure, it will publicize the same for a period of thirty days before the procedure is implemented.

Effective 7/1/07; Amended 1/01/17; Former subds. C, D, E revoked, Amended 1/1/24

3.6 POLICY CONCERNING USE OF PRIVATE JUDGES

For purposes of this local rule, the term "private judge" includes any attorney or retired judge sitting as a temporary judge arranged privately between the parties to the litigation. A private judge hearing, trial, or proceeding is a hearing, trial, or proceeding in which all expenses are borne by the litigants.

A. STIPULATION MUST INCLUDE WAIVER OF CLERK'S MINUTES

Any stipulation for private judge must include a waiver of the necessity of clerk's minutes. The presiding judge will not approve or allow the filing of the private judge's consent or oath of office without the parties first having filed such a waiver.

B. DOCUMENTS TO BE FILED BY PRIVATE JUDGE

The private judge shall have the responsibility for the filing with the clerk of the court notices setting hearings, interim rulings, the statements of decision and final judgment and (where applicable) notices of any post trial proceedings.

Effective 7/1/01; Former subds. C revoked, Amended 1/1/24

3.7 COURTESY COPIES IN WRIT PROCEEDINGS

In actions under California Environmental Quality Act and all other writ proceedings, courtesy copies of all briefs shall be lodged with the clerk at the same time as filing thereof.

Effective 7/1/07

CHAPTER 4. PROBATE

4.0 GENERAL

A. PROBATE CALENDAR

The Probate Calendar is heard each Monday (Tuesday if Monday is a holiday) at 9:00 a.m. All probate matters will be calendared for hearing a minimum of fifteen (15) calendar days after filing.

The Guardianship Calendar is heard each Monday (Tuesday if Monday is a holiday) at 10:00 a.m.

B. SCHEDULED HEARING DATES

All matters shall be set for hearing initially by the Clerk upon the filing of the first petition. All subsequent documents, which are required to be filed prior to a hearing, e.g., proof of service, proof of publication, proof of subscribing witness, etc., shall bear the hearing date.

C. POSTED NOTICE

Notices requiring the Clerk's posting are to be completed on a Judicial Council form of notice of hearing, together with all necessary copies, and filed concurrently with the petition. Said notices shall be posted within the lobby of the Court Information Center.

D. PREPARATION OF ORDERS

Orders must be submitted to the Probate Division at the time the petition is filed. The hearing date shall be stated in the order.

Effective 1/01/17; Amended 1/01/24

E. COSTS OF INVESTIGATIONS

Court investigations will be conducted upon filing of a guardianship or conservatorship petition and at the time of each accounting. Charges will be assessed for each investigation and review pursuant to PrC § 1513.1, and shall be a lien on the estate until paid.

F. RECOVERY OF WAIVED FEES

Filing fees waived pursuant to CRC Rule 3.50 et seq and GC § 68633 are recoverable at the time of appointment of the guardian or conservator. If the guardian or conservator has the ability to reimburse the Court for waived fees, said fees shall be due and payable prior to the issuance of letters.

Amended 7/1/07

G. CONFIDENTIAL REPORTS

Any confidential report filed in a guardianship or conservatorship proceeding shall be filed as a separate document, shall contain the word **"CONFIDENTIAL"** in the caption, and shall be verified by the party presenting it.

Effective 7/1/99, Amended 7/1/01

4.1 APPOINTMENT OF EXECUTORS AND ADMINISTRATORS

A. ATTORNEYS FEES

Petitions, which include a request for statutory attorney's fees, must include a calculation of the manner in which the fee is calculated.

Amended 1/1/24

4.2 GUARDIANSHIPS OF MINORS

A. APPOINTMENT OF GUARDIAN OF MINOR

1. The attorney for petitioner (or petitioner if in propria persona) shall be responsible for the mailing of all required notices.

If there are no relatives within the second degree, the petition shall so allege. A copy of the petition shall accompany each notice of hearing.

2. All petitions for appointment shall be set for a hearing no sooner than 30 days after filing.

3. There shall be no ex parte appointment of a permanent guardian.

4. Petitions for guardianship shall contain an allegation as to whether or not the minor(s) has been or is a party to a civil action in which monetary damages are claimed. If the minor(s) is such a party, the file number of the action must be indicated, as well as the name of the county in which the case is pending.

B. ORDER APPOINTING INVESTIGATOR

Pursuant to PrC §§ 1513, et seq. and 1543, Superior Court of California, County of Yuba requires an investigation and report when a petition for guardianship is filed. The required form of *Order Appointing Investigator* [YCSC PR03003.]

Amended 7/1/07

C. NON-RELATIVE GUARDIANSHIP OF PERSON

If investigation is required pursuant to PrC § 1540, et seq., the petition for appointment of guardian shall be calendared a minimum of 45 days after filing in order to give the appropriate agency(ies) time within which to conduct the investigation.

D. EFFECT OF OTHER PROCEEDINGS

A guardianship of the person will not be granted by the Probate Court under any of the following circumstances:

1. Family Law Court has jurisdiction over custody of the proposed ward;

2. Adoption proceedings are pending; or

3. The minor is subject to the jurisdiction of the Juvenile Court.

Effective 7/1/99, Amended 7/1/01

4.3 CONSERVATORSHIPS

A. APPOINTMENT OF CONSERVATOR

1. The attorney for the petitioner (or the petitioner if in propria persona) shall be responsible for the mailing of all required notices. If there are no relatives within the second degree, the petition shall so allege. There shall be a separate proceeding for each person for whom the appointment of a conservator is sought. If there are relatives within the second degree whose whereabouts are alleged to be unknown, service upon any such relative at the county seat will be sufficient ONLY if a declaration is filed showing that reasonable efforts were made to locate such relatives.

2. All petitions for appointment shall be set for hearing no sooner than 45 days after filing.

B. PLACING PETITION ON CALENDAR

When a petition is filed, the Clerk shall set the same for hearing and upon presentation, issue the citation. If service of the citation is incomplete on the return date, it cannot be perfected by continuance and completion of service, except by issuance of an amended citation. In such circumstances, the original citation shall be filed showing no service.

C. TERMINATION OF CONSERVATORSHIP

1. A conservatorship may be terminated in the manner prescribed in PrC § 1860, et seq. Except in cases where the conservatee is deceased, a petition for termination of a conservatorship shall be set for hearing no sooner than 20 days after filing.

2. A petition for termination of conservatorship of a living person will not be granted unless the conservatee personally appears in court or is excused after the filing of a physician's affidavit or declaration setting forth the reasons why the conservatorship is no longer required.

