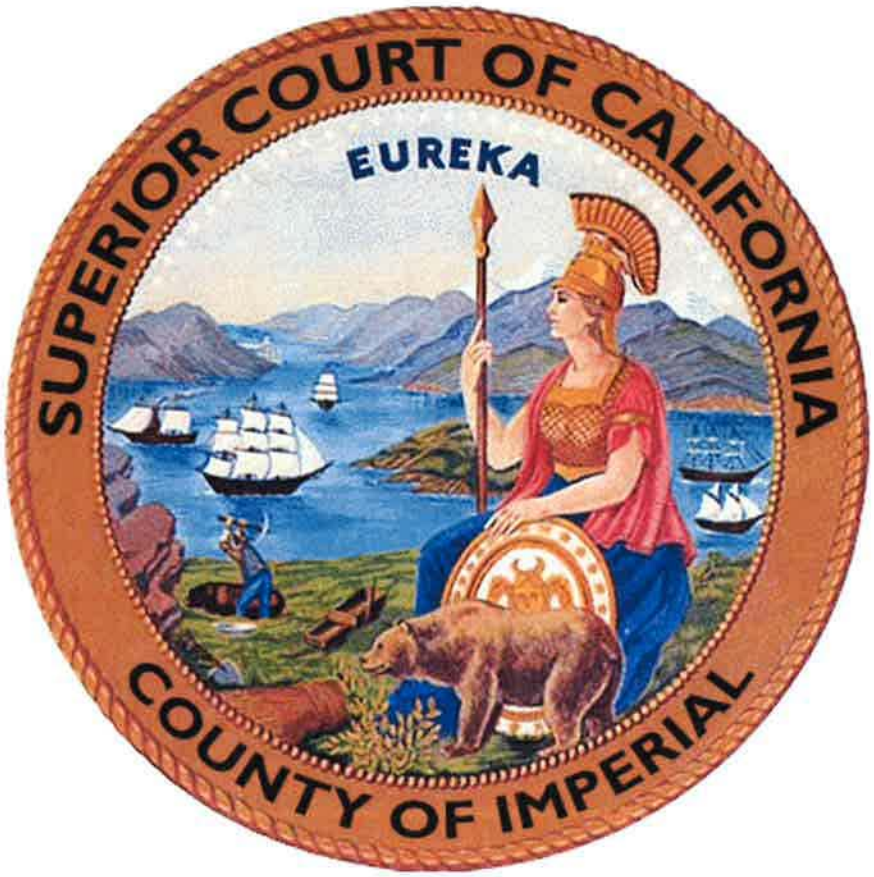
Superior Court of California
County of Imperial

Local Rules

Adopted, Effective January 1, 2017



The following Rules of Court for the Superior Court, County of Imperial are adopted January 1, 2017, and replace all rules previously adopted by the Superior Court, County of Imperial.

TABLE OF CONTENTS

	Chapter 1 Preliminary Rules	Page	Effective	Revised
Rule 1.0	Effective Date	1	7/1/2007	1/1/2017
Rule 1.1	Citation of Rules	1	7/1/2007	
Rule 1.2	Construction of Rules	1	7/1/2007	
Rule 1.3	Amendments	1	7/1/2007	
	Chapter 2 Administrative and General Matters			
Rule 2.0	Court Administration	2	7/1/2007	
Rule 2.1	Presiding Judge and Assistant Presiding Judge	2	7/1/2007	
Rule 2.2	Court Executive Officer	2	7/1/2007	
Rule 2.3	Court Divisions	2	7/1/2007	1/1/2014
Rule 2.4	Sessions of the Court	3	7/1/2007	1/1/2014
Rule 2.5	Departments of the Court	3	7/1/2007	1/1/2014
Rule 2.6	Clerk's Offices	3	7/1/2007	1/1/2014
Rule 2.7	Intra-County Venue and Filing	3	7/1/2007	1/1/2014
Rule 2.8	Late Filings	3	7/1/2007	1/1/2010
Rule 2.9	Conformed Pleadings	3	7/1/2007	
Rule 2.10	Court Security	4	7/1/2007	1/1/2017
Rule 2.11	Subordinate Judicial Officer Complaints	4	7/1/2007	
Rule 2.12	Attendance and Conduct at Court Proceedings	4	7/1/2007	1/1/2017
Rule 2.13	Compliance with Rules	5	7/1/2007	
Rule 2.14	Repealed	5	7/1/2008	1/1/2017
Rule 2.15	Limitations on Electronic and Photographic Equipment in Courthouses	5	1/1/2013	1/1/2014
Rule 2.16	Administrative Recordings	5	1/1/2017	
	Chapter 3 Civil Rules			
	Division 1 – General Provisions			
Rule 3.1.0	Policy	6	7/1/2007	
Rule 3.1.1	Case Assignment and Direct Calendaring	6	7/1/2007	
Rule 3.1.2	Case Management	6	7/1/2007	1/1/2010
Rule 3.1.3	Repealed	7	7/1/2007	1/1/2010
Rule 3.1.4	Expert Witnesses and Fees	7	7/1/2007	
Rule 3.1.5	Jury Fees	7	7/1/2007	
Rule 3.1.6	Repealed	7	7/1/2007	1/1/2012
Rule 3.1.7	Settlements	7	7/1/2007	1/1/2017
Rule 3.1.8	Jury Instructions	7	7/1/2007	1/1/2012
Rule 3.1.9	Juror Questionnaires	7	7/1/2007	
Rule 3.1.10	Motions in Limine	7	7/1/2007	1/1/2015
Rule 3.1.11	Taking Trial Off Calendar	8	7/1/2007	
Rule 3.1.12	Post Trial	8	7/1/2007	
Rule 3.1.13	Stay of Execution Pending New Trial Motion	8	7/1/2007	
Rule 3.1.14	Judgment Pursuant to Stipulation	8	7/1/2007	
Rule 3.1.15	Court Reporters for Civil Trials	8	7/1/2007	1/1/2017
Rule 3.1.16	Fee Waivers	8	1/1/2009	1/1/2012
Rule 3.1.17	Fee Waivers from Inmates	9	7/1/2009	1/1/2012
Rule 3.1.18	Proof of Service Accompanying Case Management Statement	9	1/1/2014	

TABLE OF CONTENTS

	Chapter 3 Civil Rules - Continued	Page	Effective	Revised
Rule 3.1.19	Failure to Appear at Pre-Voir Dire Conference	9	1/1/2015	
	Division 2 - Law and Motion			
Rule 3.2.0	Scheduling Hearings and Tentative Rulings	9	7/1/2007	1/1/2013
Rule 3.2.1	Orders Shortening Time	9	7/1/2007	
Rule 3.2.2	Failure to File Proof of Service of Notice of Motion	9	7/1/2007	
Rule 3.2.3	Taking Motions Off Calendar	10	7/1/2007	1/1/2012
Rule 3.2.4	Separate Motion Requirement	10	7/1/2007	1/1/2012
Rule 3.2.5	Joinders	10	7/1/2007	
Rule 3.2.6	Evidentiary Objections	11	7/1/2007	
Rule 3.2.7	Particular Motions	11	7/1/2007	
Rule 3.2.8	Opposing and Reply Papers	12	7/1/2007	
Rule 3.2.9	Conduct of Hearing	13	7/1/2007	
Rule 3.2.10	Orders After Hearing	13	7/1/2007	
	Division 3 – Ex Parte Relief			
Rule 3.3.0	Policy	13	7/1/2007	1/1/2009
Rule 3.3.1	Filing Fees, Case Number and Hearing Date	13	7/1/2007	1/1/2017
Rule 3.3.2	Scheduling of Ex Parte Hearings	13	7/1/2007	1/1/2013
Rule 3.3.3	Ex Parte Orders	14	7/1/2007	
	Division 4 - Extraordinary Writs			
Rule 3.4.0	Procedure	14	7/1/2007	
Rule 3.4.1	Assignment	14	7/1/2007	
	Division 5 - Arbitration			
Rule 3.5.0	Cases Subject to Arbitration	14	7/1/2007	
Rule 3.5.1	Arbitration Administrator	14	7/1/2007	1/1/2010
Rule 3.5.2	Exemptions to Arbitration	14	7/1/2007	
Rule 3.5.3	Arbitration Statement and Evidence	15	7/1/2007	1/1/2010
Rule 3.5.4	Settlement Conference	15	7/1/2007	
Rule 3.5.5	Withdrawal of Request for Trial Following Arbitration Award	15	7/1/2007	
Rule 3.5.6	Arbitrator's Fees	15	7/1/2007	
	Division 6 - Reserved-Repealed			
	Division 7 - Special Case Categories			
Rule 3.7.0	Judgment Debtor Examinations	16	7/1/2007	
Rule 3.7.1	Unlawful Detainer Proceedings	16	7/1/2007	
Rule 3.7.2	Uninsured/Underinsured Motorist Actions	17	7/1/2007	
Rule 3.7.3	Minors, Incompetents, Conservatees	17	7/1/2007	
Rule 3.7.4	Class Action Rules	17	7/1/2007	
	Division 8 - Miscellaneous Provisions			
Rule 3.8.0	Procedure Upon Death of Plaintiff	19	7/1/2007	
Rule 3.8.1	Receivers	19	7/1/2007	
Rule 3.8.2	Confidentiality Agreements, Protective Orders, Sealed Documents	19	7/1/2007	
Rule 3.8.3	Daily Transcript of Proceedings	20	7/1/2007	
Rule 3.8.4	Depositions	20	7/1/2007	
Rule 3.8.5	Bankruptcy	20	7/1/2007	
Rule 3.8.6	Telephone Appearances	20	7/1/2007	1/1/2013
Rule 3.8.7	Default Attorney Fee Schedule	21	7/1/2007	

TABLE OF CONTENTS

	Chapter 3 Civil Rules - Continued	Page	Effective	Revised
	Division 9 - Small Claims			
Rule 3.9.0	Hearing Officer	22	7/1/2007	
Rule 3.9.1	Repealed	22	7/1/2007	1/1/2012
Rule 3.9.2	Calendaring Appeals	22	7/1/2007	1/1/2012
Rule 3.9.3	Required Personal Appearance	22	1/1/2012	
Rule 3.9.4	Recalendaring of Unserved Small Claims Matters	22	1/1/2017	
	Chapter 4 Criminal Rules			
	Division 1 - Misdemeanors and Felony			
Rule 4.1.0	Filing Locations; Calendaring	23	7/1/2007	1/1/2014
Rule 4.1.1	Peremptory Challenges	24	7/1/2007	1/1/2012
Rule 4.1.2	Time for Filing Complaints	24	7/1/2007	1/1/2012
Rule 4.1.3	Repealed	24	7/1/2007	7/1/2008
Rule 4.1.4	Pretrials	24	7/1/2007	1/1/2012
Rule 4.1.5	Evidence at Pretrial Motion	24	7/1/2007	1/1/2012
Rule 4.1.6	Motions to Suppress	25	7/1/2007	1/1/2014
Rule 4.1.7	Continuance Policy	25	7/1/2007	1/1/2012
Rule 4.1.8	Bail/Fine	25	7/1/2007	1/1/2012
Rule 4.1.9	Official Electronic Recordings in Misdemeanor Criminal Cases	26	7/1/2007	1/1/2012
Rule 4.1.10	Misdemeanor Warrant Procedure	26	7/1/2007	1/1/2016
Rule 4.1.10.01	Pre Trial Services, O.R. Release	26	1/1/2016	
Rule 4.1.10.02	Purge of Active Misdemeanor Warrants with No Expiration Date	27	1/1/2016	
Rule 4.1.11	Telephone Appearances	27	1/1/2012	1/1/2013
Rule 4.1.12	Civil Assessment	27	7/1/2007	1/1/2013
Rule 4.1.13	Vacate Civil Assessment	27	7/1/2007	1/1/2013
Rule 4.1.14	Victim Restitution Costs	27	1/1/2013	
Rule 4.1.15	Request for Court Interpreter	27	1/1/2013	
Rule 4.1.16	Fine/Fee Payments	28	1/1/2013	
Rule 4.1.17	Insurance VC §16028 Fine Reduced by Clerk	28	1/1/2013	
Rule 4.1.18	Payment Extension	28	1/1/2007	1/1/2013
Rule 4.1.19	Motions for State Prison Cases	28	1/1/2014	
Rule 4.1.20	Bail Review Request	28	1/1/2015	
Rule 4.1.21	Felony Warrant Procedure	28	1/1/2016	
Rule 4.1.22	Purge of Active Felony Warrants with No Expiration Date	29	1/1/2016	
	Division 2 - Infractions			
Rule 4.2.0	Evidence	29	7/1/2007	1/1/2012
Rule 4.2.1	Continuance by Clerk	29	7/1/2007	1/1/2014
Rule 4.2.2	Correctable	29	7/1/2007	1/1/2017
Rule 4.2.3	Evidence of Compliance Non Traffic	29	1/1/2012	
Rule 4.2.4	Extension for Pay or Appear Date	29	7/1/2007	1/1/2013
Rule 4.2.5	Trial by Declaration	29	7/1/2007	1/1/2013
Rule 4.2.6	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.7	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.8	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.9	Repealed	30	7/1/2007	1/1/2013

