

**PUBLISHED LOCAL RULES**

**of the**

**TEHAMA COUNTY COURTS**

**(AMENDED, EFFECTIVE JANUARY 1, 2010)**

**COMPLETE SET**

**TEHAMA COUNTY COURTS  
TABLE OF CONTENTS TO LOCAL RULES**

<b><u>Rule Number</u></b>		<b><u>Page Number</u></b>
<b>Rule 1.00 and 2.00 [Reserved]</b>		
<b>Rule 3.00</b>	<b><u>Civil Trial Court Delay Reduction</u></b>	
3.00	Standards for Disposition (Eff. 7-1-91; As amended, eff. 1-1-10)	1
3.10	Direct Calendar Court (Eff. 7-1-91)	1
3.20	Setting Initial Case Management Conference (Eff. 7-1-91)	1
3.30	Service of Notice (Eff. 7-1-91)	2
3.40	Exemption From Case Management (Eff. 7-1-91)	2
3.50	Time Schedule (Eff. 7-1-91; As amended, eff. 1-1-10)	2
3.60	Use of Case Management Conference Questionnaire (Eff. 7-1-91; As amended, eff. 7-1-02)	3
3.70	Supervision by Court (Eff. 7-1-91; As amended, eff. 7-1-02)	3
3.80	Trial Settings - At Issue (Eff. 7-1-91; As amended, eff. 7-1-02)	4
3.90	Case Management Plan (Eff. 7-1-91; As amended, eff. 1-1-10)	5
<b>Rule 4.00</b>	<b><u>Family Court Mediation Services</u></b>	
4.10	Family Law Mediation (Eff. 7-1-98)	7
4.20	Recommendations of the Mediator (Eff. 7-1-98)	7
4.30	Investigation by the Mediator (Eff. 7-1-98)	8
4.31	Ex Parte Communications (Eff. 7-1-03; As amended, eff. 1-1-10)	8
4.40	Challenge of Mediator (Eff. 7-1-98; As amended, eff. 1-1-10)	8
<b>Rule 5.00 to 8.00 [Reserved]</b>		
<b>Rule 9.00</b>	<b><u>Attorneys Representing Parties in Dependency Proceedings</u></b>	
9.00(a)	Timeliness (Eff. 7-1-96; As amended, eff. 1-1-10)	10
9.00(b)	Experience, Training, Education; Standards of Representation (Eff. 7-1-96; As amended, eff. 1-1-10)	12
9.00(c)	Appointment For Parents (Eff. 7-1-96)	12
9.00(d)	Appointment For Children (Eff. 7-1-96)	13
9.00(e)	Conflicts (Eff. 7-1-96)	13
9.00(f)	Client Complaints (Eff. 7-1-96)	13
9.00(g)	Attorney For The Child (Eff. 7-1-96)	13
9.00(h)	Information Received By Court Concerning Child (Eff. 7-1-96)	15
<b>Subject Matter Alphabetical Index</b>		<b>16</b>

**RULE 3.00**

Civil Trial Court Delay Reduction Rules

**Effective January 1, 2010**

Section 3.00 Pursuant to the California Trial Court Delay Reduction Act (Government Code Section 68600 et seq. and California Rules of Court Title Three Division 3 Chapter 2 Rule 3.110 et seq. and Division 7 Chapters 1-3), the Tehama County Courts adopts the rules set forth herein.

The goal of this Court is to dispose of cases subject to the Trial Court Delay Reduction Act within the standards for disposition as adopted by the Judicial Council.

In order to achieve timely resolution of general civil actions, the Court will actively manage and supervise the pace of litigation from the date of the filing of the action to its disposition. (Eff. 7-1-91; As amended, eff. 1-1-10)

Section 3.10 The Tehama County Courts are direct calendar courts for all matters subject to delay reduction. (Eff. 7-1-91)

Section 3.20 On or after July 1, 1991, at the initial filing of a general civil action or proceeding, other than juvenile, probate or domestic relations, the clerk shall set the matter for a First Case Management Conference on the Case Management Calendar closest to, but not less than 135 days from the filing. The clerk shall note on all conformed copies of the summons and complaint that the matter is subject to this Delay Reduction Program and shall further inform the party filing the action of the date of the first Case Management Conference and, after designation by the Court Executive Officer, the judge to whom the case is assigned. The Court Executive Officer, upon notice from the clerk of the filing of a complaint in an action subject to this rule, may designate

Tehama County Courts

the judge to whom the case is assigned. In order to efficiently manage the trial court calendar, the Court Executive Officer may defer the assignment of a judge.