Effective 7/1/99, Amended 7/1/01

CHAPTER 5. FAMILY LAW

5.0 HEARING AND TRIALS IN GENERAL

A. LAW AND MOTION CALENDAR

The Family Law and Motion Calendar is heard each Monday (Tuesday if Monday is a holiday) as follows:

9:00 a.m.	Pro Per Litigants
1:30 p.m.	Litigants Represented by Attorneys
2:00 p.m.	Minor's counsel appearances by juvenile court attorneys

Matters to be heard on the Family Law and Motion Calendar shall include the following: Request for Orders, motions relating to enforcement or modification, and all other motions preliminary to trial.

B. EX PARTE APPLICATIONS (FAMILY LAW/DOMESTIC VIOLENCE)

1. All ex-parte matters shall be conducted in strict accordance with CRC, rule 3.1200 et seq.

2. The ex-parte applicant, or his or her counsel shall contact the family law window clerk to arrange an appointment for presentation of the application no later than the time set for notice to the opposing party. All ex parte applications must be submitted no later than 2:00 p.m. on the court date prior to the date set for hearing.

3. Any party seeking emergency orders ex-parte shall at the onset complete and file a Request for Waiver of Notice with Declaration in Support Thereof (Non-Domestic Violence) (YCSC FL14076). If the Court denies the request to waive notice, then notice must be given as outlined in CRC, rule 5.165. (YCSC FL14077).

4. Any proof of service of the notice of the ex-parte hearing shall be filed no later than 12 noon on the date of the ex parte hearing at the family law clerk's window.

5. A courtesy copy of the ex parte request and all supporting documentation shall be provided to the family law window clerk no later than 10:00 a.m. on the date of the scheduled hearing.

6. Any responsive declarations shall be lodged in the court file until the ex parte hearing.

Effective 01/01/17; Amended 1/1/20; Revised 7/1/22

C. MATTERS EXCEEDING 15 MINUTES; SPECIAL SETTING

Hearings on the Law and Motion Calendar are limited to fifteen (15) minutes and are subject to further time limitations to accommodate the Court's calendar. 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 set the matter on its long cause calendar, or make such other order as may be appropriate under the circumstances.

D. FINANCIAL DECLARATIONS

In all matters in which the filing of an *Income and Expense Declaration* [JC FL150] or Financial Statement is required, the moving party shall file the *Income and Expense Declaration* [JC FL150], or Financial Statement with the papers seeking relief, and the opposing party shall file the *Income and Expense* Declaration with the responsive papers.

Effective 7/1/07; Amended 7/1/22

E. MEET AND CONFER REQUIREMENT

No case set for long cause hearing or trial in the Family Law Department will be heard unless and until counsel, with their respective clients either physically present or immediately physically available, have met and conferred in a good faith effort to resolve all issues. All relevant documents shall be exchanged by counsel while conferring, absent good cause to the contrary. Failure to meet and confer may result in the matter being dropped from the calendar or continued, or rejection of documents not so exchanged, or other appropriate sanctions pursuant to these rules.

Effective 7/1/99, Amended 01/1/03

F. REMOTE APPEARANCES (FAMILY LAW MATTERS)

Counsel or self-represented litigants may make a remote appearances for matters calendared for law and motion calendar (Mondays at 9:00 a.m., 10:30 a.m., 1:30 p.m., 2:00 p.m.) and are responsible for making their own arrangement for this service. Courtcall arrangements must be made no later than Thursday, noon, the week prior to the scheduled proceeding. Courtcall LLC's contact information is: 1-888-882-6878; FAX: 1-888-883-2946. Counsel or the party arranging for the Courtcall is responsible for any costs associated with the Courtcall appearance. Counsel or the party pays these costs directly to Courtcall, LLC. Information regarding courtroom remote appearance login, at no cost, may be obtained by contacting Family Court Services.
Counsel, self-represented litigants, and witnesses must personally appear for long cause hearing/trials unless the parties stipulate otherwise or unless the court grants a party's request for a remote appearance. Any request for a remote appearance at a long cause hearing/trial must be in accordance with CCP 367.75 and CA Rule of Court 3.672.

Effective 7/01/07; Amended 1/01/10; 1/1/13; Revised 1/01/20; Revised 7/1/22

5.1 CHILD CUSTODY RECOMMENDING COUNSELING

A. SCOPE OF RULE

All proceedings relating to the custody or visitation of children shall be governed by FC § 3160, et seq., and the following rules. "Mediation," as used in these rules, means Orientation and/or Child Custody Recommending Counseling.

B. GOOD FAITH EFFORT

Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any court hearing.

C. GENERALLY

All cases involving custody and/or visitation issues will be subject to mediation, and the parties will be required to appear for mediation before any hearing date.

D. SCHEDULING OF INITIAL CHILD CUSTODY RECOMMENDING COUNSELING SESSIONS

Any party residing over 100 miles from the Court may with permission of the Court complete an investigation packet prior to mediation with the packet to be returned to FCS prior to the scheduled mediation.

Mediation may be completed remotely as scheduled by FCS. Parties must complete orientation prior to mediation or mediation will be cancelled. If the parties have attended orientation within two years prior to filing the motion currently at issue, the parties may proceed directly to mediation without attending orientation.

Amended 1/01/24

E. SETTLEMENT REACHED

If the parties are in agreement as to custody and visitation issues, no pending Mediation date(s) will be vacated unless an executed stipulation has been approved by the Court.

F. PRIVACY OF CHILD CUSTODY RECOMMENDING COUNSELING SESSION; RECOMMENDATIONS

All mediation proceedings shall be held in private, with only the parties and the Counselor present. Absent permission of the Court, attorneys for parties are not permitted to attend sessions. Counsel for the minor children may attend sessions with permission of all parties.

If agreement is not reached, the Counselor will provide a written report to the Court containing the Counselor's opinion and recommendations as to what parenting plan would provide for the best interests of the minor(s). The Counselor shall provide the court with written statements of the parties' positions; results of any investigation that has been

conducted; summaries of statements taken by the Counselor; and the evidence upon which the Counselor is relying in forming his/her opinion as to what custody and visitation arrangement would provide for the best interests of the minor child(ren). This report shall be made available to the parties as soon thereafter as practicable, per FC 3186, subd. (a).

Effective 7/1/99, Amended 7/1/07; Revised 7/1/22;

G. CHILD ABUSE AND/OR THREATS; CHILD AT RISK

All communications with the Counselor are confidential; however, required confidentiality does not limit reports of known or suspected child abuse, nor is the Counselor prevented from disclosing information involving a person who threatens injury or harm to the intended victim(s) and/or their property.

In the event that factual information comes to the attention of the Counselor to the effect that the minor(s) is or may be at risk, the Counselor will so notify the Court in writing. However, the Counselor will make no recommendation based on such information.