TABLE OF CONTENTS

	Chapter 4 Criminal Rules - Continued			
Rule 4.2.10	Insurance VC §16028 Fine Reduced by Clerk	30	1/1/2013	
Rule 4.2.11	Request for Traffic School in Payments	30	1/1/2015	
	Division 3 - Juvenile Infractions			
Rule 4.3.0	Traffic	30	1/1/2011	1/1/2012
Rule 4.3.1	Continuance by Clerk: Non-Traffic	30	1/1/2013	1/1/2014
	Chapter 5 Family Law			
	Division 1 - General Provisions			
Rule 5.1.0	Applicability	31	7/1/2007	1/1/2012
Rule 5.1.1	Ex Parte Orders (Except Domestic Violence Protection Act Actions)	31	7/1/2007	1/1/2012
Rule 5.1.2	Hearings	32	7/1/2007	1/1/2012
Rule 5.1.3	Telephone Appearances	32	7/1/2007	1/1/2013
Rule 5.1.4	Referrals to Mediation	33	7/1/2007	1/1/2011
Rule 5.1.5	Participation in Mediation	33	7/1/2007	1/1/2011
Rule 5.1.6	Confidentiality of Mediation	34	7/1/2007	1/1/2011
Rule 5.1.7	Results of Mediation	34	7/1/2007	1/1/2011
Rule 5.1.8	Stipulated Mediation	34	7/1/2007	1/1/2011
Rule 5.1.9	Referral to Counseling	34	7/1/2007	1/1/2011
Rule 5.1.10	Repealed	34	7/1/2007	1/1/2011
Rule 5.1.11	Court Experts and Investigators	34	7/1/2007	1/1/2011
Rule 5.1.12	Court Experts	34	7/1/2007	1/1/2011
Rule 5.1.13	Disqualification of Court Expert	35	7/1/2007	1/1/2012
Rule 5.1.14	Distribution of Investigative Report	35	7/1/2007	1/1/2012
Rule 5.1.15	Complaints against Court Mediators, Evaluators and Investigators	35	7/1/2007	1/1/2012
Rule 5.1.16	Case Management	35	7/1/2007	1/1/2017
Rule 5.1.17	Exchange of Settlement Proposals	36	7/1/2007	1/1/2012
Rule 5.1.18	Repealed	36	7/1/2007	1/1/2012
Rule 5.1.19	Trial Conference	36	7/1/2007	
Rule 5.1.20	Trial Brief	36	7/1/2007	1/1/2010
Rule 5.1.21	Income & Expense Declarations	37	7/1/2007	1/1/2017
Rule 5.1.22	Child Support	38	7/1/2007	1/1/2014
Rule 5.1.23	Spousal Support	38	7/1/2007	1/1/2012
Rule 5.1.24	Default or Uncontested Judgments	38	7/1/2007	1/1/2013
Rule 5.1.25	Attorney's Fees and Costs	38	7/1/2007	1/1/2012
Rule 5.1.26	Privilege Against Self Incrimination	39	7/1/2007	1/1/2012
Rule 5.1.27	Domestic Violence and Child Custody Orders	39	7/1/2007	
Rule 5.1.28	Preparation and Service of Proposed Judgment After Trial	40	1/1/2013	1/1/2016
Rule 5.1.29	Findings and Orders After Hearing	41	1/1/2013	1/1/2015
	Division 2 - Family Law Facilitator			
Rule 5.2.0	Family Law Facilitator	41	1/1/2007	1/1/2012
	Chapter 6 Juvenile Proceedings			
	Division 1 - General Provisions			
Rule 6.1.0	Attendance	42	7/1/2007	1/1/2012
Rule 6.1.1	Presence of Minor	42	7/1/2007	1/1/2012

TABLE OF CONTENTS

	Chapter 6 Juvenile Proceedings - Continued	Page	Effective	Revised
Rule 6.1.2	Attorney Competency	42	7/1/2007	
Rule 6.1.3	Minimum Standards of Attorney Education and Training	43	7/1/2007	
Rule 6.1.4	Standards of Representation	44	7/1/2007	
Rule 6.1.5	Discovery	45	7/1/2007	
Rule 6.1.6	Ex Parte Applications and Orders	45	7/1/2007	1/1/2014
Rule 6.1.7	Application for Modification of Court Orders	46	7/1/2007	
Rule 6.1.8	Authorizations for Travel, Medical and Dental Care	47	1/1/2007	
Rule 6.1.9	Procedures for Reviewing and Resolving complaints Against Attorneys	48	7/1/2007	
Rule 6.1.10	Request for Court Interpreter	49	1/1/2015	
	Division 2 - Court Appointed Special Advocate			
Rule 6.2.0	General	49	7/1/2007	1/1/2012
Rule 6.2.1	Function of Advocates	50	1/1/2011	1/1/2012
Rule 6.2.2	Specific Duties of Advocate	51	1/1/2011	1/1/2012
Rule 6.2.3	Family Law Advocate	51	1/1/2011	1/1/2012
Rule 6.2.4	Referral Procedures	51	1/1/2011	1/1/2012
Rule 6.2.5	Criteria for Referral to CASA Program	51	1/1/2011	1/1/2012
Rule 6.2.6	Release of Information to Advocates	52	1/1/2011	1/1/2012
Rule 6.2.7	Report of Child Abuse	52	1/1/2011	1/1/2012
Rule 6.2.8	Communication	52	1/1/2011	1/1/2012
Rule 6.2.9	Right to Timely Notice and Right to Timely Appear	53	1/1/2011	1/1/2012
Rule 6.2.10	Access to Records	53	1/1/2011	1/1/2012
Rule 6.2.11	Appeal and Grievance Procedures	53	1/1/2011	1/1/2012
Rule 6.2.12	Distribution of CASA Reports	54	1/1/2016	
	Division 3 - Dependency			
Rule 6.3.0	Visitation	54	7/1/2007	1/1/2012
Rule 6.3.1	Procedures for Informing Court of the Interests of a Dependent Child	54	7/1/2007	1/1/2012
Rule 6.3.2	Production of DSS Reports	56	7/1/2007	1/1/2012
Rule 6.3.3	Financial Responsibility for Attorney Fees in Juvenile Dependency Cases	56	7/1/2007	1/1/2012
	Division 4 - Delinquency			
Rule 6.4.0	Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases	57	1/1/2012	
	Chapter 7 Probate Rules			
Rule 7.0	Filing Location	60	1/1/2017	
Rule 7.1	Caption of Petitions	60	7/1/2007	1/1/2017
Rule 7.2	Appearances	60	7/1/2007	1/1/2017
Rule 7.3	Probate Examiner	60	7/1/2007	1/1/2017
Rule 7.4	Hearings	60	7/1/2007	1/1/2017
Rule 7.5	Order For Family Allowance	60	7/1/2007	1/1/2017
Rule 7.6	Independent Administration	60	7/1/2007	1/1/2017
Rule 7.7	Fees Stated When Account Waived	61	7/1/2007	1/1/2017
Rule 7.8	Non-Statutory Fees and Commissions	61	7/1/2007	1/1/2017
Rule 7.9	Fees for Conservators and Attorneys	61	7/1/2007	1/1/2017
Rule 7.10	Required Educational Program for Non-Professional Conservators	62	1/1/2017	
Rule 7.11	Form and Lodging of Exhibits	62	1/1/2017	
Rule 7.12	Availability of Probate Examiner's Notes and Clearing of Defects	63	1/1/2017	

TABLE OF CONTENTS

Chapter 8 Appellate Division and Appeals

Division 1 - General

Rule 8.1.0	Sessions	64	7/1/2007	1/1/2010
Rule 8.1.1	Content of Briefs	64	7/1/2007	
Rule 8.1.2	Agreed Statement on Appeal	64	7/1/2007	
Rule 8.1.3	Stay Orders in Pending Civil Appeals	64	7/1/2007	1/1/2012
Rule 8.1.4	Applications and Motions	64	7/1/2007	1/1/2012
Rule 8.1.5	Oral Argument	64	7/1/2007	1/1/2012
Rule 8.1.6	Abandonment	64	7/1/2007	1/1/2012
Rule 8.1.7	Repealed	65	7/1/2007	1/1/2012
Rule 8.1.8	Disposition of Petition	65	7/1/2007	1/1/2012
Rule 8.1.9	Filing Requirements	65	7/1/2007	1/1/2012
Rule 8.1.10	Transcript of Recording in Civil Appeals	65	1/1/2015	
	Division 2 - Criminal - Misdemeanor and Felony			
Rule 8.2.0	Cost of Transcripts in Criminal Cases	65	7/1/2007	
Rule 8.2.1	Bail and Stay of Execution in Criminal Cases	66	7/1/2007	
	Division 3 - Civil			
Rule 8.3.0	Stay Orders of Execution in Pending Civil Appeal	66	7/1/2007	1/1/2012
	Division 4 - Small Claims			
Rule 8.4.0	Calendaring	66	1/1/2012	

Chapter 1
Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on 01/01/17.

[Adopted July 1, 2007, amended 01/01/08, 01/01/09, 01/01/11, 01/01/12, 01/01/13, 01/01/14, 01/01/15, 01/01/16, 01/01/17]

Rule 1.1 Citation of Rules

These rules shall be known and cited as the "Local Rules for the Superior Court of California, County of Imperial." The rules may be referred to herein as the "Local Rules," and the Superior Court of California may be referred to herein as the "Court."

[Adopted July 1, 2007]

Rule 1.2 Construction of Rules

These rules state local practices and are intended to supplement the California Rules of Court and state statutes. The rules shall be liberally construed to facilitate the proper and efficient administration of judicial business and to promote access to justice.

[Adopted July 1, 2007]

Rule 1.3 Amendments

The Local Rules may be established, amended, or repealed by a majority vote of the judges.

[Adopted July 1, 2007]

Chapter 2
Administrative and General Matters

Rule 2.0 Court Administration

All judges participate in court policy-making by means of regularly scheduled meetings of the entire membership of the judiciary and pursuant to established internal governance and administrative protocols. By majority vote, the judges may adopt standing orders, protocols, policy statements, executive orders and administrative directives, which need not be incorporated in these rules.

[Adopted July 1, 2007]

Rule 2.1 Presiding Judge and Assistant Presiding Judge

At a meeting of all the judges held not later than December 31st of every odd-numbered year, a Presiding Judge ("PJ") and Assistant Presiding Judge ("APJ") shall be selected as described in the Court's governance and administrative protocols. Each judge selected shall serve for a term of two consecutive calendar years.

[Adopted July 1, 2007]

Rule 2.2 Court Executive Officer

The administrative functions of the Court shall be under the direction of the Court Executive Officer ("CEO"), who shall be selected by, and serve at the pleasure of, the judges. In addition to the duties set forth in California Rule of Court (CRC) 10.610, the CEO serves as clerk of the court and jury commissioner. The CEO shall perform such other duties as directed by the presiding judge, and has the authority to establish other necessary offices to meet the needs of the court.

[Adopted July 1, 2007]

Rule 2.3 Court Divisions

(a) **Criminal Division** Six judges shall be assigned to preside over the criminal division, which includes both misdemeanors and felonies. Four judges shall be assigned in El Centro and two in Brawley. The judges in the criminal division shall, at a meeting held not later than December 31st of each year, designate a supervising judge of the criminal division ("SCJ") to preside over the felony master calendar department. The PJ may, but need not, serve as SCJ.

(b) **Civil Division** Two judges shall be assigned to preside over the civil division in El Centro and shall hear trials, law and motion, conservatorship, and probate.

(c) **Family and Juvenile Division** Two judges and one part-time AB1058 commissioner shall be assigned to the family and juvenile divisions, and shall hear matters as assigned by the Juvenile Presiding Judge.

(d) **Infractions** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza, Brawley, and Winterhaven Courthouses.

(e) **Small Claims** An appointed referee shall hear small claims cases at designated times at the El Centro and Winterhaven Courthouses.

(f) **Appellate** Judges of the appellate division of the Court are designated by the Chief Justice of the California Supreme Court. In addition to appeals specified elsewhere by statute or rule, the appellate division has jurisdiction over matters as required by these rules.

(g) **Juvenile Infractions.** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (d) amended 01/01/10, subd (g) adopted 01/01/10, subd (c)(g) amended 01/01/12, subd (a)(d)(c) amended 01/01/14]

Rule 2.4 Sessions of the Court

Sessions of the Court shall be held at the Courthouse in El Centro, (939 Main Street, El Centro), El Centro Valley Plaza (1625 Main Street, El Centro), Brawley (220 Main Street, Brawley), and Winterhaven (2124 Winterhaven Drive, Winterhaven).

[Adopted July 1, 2007, amended 01/01/10, 01/01/12, 01/01/14]

Rule 2.5 Departments of the Courts

The departments in the Courthouse in El Centro (Main) are designated:
Dept. 1, Dept. 2, Dept. 3, Dept. 4, Dept. 5, Dept. 7, Dept. 8, and Dept. 9.

The departments in other locations are designated:
Brawley East
Brawley West
Valley Plaza
Winterhaven.

[Adopted July 1, 2007, amended 01/01/10, 01/01/14]

Rule 2.6 Clerk's Offices

A clerk's office shall be located at the El Centro, Valley Plaza, Brawley, and Winterhaven Courthouses.

[Adopted July 1, 2007, amended 01/01/09, 01/01/14]

Rule 2.7 Intra-County Venue and Filing

(a) For purposes of intra-county venue, the County of Imperial is divided into Brawley, El Centro, and Winterhaven venues. The Brawley venue is that portion of the County of Imperial lying North of Keystone Road; the El Centro venue is that portion of the County of Imperial lying South of Keystone Road. The Winterhaven venue is the portion of the County of Imperial lying East of the intersection of Interstate 8 and State Route 98 East.

(b) **Limited Civil Cases.** All papers for a limited civil case may be filed in Brawley or El Centro (Main) courthouses. All limited civil matters are heard in El Centro (Main) Courthouse.

(c) **Small Claims Cases.** Plaintiff's Claim and Order to Go to Small Claims Court and the Defendant's Claim and Order to Go to Small Claims Court for a small claims case may be filed in Brawley, El Centro (Main), and Winterhaven Courthouses.

(d) **All Other Civil Filings.** All papers in general or unlimited civil, family law, probate cases and appeals shall be filed in the clerk's office in the El Centro (Main) Courthouse.

[Adopted July 1, 2007, subd (a)(b)(c), amended (b)(c), subd (d) Adopted 01/01/09, amended (b)(c) 01/01/10, subd (b)(d) amended 01/01/12, subd (a)(b)(c) amended 01/01/14]

Rule 2.8 Late Filings

A paper presented late for filing, or filed the day before a hearing, will be accepted for filing by the clerk, but may not be placed in the court file prior to the hearing. It is the responsibility of the party filing such paper to deliver a copy thereof to the judge presiding over the matter.