If a judge is assigned after the initial filing, the Court Executive Officer, as a clerk of the Court, shall give written notice of the assignment to all parties who have then appeared.

The Clerk shall furnish plaintiff, cross-complainant, and, upon request, any other party, packets containing these rules and blank Case Management Conference Questionnaires. (Eff. 7-1-91)

Section 3.30 Counsel shall serve with each summons, or copy of complaint, a true copy of the notice furnished by the clerk, setting the matter for the first Case Management Conference. (Eff. 7-1-91)

Section 3.40 A request to exempt a case from the Tehama County Delay Reduction Rules shall be by written motion supported by declarations showing good cause. A stipulation does not establish good cause. (Eff. 7-1-91)

Any case subject to this rule and exempted by court order shall be assigned to a judge for all purposes and if so assigned, shall be set for Management Conferences at such intervals as are necessary to insure timely disposition of the matter.

Section 3.50 In order to dispose of cases within the legislative standards, the Court adopts the following time periods for progression of all cases:

- (a) The time periods established by California Rule of Court Rule 3.110 et seq.
- (b) Service of responsive pleadings within 30 days after service of complaint.

(c) Discovery to commence at the earliest practicable date.

(d) First Case Management Conference to be held approximately 135 days after filing of complaint.

(e) All discovery, other than depositions of expert witnesses, to be completed by 240 days after filing of complaint.

(f) Stipulated extensions of time as provided for by statute and/or California Rules of Court, shall be in writing and promptly filed with the clerk. Any other extensions shall only be after written motion, supported by a declaration establishing good cause.

(Eff. 7-1-91; As amended, eff. 1-1-10)

Section 3.60 All parties shall submit a completed Case Management Conference Questionnaire within the time periods prescribed by the California Rules of Court prior to **every** scheduled Case Management Conference. (Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.70

(a) Counsel for all parties will attend each Case Management Conference and be sufficiently familiar with all matters, so that they may discuss the facts of the case and legal proceedings, both past and anticipated. However, except upon court order, counsel and parties are not to attend a Case Management Conference in a limited jurisdiction case.

(b) At each conference, the Court will attempt to identify those cases that may be protracted and those that may be amenable to settlement, reference or arbitration.

Tehama County Courts

The Court shall, by order, select a date to complete the next step in the litigation process and such date may not be extended by stipulation.

(c) Telephone appearances may be permitted by the judge assigned to the Case Management Conference. Counsel and self-represented parties may appear by telephone unless notified to the contrary by the Court within a reasonable time prior to the Case Management Conference. The Court may order those appearing to arrange for teleconferencing. (Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.80 In **all** civil cases, including those exempted from these rules, but not including default matters, no matter shall be set for trial until there has been a determination by the Court that the matter is at issue. Upon such finding, the Court or the clerk shall set the matter for a setting conference in the office of the Court Executive Officer. Any request to continue or vacate the setting conference must be addressed by noticed motion or by stipulation. The conference may be reset or vacated at the Court's discretion. If for any reason the Court Executive Officer believes that the matter cannot be set, it shall be referred to the judge assigned for consideration and, if appropriate, further orders. All matters shall be set for trial within 90 days of the setting conference. No matter shall be set beyond 90 days except upon order of a judge of this Court. Settings beyond 90 days are not favored and will be granted only upon a showing of unusual circumstances and good cause. An attorney's calendar conflict shall not, in and of itself, constitute grounds for a setting beyond 90 days. No request to a judge of the Court for a special setting shall be made until the matter has been first considered by the Court Executive Officer. (Eff. 7-1-91; As amended, eff. 7-1-02)

Section 3.90 The Court shall evaluate each case as provided herein. After evaluation, the Court shall

- (1) assign each case to one of the three case management plans in subdivision (a), or adopt a case management plan under subdivision (d), or
- (2) exempt the case under subdivision (c) from the case-disposition time goals.

(a) Disposition under the following case management plans shall be from the date of filing:

- (1) Plan 1, disposition within 12 months,
- (2) Plan 2, disposition within 18 months,
- (3) Plan 3, disposition within 24 months.