H. DOMESTIC VIOLENCE

In mediating cases with domestic violence allegations, special guidelines will be followed and the parties may be interviewed separately. The battered spouse may, if requested, be accompanied in the mediation session by a support person who does not participate in the session. After both parties have been interviewed separately, they may be brought together only if both parties and the Counselor determine it to be safe for the victim.

If the domestic violence is disclosed in a regular mediation session where there was no prior indication, or if intimidation of one spouse by the other becomes apparent to the Counselor, the parties may be separated and interviewed individually.

The Counselor will report to the Court on the existence of circumstances described in FC § 4320 (i).

I. COUNSELOR'S RECOMMENDATION FOR INVESTIGATION/EVALUATION

At any time during the mediation process, the Counselor may recommend to the Court that (a) an investigation and report be made pursuant to FC § 3110, et seq., (b) a referral be made pursuant to EC § 730, or (c) independent counsel be appointed for the child(ren) pursuant to FC § 3150.

J. TEMPORARY ORDERS PENDING MEDIATION

While the mediation process is ongoing, the Court may make temporary orders concerning custody and visitation until the mediation process is completed.

K. PEREMPTORY CHALLENGE

Counselors and other staff members and employees of the Court, with the exception of Court Investigators, are not subject to peremptory challenge by the parties or their attorneys.

L. NO TESTIMONY

If mediation is unsuccessful, the Counselor shall not be subject to being subpoenaed to testify in Court on the law and motion calendar, absent permission of Court.
However, the Counselor may be subpoenaed to testify in Court subject to compliance with Gov. Code §68097.1, et seq. and upon five (5) court days' notice to the Counselor and Family Court Services unless good cause is shown to shorten notice.

Effective 7/1/07; Amended 1/1/13

M. CONFIDENTIALITY OF REPORT

In any proceeding involving custody or visitation of minor children, any written report or recommendation from the Counselor, an investigator, or any person appointed by the Court to render a report shall be confidential and unavailable to any persons except the Court and court staff, the parties or attorney(s) of record for parties, and any persons to whom the Court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of it nor disclose its contents to any child who is the subject of the report.

Upon completion of the hearing or upon settlement of the matter, all reports shall be placed in the confidential portion of the Court file.

N. FILING OF AGREEMENT

If the parties reach agreement on a Parenting Plan, the original Plan shall be presented to the Court. The Court shall review the Plan. Subject to the Court's approval, whether as reflected upon the clerk's minutes or by Order After Hearing, the Plan shall become the order of the Court and shall be filed in the Court file. The Plan shall not be treated as confidential in nature.

O. GRIEVANCES

Grievances relating to mediation services, investigator and facilitator shall be presented to the Director of Family Court Services. *Complaint Form* [YCSC G05051]

P. REQUESTS TO CHANGE MEDIATORS

Requests to change mediators shall be addressed to the Family Law Facilitator.

Effective 7/1/99, Amended 1/01/03, 7/1/07; 1/01/17

5.2 EVALUATIONS

A. PURPOSE AND INTENT

It is the Court's intent to establish principles and standards to provide each family and the Court with accurate, comprehensive, and constructive information regarding the best interest of the child in a way that promotes understanding and cooperation within the family, and to adopt the best possible plan relating to duties and responsibilities of parents in raising their children. When the care and upbringing of a child are contested issues, the quality, and conduct of an evaluation is of the utmost importance for the well-being of the child and for society at large. Whenever possible and appropriate, multiple examinations of the child by different examiners shall be avoided.

B. COURT-ORDERED EVALUATIONS

1. All custody evaluations must comply with California Rules of Court 5.220 et. seq.

2. The court may appoint an evaluator under Evidence Code section 730 or Family Code section 3110.

3. Evaluators must meet the education, experience and training standards set forth in Family Code section 3110.5, California Rule of Court 5.225, and 5.230.

4. No peremptory challenge to a Court-appointed evaluator is allowed.

5. Evaluators may petition to withdraw from a case by submitting a request in writing to the court and mailing copies to counsel for the parties, or to the parties if they are unrepresented. The request shall include the reason for the request and a status report on any action taken by the evaluator appointed to the case.

6. Grievances in connection with court-ordered evaluations shall be presented, in writing, to the Court within five (5) days of the receipt of the report and such grievances shall be addressed at the scheduled custody hearing. Complaint Form [YCSC G05048].

7. Ex parte Communication

a. In the absence of a stipulation, ex parte communications by the attorneys with the evaluator are prohibited, except to schedule appointments. After the first appointment, no party or attorney for a party may initiate one-sided contact with the evaluator. The evaluator may contact the parties at any time.

b. An attorney for a party or minor's counsel must not provide the evaluator with documents or unsolicited comments pertaining to the case, without first providing the other side and minor's counsel, if any, with a copy of those documents at least 72 hours in advance, plus an additional five (5) days for mailing so that any objections to submission may be addressed. After 72 hours from receipt has elapsed, unsolicited comments may only be presented by the scheduling of a conference call involving all parties.

c. The evaluator may initiate an ex parte communication with the Family Court Services Director to

obtain copies of the court file, any previous reports, or investigations, and to obtain necessary addresses.

8. A copy of the appointment of the evaluator under Evidence Code section 730 will be made available to the court assigned evaluator. A court ordered evaluation may be limited in scope to the issues identified by the court.

9. The court will order payment of the evaluation at the time of the appointment.

C. UNAUTHORIZED REMOVAL OF REPORT

Unauthorized removal of the evaluator's report from the Court file or the jurisdiction of the Court is a felony [GC § 6200, et seq.]

D. TESTIMONY OF EVALUATOR

The Evaluator must receive a subpoena at least five (5) court days prior to the hearing or trial, unless good cause is shown.

Effective 1/1/13

E. LIST OF QUALIFIED EVALUATORS

The Court will ensure information is posted in Family Court Services which serves family law litigants, regarding how to find qualified evaluators in the jurisdiction.

Effective 7/01/17

Amended 1/1/24

5.3 INVESTIGATIONS

A. PURPOSE AND INTENT

The Court orders investigations to assist it in determining the health, safety, welfare, and best interests of children with respect to disputed custody and visitation issues.

B. COURT-ORDERED INVESTIGATIONS

All investigators shall meet the requirements of CRC, **r**ule 5.225.

C. PEREMPTORY CHALLENGE

Peremptory challenges to an investigator appointed by the Court shall not be permitted.

D. INVESTIGATION REPORT/CONFIDENTIALITY

The Court shall establish a specific date the investigator shall return the Child Custody Investigation report to the Court, which shall be not less than ten (10) days prior to hearing. The date may be extended by order of the Court or by written agreement of the parties with Court approval.