[Adopted July 1, 2007]

Rule 2.9 Conformed Pleadings

When an original document is filed, the court will conform two copies thereof at no charge. If conformed copies are to be returned by mail or messenger, a stamped,

self-addressed envelope or messenger slip must be submitted.

[Adopted July 1, 2007]

Rule 2.10 Court Security

(a) Upon entering any Court building, all persons, and their belongings will be screened and inspected for weapons. Unless required by law, a person may refuse to submit to screening and inspection, in which case he or she shall immediately leave the court building.

(b) Notwithstanding any provision of law, no person may possess any object that could be construed as a weapon while in a Court building, including, but not limited to guns, knives, tools, sharp objects or pepper spray. If these items are found at the Court screening stations, the screened individual has the choice of (1) taking it outside the building; or (2) having the security personnel confiscate the item. Except as provided in (d) below, security staff will not temporarily hold the item for any person. However, except as provided below, bailiffs, correctional officers and law enforcement officers employed by a federal, state, county or local jurisdiction, and court security personnel may possess weapons while in the course and scope of their official duties.

(c) A person authorized to possess a weapon pursuant to section (b) hereof shall not possess said weapon while in a Court building if he/she or a member of his/her immediate family or someone with whom he/she has a close relationship is a party to a pending proceeding to be heard that day.

(d) Persons prohibited from possessing weapons pursuant to section (c) hereof shall, upon first entering the Court, immediately declare to the security officer, the fact of his or her possession of such weapon and shall then surrender such weapon for safekeeping.

(e) Any violation of this rule may be punished as contempt, and may result in imprisonment, a fine, or both.

(f) Except by specific permission first obtained from a judge, bailiff, or other designated court personnel, no person shall be or remain in any area or any department restricted to the exclusive occupancy of court personnel or judicial officers. This includes clerk offices, judicial chambers, hallways leading to judicial chambers or court staff workspaces, sallyports/holding cells, and/or administrative offices.

[Adopted July 1, 2007, subd (b) amended 01/01/17, subd (f) adopted January 1, 2017]

Rule 2.11 Subordinate Judicial Officer Complaints

Investigation of complaints against commissioners and other subordinate judicial officers shall follow the procedures in CRC 10.703 as well as internal court governance procedures and administrative protocols.

[Adopted July 1, 2007]

Rule 2.12 Attendance and Conduct at Court Proceedings

(a) Attorneys and self-represented litigants are required to promptly appear at all proceedings.

(b) If an attorney or self-represented litigant will be late or will not appear at any calendared proceeding, the

attorney shall telephone the department in which the proceeding is set, prior to the time set for the appearance, and advise the clerk or bailiff that the attorney or litigant will be late or will not be present. Failure to so advise the clerk or bailiff may subject the violator to sanctions pursuant to Code of Civil Procedure section 177.5.
The telephone advisement referred to in subdivision (b) of this rule does not excuse an attorney's failure to timely appear at a calendared proceeding.

(c) No person shall appear in Court barefoot, shirtless, wearing a tank top, wearing sunglasses, wearing clothing with obscenities, or dress in any manner reflecting poorly upon the dignity of the Court and its decorum. The bailiffs of the Court may remove any person violating this rule.

(d) Cellular phones and electronic devices are not to be utilized in the courtroom galleries to avoid disruption of the proceedings.

[Adopted July 1, 2007, subd (c) and (d) adopted January 1, 2017]

Rule 2.13 Compliance with Rules

If counsel, a party represented by counsel, or a self-represented party, fails to comply with any requirements of these Local Rules, the Court, on motion of a party or on its own motion, may strike out all, or any part of any pleading of that party, or dismiss the action or proceeding, or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that party, or his or her counsel, to pay to the moving party, the reasonable expenses in making the motion, including reasonable attorney fees.

[Adopted July 1, 2007]

Rule 2.14 Pleadings [Repealed]

[Adopted July 1, 2008, repealed 01/01/17]

Rule 2.15 Limitations on Electronic and Photographic Equipment in Courthouses

No filming, photography or electronic recording is permitted in any courthouse, except as per California Rules of Court, rule 1.150.

[Adopted January 1, 2013, amended 01/01/14]

Rule 2.16 Administrative Recordings

The Court electronically records some court proceedings, which are used by the Court for administrative purposes only. Any request for a copy of an administrative recording must be made by noticed motion scheduled before the Presiding Judge.

[Adopted January 1, 2017]

Chapter 3
Civil Rules

Division 1
General Provisions

Rule 3.1.0 Policy

It is the policy of the Court to manage cases in accordance with Sections 2.1 of the Standards of Judicial Administration contained in the Appendix to CRC. Nothing shall prevent the Court from making exceptions based on a specific finding that the interests of justice so require. However, no procedure or deadline, established by these rules or order of the Court may be modified, extended, or avoided by stipulation or agreement of the parties, except as permitted Section 68616 of the Government Code, unless approved by the Court in advance of the date sought to be altered.

[Adopted July 1, 2007, Rule 3.0 renumbered to 3.1.0 01/01/09]

Rule 3.1.1 Case Assignment and Direct Calendaring

At the time a civil action is filed, the clerk will, pursuant to authority and direction of the Presiding Judge, assign it to a specified civil judge for all purposes. The name of the judge to whom the case is assigned shall be stamped or otherwise noted on the first paper and any conformed copy by the clerk. Thereafter, it shall be the duty of the parties to ensure that subsequently filed papers bear the name of assigned judge on the first page immediately to the right of the caption.

[Adopted July 1, 2007, Rule 3.1 renumbered to 3.1.1 01/01/09]

Rule 3.1.2 Case Management

(a) In all general civil cases as the term is defined in CRC 1.6(4) a notice of case management conference will be delivered to the plaintiff upon the filing of the complaint, setting the case management conference one hundred eighty (180) days from the date of filing of the case.

(b) A copy of the notice of case management conference shall be served with the summons and complaint, and proof of service thereof shall be filed with the court.

(c) In every general civil case specified in CRC 3.712(a) that has not been placed on the civil active list within one-hundred eighty (180) days of the filing of the complaint or other first paper, an order to show cause will be issued regarding dismissal for failure to comply. Notice of the time and date of the show cause hearing shall be given by the clerk at the direction of the Court.

(d) Any party may, upon notice, move the Court, for setting of a case management conference, prior to one hundred eighty (180) days from the filing of the case, if the party contends that an earlier case management conference would facilitate the expeditious preparation of the matter for trial.

(e) It is the policy of the court to hold the case management conference on the date originally set. In cases where no defendants have appeared, a continuance may be requested ex parte based on a declaration showing good cause why the conference should be continued.

(f) A Notice of Case Management Conference will not be issued in uninsured motorist cases, coordinated cases and collections cases pursuant to CRC 3.712.

[Adopted July 1, 2007, subd (c) amended 01/01/10, subd (f) adopted 01/01/10]

Rule 3.1.3 [Repealed]

[Adopted July 1, 2007; renumbered to 3.1.3 01/01/09; Rule 3.1.3 repealed 01/01/10]

Rule 3.1.4 Expert Witnesses and Fees

(a) Excessive expert witness fees may limit access to the courts and undermine the quality of justice. Accordingly, it is the policy of the Court that the Court will consider the ordinary and customary fees charged by similar experts for similar services within the relevant community.

(b) Based on the collective experience of the courts, the following hourly rates appear to be representative of the ordinary and customary fees charged for expert testimony in this community:

$250 Physicians, osteopaths, surgeons, dentists and psychiatrists
$250 Attorneys
$200 Psychologists
$200 Economists
$200 Engineers, architects
$150 Chiropractor

(c) Parties will be permitted to designate call at trial. It is the policy of the Court that parties are limited to one expert per field of expertise per side, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.3 renumbered to 3.1.4 01/01/09]

Rule 3.1.5 Jury Fees

All jury fee deposits shall be accompanied by a notice of jury fee deposit, which shall be served on all parties.

[Adopted July 1, 2007, Rule 3.5 renumbered to 3.1.401/01/09]

Rule 3.1.6 [Repealed]

[Adopted July 1, 2007, Rule 3.6 renumbered to 3.1.6 01/01/09, Rule 3.1.6 repealed 01/01/12]

Rule 3.1.7 Settlements

(a) **Unconditional Settlements.**
The parties are required to submit to the clerk a notice of settlement which shall include a stipulation for the immediate dismissal of the action without prejudice. The request for dismissal shall be filed within 45 days after the date of settlement in accordance with CRC 3.1385.

(b) **Conditional Settlements.**
The notice of conditional settlement served and filed by each plaintiff or other party seeking affirmative relief must specify a date in which the dismissal is to be filed, not to exceed 180 days from the date of filing the Notice of Settlement. (Judicial Council Form CM-200).

[Adopted July 1, 2007, Rule 3.7 renumbered to 3.1.7 01/01/09, amended 2012; and subd (a)(b) adopted 01/01/12, subd (a) amended 01/01/17]

Rule 3.1.8 Jury Instructions

On the scheduled trial date, the parties shall submit the full text of proposed jury instructions to the Court.

[Adopted July 1, 2007, Rule 3.8 renumbered to 3.1.8 01/01/09]

Rule 3.1.9 Juror Questionnaires

If the parties wish to use juror questionnaires, the questionnaires must be submitted to the Court for review two (2) court days prior to the trial.

[Adopted July 1, 2007, Rule 3.9 renumbered to 3.1.9 01/01/09]

Rule 3.1.10 Motions in Limine

All written in limine motions must be submitted to the Court at least five (5) court days before the pre voir dire conference date in the case of a jury trial, or the trial date in

the case of a court trial. Written opposition must be submitted to the Court no later than two (2) court days before such date. The Court, in its discretion, may order that the motions in limine be filed at an earlier time.

The following motions will be automatically granted and need not be put in writing: (1) motions to exclude evidence of a collateral source, (2) motions to exclude evidence of offers to settle and/or settlement discussions.

[Adopted July 1, 2007, Rule 3.10 renumbered to 3.1.10 01/01/09, amended 01/01/15]

Rule 3.1.11 Taking Trial Off Calendar

If the plaintiff decides to take a trial off calendar, the remaining parties need to be contacted in person or telephonically as soon as possible after the determination is made. Trials may be taken off calendar only if: (1) all unserved parties not participating in settlement will be dismissed; and (2) all parties agree the case has been settled in its entirety. If one or more of the above conditions is not met, the trial will not go off calendar without an order of the Court.

[Adopted July 1, 2007, Rule 3.11 renumbered to 3.1.11 01/01/09]

Rule 3.1.12 Post Trial

In matters tried by a Court without a jury, the prevailing party (or the party designated by the Court) shall file the judgment with the Court within thirty (30) days after the Court awards judgment.

[Adopted July 1, 2007, Rule 3.2 renumbered to 3.1.12 01/01/12]

Rule 3.1.13 Stay of Execution Pending New Trial Motion

Only the trial judge may order an ex parte stay of execution pending the determination of a motion for new trial. If the trial judge is not available, the application shall be made to the presiding judge.

[Adopted January 1, 2007, Rule 3.13 renumbered to 3.1.13 01/01/09]

Rule 3.1.14 Judgment Pursuant to Stipulation

All ex parte applications for judgment, pursuant to stipulation, shall state the type of case, date of filing of original complaint, and whether the proposed judgment is fully dispositive of the case.

[Adopted January 1, 2007, Rule 3.14 renumbered to 3.1.14 01/01/09]

Rule 3.1.15 Court Reporters for Civil Trials

An attorney or party in civil matters hiring their own court reporters shall provide the name, address, telephone number, and Certified Shorthand Reporter (CSR) number of the court reporter to the courtroom clerk prior to the commencement of the proceeding. Attorney or party must ensure that the contracted court reporter is in good standing with the CSR certification board and all trial and appellate courts. The clerk shall note the court reporter's identifying information in the minutes.

The court will provide a reporter for civil law and motion on Monday and Wednesday in Department 7, and on Tuesday, Thursday, and Friday in Department 9.

[Adopted July 1, 2007, Rule 3.15 renumbered to 3.1.15 01/01/09, amended 01/01/13, 01/01/17]

Rule 3.1.16 Fee Waivers

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code Sections 68632 and 68633.

[Adopted 01/01/09, amended 01/01/12]

Rule 3.1.17 Fee Waivers From Inmates

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code section 68635(g).

[Adopted July 1, 2009, amended 01/01/12]

Rule 3.1.18 Proof of Service Accompanying Case Management Statement

Proof of Service listing parties served must accompany Case Management Statement. The list must include counsel of record that was served and the party they represent. This document would accompany Judicial Council form number CM-110.

[Adopted January 1, 2014]

Rule 3.1.19 Failure to Appear at Pre-Voir Dire Conference

A failure to appear at the pre-voir dire conference may, in the discretion of the trial judge, be deemed a waiver of jury by the party failing to appear.

[Adopted January 1, 2015]

Division 2
Law and Motion

Rule 3.2.0 Scheduling Hearings and Tentative Rulings

(a) Civil law and motion matters are heard Monday through Friday at 8:30 a.m. at the El Centro Courthouse in the civil department to which a case has been assigned, unless otherwise directed by the Court. The moving party shall set the date of hearing by specifying the date, time, and department in the notice of motion, in accordance with statute. The Court may reschedule such matters to accommodate workload, if necessary. See the Court's website, www.imperial.courts.ca.gov, for setting mandatory reported cases.

(b) Any civil department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judge. The tentative ruling may specify the issues on which the Court wishes the parties to provide further argument. If a tentative ruling is issued the day before the date set for hearing, no notice of intent to appear is required to appear for argument, and the tentative ruling may be obtained from the Court's website. The tentative ruling may also be posted on a calendar note on the day of the hearing, or announced by the Court at the time of oral argument.

[Adopted July 1, 2007, amended 07/01/08, amended subd (a) 01/01/13]

Rule 3.2.1 Orders Shortening Time

An applicant must file all moving papers and pay appropriate fees at the time of making a request for an order shortening time. All orders shortening time shall contain a complete briefing schedule, including the date and time for filing the moving papers, the opposition, the reply and proofs of service, as well as the time and manner of service of all motion papers.