(b) The court will presume that a case is subject to the disposition goal under case management Plan 1 when the case is filed, or as otherwise provided by the court. The court may modify the assigned case management plan at any time for good cause shown.

(c) The court may, in the interest of justice, exempt a general civil case from the case-disposition time goals if it finds the case involves exceptional circumstances that will prevent the court and the parties from meeting the goals and deadlines imposed by the program.

If the court exempts the case from the case-disposition time goals, the court shall establish a case-progression plan and monitor the case to ensure timely disposition consistent with the exceptional circumstances, with a goal for disposition within three years.

Tehama County Courts

(d) The court hereby adopts a case management plan that establishes a goal for disposing of appropriate cases within six to nine months after filing. The plan shall be used for uncomplicated cases most amenable to early disposition that may not need a case management conference or first status conference or similar event to guide the case to early resolution. All limited jurisdiction cases shall be included in this plan and shall have disposition within nine months. Any party requesting an exemption to this time schedule must, within thirty days of the first responsive pleading or of that party's appearance, whichever is later, file a written request for exemption stating the reasons for such request. If the exemption is granted, the case will be governed by California Rules of Court Rule 3.714.

(Eff. 7-1-91; As amended, eff. 1-1-10)

**RULE 4.00**

Family Court Mediation Services

**Effective January 1, 2010**

Section 4.10 **Family Law Mediation:** Except upon a finding of good cause by the Court, all disputes regarding custody and visitation of minor children shall be referred to the Tehama County Mediator. Except upon good cause, no such referral shall be made until all moving and opposing declarations have been filed. At the time of referral to the Mediator, the matter shall be continued for hearing on the Mediator's report. Any party requesting a re-referral to mediation or an evidentiary hearing on issues of custody and visitation after an agreement has been reached in mediation is subject to sanctions pursuant to **Family Code §271**.

(Adopted, eff. July 1, 1998.)

Section 4.20 **Recommendations of the Mediator:** The Court designated mediator of child custody and visitation disputes is/are authorized to render a recommendation to the court as to the custody or visitation of the child/children involved. The court may, without foundation, consider the report and recommendation of the mediator. Should any party seek to examine the mediator at a hearing regarding the mediator's recommendation, it shall be that party's responsibility to secure the mediator's attendance as a witness. Any information received by the mediator including, but not limited to, information included in the mediation report, shall be confidential and may be disclosed by the mediator only as necessary to continue his/her investigation and the report filed with the court or in testimony before the court hearing the matter.

(Adopted, eff. July 1, 1998.)

**Section 4.30 Investigation by the Mediator:** The court "mediator" is a "court-appointed investigator" as that term is used in Family Code §3110. The mediator may, without further court order, conduct an investigation regarding the issues of child custody and visitation pursuant to Family Code §3110, et seq. in any proceeding where the parties fail to agree on the issues of custody and visitation or where it may otherwise be warranted.

(Adopted, eff. July 1, 1998.)

**Section 4.31 Ex Parte Communications:** Subject to California Rule of Court Rule 5.235, except as otherwise provided, ex parte communications with the mediator by any party or by any attorney representing a party must be made in writing. A copy of the communication must be sent to the opposing party at the time it is sent to the mediator. Should any ex parte communication be made orally to the mediator, the mediator shall record the substance of the communication and inform the opposing party that such a communication was made. This requirement does not apply to communications made to the mediator, in confidence, during a mediation session and where the mediator does not rely on that information in making a recommendation to the court. Nor, does this requirement apply under circumstances where the mediator has initiated the ex parte communication, unless the mediator relies on the statements made in that communication in making a recommendation to the court.

(Eff. 7-1-03; As amended, eff. 1-1-10)

**Section 4.40 Challenge of Mediator:** The assignment of mediators is a function of the Court Executive Office. Requests to reassign or disqualify a mediator will not be honored. Notwithstanding, either the Court Executive Office, the Presiding Judge, or the judge presiding over the proceedings may, in his or her sole discretion, permit another mediator to conduct mediation in the proceeding. In the event that mediation is not conducted by the normally assigned Tehama County Family Court Mediator, mediation may be conducted by a Deputy Probation Officer, or by

Tehama County Courts

such other qualified mediator assigned by the Presiding Judge of the Superior Court or by the Court Executive Office.