Partial **i**nvestigation reports shall be provided to the parties at the time designated by the Court.

Upon reaching an agreement regarding child custody and visitation in mediation, a copy of the Mediated Agreement, signed by all parties and the Counselor, shall be provided to the parties before leaving mediation.

For “Same Day Mediations,” where the parties have requested mediation on the same day as any court appearance, any resulting Child Custody Recommendation report generated by the Counselor shall be provided to the Court, counsel and the litigants, prior to the commencement of the hearing. If the parties have reached an agreement in mediation, they will be provided with a copy of the Mediated Agreement, signed by all parties and the Counselor, prior to leaving mediation.

All Child Custody Investigation reports and Child Custody Recommendations of the Counselor shall be in writing and shall be admissible into evidence subject to cross-examination and motions to strike. The report shall be distributed to the Court and the parties or their counsel of record, and shall not be distributed to minor children, except upon a showing of good cause. The report and information contained in the report shall be used only in the legal proceedings and for no other purpose. Upon completion of the hearing or upon settlement of the matter, all reports shall be placed in the confidential portion of the Court file.

E. UNAUTHORIZED REMOVAL OF REPORT

Unauthorized removal of the investigator's report from the Court file or the jurisdiction of the Court is a felony [GC § 6200, et seq.]

F. TESTIMONY OF INVESTIGATOR

The Investigator must receive a subpoena at least five (5) court days prior to the hearing or trial, unless good cause is shown.

G. GRIEVANCES

Grievances in connection with court-ordered investigations shall be presented, via *Complaint,* (Local Form Number FL05048 in writing, to the Court Executive Officer within five (5) days of receipt of the report.

Effective 1/1/03, Amended 7/1/07; 1/1/13

5.4 COURT APPOINTED COUNSEL FOR CHILD

Complaints regarding the performance of a court-appointed counsel for a child shall be in writing and addressed to the Court Executive Officer. The Court Executive Officer of his/her designee, will investigate, evaluate and respond to the complaint in due course.

Effective 1/01/17; Amended 1/01/20

5.5 PENALTY

A. Any party who has received reasonable notice of and fails to attend and complete orientation without good cause or who cancels within 48 hours of the appointment shall be assessed a $50 monetary penalty for the first violation. The court may assess a $100 monetary penalty for each subsequent failure. The court may order additional sanctions.

B. Any party who has received reasonable notice of and fails to attend and complete mediation (child custody recommended counseling) without good cause or who cancels within 48 hours of the appointment shall be assessed a $50 monetary penalty for the first violation. The court may assess a $100 monetary penalty for each subsequent failure. The court may order additional sanctions.

C. Any party who has received reasonable notice and fails to comply with any court-ordered drug test shall be assessed a $50 monetary penalty for the first violation and may be assesses an additional $100 monetary penalty for each subsequent failure. The court may order additional sanctions.

D. Any party who fails to sign releases of information necessary for FCS investigations/evaluation shall be assessed a fee of $50 for the first failure, $100 for the second and any subsequent failures. The court may order additional sanctions.

E. Any party who fails to timely complete investigative packets without good cause shall be subject to a $50 monetary penalty for the first failure and $100 for any additional failures. The court may order additional sanctions.

F. Any party who fails to timely report to Yuba County Court Collections when ordered to do so without good cause shall be subject to a $50 monetary penalty for the first failure and $100 for any additional failures. The court may order additional sanctions.

Effective 1/1/13 Revised 7/01/14

5.6 STIPULATION MODIFYING EXISTING ORDER

In any family matter in which a modification of an existing order is sought by stipulation, the stipulation must be signed by both parties and their respective attorneys, if represented by counsel, and minor's counsel, if minor's counsel has been appointed. The stipulation shall then be presented to the court.(YCSC FL077060; YCSC FL10070)

Effective 7/1/99; Amended 1/1/13; 7/01/14

5.7 UNCONTESTED TRIALS-DOCUMENTS REQUIRED

If the Court determines that an uncontested matter is to be set for hearing, the following documents shall be filed:

A. Either (1) a Request to Enter Default and supporting declaration in the form prescribed by the Judicial Council or (2) an executed written stipulation that the matter may be treated on an uncontested basis; and

B. Current Income and Expense Declaration and Property Declaration forms, completed as prescribed by the Judicial Council, infra, unless excused by FC § 2330.5.

Effective 1/1/95

C. At the hearing of the uncontested matter, counsel shall provide to the Judge the original of the proposed judgment, including any marital settlement agreement. In the event of a stipulated judgment, the stipulation must be signed by both parties and their respective attorneys, if represented by counsel. At the option of counsel, blank spaces may be left for insertion of the amount of child and spousal support.

Effective 7/1/99

5.8 CONTESTED TRIALS

A. STATEMENT OF ISSUES, CONTENTIONS, AND PROPOSED DISPOSITION OF THE CASE

1. Where a matter is set for contested trial/hearing, either short or long cause, both parties shall file and serve at least five (5) court days prior to the trial/long cause date, the following:
   a. A statement of the issues (disputed and undisputed), contentions, and proposed disposition of the case.
   b. A current income and expense declaration, if either support or attorney's fees are at-issue.
   c. An updated statement of assets and debts, if additional assets or debts have been discovered.
   d. A witness list in which counsel may utilize the non-mandatory JC form FL-321, specifying for each witness, his/her name, address, contact telephone number, and a brief summary of the witness' expected testimony. Only disclosed witnesses will be permitted to testify at trial, except for rebuttal witnesses or for good cause shown.
   e. A list of Exhibits with legible copies to be exchanged with opposing counsel. Only disclosed exhibits will be permitted to be offered at trial, except for good cause shown.
   f. Supporting documentation regarding any request for a needs-based award of attorney's fees, including, but not limited to billing/statements.
2. A Failure to do so by both sides may result in the matter being dropped from the trial or settlement conference calendar.
3. Failure by one party may allow the complying party to continue the cause and/or sanctions to be imposed, as permitted by law;
4. Failure of any party to specify an issue in dispute in a statement of issues may result in an issue sanction (no evidence may be presented relating to omitted issues) or other sanction at the hearing or trial.

Effective 7/1/99 Amended 1/1/07 Revised 7/01/14; Revised 1/01/24

B. TRIAL BRIEF AND REPLY BRIEF

Trial and reply briefs shall include a full and complete statement of property and income and expenses, and shall set forth the following information in the following order, as it applies to the party filing, except as hereafter provided:

1. SEPARATE PROPERTY

List each item of separate property, the year it was acquired, the basis upon which it is claimed as separate rather than community property, the current market value, the nature, extent and terms of payment of any encumbrance against the property, and manner in which title thereto is presently vested, and the relevant title data.