[Adopted July 1, 2007, Rule 3.17 renumbered to 3.2.1 01/01/09]

Rule 3.2.2 Failure to File Proof of Service of Notice of Motion

Except for petitions to enjoin harassment and orders to examine judgment debtors, if a party fails to timely file a required proof of service in accordance with CRC 3.1300(c), a

matter will be ordered off calendar unless opposition papers contesting the merits of the motion have already been timely filed.

[Adopted July 1, 2007, Rule 3.18 renumbered to 3.2.2 01/01/09]

Rule 3.2.3 Taking Motions Off Calendar

(a) A moving party may take a motion off calendar by filing a written notice at least (5) court days prior to a scheduled hearing date. Failure to file a written notice may be deemed by the Court to be a violation of an order of the Court, punishable by monetary sanctions payable to the Court under Section 177.5 of the Code of Civil Procedure, as well as any other sanctions provided by law.

(b) With regard to motions to compel discovery responses, parties shall notify the court in writing within twenty-four (24) hours of receipt of responses that make the motion moot. Failure to do so may constitute a waiver of sanctions sought in conjunction with the motion to compel.

(c) If an amended pleading is properly filed and deems a demurrer, motion to strike, or motion for judgment on the pleadings moot, the demurring or moving party shall file a written notice at least (5) court days prior to the scheduled hearing date. Failure to do so may constitute a waiver of any right to seek sanctions.

[Adopted July 1, 2007, Rule 3.19 renumbered to 3.2.3 01/01/09, subd (a)(b)(c) amended 01/01/12]

Rule 3.2.4 Separate Motion Requirement

(a) Every motion must be filed separately, except as stated herein. A motion for summary judgment may be filed with a motion for summary adjudication. Discovery motions to compel when there has been no response to the discovery request may be combined if they involve the same legal and factual issues. Requests for sanctions and stays are not considered "separate" motions when they are ancillary to another motion, except as otherwise required by statute. A request for dismissal is not considered a separate motion when combined with a motion for good faith settlement. However, all such "combined" motions are subject to the length restrictions imposed by the CRC 3.1113 for single motions.

[Adopted July 1, 2007, Rule 3.20 renumbered to 3.2.4 01/01/09, amended 01/01/12]

Rule 3.2.5 Joinders

(a) For purposes of this section, a joinder is defined as a pleading by a party requesting to be included in relief granted or denied by the Court on a motion in which the party is not the original moving or responding party. A joinder may not include separate points and authorities or evidence, but will be deemed to incorporate the arguments and evidence submitted in connection with the motion, opposition, or reply to which the joinder relates. A joinder in a motion, opposition, or reply must be filed and personally served within two calendar days after service of papers to which the joinder relates.

(b) A joinder should include only a brief statement of the basis for the joinder. If additional materials are necessary for the Court to grant the requested relief in favor of the party seeking to join in the motion or opposition, a separate motion, opposition, or reply must be filed.

(c) A joinder in a motion does not relieve a party of its individual burden to establish separate

entitlement to the relief requested, nor does it entitle the joining party to file a reply separate from that filed by the moving party, but the joining party may join in the reply.

(d) The proper response to an improper joinder shall be by objection.

[Adopted July 1, 2007, Rule 3.21 renumbered to 3.2.5 01/01/09]

Rule 3.2.6 Evidentiary Objections

(a) A party seeking to object to evidence offered in support of or in opposition to any motion shall either submit objections in writing or shall object on the record at the hearing prior to submission of the matter for decision. Any written objection shall be contained in a separate document, shall state the page and line number of the document to which objection is made, and state the grounds of the objection, in the same manner as a motion to strike evidence made at trial. Such written objections shall be filed and personally served no later than the close of business three (3) court days before the hearing.

(b) Opposition and/or reply papers to separate motions may not be combined.

[Adopted July 1, 2007, Rule 3.22 renumbered to 3.2.6 01/01/09]

Rule 3.2.7 Particular Motions

(a) In any case, where a bond or undertaking may be considered or is requested, a declaration must be submitted setting forth facts from which the Court may determine the appropriate amount of bond or undertaking. Failure to timely file such a declaration may result in a denial of the relief being sought.

(b) Consolidation Motions: Consolidation motions shall be noticed for hearing in the department in which the earliest filed case is pending, absent a court order to the contrary. Whenever an order for consolidation of cases for all purposes is made, the Court shall designate one of the consolidated cases the master file. All later filed papers shall thereafter be placed in the master file, and all hearing dates will be noticed under the master file number. At the time of the order for consolidation, any hearing date, in any case other than the master file case, are vacated. The order for consolidation shall, on a separate page, list all case numbers, associated parties, and their counsel, if any. If more than two cases are consolidated and the master file is settled or dismissed, the consolidated cases will be noticed or dismissed in forty-five (45) days, unless the parties appear ex parte before the Court to reactivate the consolidated cases and designates a new master file.

(c) Motions Requiring Separate Statements: The following motions shall include a separate statement identifying the elements of the various causes of action set forth in the complaint and setting forth evidence in support of each element:

(1) Claim for Punitive damages against health care provider (Section 425.13 of the Code of Civil Procedure);

(2) Claim against religious corporation for punitive damages (Code of Civil Procedure Section 425.14);

(3) Claim against volunteer director or officer of nonprofit corporation (Section 425.14 of the Code of the Civil Procedure);

(4) Opposing motions to strike in SLAPP suits (Section 425.16 of the Code of Civil Procedure);

(5) Protective orders (Section 3295 of the Civil Code) (prima facie evidence of liability for punitive damages). The separate statement shall be in the form set forth in the CRC 3.1350.

(d) Motions to Amend Pleadings or File Cross-Complaint: When filing a motion to amend a pleading or for leave to file a cross-complaint, the original signed proposed pleading shall be lodged with the Court when the moving papers are filed. If leave is granted, the proposed pleading will be filed by the Court and deemed served on all appearing parties as of the date of the ruling. All defaulted parties must be served with the amended pleading.

(e) Motions to Quash Service: If a party wishes to proceed against a defendant who prevailed on a motion to quash service on grounds of procedural defects in the manner of service (rather than jurisdictional defects), the party shall re-serve that defendant within fifteen (15) days of the Court's order, unless otherwise ordered. Failure to comply with this rule may result in dismissal of the new party, as well as imposition of sanctions as permitted by law.

(f) Requests for Sanctions: When monetary sanctions are sought, a declaration must be submitted, setting forth the nature of the attorney work performed, the amount of attorney time expended, and the sum deemed to be a reasonable hourly rate for the serviced performed.

(g) Good Faith Settlement Motions: The following language should be utilized in any formal order granting a good faith settlement motion: "The [unopposed] motion for good faith settlement [and dismissal] filed by [name of party] is granted pursuant to Section 877.6 of the Code of Civil Procedure. This determination bars any other joint tortfeasor or co-obligor from any further claims against the settling parties for equitable comparative contribution or partial or comparative indemnity based on comparative negligence or comparative fault."

If a concurrent motion for dismissal has been properly noticed, the following should be added to the order:

"All cross-complaints for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault against the settling tortfeasor or co-obligator are hereby dismissed."

[Adopted July 1, 2007, Rule 3.27 renumbered to 3.2.7 01/01/09]

Rule 3.2.8 Opposing and Reply Papers

(a) A party who has not timely filed and served written opposition to a motion, demurrer, or petition may not present oral argument at the hearing, unless authorized by the Court. Failure to serve and file a written opposition may be deemed a waiver of any objection and an admission that the motion, demurrer, or petition is meritorious.

(b) When a proof of service has not been executed by the time of opposing or reply papers are filed, the executed proof of service shall be filed within three (3) days after service has been completed except that a proof of personal service of reply papers may be brought to the hearing and filed at that time.

[Adopted July 1, 2007, Rule 3.28 renumbered to 3.2.8 01/01/09]

Rule 3.2.9 Conduct of Hearing

Parties may submit matters without being personally present at a hearing only if they notify opposing counsel and the clerk prior to the date and time set for such matters. Failure to do so shall be deemed cause for ordering such matters off calendar or for ruling in the absence of the parties.

[Adopted July 1, 2007, Rule 3.25 renumbered to 3.2.9 01/01/09]

Rule 3.2.10 Orders After Hearing

Orders after hearing shall refer to all matters covered by the Court, shall affirmatively state the result or relief, and shall specify if the ruling disposes of the entire case as to all parties. The introductory paragraph shall include the subject of the motion, demurrer, or petition, the date, time, department number, judge's name, and names of the parties and attorneys who appeared. The order shall set forth all relief granted, including the Court's stated reasons as well as the statutory grounds for the ruling, and shall not require reference to other documents.

[Adopted July 1, 2007, Rule 3.26 renumbered to 3.2.10 01/01/09]

Division 3
Ex Parte Relief

Rule 3.3.0 Policy

It is the policy of the Court to discourage unnecessary ex parte orders which may affect substantial rights of the parties. Ex Parte relief should be reserved for unavoidable emergency matters only. Therefore, whenever reasonable or practical, litigants are encouraged to use orders to show cause or noticed motions for contested hearings on the merits.

[Adopted July 1, 2007, Rule 3.27 renumbered to 3.3.0 01/01/09, amended 01/01/09]

Rule 3.3.1 Filing Fees, Case Number, and Hearing Date

Filing fees must be paid, or an application of fee waiver must be filed, before an application for ex parte relief will be heard. All documents in support of an ex parte application must be filed twenty-four (24) hours prior to the time for hearing.

[Adopted July 1, 2007, Rule 3.28 renumbered to 3.3.1 01/01/09, amended 01/01/17]

Rule 3.3.2 Scheduling of Ex Parte Hearings

A request for ex parte relief in a civil case assigned to a judge for all purposes will be heard by the judge so assigned, and shall be scheduled by contacting the Calendar Coordinator at (760) 482-2237 at least twenty-four (24) hours in advance. All other ex parte matters will be heard in the manner and at times ordered by the presiding judge. Ex parte applications will normally be ruled on in chambers without a reporter or parties present.

[Adopted July 1, 2007, Rule 3.29 renumbered to 3.3.2 01/01/09, amended 01/01/13]

Rule 3.3.3 Ex Parte Orders

Any order, judgment, or decree made by a judge ex parte must be in writing, signed by the judge, and filed and served within two (2) days thereafter or it may be voidable.

[Adopted July 1, 2007, Rule 3.30 renumbered to 3.3.3 01/01/09]

Division 4
Extraordinary Writs

Rule 3.4.0 Procedure

(a) In seeking traditional mandate, administrative mandamus, or prohibition relief, it is not necessary to obtain an alternative writ. A noticed motion procedure in compliance with Code of Civil Procedure § 1005 should be used whenever possible, and must be used if no alternative writ is sought, or where application for the alternative writ is denied by the court.

(b) Where an alternative writ is sought in the first instance, the petition must be filed, fees paid and a judge assigned. Petitioner shall then proceed in the manner required for ex parte relief generally.

[Adopted July 1, 2007, Rule 3.31 renumbered to 3.4.0 01/01/09]

Rule 3.4.1 Assignment

(a) Extraordinary civil writs and ex parte applications in connection therewith will be assigned in accordance with the direct calendaring system established by these rules, except as hereinafter indicated.

(b) Petitions for writs of habeas corpus or mandamus by inmates, directed at county jail or state prison officials, will be assigned to the Supervising Criminal Judge (SCJ).

(c) Where an application for extraordinary relief challenges a decision made by a judge to whom a case has been earlier assigned, the matter shall be assigned in accordance with the rules for the appellate division.

[Adopted July 1, 2007, Rule 3.32 renumbered to 3.4.1 01/01/09]

Division 5
Arbitration

Rule 3.5.0 Cases Subject to Arbitration

(a) All non-exempt unlimited civil cases where the amount in controversy does not exceed $50,000 as to any plaintiff, and all limited civil cases, shall be submitted to arbitration under CCP 1141.10 et seq.

(b) The determination as to whether to submit a case to arbitration shall occur at the case management conference.

[Adopted July 1, 2007, Rule 3.33 renumbered to 3.5.0 01/01/09]

Rule 3.5.1 Arbitration Administrator

The arbitration administrator is the CEO or their designee.

[Adopted July 1, 2007, Rule 3.34 renumbered to 3.5.1 01/01/09, amended 01/01/10]

Rule 3.5.2 Exemptions to Arbitration

Pursuant to CRC 3.811(b), the following categories of cases are exempt from judicial arbitration:

(a) Limited civil cases in which no jury trial is demanded and the estimated time for trial is one day or less;

(b) Collection actions (i.e., cases primarily seeking money on an assigned claim).

[Adopted July 1, 2007, Rule 3.35 renumbered to 3.5.2 01/01/09]

Rule 3.5.3 Arbitration Statement and Evidence

At the time of the arbitration hearing, or at any other time designated by the arbitrator, each party or attorney shall, unless excused by the arbitrator, submit the following:

(a) Copies of any offered pleading, arranged chronologically, and appropriately highlighted;

(b) An arbitration brief consisting of:

(1) A concise statement of facts;

(2) Legal and factual contentions of each party;

(3) A statement of damages sought to be awarded including the amount claimed, medical expense, and property damage;

[Adopted effective July 1, 2007, Rule 3.36 renumbered to 3.5.3 01/01/09, amended 01/01/10]

Rule 3.5.4 Settlement Conference

If a party makes a timely request for a trial following an arbitration award, a settlement conference will be scheduled. If a case does not settle at the settlement conference, the case may be ordered to trial on the next available date.

[Adopted July 1, 2007, Rule 3.37 renumbered to 3.5.4 01/01/09]

Rule 3.5.5 Withdrawal of Request for Trial Following Arbitration Award

If a party has requested a trial following an arbitration award, the request may be withdrawn by a written stipulation and the award entered as a judgment. If a party requesting a trial after arbitration award files a request for dismissal, such request for dismissal shall be deemed a withdrawal of the request for trial, and the clerk shall enter judgment on the arbitration award forthwith, unless all parties have consented to the request for dismissal.

