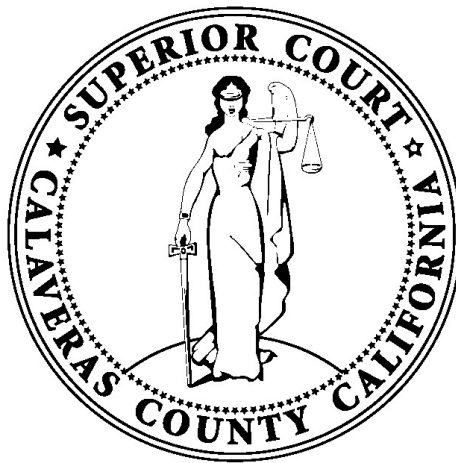


# CALAVERAS COUNTY SUPERIOR COURT



## LOCAL COURT RULES

PROPOSED AMENDMENTS:  
To be Effective JULY 1, 2025

**PROPOSED AMENDMENTS:**

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COUNTY OF CALAVERAS COURT  
EFFECTIVE JULY 1, 2025

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**Proposed Amendments are:**

**3.3 Law and Motion (*Eff. 1/1/04; As amended, eff. 1/1/18.*)**

- (d) Most motions must be served on the opposing party in accordance with Code of Civil Procedure § 1005(b) timelines which are calculated as follows:
  - (1) Service by U.S. Mail – Omit the day of mailing, then count five (5) calendar days for service within California, **ten calendar days if either the place of mailing or the place of address is outside the State of California but within the United States, twelve calendar days if the place of address is the Secretary of State’s address confidentiality program, or twenty calendar days if either the place of mailing or the place of address is outside of the United States,** and thereafter count sixteen (16) court days to determine the earliest law-and-motion calendar hearing date when the matter may be heard.
  - (2) For service by facsimile, **email,** express mail or overnight delivery – Omit the first day, then count two (2) calendar days

and thereafter count sixteen (16) court days to determine the earliest law-and-motion calendar hearing date when the matter may be heard.

**3.4.1 Scope and Policy** (*Eff. 7/1/98; As amended, eff. 1/1/01.*)

- (a) These rules are intended to implement the Trial Court Delay Reduction Act of 1986 (Government Code §68600 et seq.) and amendments thereto and shall apply to all general civil actions ~~filed on or after July 1, 1992. Any general civil actions filed prior to the implementation of the Delay Reduction Program may be included in the program in accordance with procedures set out in these rules.~~

**3.8 Telephone Remote Appearances** (*Eff. 1/1/02; As Amended eff. 1/1/19.*)

- (a) **“Remote appearance,” as used in this rule, includes any appearance by telephonic, audiovisual, videoconferencing, digital, or other electronic means.**
- ~~(b)(a)~~ Counsel and unrepresented litigants shall have the option of appearing ~~by telephonic~~ **remotely** in non-evidentiary law and motion, probate and case management hearings, unless such ~~telephone~~ **remote** appearance is specifically prohibited below. Counsel and unrepresented litigants choosing to appear ~~by telephone~~ **remotely** under this rule shall place the phrase “Telephone Remote Appearance” below the title of the moving or opposing papers or file Judicial Council **forms RA-010 Notice of Remote Appearance and RA-020 Order Regarding Remote Appearance** of California ~~Mandatory use form FL679.~~ Counsel and unrepresented litigants electing to appear ~~by~~

telephone **remotely** shall use the court's selected telephone conferencing **or videoconferencing** vendor.

(c)(d) The following hearings are unsuitable for telephone **remote** appearances and personal appearances are required unless prior permission is obtained through application and order of the court:

(1) – (10) \*\*\*

(d)(e) The court reserves the right, at any time, to reject any request for a **remote** appearance. The court also reserves the right to halt any hearing involving a **remote** appearance and order the attorneys or unrepresented litigants to personally appear at a later date and time. **Whether a remote appearance will be by telephone or videoconference is left to the court's discretion.**

(e)(d) Counsel or unrepresented litigants electing a **remote** appearance by telephone shall:

(1) \*\*\*

~~(2) Not use a cellular, cordless, computer or speaker telephone during the call;~~

~~(2)-(3) Be required to speak directly and clearly into **their microphone** telephone handset; and~~

~~(3)-(4) \*\*\*~~

(f)(e) Failure of counsel or unrepresented litigant to successfully coordinate with the court's designated telephone appearance **or videoconferencing** vendor and **timely make their remote appearance** at the hearing, **to** maintain an audible and clear connection, **to avoid** delay of the hearing **due to the use of a hold button**, or **to avoid** any other circumstance that disrupts or unduly delays the hearing, shall be considered a failure to appear at the hearing.

