

GENERAL ORDER NO. 19-02

**GENERAL ORDER OF THE  
CALAVERAS COUNTY SUPERIOR COURT  
ADOPTING A REVISED LOCAL RULES**

**Calaveras Superior Court**

FOR COURT USE ONLY

**FILED**

**MAY 17 2019**

Clerk of the Court  
Superior Court of California  
County of Calaveras

By [Signature] Deputy

WHEREAS, it is the mission of the Calaveras County Superior Court to provide equal justice for all, and

WHEREAS, the court's values are to provide equal justice in a timely, consistent and professional manner, and

WHEREAS, the Local Rules for the Calaveras County Superior Court promote the court's mission and values, and

WHEREAS, these revised Local Rules for the Calaveras County Superior Court are adopted pursuant to the authority granted by California Rules of Court, Rule 981.

NOW, THEREFORE, IT IS ORDERED as follows:

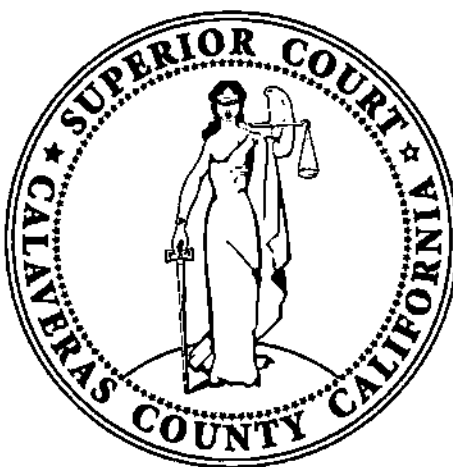
The Local Rules for the Calaveras County Superior Court, as amended and listed in Appendix "A", attached hereto, are adopted for use effective July 1, 2019 and on that date shall supersede all local court rules previously adopted by this court.

Dated: 5-17-19

[Signature]