2. COMMUNITY PROPERTY

List each item of community property, the year it was acquired, the basis upon which it is claimed as community rather than separate property, the current market value, the nature, extent and terms of payment of any encumbrance against the property, the manner in which title thereto is presently vested, and the record title data.

3. FUNDS HELD BY OTHERS

To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing or other trust or retirement funds, the statement shall fully identify the policy or fund, including policy, serial or account numbers, the present values and basis for calculations and all terms or conditions imposed upon withdrawal of such funds. If any loans exist against any of these funds, details regarding those loans should be set forth.

4. TRACING

If a segregation of community property and separate property interests in a single asset is to be an issue in the case, the statement shall set forth in detail, with dates, values, and dollar amounts, the transactions relevant to the tracing issue, as well as the basis for computation or proration.

5. CURRENT OBLIGATIONS

Separately list all debts and obligations of the spouses, which are liabilities of the community and, so far as known, debts, and obligations, which are alleged to be the separate liabilities of the respective spouses. Specify the identity of the creditor, the purpose for which the debt was incurred, the balance currently due thereon, the terms of payment and the security, if any, held by the creditor.

6. CURRENT INCOME AND EXPENSE

Specify and set forth current income and expenses by completing and filing the form adopted for mandatory use, Judicial Council of California, Form FL-150 prescribed by CRC, rule 5.112.1. Previously-filed Income and Expense Declarations shall not be considered as compliance with this requirement.

7. PROPOSAL FOR PROPERTY DIVISION AND SUPPORT

Set forth a proposed equal division of community property of the parties, giving due consideration to the liabilities, costs and attorney's fees. In addition, specify each party's contentions as to child custody and visitation, and as to amount and duration of child and spousal support.

Effective 7/1/99

C. EVIDENCE

The court does not receive telephones or computers into evidence. If a party wishes to submit evidence obtained from an electronic device it must be printed out, in the case of text messages or social media texts, or copied onto a flash drive for receipt into evidence, after proper authentication. The parties must comply with applicable evidentiary and discovery statutes and the applicable Rules of Court**.**

Effective 7/01/14

5.9 CONTINUANCES

Continuances for Family law by stipulation shall be submitted at least two court days prior to the scheduled Court trial/hearing (YCSC FL12069) submitted to the Court for its Order approving or denying the continuance. A continuance fee of $20 shall be paid to the Court Clerk's office at the time of filing.

Amended 1/01/24

5.10 STEPPARENT VISITATION

Pursuant to FC § 3101, a stepparent may petition for visitation utilizing local forms: *Petition for Stepparent Visitation and Notice of Hearing re Petition for Stepparent Visitation (*Local Form Number FL03013**).** Pursuant to CRC, rule 5.24 a stepparent or grandparent must also file a request for joinder and serve summons on joinder if the petition is filed in a dissolution proceeding.

Effective 7/1/99, Amended 7/1/07; 1/1/13

5.11 GRANDPARENT VISITATION

Pursuant to FC § 3103, a grandparent may petition for visitation utilizing local forms: *Petition for Grandparent Visitation (Dissolution Action Filed), and Notice of Hearing and Petition for Grandparent Visitation (No Dissolution Action Filed) and Notice of Hearing (*Local Form Numbers FL03014, FL03015). Pursuant to CRC, rule 5.24, a stepparent or grandparent must also file a request for joinder and serve summons on joinder if the petition is filed in a dissolution proceeding.

Effective 7/1/99, Amended 7/1/07; 1/1/13

5.12 FAMILY LAW FACILITATOR

As required by the Family Law Facilitator Act, FC § 10000, et seq. this Court maintains an Office of the Family Law Facilitator. Pursuant to FC § 10005, this Court may designate certain additional duties of the Family Law Facilitator.

Effective 7/1/01; Amended 1/1/13

5.13 COMMUNICATIONS REGARDING CRIMINAL PROTECTIVE ORDERS AND CHILD CUSTODY/VISITATION ORDERS

Courts issuing criminal protective orders shall make reasonable efforts to determine whether any child custody, visitation order or domestic violence order exist that involve any party to the pending criminal action. Court staff shall, at a minimum, check reasonably available resources to determine such information. Courts issuing orders involving child custody or visitation shall make reasonable efforts to determine whether a criminal court protective order exists that involves any party to the pending civil action. Court staff shall, at a minimum, check reasonably available resources to determine such information. A court that has issued a criminal protective order may, after consultation with a court that has issued a subsequent child custody or visitation order, modify the criminal protective order to allow or restrict contact between the person restrained by the order and his or her children and also modify the domestic violence restraining order regarding issues not previously addressed.

Effective 1/01/17

CHAPTER 6. CRIMINAL LAW

6.0 TRIAL READINESS CONFERENCE

A Trial Readiness conference shall be set prior to the scheduled trial date. It is the standing order of the Court that trial counsel shall appear at the conference, and shall be prepared to meaningfully participate to accurately represent the status of trial readiness, including but not limited to witness availability, counsel's scheduling problems, and any other matters which could impact the ability of the case to commence trial as scheduled. It is the further standing order of the Court that if, due to the counsel's unavailability, any other attorney appears on behalf of counsel at the conference, trial counsel will ensure that the attorney appearing on his or her behalf is prepared to meaningfully participate in the conference as required by this rule, and any attorney so appearing on behalf of trial counsel shall be under an affirmative duty to so acquaint him or herself with the case so as to be able to meaningfully participate. "Meaningfully Participate," as used in this rule, expressly means possessing full authority to dispose of the case.

Effective 7/1/07

6.1 DISCOVERY

Discovery in criminal actions is reciprocal in nature and is governed by PnC §§ 1054 through 1054.9. There shall be a standing order in each criminal action requiring all parties and their attorneys to comply with PnC §§ 1054-1054.9. The order is deemed to have been made and communicated to all counsel at the time of arraignment.

Before a party may seek court enforcement of any of the disclosures required by law, the party shall make an informal request of opposing counsel for the desired materials and information in the manner required by Penal Code section 1054.5(b). Failure to make such request shall be grounds for denial of a discovery motion. Informal requests should be presented to opposing counsel in writing.

Motions for discovery shall be focused upon specific items, which remain in dispute after presentation of informal requests. "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the disputed issues.

Effective 1/1/05, Amended 7/1/07; Amended 1/01/10

6.2 CONTINUANCES

No matters will be continued, even by stipulation of the parties, except with the approval of the Court for good cause shown. Compliance with PnC § 1050 is required unless excused by the Court.