(Eff. 7-1-98; As amended, eff. 1-1-10)

**RULE 9.00**

Attorneys Representing Parties In Dependency Proceedings  
(Welfare and Institutions Code §317.6 and California Rule of Court 5.660)

**Effective January 1, 2010**

(a) **[Timeliness]** Attorneys for parties are required to adhere to the statutory timeliness for all hearings. Time waivers will be accepted only on a showing of good cause and continuances granted only on a showing of exceptional circumstances or otherwise within the sound discretion of the Court. (Eff. 7-1-96; As amended, eff. 1-1-10)

(1) Timeliness for hearings are as follows:

- (A) Detention Hearings shall be heard no later than the end of the next Court day after a petition has been filed; (W&IC 315; CRC 5.670(d))
- (B) Jurisdiction Hearing. If the child is not detained, the hearing on the petition shall be begun within 30 calendar days from the date the petition was filed. If the child is detained, the hearing on the petition shall be begun within 15 Court days from the date of the detention order; (W&IC 334; CRC 5.680, 5.684)
- (C) Disposition Hearing. If the child is detained, the hearing on disposition must be begun within 10 Court days from the date the petition was sustained. If the child is not detained, the disposition hearing shall be begun no later than 30 calendar days after jurisdiction is found; (W&IC 358; CRC 5.686)
- (D) Six Month Review Hearing. The Court is required to review the status of every dependent child within six months of the declaration of dependency and at least every six months thereafter; (W&IC 364, 366, 366.21; CRC 5.710, 5.502)

Tehama County Courts

- (E) Twelve Month Review. The Court is required to review the status of every child who has been removed from the custody of a parent or guardian within twelve months from the date parental custody was removed from the parent(s); (W&IC 366.21; CRC 5.715, 5.502)
- (F) Eighteen Month Review. If the child is not returned at the twelve month review, the Court shall conduct a review no later than eighteen months from the initial removal; (W&IC 366.21, 366.22; CRC 5.720, 5.502)
- (G) Notice of Intent to File Writ Petition. A notice of intent to file a petition for extraordinary writ shall be filed within 7 days of the date of the order setting a hearing under W&IC 366.26, with an extension of 5 days if the party received notice of the order only by mail; (CRC 8.452, 8.450)
- (H) Petition for Writ. A petition seeking writ review of orders setting a hearing under W&IC shall be served and filed within 10 days after the filing of the record in the reviewing Court; (CRC 8.452, 8.450)
- (I) Response to Writ Petition. Any response to a writ petition shall be served and filed within 10 days after the filing of the writ of petition or within 10 days of receiving a request for a response from the reviewing Court; (CRC 8.450, 8.452)
- (J) Selection Hearing for Permanent Plan shall begin within 120 days of the review at which reunification services are terminated and a hearing under W&IC 366.26 ordered; (W&IC 366.31, 399.22; CRC 5.710, 5.715, 5.720)
- (K) Notice of Appeal. A notice of appeal shall be filed within 60 days after the rendition of the judgment. (CRC 8.400)

Tehama County Courts

(L) Deviations in these rules for timeliness may only be allowed in the Court's discretion and as otherwise allowed by law.

(b) **[Experience, training, education; standards of representation]** Every party in a dependency hearing who is represented by an attorney shall be entitled to competent counsel as defined in California Rule of Court 5.660, or as determined by the Presiding Superior Court Judge or Presiding Juvenile Court Judge. (Eff. 7-1-96; As amended, eff. 1-1-10)

(1) The attorneys and law firms designated by the Court for appointment as counsel in dependency proceedings, or the Court shall be responsible for the following:

(A) Knowledge of Court procedures and forms, including restraining and custody orders, transfers out, W&IC 388 motions, placement, requirements, de facto parents, participation by interested persons, including relatives and confidentiality;

(B) The establishment of minimum standards of representation including, but not limited to, those described in CRC 5.660 (For example: (1) requirements for frequency and extent of client contract, (2) duties to assist with resolution of the case, e.g., mediation, settlement, conferences, etc., (3) duties after disposition and on-going representation, and (4) filing of Notices of Appeal, Notices of Intent to File Writ Petition, and Writ Petitions).