Hon. Timothy S. Healy  
Presiding Judge, Calaveras Superior Court

# **CALAVERAS COUNTY SUPERIOR COURT**



## **LOCAL COURT RULES**

EFFECTIVE: JULY 1, 2019

TABLE OF CONTENTS  
 LOCAL RULES FOR THE SUPERIOR COURT  
 COUNTY OF CALAVERAS COURT  
 EFFECTIVE JULY 1, 2019

|                                                                                                                                                      |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| CHAPTER 1 – PRELIMINARY RULES.....                                                                                                                   | 1  |
| 1.1 Scope of Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                                            | 1  |
| 1.2 Citation of Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                                         | 1  |
| 1.3 Effective Date of Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/19.</i> ) .....                                                                   | 1  |
| 1.4 Effect of Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/02.</i> ) .....                                                                           | 1  |
| 1.5 Construction and Application of Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                     | 1  |
| 1.6 State Rules and Corresponding Local Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                 | 1  |
| 1.7 Amendment, Addition or Repeal of these Rules - Sanctions for Failure to Comply with Rules ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) ..... | 1  |
| CHAPTER 2 – GENERAL RULES .....                                                                                                                      | 3  |
| 2.1 Filing and Format of Documents ( <i>Eff. 7/1/98; As amended, eff. 7/1/19.</i> ) .....                                                            | 3  |
| 2.2 Facsimile Filings ( <i>Eff. 1/1/08; As amended eff. 1/1/17.</i> ) .....                                                                          | 3  |
| 2.3 Application for Waiver of Court Fees and Costs ( <i>Eff. 7/1/04; As amended eff. 1/1/08.</i> ) .....                                             | 3  |
| 2.4 Ex Parte or Informal Communication with the Court ( <i>Eff. 1/1/02; As amended, eff. 1/1/18.</i> ) .....                                         | 4  |
| 2.5 Sealed / Confidential Records ( <i>Eff. 1/1/02; As amended, eff. 7/1/19.</i> ) .....                                                             | 5  |
| 2.6 Court Interpreters ( <i>Eff. 7/1/03; As amended, eff. 7/1/19.</i> ) .....                                                                        | 5  |
| 2.7 Official Reporting Services ( <i>Eff. 7/1/98; As amended, eff. 1/1/19.</i> ) .....                                                               | 6  |
| 2.8 Calendaring Requests ( <i>Eff. 7/1/03; As amended, eff. 7/1/10.</i> ) .....                                                                      | 6  |
| 2.9 Appearance for Another Attorney ( <i>Eff. 7/1/98; As amended, eff. 7/1/02.</i> ) .....                                                           | 7  |
| 2.10 Compensation of Appointed Counsel ( <i>Eff. 1/1/06</i> ) .....                                                                                  | 7  |
| 2.11 Audio/Visual and Other Equipment for Demonstrative Evidence ( <i>Eff. 7/1/06</i> ) .....                                                        | 7  |
| 2.12 Bulky and Hazardous Exhibits ( <i>Eff. 1/1/04; As amended, eff. 7/1/19.</i> ) .....                                                             | 7  |
| 2.13 Coordination of Personal Conduct Orders ( <i>Eff. 1/1/04; As amended, eff. 7/1/09.</i> ) .....                                                  | 8  |
| 2.14 Photographing, Recording, or Broadcasting in Court ( <i>Eff. 1/1/09; As amended, eff. 7/1/19.</i> ) .....                                       | 9  |
| 2.15 Electronic Filing ( <i>Eff. 1/1/18</i> ) .....                                                                                                  | 10 |
| CHAPTER 3- CIVIL RULES .....                                                                                                                         | 12 |
| 3.1 Ex Parte Applications ( <i>Eff. 7/1/98; As amended, eff. 1/1/18.</i> ) .....                                                                     | 12 |
| 3.2 Proof Of Service of Summons ( <i>Eff. 7/1/98; As amended, eff. 7/1/09.</i> ) .....                                                               | 13 |
| 3.3 Law and Motion ( <i>Eff. 1/1/04; As amended, eff. 1/1/18.</i> ) .....                                                                            | 13 |
| 3.3.1 Motion to be Relieved as Counsel ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ) .....                                                        | 14 |
| 3.3.2 Default Judgments by Affidavit ( <i>Eff. 7/1/98; As amended, 1/1/08.</i> ) .....                                                               | 14 |
| 3.3.3 Attorney’s Fees on Default Judgments ( <i>Eff. 1/1/01.</i> ) .....                                                                             | 14 |
| 3.3.4 Orders After Hearing ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ) .....                                                                    | 14 |
| 3.3.5 Continuances on Short Cause Law and Motion and Order to Show Cause Calendar ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....             | 15 |
| 3.3.6 Lack of Appearance ( <i>Eff. 7/1/98; As amended, eff. 7/1/05.</i> ) .....                                                                      | 15 |
| 3.3.7 Tentative Rulings ( <i>Repealed Eff. 7/1/06; As amended 1/1/18</i> ) .....                                                                     | 15 |
| 3.4 Civil Delay Reductions Rules .....                                                                                                               | 15 |
| 3.4.1 Scope and Policy ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                                        | 15 |
| 3.4.2 Definition of General Civil Case ( <i>Eff. 7/1/98; As amended, eff. 7/1/02.</i> ) .....                                                        | 16 |
| 3.4.3 Initial Contact ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                                                                         | 16 |
| 3.4.4 Cross-Complaints ( <i>Eff. 7/1/98; As amended, eff. 7/1/02.</i> ) .....                                                                        | 16 |