Effective 1/1/05, Amended 7/1/07

6.3 JURY INSTRUCTIONS

The People and the defense shall, in each case, lodge copies of proposed jury instructions with the clerk no later than the swearing of the jury. Compliance with this procedure is without prejudice to later requests to add or withdraw proposed instructions.

Effective 7/1/07;

6.4 BRIEFS

Briefs shall not exceed 18 pages without leave of Court.

Effective 7/1/22

6.5 EVIDENCE AT VEHICLE INFRACTION TRIALS

Pursuant to VC § 40901, at the trial of any alleged infraction involving violation of the Vehicle Code or any local ordinance enacted pursuant to the Vehicle Code testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to § 40500 of the VC and, notwithstanding Division 10, commencing with § 1200 of the EC, a business record or receipt.

Effective 7/1/07

6.6 LODGING OF SPEED SURVEY EVIDENCE

Insofar as the prosecution has the burden as part of its prima facie case of establishing that the evidence at trial is not based on a speed trap (*People v. Peterson* (1986) 181 Cal.App.3d.Supp.7, 8) the Clerk will make available a place for the lodging of certified copies of traffic surveys. This arrangement is an accommodation only, and ensuring that the lodged surveys are current is not the responsibility of the Court.

Effective 7/1/07

CHAPTER 7. JUVENILE

7.0 JUVENILE LAW DEPARTMENT CALENDAR

(a) COMPETENCY REQUIREMENT

Absent a knowing and intelligent waiver by the represented party, all attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules CRC 5.660(d). Except as specified, these local rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party in a juvenile dependency proceeding.

(b) SCREENING AND CERTIFICATION

(i). Any attorney appointed by the court in a dependency matter must complete and submit to the court a Certification of Competence on Local Form JV03003 within 10 days of his or her first appointment.

(ii) Attorneys who meet minimum standards of training and/or experience as set forth in these rules, as demonstrated by the information contained in the Certification of Competence submitted to the court, shall be deemed competent for appointment by the juvenile court in dependency cases except as provided in subdivision (b)(ii) of the Rule.

(iii). Notwithstanding the submission of a Certificate of Competence demonstrating the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency proceeding, that a particular attorney does not meet the minimum competency standards. In such case, the court shall proceed as set forth in YCROC.

(iv) In the case of an attorney who maintains his or her principal office in a California county other that Yuba County, proof of certification by the juvenile court of the county in which the attorney maintains an office shall be sufficient evidence of competence to be appointed to represent a child or party in a juvenile proceeding in Yuba County.

(v) Any attorney appearing before the court in a dependency matter must disclose if he/she does not meet the competency requirement set forth in these rules and CRC 5.660(d). The court may, in its discretion, require evidence of competency at any time.

(c). MINIMUM STANDARDS OF EDUCATION AND TRAINING

(i) Each attorney appearing in a dependency matter before the juvenile court must meet one of the following requirement:

A. Has completed the minimum training and education required by CRC 5.660 (d); or

B. Has sufficient recent experience in dependency proceeding in which the attorney has demonstrated competence. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

(ii) Every three years, attorneys who meet the education or experience requirements set forth in subsection (c)(i) must complete at least eight (8) hours of continuing education related to dependency. Attorneys appointed by the court to represent parties in juvenile dependency proceedings must submit a new Certification of Competence to the court. If an appointed attorney fails to submit a new Certification of Competence demonstrating compliance with the continuing education requirement, the court shall notify the attorney the he or she will be decertified.

Said attorney shall have 20 days from the date of the mailing of the notice to submit evidence of his or her

completion of the required education. If the appointed attorney fails to submit the required evidence or fails to complete the required minimum hours of continued training or education, the court may order that certified counsel or counsel compliant with this Rule be substituted for the attorney.

(d). STANDARDS OF REPRESENTATION

All attorneys appearing in juvenile dependency proceedings must meet the minimum standards of representation set forth in CRC 5.660(d).

(e) ATTORNEY CONTACT INFORMATION

All attorney's representing children in dependency proceedings shall provide their contact information as required by CRC 5.660 (d)(5).

(f). ATTORNEY CASELOAD

An attorney representing a child in a dependency proceeding must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317 (e) and CRC 5.660, and meet the requirements of CRC 5.660 (d)(3)-(5).

(g) PROCEDURES FOR REVIEWING AND RESOLVING COMPLAINTS

Any party's complaint regarding his or her appointed attorney must be in writing and addressed to the Court Executive Officer. A complaint may be lodged on a child's behalf by a social worker, caretaker, relative, or foster parent. Complaints shall be as specific as possible in describing what the attorney did or did not do. The Court Executive Officer or his/her designee, will investigate, evaluate and respond to the complaint in due course. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law.

(h) PROCEDURES FOR INFORMING THE COURT OF THE INTEREST OF A DEPENDENT CHILD

(i) At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right that needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have such a right or interest, counsel for the minor shall notify the court as soon as reasonably possible.

(ii) Notice may be given by the filing and service on all parties of a declaration. The person giving notice shall set forth the nature of the interest or right that needs to be protected or pursued, the name and address, if known, or the administrative agency or judicial forum in which the right or interest may be affected, and the nature of the proceeding being contemplated or conducted there.

(iii) If the person filing the notice is the attorney for the child, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of guardian ad litem may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interest, and whether further investigation may be necessary.

(iv) If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.

(v) If the court determines that further action on behalf of the child is required, the court shall do one or more of the following:

(A) Authorize the child's attorney to pursue the matter on the child's behalf;

(B) Appoint an attorney for the child if the child is unrepresented;

(C) Notice a joinder hearing pursuant to Welfare and Institutions Code section 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duty with respect to the child;

(D) Appoint a guardian ad litem for the child for the purpose of initiating or pursuing appropriate action in the other forum(s); and/or

(E) Take any other action the court deems necessary or appropriate to protect the welfare, interests, and rights of the child.

(i) TIMELINES

Attorneys for parties are required to adhere to the statutory time lines for all hearings. Requests for continuances shall be in writing unless waived by the court for good cause. Time waivers will be accepted and continuance granted only on a showing of good cause.

(j) GUARDIAN AD LITEM

In proper cases, the court will appoint an attorney as guardian ad litem.

7.1 CONTESTED MATTERS: TIMELINE AND PROCEDURES

(A) PRE-HEARING DISCOVERY

(i) Informal Discovery: Pre-hearing discovery shall be conducted informally under the procedures set forth in CRC 5.546.