[Adopted July 1, 2007, Rule 3.38 renumbered to 3.5.5 01/01/09]

Rule 3.5.6 Arbitrator's Fees

Arbitrators shall be paid $150 per case unless the Supervising Civil Judge authorizes a higher fee.

[Adopted July 1, 2007, Rule 3.39 renumbered to 3.5.6 01/01/09]

Division 6
[RESERVED]

Rule 3.6.0 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.0 01/01/09; Rule 3.6.0 repealed 01/01/10]

Rule 3.6.1 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.1 01/01/09; Rule 3.6.1 repealed 01/01/10]

Rule 3.6.2 [Repealed]

[Previously adopted July 1, 2009 renumbered to 3.6.2 01/01/09; Rule 3.6.2 repealed 01/01/10]

Rule 3.6.3 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.3 01/01/09; Rule 3.6.3 repealed 01/01/10]

Rule 3.6.4 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.4 01/01/09; Rule 3.6.4 repealed 01/01/10]

Rule 3.6.5 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.5 01/01/09; Rule 3.6.5 repealed 01/01/10]

Division 7
Special Case Categories

Rule 3.7.0 Judgment Debtor Examinations

(a) **Proof of Service**: Proof of service of the Order to Appear for Examination must be filed no later than five (5) calendar days before the date of the hearing. However, if the proof of service is not filed five (5) calendar days before the hearing, but the person ordered to appear does appear and is ready to proceed, the Court has discretion to order the examination be conducted.

(b) **Appearance at Examination**: Upon the call of the calendar, if the parties appear, the examination must proceed at once, unless a continuance is ordered by the Court. If the person ordered to appear does appear and the moving party fails to appear, the proceedings may, at the discretion of the Court, be continued to another day or be dismissed.

(c) **Nonappearance of Party to be Examined:** If the party to be examined fails to appear at the time and place set for examination, a bench warrant may be issued requiring attendance forthwith, provided the moving party complies with subdivision "(d)" of this rule within thirty (30) days after the examination date.

(d) **Bench Warrants of Attachment:** If a judgment debtor fails to appear for hearing as ordered, the judgment creditor may request issuance of a bench warrant of attachment. The judgment creditor must file with the clerk the following items before the bench warrant of attachment shall issue:

(1) Sheriff's instructions, fully completed, stating the location where the defendant may be served (forms available in Sheriff's office, original only required);

(2) Check made payable to the "Sheriff of Imperial County" for service fees; and

(3) A bench warrant of attachment form.

The above documents shall be filed within thirty (30) days of the order directing or granting the issuance of the bench warrant of attachment.

(e) **Continuances:** One or more continuances of a judgment debtor examination may be allowed upon stipulation of all parties or their attorneys, joined in by the person or entity ordered to appear, if approved by the Court upon good cause shown.

[Adopted July 1, 2007, Rule 3.46 renumbered to 3.7.0 01/01/09]

Rule 3.7.1 Unlawful Detainer Proceedings

(a) **Judgment for Money Damages after Judgment for Possession of the Premises:** When the plaintiff obtains a default judgment for possession of the premises, the case may be calendared for further hearing. In the alternative, a plaintiff may file a dismissal without

prejudice as to the money damages, attorney fees and costs.

(b) **Redesignation of Case Where Possession is No Longer In Issue:** The Plaintiff shall immediately notify the Court when possession is no longer in issue and request the matter be designated as a general civil matter.

[Adopted July 1, 2007, Rule 3.47 renumbered to 3.7.1 01/01/09]

Rule 3.7.2 Uninsured/Underinsured Motorist Actions

(a) If a complaint includes an uninsured/underinsured motorist claim as defined under Section 68609.5 of the Government Code and Section 11580.2 of the Insurance Code, Plaintiff shall file a declaration stating the case is an uninsured/underinsured motorist case, the name of insurance carrier, and amount of coverage. The Court will suspend the time requirements and the action shall be stayed for a period of one hundred eighty (180) days.

(b) A party who claims to be exempt from the stay and who desires to further prosecute the action shall object by noticed motion in the stayed action. Upon the expiration of the one hundred eighty (180) day stay period, the action shall be dismissed unless, upon noticed motion, good cause is shown to the contrary. If such motion is granted, the stay may be extended, but such an extension shall not exceed one hundred eighty (180) days.

[Adopted July 1, 2007, Rule 3.48 renumbered to 3.7.2 01/01/09]

Rule 3.7.3 Minors, Incompetents, Conservatees

(a) Guardians Ad Litem: Due to potential conflicts of interest, parents asserting individual claims or defenses on their own behalf shall not serve as guardians ad litem for their minor children absent a Court order to the contrary.

(b) Petition to Compromise: The person compromising the claim on behalf of a minor and the minor must be in attendance at the hearing, unless the Court orders otherwise.

(c) Attorney's Fees: Attorney's fees shall not exceed twenty-five percent (25%) of the gross settlement. Attorney's fees are not payable until the minor's funds have been deposited in accordance with the Court's order.

(d) Blocked Account: If the order approving the petition for compromise includes a provision that the settlement proceeds will be placed in a blocked account, an order to deposit money will be made at the same time to an account specified.

[Adopted July 1, 2007, Rule 3.49 renumbered to 3.7.3 01/01/09]

Rule 3.7.4 Class Action Rules

(a) Class Certification Conference: If the Court grants a motion for class certification, the Court will schedule a class certification conference within thirty (30) days to review the proposed notice to class members and will send notice of the same to all parties who have appeared in the case.

(b) Proposed Notice to Class: Three (3) court days prior to the class certification conference, the

prevailing party in a motion for class certification shall file with the Court and serve personally or by fax on the other appearing parties a proposed notice to the class of pendency of a class action, and a statement containing the following information:

(1) The time when and manner in which notice should be given;

(2) Any reasons why other parties should bear a portion of the cost and;

(3) An estimate of the cost involved in giving notice.

The proposed notice shall contain:

(i) A brief explanation of the case, including basic contentions or denials of the parties;

(ii) A statement that any member of the class who so requests by a specified date may "opt out"(be excluded from the class) of the action by giving notice;

(iii) Information concerning how a class member who desires to "opt out" may give notice;

(iv) A statement that the claims of a member who does not "opt out" will be terminated by the judgment in the action under the doctrine of res judicata; and

(v) A statement any member who does not "opt out" may seek leave of Court to appear as a named class co-representative, upon good cause shown on noticed motion.

(c) Dispensing with Notice: The Court has discretion to dispense with the notice requirement upon a proper showing, such as where only injunctive relief is sought.

(d) Progress Conferences: Within ninety (90) days after the initial case management conference, the Court may, upon motion of any party, schedule a progress conference to discuss class issues, establish precedence of discovery, schedule hearings, review status of settlement discussions and/or discuss pretrial determination of class issues and other initial case management conference issues.

(e) Attendance of Counsel: Counsel completely familiar with the case and possessing authority to enter into stipulations shall be present and fully prepared to discuss the issues outlined above. If counsel is not fully prepared, the Court may continue the hearing and impose sanctions against the offending attorney. If the hearing proceeds as scheduled, the orders made will not be subject to reconsideration due to counsel's unfamiliarity with the case at the time of the hearing. At the conclusion of the conference, the Court shall make an order which embraces the stipulations, if any, of the parties. Additional progress conferences will be scheduled at the Court's discretion.

[Adopted July 1, 2007, Rule 3.50 renumbered to 3.7.4 01/01/09]

Division 8
Miscellaneous Provisions

Rule 3.8.0 Procedure Upon Death of Plaintiff

Within ten (10) calendar days of receiving notice of the death of a plaintiff, counsel for the plaintiff shall file with the Court and serve upon all other parties in the action, a Notice of Death of the Plaintiff. Upon receipt of the notice, the Court shall suspend future consideration of the case for ninety (90) calendar days. The case shall be placed on a dismissal calendar to be heard ninety (90) days after the notice is filed unless:

(a) The original case is consolidated with a new wrongful death action;

(b) Good cause is shown upon written noticed motion to extend the time for dismissal; or

(c) Plaintiff's counsel moves to have the original action restored to active status.

[Adopted July 1, 2007, Rule 3.51 renumbered to 3.8.0 01/01/09]

Rule 3.8.1 Receivers

(a) A proposed order appointing a receiver shall set forth the powers of the receiver and shall designate as precisely as possible the real and personal property subject to receivership and specify the rate of compensation of the receiver.

(b) Employment of counsel by the receiver requires Court approval. An application for employment of counsel must set forth the attorney's hourly rate and a good faith estimate of the number of hours the attorney will expend on behalf of the receivership estate.

(c) Employment of a property manager requires Court approval. An application for employment of a property manager must set forth the property manager's rate of compensation and a good faith estimate of the number of hours the property manager will expend on behalf of the receivership estate.

(d) If the proposed property management company is affiliated with the receiver, full disclosure of the affiliation must be made to the parties and the Court.

(e) Any money collected by the receiver and not expended pursuant to the receiver's duties must be held in the receivership estate until Court approval of the receiver's final report and discharge of the receiver, unless otherwise ordered by the Court.

(f) Accountings filed in receivership proceedings shall set forth the beginning and ending dates of the accounting period and contain a summary of income, expenses, and capital outlays on a month-by-month basis. Receiver's fees and administrative expenses, including fees and costs of property managers, accountants, and/or attorneys previously authorized by the Court shall be included in the summary, but separately stated. The summary shall be supported by appropriate itemized schedules and evidentiary foundations.

[Adopted July 1, 2007, Rule 3.52 renumbered to 3.8.1 01/01/09]

Rule 3.8.2 Confidentiality Agreements, Protective Orders, Sealed Documents

(a) It is the policy of the Court that confidentiality agreements and protective orders are disfavored and

should be recognized and approved by the Court only when there is a genuine trade secret or privilege to be protected. Such agreements will not be recognized or approved by the Court absent a particularized showing (document by document) that secrecy is in the public interest, that the proponent has a cognizable interest in the material (e.g., the material contains trade secrets, privileged information, or is otherwise protected by law from disclosure), and that disclosure would cause serious harm.

(b) Sealed records may be viewed only by parties and their attorneys of record, unless the order sealing the records states otherwise. Sealed records may not be copied by persons authorized to view them, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.53 renumbered to 3.8.2 01/01/09[

Rule 3.8.3 Daily Transcript of Proceedings

A party in a civil action may request a daily transcript of the proceedings. The Court may grant the request if such will not disrupt the regular assignment of court reporters. If the request is granted, the requesting party shall deposit with the clerk of the court each day a sum equal to the daily cost of the salary and benefits for court reporters in this county under existing law, to compensate the requisite additional reporter.

Current information regarding such cost is available in the office of the CEO.

[Adopted July 1, 2007, Rule 3.54 renumbered to 3.8.3 01/01/09]

Rule 3.8.4 Depositions

Any deposition returned to court may be opened by the clerk at the request of either party, and the clerk shall note thereon at whose request it was opened, and file the deposition on the day it was received by the clerk.

[Adopted July 1, 2007, Rule 3.55 renumbered to 3.8.4 01/01/09]

Rule 3.8.5 Bankruptcy

All parties to an action must promptly notify the Court in writing if during the litigation they become debtors in bankruptcy or if, to their knowledge, other parties to the litigation become debtors in bankruptcy.

[Adopted July 1, 2007, Rule 3.56 renumbered to 3.8.5 01/01/09]

Rule 3.8.6 Telephone Appearances

(a) Pursuant to California Rule of Court 3.670, the Court has contracted with CourtCall LLC, a private telephone appearance provider. The telephone number for CourtCall LLC is (888) 88-COURT [(888) 882-6878].

(b) The CourtCall Telephone Appearance Program (CourtCall) utilizes a procedure for telephone appearances by attorneys and parties representing themselves as an alternative to personal appearances. A CourtCall appearance is fully voluntary and available at a fixed fee for use only in civil cases, California Rule of Court 1.6 and 3.670.

(c) Hearings are conducted in open court. All persons making a CourtCall appearance call a designated toll free tele-conferencing number five (5) minutes before the calendared time of the hearing to check in with CourtCall. Attorneys or parties remain on the Court's speakerphone-telephone line and hear the same business that those present in the Court hear. Persons not participating by telephone appear

in person. All present in the courtroom hear the discourse of those making CourtCall appearances.

(d) CourtCall appearances are scheduled, in writing, in advance, by serving all parties and delivering (by fax, mail, or personal delivery) to CourtCall, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance. It is the responsibility of counsel or the party to obtain, from CourtCall, required forms and payment information.

(e) Except as otherwise stated below, parties have the option of appearing by telephone in case management proceedings, civil law and motion hearings and probate proceedings

(1) where the total time required for hearing of the matter will not exceed ten (10) minutes,

(2) where counsel has fully briefed all issues in writing and wishes only to be available to respond to questions from the Court or argument of opposing counsel, and

(3) where all documents and exhibits have been filed with the pleadings of the parties and no further documentation will be offered.

(f) The Court reserves the authority, at any time, to require a personal appearance at any hearing or conference for which the Court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. When the Court denies a request for telephone appearance, it shall order a refund of deposited telephone appearance fees and notify CourtCall.

(g) The Court reserves authority to halt a telephone hearing on any matter and order the parties or attorneys to personally appear at a later date and time, in which case no refund is permitted.

(h) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

(i) Attorneys or parties choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.

(j) If telephone communication is disruptive to the court, telephone hearing will be terminated.

For procedure, see instruction sheet (CV-05 INFO).

[Adopted July 1, 2007, amended 01/01/09, Rule 3.57 renumbered to 3.8.6 01/01/09, subd (b) amended 01/01/12, adopted subd (j) 01/01/13]

Rule 3.8.7 Default Attorney Fee Schedule

(a) Whenever the obligation sued upon provides for the recovery of a reasonable attorney fee, the fee in each default case may be fixed pursuant to the following schedule:

25% of the first $1,000 (minimum fee of $150)
20% of the next $4,000
15% of the next $5,000
10% of the next $10,000
5% of the next $30,000
2% of the amount over $50,000

(b) In any case where an attorney claims he or she is entitled to a fee in excess of any of the above amounts, the attorney may apply to the Court therefore and present proof to support the claim. The Court shall determine a reasonable fee according to proof.