(2) Copies of any written procedures and standards described in section (1) shall be lodged with the Court and made available to all juvenile and Court judicial officers.

(c) **[Appointment for parents]** The Court shall appoint counsel to represent parents and guardians who qualify for appointed counsel. (Eff. 7-1-96)

Tehama County Courts

- (1) Parents and guardians seeking appointed counsel shall be required to do the following: Fill out written application; make oral or written request to Presiding Juvenile Court Judge or Judge Presiding over the juvenile hearing.
- (2) The Court shall be responsible for assigning particular attorneys to each case.
- (d) **[Appointment for children]** The Court shall appoint counsel to represent children in all cases where child appears without retained counsel. (Eff. 7-1-96)
- (e) **[Conflicts]** In the event of a conflict, the Court shall appoint counsel to represent a parent and/or guardian, and/or to represent a child. Counsel appointed due to a conflict shall otherwise meet all competency provisions contained elsewhere in these rules. (Eff. 7-1-96)
- (f) **[Client complaints]** Complaints or questions by a party regarding representation shall be addressed as follows: (Eff. 7-1-96)
  - (1) Complaints or questions shall initially be referred to any attorney or law firm appointed to represent the client.
  - (2) If the issue remains unresolved, the party may submit the complaint to the Court in writing. The Court may follow one of the following procedures:
    - (A) Conduct its own review of the complaint or question and take appropriate action if required.
    - (B) Direct the Court Executive Officer to conduct an inquiry and make a report and recommendation to the Court. After such report and recommendation, the Court will take whatever action deemed appropriate and necessary.
- (g) **[Attorney for the child]** Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or

protected by administrative or judicial proceedings within or outside the juvenile court system. (Eff. 7-1-96)

- (1) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four years or older or any child capable of adequately communicating with his/her attorney so the attorney may effectively represent to the Court how the child's wishes and interests may best be addressed.
- (2) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.
  - (A) Judicial Council forms Juvenile Dependency Petition (JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the Court and request direction from the Court.
  - (B) Upon receipt of the request by counsel for instructions from the Court, the Court shall do one or all of the following:
    - (I) Refer the matter to the appropriate agency for further investigation, and require a report to the Court and counsel within a reasonable time;
    - (II) Authorize and direct the child's attorney to initiate and pursue appropriate action;
    - (III) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action;
    - (IV) Take any other action to protect the interests and rights of the child.
    - (V) In its discretion, decline to take any action by informing counsel of the minor of such decision and an indication of the reasons therefor.

(h) **[Information received by Court concerning the child]** If the Court receives information regarding an interest or right of the child from a person other than the attorney for the child, the Court may appoint an attorney for the child if the child is unrepresented, and may inform that attorney or the attorney of record for the child, of the information, and request the attorney to further investigate the matter. In lieu thereof, the Court may either inform Child Protective Services of the situation, requesting specific action and a report to the Court of what action has been taken, or take any other action as provided by law. (Eff. 7-1-96)

**SUBJECT MATTER ALPHABETICAL INDEX**

<b>Subject</b>	<b>Rule No.</b>	<b>Page Number</b>
Appointment For Children	9.00(d)	13
Appointment For Parents	9.00(c)	12
Attorney For The Child	9.00(g)	13
Attorneys Representing Parties in Dependency Proc.	9.00	10
Case Management Plan	3.90	5
Challenge of Mediator	4.40	8
Civil Trial Court Delay Reduction	3.00	1
Client Complaints	9.00(f)	13
Conflicts	9.00(e)	13
Direct Calendar Court	3.10	1
Exemption From Case Management	3.40	2
Ex Parte Communications	4.31	8
Experience, Training, Education;Standards of Rep.	9.00(b)	12
Family Court Mediation Services	4.00	7
Family Law Mediation	4.10	7
Information Received By Court Concerning Child	9.00(h)	15
Investigation by the Mediator	4.30	8
Recommendations of the Mediator	4.20	7
Service of Notice	3.30	2
Setting Initial Case Management Conference	3.20	1
Standards for Disposition	3.00	1
Supervision by Court	3.70	3
Timeliness	9.00(a)	10
Time Schedule	3.50	2
Trial Settings - At Issue	3.80	4
Use of Case Management Conference Questionnaire	3.60	3