**5.8.1 At-Issue Memorandum Abolished** ~~Filing the At-issue Memorandum (Eff. 1/1/03; As amended, eff. 1/1/09)~~

**No at-issue memorandum shall be filed by the clerk's office in any family law matter. Case Management Conferences determine when a matter is at-issue and the appropriate advancement of the case.** ~~A matter is "at-issue" after a response to the petition has been filed. Once a matter is at-issue, it may be set for trial. Either party may file an at-issue memorandum to set contested issues for trial. Generally, any contested issues of child custody and / or visitation must be determined first at a bifurcated trial prior to any other contested matters being set for trial. The court will respond to a request for trial by setting the matter for mandatory settlement and trial setting conference, setting the matter for case status conference, setting the matter for trial, or denial of the request as the case is not at-issue or other good cause is shown for a delay.~~

**5.9 Family Law Caseflow Program** (Eff. 7/1/02; As amended, eff. 1/1/14.)

- (a) Purpose - The goal of Family Law Caseflow Program is to encourage timely and just resolutions in marital termination **and parentage** actions. Notwithstanding involvement in the caseflow program, any party may file a motion on the Family Law and Motion calendar. Likewise, when appropriate, any party may file an at-issue memorandum requesting the setting of a trial date. The Family Law Caseflow Program calendar is not a Law and Motion calendar.
- (b) – (e) \*\*\*
- (f) \*\*\*
  - (1) – (8) \*\*\*

(9) Referring the matter to community property arbitration pursuant to Family Code § 2554 **or mandatory mediation with the Family Law Facilitator pursuant to Family Code §10005; and/or**

**(10) Entering judgment of paternity pursuant to Family Code § 7573(d).**

**5.13 Family Law Facilitator (Eff. 1/1/02; *As amended, eff. 1/1/06.*)**

The Office of the Family Law Facilitator is available to assist parents and other parties who have questions about family law issues regarding child support, spousal support, health insurance and the availability of other family law resources.

If you have a complaint regarding the Office of the Family Law Facilitator, you may forward your complaint to the Court Executive Officer for review, investigation and determination. There is a complaint form available at the Court's filing window.

**In addition to the duties specified in Family Code § 10004,** the Family Law Facilitator may be assigned or undertake those additional duties specified in Family Code § 10005(a) and (b).

## **APPENDIX A:**

### **REMOVING FORMS:**

At Issue Memo

Interpreter Request Form **replaced by JCC form INT 300**

Language Access Services Complaint Form

### **CURRENT LOCAL FORMS:**

Alternative Dispute Resolution (ADR) Information (*Eff. 6/30/01*) – Optional

Application for Immediate Hearing (*Eff. 1/1/08*) – Mandatory

Application for Modification of Sentence (Infraction) (*Eff. 9/1/14*) – Optional

Declaration Regarding: Application for Order on Payment of Fee/Costs (*Eff. 3/16/15*) – Mandatory

Exhibits: Application for Return/Receipt for Exhibits (Civil) – (*Eff. 1/1/19*) – Mandatory

Exhibits: Application for Return/Receipt for Exhibits (Criminal) (*Eff. 1/1/19*) – Mandatory

Exhibits: Application for Pick-Up/Return of Subpoena Duces Tecum (*Eff. 1/1/19*) – Mandatory

Exhibits: Notice and Order for Return/Destruction of Exhibits (Civil) (*Eff. 1/1/19*) – Mandatory



Exhibits: Notice and Order for Return/Destruction of Exhibits (Criminal) (*Eff. 1/1/19*) – Mandatory  
Exhibits: Return Receipt for Subpoena Duces Tecum (*Eff. 1/1/19*) – Mandatory  
Family Law Case Management (*Eff. 1/1/08, Revised 7/1/25*) – Optional  
Juvenile Certificate of Competence (*Eff. 1/1/05*) – Mandatory  
Notice of Motion and Motion to Continue Court Trial (Infraction) (*Eff. 7/1/10*) – Mandatory  
Petition for Grandparent Visitation (*Eff. 7/1/25*) – Mandatory  
Petition to have Felony Violation(s) Designated as Misdemeanor(s) (*Eff. 7/1/25*) – Optional  
Request for Copy of Electronic Recording (*Eff. 7/1/25*) – Mandatory  
Request to Set Default or Uncontested Matter for Hearing (*Eff. 1/1/16*) – Optional  
Settlement Conference Statement (*Eff. 7/1/25*) – Optional  
Stipulation and Order Referring Matter to Alternative Dispute Resolution (*Eff. 7/1/14*) – Optional  
Trial Brief; Witness List; Exhibit List (*Eff. 7/1/25*) - Mandatory