|                                                                                                                      |    |
|----------------------------------------------------------------------------------------------------------------------|----|
| 3.4.5 Case Management Conference ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ).....                               | 16 |
| 3.4.6 Differentiation of Cases to Achieve Goals ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ).....                | 17 |
| 3.4.7 Demand for Jury Trial ( <i>Eff. 7/1/98; As amended, eff. 7/1/04.</i> ).....                                    | 17 |
| 3.4.8 Motions ( <i>Eff. 7/1/98.</i> ).....                                                                           | 17 |
| 3.4.9 At-Issue Memorandum Abolished ( <i>Eff. 7/1/98.</i> ).....                                                     | 18 |
| 3.4.10 Sanctions ( <i>Eff. 7/1/98.</i> ).....                                                                        | 18 |
| 3.5 Judicial Arbitration ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ) .....                                      | 18 |
| 3.6 Settlement Conference .....                                                                                      | 18 |
| 3.6.1 Requirement of Settlement Conference ( <i>Eff. 7/1/98; As amended, eff. 1/1/01.</i> ) .....                    | 18 |
| 3.6.2 Each Party to be Prepared ( <i>Eff. 7/1/98; As amended, eff. 1/1/14.</i> ) .....                               | 18 |
| 3.6.3 Settlement Conference Statement ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> ) .....                         | 19 |
| 3.6.4 Participation in Good Faith ( <i>Eff. 7/1/98.</i> ).....                                                       | 19 |
| 3.6.5 Failure to Appear ( <i>Eff. 7/1/98; As amended, eff. 7/1/04.</i> ) .....                                       | 19 |
| 3.7 Unlawful Detainer Settings ( <i>Eff. 1/1/09; As amended, eff. 7/1/09.</i> ).....                                 | 20 |
| 3.7.1 Unlawful Detainer Trials ( <i>Eff. 1/1/18</i> ) .....                                                          | 20 |
| 3.8 Telephone Appearances ( <i>Eff. 1/1/02; As Amended eff. 1/1/19.</i> ).....                                       | 20 |
| 3.9 Civil Mediation Program ( <i>Eff. 7/1/06; Repealed 1/1/11.</i> ).....                                            | 21 |
| CHAPTER 4- CRIMINAL RULES .....                                                                                      | 22 |
| 4.1 Witness Lists ( <i>Eff. 7/1/98.</i> ).....                                                                       | 22 |
| 4.2 Continuances ( <i>Eff. 1/1/01; As amended, eff. 1/1/02.</i> ).....                                               | 22 |
| 4.3 Pleas at the Time of Trial ( <i>Eff. 1/1/01.</i> ).....                                                          | 22 |
| 4.4 Plea Bargaining ( <i>Eff. 1/1/02.</i> ).....                                                                     | 22 |
| 4.5 Discovery ( <i>Eff. 1/1/02.</i> ).....                                                                           | 22 |
| 4.6 Motions for Bail Modifications or Release on Own Recognizance ( <i>Eff. 1/1/02.</i> ) .....                      | 22 |