[Adopted July 1, 2007, Rule 3.58 renumbered to 3.8.7 01/01/09]

Division 9
Small Claims

Rule 3.9.0 Hearing Officer

An appointed commissioner, referee or temporary judge shall hear and adjudicate small claims cases at any designated court location within Imperial County.

[Adopted July 1, 2007, Rule 3.59 renumbered to 3.9.0 01/01/09]

Rule 3.9.1 [Repealed]

[Adopted July 1, 2007, Rule 3.60 renumbered to 3.9.1 01/01/09, repealed 01/01/12]

Rule 3.9.2 Calendaring Appeals

Small claims appeals must be filed at the court in which the small claims matter was heard.

The Superior Court Appellate Division will assign a case number to all appeals, and assign the case for trial de novo on a rotational basis to one of the civil judges, in the same manner civil cases are assigned. (See Local Rule 8.3.0)

[Adopted July 1, 2007, Rule 3.61 renumbered as 3.9.2 01/01/09, Rule 3.9.1 and 3.9.2 amended to 3.9.2 01/01/12]

Rule 3.9.3 Required Personal Appearance

A personal appearance is required for trials and hearings at which witnesses are expected to testify, except for appearances made in accordance with CCP 116.540. Telephonic appearances are not available in Small Claims Court.

[Adopted January 1, 2012]

Rule 3.9.4 Recalendaring of Unserved Small Claims Matters

The clerk, on plaintiff's ex parte request, may vacate the pending trial date and provide plaintiff a new trial date allowing sufficient time for service and notice provided that no defendant has been served with the original date. The clerk's authority is limited to issuing one such extension, being the first one after the original hearing date.

Such request for a new hearing date must be made no later than 3 court days before the original trial date. Continuance date will not be more than 45 days from the date of ex-parte request.

[Adopted January 1, 2017]

Chapter 4
Criminal Rules

Division 1
Misdemeanor and Felony

Rule 4.1.0 Filing Locations; Calendaring

(a) Out of custody misdemeanor complaints are filed in the venue referred to in Rule 2.7 except that criminal misdemeanor matters arising in the Winterhaven venue are filed in the Criminal Department of the Court Clerk's Office at the El Centro Courthouse.

(b) In custody misdemeanor complaints are filed in the El Centro Court Criminal Department or Brawley Court.

(c) Felony complaints are filed at the Criminal Department of the Court Clerk's Office at the El Centro Courthouse. The cases are heard at the Brawley Court, where defendants are then arraigned, and where pre-trials and preliminary hearings are held. When scheduling difficulties preclude a preliminary hearing from being heard at the Brawley Court, the preliminary hearing may be assigned to be heard by another bench officer. The Supervising Criminal Division Judge ("SCJ") may direct such an assignment.

(d) Where a defendant charged with one or more felonies is held to answer following preliminary hearing (or where a preliminary hearing is waived), an information must be filed with the Criminal Department of the Court Clerk's Office at the El Centro Courthouse, as required by law, unless the district attorney elects to deem the complaint as the information after the held to answer order of the Court, at which time the defendant will be arraigned on the information.

(e) In other cases, defendants charged by information with one or more felonies are arraigned in the master calendar department by the SCJ or any other judge who may be assigned to that department. The SCJ (or other judge assigned) thereafter hears and determines felony pretrial motions, presides over readiness conferences, and, where not inconsistent with law, assists in the disposition of cases without trial. At readiness conferences, the SCJ assigns cases for trial to judges on the criminal team.

(f) The Clerk of the Criminal Department calendars felony arraignments and all other post-preliminary hearing pre-trials and hearings in the master calendar department. When a case is assigned for trial from the master calendar, the courtroom clerk transfers the file to assigned department and advises Jury Commissioner staff of the assignment.

(g) Grand Jury indictments are received in the Court where the grand jury is seated, and are filed in El Centro where they are set for arraignment on the indictment.

(h) Juvenile infractions cited in Imperial County are filed in the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (h) adopted 01/01/10, Rule 4.0 renumbered to 4.1.0 01/01/12, subd (a)(b)(c) amended 01/01/14]

Rule 4.1.1 Peremptory Challenges

When a misdemeanor is assigned for trial, any peremptory challenge must be filed within ten (10) days of the notice of assignment.

[Adopted July 1, 2007; Rule 4.1 renumbered to 4.1.1 01/01/12]

Rule 4.1.2 Time for Filing Complaints

All criminal complaints charging in-custody defendants shall be filed at the earliest time possible, but in no case later than 11:30 a.m. on the date set for arraignment of the defendant on those charges. All criminal complaints charging out of custody defendants shall be filed not later than five (5) court days before the time set for arraignment, providing proof of notice has been filed with the court at least two (2) court days prior to the arraignment. Upon a showing of good cause, a later time for filing may be authorized by the judge assigned to the arraignment.

[Adopted July 1, 2007; Rule 4.2 renumbered to 4.1.2 01/01/12]

Rule 4.1.3 [Repealed]

[Rule 4.3 repealed July 1, 2008, adopted 07/01/07, Rule 4.3 renumbered to 4.1.3 01/01/12]

Rule 4.1.4 Pretrials

(a) Negotiation of criminal cases at the earliest practicable stage of the proceedings furthers a significant social policy and is to be encouraged. Counsels are strongly encouraged to meet and confer informally in an attempt to resolve cases at the earliest convenient time. The Court may decline to meet in any pretrial conference with parties who have not attempted a resolution beforehand.

(b) The first felony pretrial conference with the Court shall occur prior to the preliminary hearing. The prosecutor shall deliver to defense counsel (or to a defendant proceeding in pro per) a formal offer for resolution prior to or at the felony pretrial. Defense counsel shall meet with his/her client before said conference and be prepared to discuss the offer or other possible disposition with the Court. All counsel shall appear at the felony pretrial with the objective of disposing of the case.

(c) Early resolution will be best promoted if parties comply with the discovery statutes as soon as possible following the entry of the initial plea in the case. Pursuant to informal discovery request, the prosecutor shall disclose to the defense all police reports in his/her possession containing the information described in Penal Code Section 1054.1.

(d) After a defendant is held to answer or an indictment is filed, early disposition shall again be attempted following compliance by all parties with discovery rules.

[Adopted July 1, 2007; Rule 4.4 renumbered to 4.1.4 01/01/12]

Rule 4.1.5 Evidence at Pretrial Motions

In motions involving an evidentiary hearing, the moving party must specify on the first page of his/her notice of motion that an evidentiary hearing is requested and the estimate of time needed. Failure to comply with this rule may result in a denial of the right to present live testimony.

[Adopted July 1, 2007; Rule 4.5 renumbered to 4.1.5 01/01/12]

Rule 4.1.6 Motions to Suppress

(a) Where a moving party on a motion under Penal Code §§ 995 or 1538.5 intends to rely upon testimony in a transcript of prior proceedings, reference to such testimony identified as to page and line number in the transcript shall be included;

(b) At the preliminary examination, the magistrate may grant the defendant a continuance for the purpose of filing and serving the motion upon the People, upon a showing that the defendant or his or her counsel was not aware of the evidence or was not aware of the grounds for suppression before the preliminary examination.

(c) Defendant must specify the precise grounds for suppression of the evidence, including the inadequacy of any justification for the search and seizure. If defendant's motion alleges the lack of a warrant as the sole basis for suppression, any opposition filed by the People shall specify the justification for the warrantless search. The defendant shall then file and personally serve a reply brief at least two court days before the hearing specifying the inadequacies of the justification. The raising of new issues in the reply may constitute good cause for continuance to permit the People to prepare for the hearing.

(d) 1. A memorandum of points and authorities must include a statement of the case and a statement of facts setting forth all procedural and factual matters relevant to the issue presented.

2. The memorandum must clearly specify the factual and legal issues raised and the specific legal authority relied upon for the motion.

3. Failure of the moving party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is without merit.

4. Except as to motions to suppress heard at the preliminary examination, failure of the responding party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is meritorious.

[Adopted July 1, 2007; Rule 4.6 renumbered to 4.1.6 01/01/12, subd (c), (d) adopted 01/01/14]

Rule 4.1.7 Continuance Policy

(a) It is the policy of the Court that all criminal proceedings be set for trial at the earliest possible time. Consistent with said policy continuances will generally not be granted, absent good cause.

(b) If the need for such a continuance is caused by an act or omission of counsel for either party, sanctions may be imposed.

[Adopted July 1, 2007; Rule 4.7 renumbered to 4.1.7 01/01/12]

Rule 4.1.8 Bail/Fine

(a) The uniform countywide schedule of bail for all bailable felony offenses is adopted annually and is posted on the Court's website.

(b) Any application pursuant to Penal Code §1269c for an order setting bail in an amount greater or less than the amount specified by the bail

schedule shall be made on local form "Request for Increase/Decrease in Bail" (Form CR-01). The application must be signed under penalty of perjury, and submitted to the watch commander then on duty at the Imperial County Jail, who shall forthwith transmit it to a magistrate for review.

(c) Any person requesting a bail reduction or increase shall disclose all other applications that have been made prior to the subject request.

(d) If bail is set by a judge or magistrate out of court, any further out of court request for increase or reduction of bail shall be made to the judge who set such bail.

(e) The Uniform Bail and Penalty Schedules approved by the Judicial Counsel for all misdemeanor and infraction offenses is adopted annually and is posted on the Court's website.

[Adopted July 1, 2007, amended 07/01/08, subd (b) amended 01/01/10; Rule 4.8 renumbered to 4.1.8 01/01/12]

Rule 4.1.9 Official Electronic Recordings in Misdemeanor Criminal Cases

(a) Unless the trial court orders otherwise, the recording of misdemeanor trials shall be created by electronic recording of the proceedings.

(b) A party wishing to have a misdemeanor matter recorded other than a trial shall request recording, in writing, at least two (2) court days in advance.

[Rule 4.9 was adopted July 1, 2007, amended 01/01/08; title, subd (b) amended, subd (c) repealed 01/01/10; Rule 4.9 renumbered to 4.1.9 01/01/12]

Rule 4.1.10 Misdemeanor Warrant Procedure

(a) Warrants for the arrest of defendants in misdemeanor cases will expire one (1) year from the date issued. Expired warrants shall be considered invalid and unenforceable.

(b) Upon expiration of the warrant, the warrant shall be deemed recalled and the court will calendar the matter for hearing, and issue notice to the prosecuting agency:

(1) that the arrest warrant has expired, and that;

(2) The prosecuting agency is Ordered to Appear and to Show Cause why the underlying criminal action should not be dismissed or probation terminated.

(3) Upon a showing of Good Cause the Court may reissue the warrant of arrest.

[Rule 4.11 adopted July 2008, Rule 4.11 is renumbered to rule 4.1.10 01/01/12, subd (a) amended 01/01/15, subd (b)(d) repealed 01/01/15, subd (c) renumbered to subd (b) and amended 01/01/15, 01/01/16]

Rule 4.1.10.01 Pre Trial Services, O.R. Release

Upon the arrest of a defendant on any Misdemeanor Arrest Warrant, Warrant of Arrest (as defined in Penal Code sections 813-829) or Bench Warrant (as defined in Penal Code sections 978.5-983), it shall lie within the discretion of the Imperial County Sheriff to release the defendant on his/her Own Recognizance or any other conditional release consistent with the provisions of Penal Code Section 853.6.

(a) Unless the warrant specifies that OR is not authorized, persons arrested on misdemeanors must be released

unless they fit into specified disqualifying categories, set out in PC section 853.6 (basically, for the person's own safety, when there are outstanding arrest warrants, defendant cannot provide ID, or release would compromise public safety).

(b) There is no distinction made in PC section 853.6 between persons arrested on Bench Warrants as opposed to Arrest Warrants.

(c) Persons who are on Probation or Parole may not be released on OR without a court hearing, per PC 1319.5.

[Adopted January 1, 2016]

Rule 4.1.10.02 Purge of Active Misdemeanor Warrants with No Expiration Date

Active Misdemeanor Warrants more than 365 days from the date of issue will be subject to bulk Order to Show Cause Notice pursuant to the procedure in Local Rule 4.1.10(b). The warrants shall be deemed recalled and the court will provide a bulk Notice to the Imperial County District Attorney of the warrants, grouped by year. The underlying cases will be dismissed unless Good Cause is shown for reissuance.

[Adopted January 1, 2016]

Rule 4.1.11 Telephone Appearances

Telephone Appearances are not permitted in criminal proceedings.

[Adopted January 1, 2012, amended 01/01/13]

Rule 4.1.12 Civil Assessment

Upon full payment of any fine, where civil assessment pursuant to PC §1214.1 is imposed, the court delegates the following authority to the collections clerk:

(a) If paid within thirty (30) days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to $150.00.

(b) If paid within sixty (60) days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to $200.00.

(c) The collections clerk has no authority to reduce the amount of the civil assessment after sixty (60) days from the notice of imposition.

[Rule 4.10 subd. (h) adopted July 1, 2007 is renumbered to 4.2.8 01/01/12, Rule 4.2.8 is renumbered to 4.1.12 01/01/13]

Rule 4.1.13 Vacate Civil Assessment

A party may submit an Ex Parte Request to Vacate Civil Assessment if a civil assessment was imposed pursuant to PC §1214.1. The form (CL-01) must be submitted with proof indicating the party was incarcerated, hospitalized, overseas on active military duty, or unable to pay fine for other good cause. The clerk will present the request to a judicial officer for ruling.

[Rule 4.10 subd. (g) adopted July 1, 2007 is renumbered to 4.2.9 01/01/12, Rule 4.2.9 is renumbered to 4.1.13 and amended 01/01/13]

Rule 4.1.14 Victim Restitution Costs

A 15% Collection Administrative fee will be added on Victim Restitution cases to offset the cost of collections allowed per PC 1203.1(1).