(ii) Motions: All parties shall meet and confer in good faith on any and all discovery issues prior to filing a pre-hearing discovery motion. Only after all informal means have been eliminated may a party petition the court for discovery by way of motion pursuant to CRC 5.546(f). The date for the hearing shall be obtained from the Court Clerk, Juvenile Division. A discovery motion under this Rule shall be filed and served on all parties at least five (5) court days before the hearing. Any responsive papers shall be filed and served two (2) court days prior to the hearing.

(B) PRESENTATION OF EVIDENCE

Social Study Reports prepared by CPS shall be filed with the court and made available to all counsel before the hearing in accordance with the following time limitation, unless otherwise ordered by the court:

(i) Jurisdictional Reports shall be filed a reasonable time before the hearing.

(ii) Dispositional Reports shall be filed at least 48 hours before the hearing.

(iii) Reviews of Family Reunification, Family Maintenance and Permanent Plans shall be filed at least ten (10) calendar days before the hearing.

(iv) Addenda, Status Reports, and all other reports shall be filed a reasonable number of days before the hearing.

If the Social Study Report is not timely filed or made available to all counsel, then any affected party or the court may request a continuance of the hearing to the extent permitted by law.

The names of experts to be called by any party and copies of their reports shall be provided to all counsel at least ten (10) calendar days before the hearing.

Witness lists shall be filed with the court and provided to all counsel at least 48 hours prior to the hearing.

In order to eliminate unnecessary delays, counsel shall confer regarding contested issues at least one court day prior to the hearing.

(C) SETTLEMENT CONFERENCES

Settlement conferences shall be calendared and held prior to the jurisdictional hearing by court order at the convenience of the parties, if the court deems them necessary. The trial attorneys and their clients shall be present at the settlement conference, unless excused by the court. A representative of CPS with authority to settle cases shall be present at the settlement conference.

(D) MEDIATION

Mediation shall be ordered as the court deems necessary,

Effective 1/01/17

CHAPTER 8. LOCAL FORMS

8. ADOPTION OF LOCAL FORMS

The Court has adopted the following local forms: Organized by form name.

Available on the court's website **www.yuba.courts.ca.gov/forms-filing/local-forms.**

Division	Form #	Local Form Name	Mandatory or Optional
CIVIL	CV03010	AT-ISSUE FOR TRIAL SETTING (EMINENT DOMAIN)	MANDATORY Revised 1/3/17
CIVIL	CV03012	JUDICIAL APPROVAL OF NOTICE OF PENDENCY OF ACTION	MANDATORY Revised 1/3/17
CIVIL	CV03014	NOTICE OF CASE MANAGEMENT	MANDATORY Revised 3/2/16
CRIMINAL	CM14058	REQUEST TO BE PLACED ON THE COURT'S CALENDAR	OPTIONAL Revised 1/4/17
CRIMINAL	CM14059	PETITION RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CRIMINAL	CM14060	RESPONSE RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CRIMINAL	CM14061	ORDER OF PETITION FOR RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CRIMINAL	CM14062	ORDER AFTER HEARING ON PETITION FOR RESENTENCING	OPTIONAL Revised 1/4/17
FAMILY LAW	FL03004	EX-PARTE APPLICATION AND DECLARATION RE APPOINTMENT OF ATTORNEY FOR MILITARY	MANDATORY Revised 1/14/17
FAMILY LAW	FL03013	PETITION FOR STEP-PARTENT VISITATION W/NOTICE	MANDATORY Revised 1/4/17
FAMILY LAW	FL03014	PETITION FOR GRANDPARENT VISITATION W/NOTICE (DISSOLUTION)	MANDATORY Revised 1/4/17
FAMILY LAW	FL03015	PETITION FOR GRANDPARENT VISITATION (NO DISSOLUTION)	MANDATORY Revised 1/14/17
FAMILY LAW	FL03040	NOTICE OF NULLITY HEARING	MANDATORY Revised 1/4/17
FAMILY LAW	FL14074	REQUEST FOR WAIVER OF NOTICE W/DECLARATION	MANDATORY Revised 1/4/17
FAMILY LAW	FL14075	PROOF OF SERVICE OF NOTICE OF EX-PARTE	MANDATORY Revised 8/24/23
FAMILY LAW	FL14076	REQUEST FOR WAIVER OF NOTICE	MANDATORY Revised 1/5/17
FAMILY LAW	FL14077	PROOF OF SERVICE OF NOTICE OF EX-PARTE	MANDATORY Revised 1/5/17
FAMILY LAW	FL23078	NOTICE OF CONTINUANCE OF HEARING	MANDATORY Effective 10/9/23
FAMILY LAW	FL24079	PETITION FOR ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24
FAMILY LAW	FL24080	ADOPTION AGREEMENT ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24

FAMILY LAW	FL24081	CONSENT TO ADOPTION (ADULT)	MANDATORY Effective 8/19/24
FAMILY LAW	FL24082	ORDER OF ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24
GENERAL USE	G04050E	CLETS/CJIS INFORMATION SHEET	MANDATORY Revised 3/2/21
GENERAL USE	G19075	REQUEST FOR COURT REPORTER	MANDATORY Revised 2/10/20
GENERAL USE	G25081	GENERAL CLAIM FORM	MANDATORY Effective 8/1/25
CRIMINAL	CM03036	PLEA IN ABSENTIA	MANDATORY Revised 1/5/17
PROBATE	PR03003	ORDER APPOINTING INVESTIGATOR	MANDATORY Revised 2/6/23
PROBATE	PR24017	ORDER PRIMA FACIE DETERMINATION	MANDATORY Effective 11/5/24

The Court has adopted the following local forms: Organized by form number.

Available on the court's website **www.yuba.courts.ca.gov/forms-filing/local-forms.**