| 4.7 Traffic Infractions – Trial by Declaration ( <i>Eff. 1/1/02; As amended, eff. 7/1/05.</i> ) .....                | 23 |
| 4.8 Fees for Investigators and Experts ( <i>Eff. 7/1/02; As amended, eff. 7/1/12.</i> ) .....                        | 23 |
| 4.9 Real Property Bonds in Lieu of Cash Bail ( <i>Eff. 7/1/04 As amended, eff. 1/1/11.</i> ) .....                   | 24 |
| 4.10 Continuance of Infraction Trials ( <i>Eff. 1/1/13; As amended, eff. 1/1/17.</i> ) .....                         | 26 |
| 4.11 Misdemeanors and Infractions ( <i>Eff. 1/1/19.</i> ).....                                                       | 26 |
| CHAPTER 5- FAMILY LAW and JUVENILE RULES.....                                                                        | 27 |
| 5.1 Matters Heard ( <i>Eff. 7/1/98; As amended, eff. 1/1/14.</i> ).....                                              | 27 |
| 5.2 Setting Family Law Motion Hearings ( <i>Eff. 1/1/03; As amended, eff. 1/1/18.</i> ).....                         | 27 |
| 5.3 Service of Notice / Pleadings of Family Law Motion Hearings ( <i>Eff. 1/1/14.</i> ) .....                        | 29 |
| 5.4 Filing Family Law Motions with the Court ( <i>Eff. 1/1/03; As amended, eff. 1/1/14.</i> ) .....                  | 29 |
| 5.5 Pre-Hearing Meet and Confer / Exchange of Documents ( <i>Eff. 1/1/03.</i> ).....                                 | 30 |
| 5.6 Hearings on Family Law Motions ( <i>Eff. 1/1/03; As amended, eff. 1/1/14.</i> ).....                             | 30 |
| 5.7 Orders on Motions and Stipulations ( <i>Eff. 1/1/03.</i> ) .....                                                 | 31 |
| 5.8 Trial ( <i>Eff. 1/1/03; As amended, eff. 1/1/09.</i> ).....                                                      | 31 |
| 5.8.1 Filing the At-issue Memorandum ( <i>Eff. 1/1/03; As amended, eff. 1/1/09</i> ) .....                           | 31 |
| 5.8.2 Mandatory Settlement and Trial Setting Conference ( <i>Eff. 1/1/03; As amended, eff. 1/1/14.</i> ).....        | 31 |
| 5.9 Family Law Caseflow Program ( <i>Eff. 7/1/02; As amended, eff. 1/1/14.</i> ) .....                               | 32 |
| 5.10 Appointment of Counsel Pursuant to Family Code §3150 ( <i>Eff. 7/1/98; As amended, eff. 1/1/04.</i> ) .....     | 33 |
| 5.11 Child Custody Mediation ( <i>Eff. 1/1/03; As amended, eff. 1/1/14.</i> ).....                                   | 34 |
| 5.12 Child Custody Evaluations. ( <i>Eff. 7/1/01; As amended, eff. 1/1/04.</i> ).....                                | 35 |
| 5.13 Family Law Facilitator ( <i>Eff. 1/1/02; As amended, eff. 1/1/06.</i> ).....                                    | 36 |
| 5.14 Dismissal of Domestic Violence Orders or Actions ( <i>Eff. 7/1/10.</i> ) .....                                  | 36 |
| 5.15 Telephonic Appearances for Child Support ( <i>Eff. 1/1/19.</i> ).....                                           | 36 |
| JUVENILE RULES .....                                                                                                 | 38 |
| 5.50 Appointment of Counsel in Juvenile Dependency Proceedings ( <i>Eff. 7/1/98; As amended, eff. 1/1/08.</i> )..... | 38 |
| 5.51 Juvenile Facsimile Filings ( <i>Eff. 1/1/01; As amended eff. 7/1/09.</i> ).....                                 | 41 |
| 5.52 Authorization to Administer Psychotropic Medications ( <i>Eff. 7/1/01; As amended, eff. 1/1/08.</i> ) .....     | 41 |