[Adopted January 1, 2013]

Rule 4.1.15 Request for Court Interpreter

An attorney or party in a criminal proceeding may require the services of a Certified Court Interpreter for a witness. The party or attorney must notify Court Administration at (760) 482-2250 forty-

eight (48) hours in advance of the following information: length of time needed, day or days needed, location, and language type.

[Adopted January 1, 2013]

Rule 4.1.16 Fine/Fee Payments

A clerk of the Court, upon defendant's written request to forfeit bail and make payments, is authorized to make an accounts receivable and charge a $30 installment fee if the fine is paid in payments (Form CR-11).

[Rule 4.10 subd. (i) adopted July 1, 2007 is renumbered to 4.2.6 01/01/12, Rule 4.2.6 is renumbered to 4.1.16 and amended 01/01/13]

Rule 4.1.17 Insurance VC §16028 Fine Reduced by Clerk

Defendant must obtain insurance within 45 days of citation date and provide six months valid insurance for fine to be reduced.

[Adopted January 1, 2013]

Rule 4.1.18 Payment Extension

A party that has been approved to make payments of fine may ask the clerk for one 30-day payment extension. The request must be presented in writing. Any further delay in payment may result in the imposition of a civil assessment per PC §1214.1

[Rule 4.10 subd. (f) adopted July 1, 2007 is renumbered to 4.2.7 01/01/12, Rule 4.2.7 is renumbered to 4.1.18 01/01/13]

Rule 4.1.19 Motions for State Prison Cases

Motions filed for incarcerated inmates of Imperial County prisons are scheduled as follows:

(a) Motions filed regarding an inmate at the Centinela State Prison are heard Tuesdays at 1:30 p.m. in the El Centro courthouse on the master calendar.

(b) Motions filed regarding an inmate at the Calipatria State Prison are heard Thursdays at 1:30 p.m. in the El Centro courthouse on the master calendar.

(c) Motions filed regarding an inmate at Centinela or Calipatria State Prison for inmates that are not yet bound over or indicted are heard at 9:00 a.m. on the Prelim Hearing calendar.

[Adopted January 1, 2014]

Rule 4.1.20 Bail Review Request

A defendant requesting a bail review must submit Form CR-14 at the time of the request.

[Adopted January 1, 2015]

Rule 4.1.21 Felony Warrant Procedure

(a) Warrants for the arrest of defendants in felony cases will expire upon the expiration of the Limitations period for that offense as specified in Penal Code Sections 799-805. The expiration date shall be indicated on the face of the warrant when issued. Expired Warrants shall be considered invalid and unenforceable.

(b) Upon expiration of the warrant, the warrant shall be deemed recalled and notice will be issued to the prosecuting agency:

(1) that the arrest warrant has expired, and that;

(2) The prosecuting agency is Ordered to Appear and to Show Cause why the underlying criminal action

should not be dismissed or probation terminated.

(3) Upon a showing of Good Cause the Court may reissue the warrant of arrest.

[Adopted January 1, 2016]

Rule 4.1.22 Purge of Active Felony Warrants with No Expiration Date

Felony Warrants that are still active beyond the limitations period specified in Penal Code 799-806 or more than 7 years from the date of issue will be subject to the Order to Show Cause Notice pursuant to the procedure in Local Rule 4.1.21(b) above. The warrants shall be deemed recalled and the court will provide a bulk Notice to the Imperial County District Attorney of the warrants, grouped by year. The underlying cases will be dismissed unless Good Cause is shown for reissuance.

[Adopted January 1, 2016]

Division 2 Infractions

Rule 4.2.0 Evidence

Pursuant to California Vehicle Code § 40901, in the trial of any alleged infraction of the California Vehicle Code or any local ordinance, testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to California Vehicle Code § 40500 and/or a business record or receipt that would otherwise be subject to a hearsay objection.

[Rule 4.10 subd. (d) adopted July 1, 2007 is renumbered to 4.2.0 01/01/12]

Rule 4.2.1 Continuance by Clerk

A clerk of this court may, upon written request of a defendant or his counsel, continue the initial and/or mandatory arraignment of a defendant, except for defendants released on bail. Such continuance must be 30 days or less. Only one continuance is allowed. Request must be submitted no less than twenty-four (24) hours prior to arraignment date.

[Rule 4.10 subd. (b) adopted July 1, 2007 is renumbered to 4.2.1, and amended 01/01/12, amended 01/01/13, 01/01/14]

Rule 4.2.2 Correctable

Correctable violations will not be dismissed by the clerk without proof of correction in the manner required by Vehicle Code 40616 and payment of required fee by the appearance date.

[Rule 4.10 subd. (a) adopted July 1, 2007 is renumbered to 4.2.2, and amended 01/01/12, 01/01/17]

Rule 4.2.3 Evidence of Compliance Non Traffic

The clerk is authorized to accept plea of guilty together with evidence of compliance and reduce fine to the mandatory fee.

[Adopted January 1, 2012]

Rule 4.2.4 Extension for Pay or Appearance Date

A party may request from the clerk, one extension not to exceed 30 days from the pay or appear date listed on the citation or notice to appear. The party must submit to the clerk the written extension request.

[Rule 4.10 subd. (c) adopted July 1, 2007 is renumbered to 4.2.4, and amended 01/01/12, 01/01/13]

Rule 4.2.5 Trial by Declaration

Trials by Declaration are governed by Vehicle Code § 40902 and California Rule of Court 4.210 and are made only on Judicial Council Form TR-205. Bail must accompany declaration. All proof(s) of correction and administrative fee(s) must be paid on all violations not contested. Only Vehicle Code or Local Ordinances adopted

pursuant to California Vehicle Code § 40903 are authorized for Trial by Declaration.

[Rule 4.10 subd. (c) adopted July 1, 2007 is renumbered to 4.2.5, and amended 01/01/12, amended 01/01/13]

Rule 4.2.6 Repealed

[Rule 4.10 subd. (i) adopted July 1, 2007 is renumbered to 4.2.6, and amended 01/01/12, repealed and renumbered to 4.1.16 01/01/13]

Rule 4.2.7 Repealed

[Rule 4.10 subd. (f) adopted July 1, 2007 is renumbered to 4.2.7 01/01/12, is repealed and renumbered to 4.1.18 01/01/13]

Rule 4.2.8 Repealed

[Rule 4.10 subd. (h) adopted July 1, 2007 is renumbered to 4.2.8 01/01/12, is repealed and renumbered to 4.1.12 01/01/13]

Rule 4.2.9 Repealed

[Rule 4.10 subd. (g) adopted July 1, 2007 is renumbered to 4.2.9 01/01/12, is repealed and renumbered to 4.1.13 01/01/13]

Rule 4.2.10 Insurance VC §16028 Fine Reduced by Clerk

Must obtain insurance within 45 days of citation date and provide six months valid insurance for fine to be reduced.

[Adopted January 1, 2013]

Rule 4.2.11 Request for Traffic School in Payments

A clerk of this court may, upon written request of a defendant or counsel, approve a request to pay traffic school fines and fees on a 90-day payment plan.

[Adopted January 1, 2015]

The following misdemeanor and felony Rules also apply to infraction cases:

4.1.12 Civil Assessment
4.1.13 Vacate Civil Assessment
4.1.16 Fine/Fee Payments
4.1.17 Insurance VC §16028
4.1.18 Payment Extension

Division 3
Juvenile Infractions

Rule 4.3.0 Traffic

The provisions of Welfare and Institutions Code Section 603.5 are hereby adopted with respect to minors alleged to have committed only a violation of the vehicle code or a violation of a local ordinance involving the driving, parking or operation of a motor vehicle.

[Rule 4.10 subd. (j) adopted January 1, 2011 is renumbered to 4.3.0 01/01/12]

Rule 4.3.1 Continuance by Clerk: Non-Traffic

A clerk of this court may, upon written request of a defendant or his counsel, continue the initial and/or mandatory arraignment of a defendant in a non-traffic infraction, except for defendants released on bail. Such continuance must be 30 days or less. Only one continuance is allowed. Request must be submitted no less than twenty-four (24) hours prior to arraignment date.

[Adopted January 1, 2013, amended 01/01/14]

The following misdemeanor and felony Rules also apply to juvenile infraction cases:

4.1.12 Civil Assessment
4.1.13 Vacate Civil Assessment
4.1.16 Fine/Fee Payments
4.1.17 Insurance VC §16028
4.1.18 Payment Extension
4.2.0 Evidence
4.2.2 Correctable
4.2.4 Extension for Pay or Appearance
4.2.5 Trial by Declaration

Chapter 5
Family Law

Division 1
General Provisions

5.1.0 Applicability

This division applies to any proceeding under the Family Code for dissolution of marriage or domestic partnership, legal separation or nullity of marriage or actions under the Domestic Violence Prevention Act, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act, and local child support agency actions.

[Rule 5.0 adopted July 1, 2007 is renumbered to 5.1.0 01/01/12]

Rule 5.1.1 Ex Parte Orders (Except Domestic Violence Protection Act Actions)

(a) Ex parte matters are heard at 1:30 p.m. in the Family Law Department. The judicial officer has the discretion of ruling on the motion based only on the submitted pleadings. Any oral testimony will be limited in scope and time only to the specific issues raised in the applicant's motion. All ex parte matters must be set for hearing except:

(1) Written stipulations [Note: if the stipulation involves a continuation of the court trial or a hearing involving oral testimony, please confirm dates with family law clerk.];

(2) Signature of an order or judgment after a default proceeding;

(3) Requests for advanced mediation;

(4) Wage and earnings assignment order;

(5) Restoration of former name after judgment; and

(6) Order for publication or posting.

(b) Disclosure of Prior Orders and Status Quo. The applicant must disclose whether any prior applications have been made on the same issue and whether any orders were made with respect to such applications. THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT THE REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded.

(c) Ex Parte Actions Disfavored.
Ex Parte applications in general are strongly disfavored. Ex parte motions to change a child's vacation or school or the holiday schedule are disfavored. Requests for such changes should be presented on a regular motion calendar. A judicial officer may grant an order shortening time for such hearing.

(d) Evidentiary Declarations.
The judicial officer will only consider ex parte requests that are supported by written statements that have been signed by the declarant under penalty of perjury. Those statements must contain sufficient factual information within the personal knowledge of the declarant, and not conclusions, feelings, or fears. The declarations must describe why the ex parte request cannot be

heard on the court's regular motion calendar.

(e) Showing Required. Ex parte orders regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California.

(f) Notice. The party seeking the order must notify all parties, or their attorney if represented, no later than 10:00 a.m. one court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice. A declaration regarding notice must be filed with the court.

(1) The contents of the notice must include the nature of the relief requested, and the date, time and place for the presentation of the application.

(2) Notice may be waived only if the party alleges that such notification may negate the benefit of the requested relief, or frustrate the purpose of the proposed order, or that the applicant would suffer immediate and irreparable injury before the other party can oppose the motion. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible. See Local Form FL-06 (A).

(g) Proposed Order. The application must be accompanied by a proposed order. If the judicial officer does not sign the proposed order, it will be returned to the moving party. If the judicial officer signs the proposed order, the applicant may obtain a conformed copy for service

[Rule 5.1 adopted July 1, 2007, amended 01/01/08, subd (a)(b)(c)(d)(e)(f) amended 01/01/10; Rule 5.1 is renumbered to 5.1.1 01/01/12]

Rule 5.1.2 Hearings

(a) Failure of a moving party or attorney to be present at calendar call may result in the matter being removed from the calendar. If the responding party has appeared, attorney's fees and costs may be awarded to the appearing party against the offending party or attorney without prior notice other than this rule. The level of award of attorney's fees and costs shall be based on actual reasonable fees and costs resulting from the incident, and may be established by testimony of the party or the party's counsel.

(b) The parties shall meet and confer prior to any scheduled hearing in a good faith effort to resolve all pending issues. If the Court determines that the parties have not done so, the Court may trail or continue the matter to allow the parties to meet and confer.

[Rule 5.2 adopted July 1, 2007, amended 07/01/09, sub(c) amended 01/01/11, Rule 5.2 renumbered to 5.1.2, subd(c)(d) repealed 01/01/12]

Rule 5.1.3 Telephone Appearances

(a) In Family Court, appearances are governed by local rule 3.8.6 except as indicated in subdivision (b).

(b) In Family Support, Title IV-D Hearings, a party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government

agency who wishes to appear by telephone at a hearing must file a Request for Telephone Appearance-Judicial Council Form (FL-679) with the court clerk at least twelve (12) court days before the hearing. This request must be served on all parties by the close of the next court day as provided in California Rules of Court 5.324.

(c) If telephone communication is disruptive to the court, telephone hearing will be terminated.

For procedure, see instruction sheet (CV-05INFO).

[Rule 5.2 adopted July 1, 2007, subd (c)(d) renumbered to 5.1.3, amended 01/01/12, adopted subd (c) 01/01/13, and amended 01/01/13]

Rule 5.1.4 Referrals to Mediation

(a) Before a hearing on any disputed issue of custody or visitation, the parties must participate in mediation. In addition, if there is any disputed issue of custody or visitation, the parties must participate in mediation prior to the first case management conference scheduled in the case. For mediation appointment, see Rule 5.1.8 Stipulated Mediation.

(b) A referral of a party to mediation is a court order, and each party is required to attend and participate in mediation. At the time of the referral to mediation, the Court will set a date for further hearing, in advance of which, mediation shall be concluded.

(c) A mediation appointment may be rescheduled one time by each party, or by court order. A request to reschedule shall be made at least five court days prior to the mediation date by telephoning the Civil Department at (760) 482-2240.

(d) Failure to cancel or reschedule mediation at least five court days before the mediation date, and failure to attend and participate in mediation, may subject the party to monetary sanctions of up to $300.00 for each occurrence.

(e) The mediator shall review such items as the parties may submit to the mediator prior to the mediation session which the parties feel would be helpful to the mediation process, including items from the Court's file such as the moving and responding papers and any pertinent prior orders or judgments.

(f) During mediation, the parties shall use their best efforts to settle the disputed custody and visitation issues.