Form #	Division	Local Form Name	Mandatory or Optional
CV03010	CIVIL	AT-ISSUE FOR TRIAL SETTING (EMINENT DOMAIN)	MANDATORY Revised 1/3/17
CV03012	CIVIL	JUDICIAL APPROVAL OF NOTICE OF PENDENCY OF ACTION	MANDATORY Revised 1/3/17
CV03014	CIVIL	NOTICE OF CASE MANAGEMENT	MANDATORY Revised 3/2/16
CM14058	CRIMINAL	REQUEST TO BE PLACED ON THE COURT'S CALENDAR	OPTIONAL Revised 1/4/17
CM14059	CRIMINAL	PETITION RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CM14060	CRIMINAL	RESPONSE RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CM14061	CRIMINAL	ORDER OF PETITION FOR RESENTENCING/REDUCTION	OPTIONAL Revised 1/4/17
CM14062	CRIMINAL	ORDER AFTER HEARING ON PETITION FOR RESENTENCING	OPTIONAL Revised 1/4/17
FL03004	FAMILY LAW	EX-PARTE APPLICATION AND DECLARATION RE APPOINTMENT OF ATTORNEY FOR MILITARY	MANDATORY Revised 1/14/17
FL03013	FAMILY LAW	PETITION FOR STEP-PARTENT VISITATION W/NOTICE	MANDATORY Revised 1/4/17
FL03014	FAMILY LAW	PETITION FOR GRANDPARENT VISITATION W/NOTICE (DISSOLUTION)	MANDATORY Revised 1/4/17
FL03015	FAMILY LAW	PETITION FOR GRANDPARENT VISITATION (NO DISSOLUTION)	MANDATORY Revised 1/14/17
FL03040	FAMILY LAW	NOTICE OF NULLITY HEARING	MANDATORY Revised 1/4/17
FL14074	FAMILY LAW	REQUEST FOR WAIVER OF NOTICE W/DECLARATION	MANDATORY Revised 1/4/17
FL14075	FAMILY LAW	PROOF OF SERVICE OF NOTICE OF EX-PARTE	MANDATORY Revised 8/24/23
FL14076	FAMILY LAW	REQUEST FOR WAIVER OF NOTICE	MANDATORY Revised 1/5/17
FL14077	FAMILY LAW	PROOF OF SERVICE OF NOTICE OF EX-PARTE	MANDATORY Revised 1/5/17
FL23078	FAMILY LAW	NOTICE OF CONTINUANCE OF HEARING	MANDATORY Effective 10/9/23
FL24079	FAMILY LAW	PETITION FOR ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24
FL24080	FAMILY LAW	ADOPTION AGREEMENT ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24
FL24081	FAMILY LAW	CONSENT TO ADOPTION (ADULT)	MANDATORY Effective 8/19/24
FL24082	FAMILY LAW	ORDER OF ADOPTION OF ADULT OR MARRIED MINOR	MANDATORY Effective 8/19/24

G04050E	GENERAL USE	CLETS/CJIS INFORMATION SHEET	MANDATORY Revised 3/2/21
G19075	GENERAL USE	REQUEST FOR COURT REPORTER	MANDATORY Revised 2/10/20
G25081	GENERAL USE	GENERAL CLAIM FORM	MANDATORY Effective 8/1/25
CM03036	CRIMINAL	PLEA IN ABSENTIA	MANDATORY Revised 1/5/17
PR03003	PROBATE	ORDER APPOINTING INVESTIGATOR	MANDATORY Revised 2/6/23
PR24017	PROBATE	ORDER PRIMA FACIE DETERMINATION	MANDATORY Effective 11/5/24

CHAPTER 9. ELECTRONIC FILING AND SERVICE

9. ELECTRONIC FILING AND SERVICE

(a) Authority and compliance

This rule governs permissive and mandatory electronic filing and service of documents in the Superior Court of California, County of Yuba as authorized by California Code of Civil Procedure section 1010.6 and California Rules of Court, Rules 2.250 et. seq. and CA Rules of Court rule 5.552. Unless this rule provides otherwise, parties filing and serving documents electronically shall comply with all requirements for electronic filing and service set forth in California Code of Civil Procedure section 1010.6 and California Rules of Court, Rules 2.250 et. seq.

(b) Mandatory Electronic Filing and Service

Documents filed in all civil cases, probate cases, family law and juvenile dependency cases must be filed and served electronically. Self-represented parties and non-parties are exempt from the mandatory electronic filing and service requirements, but are encouraged to participate voluntarily. An attorney representing a party may request to be excused from the mandatory electronic filing and service requirement by showing undue hardship or significant prejudice. An attorney requesting to be excused shall file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form EFS-007) with a Proposed Order (Judicial Council Form EFS-008). An attorney who files and serves a Request for Exemption from Mandatory Electronic Filing and Service shall be served with documents in paper form until the Court rules on the Request for Exemption. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing. Self-represented parties, non-parties, and attorneys excused from electronic filing must be served conventionally.

(c) Permissive Electronic Filing and Service

Documents filed in the specific permissive filing case types listed on the court's website at www.yuba.courts.ca.gov may be filed and served electronically.

(d) Electronic Filing Requirements

All documents electronically filed, whether mandatory, permissive, by court order, or by stipulation of parties, must be electronically filed with the court using one of the court's approved electronic filing service providers, and must comply with the court's electronic filing requirements. Electronic filing requirements, including a list of approved electronic filing service providers, are available on the court's website at www.yuba.courts.ca.gov and in hard copy at the clerk's office.

(e) Electronic Filing Acceptance Deadlines

No document transmitted electronically is deemed filed unless it is accepted for filing by the Clerk. An electronically filed document shall be deemed filed on the date the document was submitted to the court if the submission was received by the court between 12:00 a.m. and 11:59:59 p.m. on a court day. An electronically filed document submitted on a non-court day shall be deemed filed on the next court day.

(f) Electronic Filing Fee Waiver

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the court an Application for Waiver of Court Fees and Costs (Judicial Council Forms FW-001 and FW-002).

(g) Redaction of Confidential and Personal Information

Counsel and parties are solely responsible for redacting personal identifiers and privileged and/or confidential information. The Clerk will not review documents for compliance. The Court may impose

sanctions for violation of these requirements.

(h) Documents Excepted/Excused from Electronic Filing

A list of documents that shall not be filed electronically is included in the court's electronic filing requirements, available on the court's website at www.yuba.courts.ca.gov and in hard copy at the clerk's office.

A party may be excused from filing any particular document or exhibit electronically if it is not available in electronic format and it is not feasible for the party to convert the document or exhibit to electronic format, or it may not be comprehensively viewed in an electronic format, including but not limited to exhibits that are real objects. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit shall file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

During trial, a party may submit to the courtroom clerk and serve by hand any documents, as long as the documents are also filed electronically before the close of business no later than the following court day.

(i) Obligation to Keep Information Current

A party whose electronic notification address changes while the action or proceeding is pending must promptly file a Notice of Change of Address with the court electronically and must serve this notice on all other parties or their attorneys of record.

CHAPTER 10. DOMESTIC VIOLENCE RESTRAINING ORDERS

10.0 REMOTE APPEARNCE

A party or witness may appear remotely at the hearing on a petition for a domestic violence restraining order. Notice shall be given by completing the form RA-010 Notice of Remote Appearance. One court day notice shall be given.

10.1 TELEPHONE NUMBER

Pursuant to Family Code 6308 and Penal Code 18123 the telephone number for assistance with remote appearances is (530)740-1817. The number shall be staffed 30 minutes prior to the hearing and during all domestic violence hearings which are heard Tuesday through Friday at 1:30 p.m. and Thursday at 8:30 a.m.

Effective 7/1/22

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