|                                                                                                                                                   |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 5.53 Juvenile, Probate and Family Courts Exchange of Information ( <i>Eff. 7/1/02; As amended, eff. 7/1/03.</i> ).....                            | 42 |
| 5.54 Court Appointed Special Advocate Program (CASA) ( <i>Eff. 07/01/17.</i> ).....                                                               | 42 |
| 5.54.1 Adoption of Court Appointed Special Advocate Program ( <i>Eff. 07/01/17.</i> ) .....                                                       | 42 |
| 5.54.2 The CASA ( <i>Eff. 07/01/17.</i> ) .....                                                                                                   | 42 |
| 5.54.3 Special Advocates ( <i>Eff. 07/01/17.</i> ).....                                                                                           | 42 |
| 5.54.4 Release of Information to the Special Advocate ( <i>Eff. 07/01/17.</i> ).....                                                              | 43 |
| 5.54.5 Right To Timely Notice ( <i>Eff. 07/01/17.</i> ).....                                                                                      | 44 |
| 5.54.6 Calendar Priority ( <i>Eff. 07/01/17.</i> ).....                                                                                           | 44 |
| 5.54.7 Visitation Through Dependency ( <i>Eff. 07/01/17.</i> ).....                                                                               | 44 |
| 5.54.8 Right to Appear ( <i>Eff. 07/01/17.</i> ).....                                                                                             | 44 |
| 5.54.9 Distribution of CASA Reports ( <i>Eff. 07/01/17.</i> ).....                                                                                | 45 |
| 5.54.10 Distribution of CASA Reports ( <i>Eff. 07/01/17.</i> ).....                                                                               | 45 |
| CHAPTER 6- IS RESERVED .....                                                                                                                      | 46 |
| CHAPTER 7- PROBATE RULES .....                                                                                                                    | 47 |
| 7.1 Compensation for Guardians, Conservators, Trustees and their Counsel, and for Counsel for a Conservatee or Ward ( <i>Eff. 7/1/98.</i> ) ..... | 47 |
| 7.2 Claims of Minors and Incompetent Persons .....                                                                                                | 47 |
| 7.2.1 Application for Appointment of Guardian Ad Litem ( <i>Eff. 7/1/98.</i> ) .....                                                              | 47 |
| 7.2.2 Compromise of Claims and Attorney's Fees ( <i>Eff. 1/1/02.</i> ) .....                                                                      | 48 |
| 7.2.3 Withdrawal of Funds ( <i>Eff. 7/1/98.</i> ) .....                                                                                           | 49 |
| 7.3 Probate Petitions and Motion Calendar ( <i>Eff. 1/1/14; As amended eff. 1/1/18.</i> ).....                                                    | 49 |
| CHAPTER 8 – APPELLATE RULES.....                                                                                                                  | 51 |
| 8.1 Appellate Department Management ( <i>Eff. 7/1/98; As amended, eff. 7/1/09.</i> ) .....                                                        | 51 |
| 8.2 Filing of Appeal, Briefing and Hearing Dates ( <i>Eff. 7/1/98.</i> ) .....                                                                    | 51 |
| 8.3 Clerk's Transcript on Appeal ( <i>Eff. 7/1/02; As amended, eff. 1/1/09.</i> ).....                                                            | 51 |
| 8.4 Record in Appeals to the Appellate Department ( <i>Eff. 7/1/09; As amended, eff. 1/1/10.</i> ) .....                                          | 52 |
| 8.5 Briefing Procedure ( <i>Eff. 7/1/98.</i> ).....                                                                                               | 52 |
| 8.6 Prerogative Writs ( <i>Eff. 1/1/04.</i> ).....                                                                                                | 53 |
| CHAPTER 9 – IS RESERVED .....                                                                                                                     | 55 |
| CHAPTER 10 – ADMINISTRATIVE MATTERS .....                                                                                                         | 56 |
| 10.1 Presiding Judge ( <i>Eff. 7/1/98; As amended, 7/1/12.</i> ) .....                                                                            | 56 |
| 10.2 Judicial Vacation Day Defined ( <i>Eff. 1/1/09.</i> ).....                                                                                   | 56 |
| 10.3 Court Executive Officer ( <i>Eff. 1/1/09; As amended, 1/1/17.</i> ).....                                                                     | 56 |
| FOR COURT USE ONLY .....                                                                                                                          | 1  |
| INSTRUCTIONS 1 .....                                                                                                                              |    |

## APPENDIX A.

|                                                                                                      |     |
|------------------------------------------------------------------------------------------------------|-----|
| Application for Immediate Court Hearing and Order - Optional ( <i>Eff. 1/1/08.</i> ) .....           | A-1 |
| Juvenile Division Certificate of Competence – Mandatory ( <i>Eff. 1/1/08.</i> ) .....                | A-2 |
| Family Law Case Management Conference Statement - Optional ( <i>Eff. 7/1/02; rev 1/1/08.</i> ) ..... | A-3 |
| Interpreter Request Form – Optional ( <i>Eff. 1/1/18.</i> ) .....                                    | A-4 |
| Request for Telephonic Appearance (Family Law) Mandatory ( <i>Eff. 1/1/19.</i> ) .....               | A-5 |
| Language Access Services Complaint Form – Optional ( <i>Eff. 7/1/19.</i> ) .....                     | A-6 |

|             |     |
|-------------|-----|
| INDEX ..... | I-1 |
|-------------|-----|