(g) If a disputed custody or visitation issue is resolved prior to mediation, the moving party or attorney must promptly notify the other party or attorney, and inform the Court in writing.

[Rule 5.3 adopted July 1, 2007, amended 01/01/09, 01/01/11, Rule 5.3 is renumbered to 5.1.4 01/01/12]

Rule 5.1.5 Participation in Mediation

The mediator has the duty of assessing the needs and best interest of the children, and may interview them if the mediator determines it is appropriate or necessary. The mediator has the authority to involve such persons in the proceedings, as the mediator deems appropriate. Children shall not be brought to the mediator's facility, except upon the request of the mediator.

[Rule 5.4 adopted July 1, 2007 is renumbered to 5.1.5 01/01/12]

Rule 5.1.6 Confidentiality of Mediation

Mediation must be held in private, and is confidential. Mediators are not allowed to testify concerning any aspect of the mediation process.

[Rule 5.5 adopted July 1, 2007 is renumbered to 5.1.6 01/01/12]

Rule 5.1.7 Results of Mediation

(a) If mediation results in an agreement, the mediator shall reduce the agreement to writing and present it to the parties for signature. If all parties have signed the agreement, the signed agreement shall be placed in the court file in an envelope marked "Confidential-Mediation Agreement." for Court review.

(b) If mediation yields no agreement on any issues, the mediator shall report only that mediation was unsuccessful.

[Rule 5.6 adopted July 1, 2007, amended 01/01/08, Rule 5.6 is renumbered to 5.1.7 01/01/12]

Rule 5.1.8 Stipulated Mediation

The parties may agree to mediation before a hearing on a notice of motion or order to show cause by filing the Stipulation for Mediation Form (FL-05) with a notice of motion or order to show cause. Upon signed mediation agreement, the clerk will set date for further hearing.

[Rule 5.7 adopted July 1, 2007, amended 01/01/11, Rule 5.7 is renumbered to 5.1.8 01/01/12]

Rule 5.1.9 Referral to Counseling

Where custody or visitation is in dispute, the parties shall, preferably in writing, address the issues in Family Code §§3190-3192, including (1) any alleged substantial danger to the best interests of the child, and (2) the manner in which counseling is in the best interests of the child.

[Rule 5.8 adopted July 1, 2007, amended 01/01/08, Rule 5.8 is renumbered to 5.1.9 01/01/12]

Rule 5.1.10 Repealed

[Rule 5.9 adopted July 1, 2007, repealed 01/01/08 is renumbered to 5.1.10 01/01/12]

Rule 5.1.11 Court Experts and Investigators

In an appropriate case, the Court may refer the matters of custody and visitation to the Probation Department, or to another Court expert for an investigation and report pursuant to Family Code Section 3110 or Evidence Code Section 730. The Court may also appoint an attorney for a child or private custody evaluator or investigator. The cost of experts shall be borne by the parties in a proportion to be ordered by the Court.

[Rule 5.10 adopted July 1, 2007 is renumbered to 5.1.11 01/01/12]

Rule 5.1.12 Court Experts

When a court-appointed investigator makes contact with minor children of families being investigated, the following rules shall apply:

(a) The investigator must advise the child that any disclosures will not be confidential, unless the Court grants a protective order protecting such disclosures, in which case, the investigator shall so advise the child. Where the lack of confidentiality seems to impede the investigation, the investigator may recommend that an attorney be appointed for the child, or communicate with each party (or counsel, if represented) and recommend that the matter be calendared for the purpose of

discussing an appropriate protective order.

(b) In a dispute between parents, a child interviewed by the investigator with one parent must be interviewed with the other, unless the Court orders otherwise on good cause shown.

(c) Initial interviews of siblings must be conducted separately, but subsequent joint interviews may be appropriate.

(d) In a dispute between parents, an investigation may be based on an interview with only one parent, unless the Court orders otherwise on good cause shown.

[Rule 5.11 adopted July 1, 2007 is renumbered to 5.1.12 01/01/12]

Rule 5.1.13 Disqualification of Court Expert

No expert appointed by the Court to perform an independent custody evaluation under Family Code Section 3110 and Rule 5.220 of the California Rules of Court may be peremptorily challenged.

[Rule 5.12 adopted July 1, 2007 is renumbered to 5.1.13 01/01/12]

Rule 5.1.14 Distribution of Investigation Report

The investigation report of any expert appointed by the Court shall be distributed in writing as follows: A copy will be delivered to the Court in an envelope marked "confidential." Contemporaneously, copies shall be delivered or mailed to all counsel and unrepresented parties. Service on counsel shall be considered sufficient service on the party represented by that counsel.

[Rule 5.13 adopted July 1, 2007 is renumbered to 5.1.14 01/01/12]

Rule 5.1.15 Complaints against Court Mediators, Evaluators, and Investigators

Any party or attorney representing a party with a grievance regarding mediation or evaluation may file a complaint with the CEO or designee according to court policy.

[Rule 5.14 adopted July 1, 2007, amended 07/01/08, Rule 5.14 is renumbered to 5.1.15 01/01/12]

Rule 5.1.16 Case Management

(a) It is the policy of the Superior Court to actively manage family law cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

(b) At the time of filing a petition for any case under this chapter, an initial case management conference will be scheduled by the Court one hundred eighty (180) days thereafter and notice thereof delivered by the clerk to the petitioner at the time the petition is filed.

(c) A copy of the Notice of Case Management and a blank Case Management Questionnaire (FL-03) must be served on the responding party along with the summons and petition, and proof of service of thereof filed with the Court.

(d) At the request of any party or upon the Court's motion, any other appropriate contested family law matter may be set for a case management conference.

(e) At least fifteen (15) days before the initial case management conference, all counsel, and/or self-represented parties must file and serve on all parties a completed Case Management Questionnaire (FL-03).

(f) At the case management conference, the Court shall continue the case for further review/case management, or schedule the case for settlement conference and/or trial. If a further review/case management conference is scheduled, the Court may require a supplemental case management questionnaire to be completed, served, and filed.

[Rule 5.15 adopted July 1, 2007, amended 07/01/08, subd (g) adopted 01/01/11, Rule 5.15 is renumbered to 5.1.16 01/01/12, subd (g) repealed 01/01/17]

Rule 5.1.17 Exchange of Settlement Proposals

At least thirty (30) days prior to the date set for settlement conference, counsel for each party, and/or the self-represented parties must meet and confer, and exchange written settlement proposals, in a good faith effort to resolve issues in the case.

[Rule 5.16 adopted July 1, 2007 is renumbered to 5.1.17 01/01/12]

Rule 5.1.18 [Repealed]

[Rule 5.17 adopted July 1, 2007 is renumbered to 5.1.18; and repealed 01/01/12]

Rule 5.1.19 Trial Conference

On the date set for trial, and prior to any evidence being presented, the Court may, with the agreement of all counsel and parties, conduct settlement discussions. By participating in this conference, all counsel and/or self-represented parties waive the right to disqualify the judge other than for actual cause.

[Adopted July 1, 2007, amended 01/01/11, Rule 5.18 is renumbered to 5.1.19 01/01/12]

Rule 5.1.20 Trial Brief (Form FL-08)

(a) Each counsel and /or self-represented party shall prepare, serve, and file a Trial Brief at least ten (10) days before trial. The brief must include the following information and attachments, if applicable to the disputed issue in the case:

(1) A confirmation that the preliminary disclosure statements have been served and filed with the court;

(2) A summary of all issues resolved; if the resolution is by written agreement, a copy of the agreement; if the agreement is oral, a statement of the details;

(3) A summary of all issues in dispute, and the propounding party's proposed resolution of them;

(4) A complete and current Income and Expense Declaration (FL-150);

(5) A complete and current Schedule of Assets and Debts (FL-142);

(6) A complete and current Property Declaration (FL-160);

(7) A detailed itemization of all disputed marital assets and debt, and a proposal for an equal division of property. The proposed division shall specify any assumption or payment of debts and liabilities and any tax consequences;

(8) Proposed orders for the child support, including guideline calculations;

(9) Proposed orders for spousal support, including detailed justification;

(10) Proposed orders for custody and visitation, including proposed access schedules;

(11) Proposed orders for attorney's fees, court costs, and payment of other costs of litigation;

(12) Points and authorities on any disputed issues of law applicable to the case;

(13) Values of property shall be supported by appraisals or statements, copies of which shall be attached, unless good cause is shown why no appraisal or statement has been obtained. Except for items of unusual value, personal property maybe aggregated as e.g., "jewelry $1000." There shall be rebuttable presumption that the average Kelly Blue Book value shown for a given vehicle is its fair market value;

(14) If it is claimed that an item of property is wholly or partially separate, the statement must clearly show the item or amount claimed to be separate, and the justification thereof. If any community funds have been used to purchase or maintain separate property, the amounts and the times the payments were made must be shown;

(15) A list of all witnesses to be examined, a brief synopsis of their testimony, and copies of the resumes of any expert witnesses;

(16) Any additional information which the party believes would be helpful to the Court.

(b) Failure to timely file a proper trial brief may result in the trial being vacated, the imposition of monetary sanctions including payment of costs and fees, or in trial sanctions precluding the litigation of issues or the exclusion of evidence. The Court has authority to impose these sanctions on its own motion. The sanctions may also be requested by an adverse party on noticed motion.

[Rule 5.19 adopted July 1, 2007, subd (a) amended 01/01/10, Rule 5.19 is renumbered to 5.1.20 01/01/12]

Rule 5.1.21 Income & Expense Declarations

In supplying Income and Expense Declarations for the Court's consideration, the party must include the following (on attachments, if necessary):

(a) Wage earners shall attach legible copies of their last two months' pay stubs, or a declaration by their employer establishing that no such stubs exist.

(b) Employment benefits whether in cash or in kind.

(c) If applicable, an explanation of why the party is currently unemployed and the nature of efforts made to seek new employment.

(d) Where employment is seasonal, a description of the employment.

(e) The identity of all income-producing household members, their relationship to a party, gross and net income, contribution to household expenses, and financial arrangements between the parties, if any.

(f) A complete description of all other sources of income.

(g) Self-employment and business income, with supporting documentation including, but not limited to, current business tax returns and/or verified profit and loss statements.

[Rule 5.20 adopted July 1, 2007 is renumbered to 5.1.21 01/01/12, subd (a) amended 01/01/17]

Rule 5.1.22 Child Support

(a) When a proposed default judgment contains an award of child support, a copy of support calculations generated by computer software certified by the Judicial Council must be attached.

(b) Where a proposed judgment contains an order for child support for a party who has requested or is currently receiving public assistance, or where child support is currently being enforced by Imperial County Department of Child Support Services in a separate case, the Judgment must have an attachment from the Imperial County Department of Child Support Services or a conformed copy of the current order.

[Rule 5.21 adopted July 1, 2007 is renumbered to 5.1.22 01/01/12, repealed subd (b) 01/01/13, adopted subd (b) 01/01/14.]

Rule 5.1.23 Spousal Support

The Court will consider all relevant factors in setting pendente lite/temporary spousal support, including guideline calculations based upon the formula adopted by Alameda County.

[Rule 5.22 adopted July 1, 2007, amended 01/01/09, 01/01/10, amended 01/01/11, Rule 5.22 is renumbered to 5.1.23 01/01/12]

Rule 5.1.24 Default or Uncontested Judgments

Parties seeking entry of a default judgment or uncontested judgment in cases involving child custody or visitation issues must file a declaration informing the court of the extent of contact between the parents and the child(ren) during the last six months at the time the proposed judgment is entered. California Judicial Council Forms (FL-170), (FL-230), and (MC-030) may be used for this purpose, as applicable. Any change to the residence of the child(ren) requires the filing of an updated Declaration Under Child Custody Jurisdiction and Enforcement Act-Judicial Council Form (FL-105).

[Rule 5.24 adopted July 1, 2007, amended 01/01/11, Rule 5.24 is renumbered to 5.1.24 01/01/12, amended 01/01/13]

Rule 5.1.25 Attorney's Fees and Costs

If request is made for an order for attorney's fees and costs, the requesting party shall file a current Income and Expense Declaration-Judicial Council Form (FL-150). The requesting party or his or her attorney shall also file a declaration which shall include:

(a) The services performed and costs incurred to date;

(b) The time expended;

(c) The hourly billing rate if applicable;

(d) The best estimate of future services to be performed, costs to be incurred, and reason therefore;

(e) Each party's access to community property;

(f) The specific amounts requested;

(g) The total amount paid by or on behalf of the party requesting fees and costs;

(h) A history of prior appearance and awards; and

(i) The extent to which there is a disparity of income between the parties.

(j) The ability of one party to pay for legal representation for both parties. Any other relevant factors.

[Rule 5.25 adopted July 1, 2007, subd (i) amended 01/01/11, subd (j) adopted 01/01/11, Rule 5.25 is renumbered to 5.1.25 01/01/12]

Rule 5.1.26 Privilege Against Self Incrimination

In contempt proceedings, a party may file a notice that he or she is exercising his or her right against self-incrimination, which shall be filed with the Court and served on all parties. Time for all requests for discovery requiring a personal response from the party under oath shall be tolled pending resolution of the contempt citation.

[Rule 5.26 adopted July 1, 2007 is renumbered to 5.1.26 01/01/12]

Rule 5.1.27 Domestic Violence and Child Custody Orders

(a) Court Communication Regarding Restraining Orders.

(1) All counsel and/or self-represented parties must disclose to the Court all known existing restraining or protective or custody/visitation orders that are in effect anywhere involving the parties and/or their children.

(2) Orders that permit contact between a defendant or restrained person subject to either CLETS Civil Restraining Orders or Criminal Protective Orders and his or her children, shall contain specific language setting forth the time, day, place, and manner of the transfer of the children, including the safe exchange of the children, in accordance with Section 3100 of the Family Code. Such an order shall not contain language that conflicts with a Criminal Protective Order against any restrained party. Safety of all parties shall be the Court's primary concern;

(3) Any Court issuing any orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action;

(4) Any Court issuing a criminal protective order shall make reasonable efforts to determine whether there exists any child custody or visitation orders that involve any party to the action;

(b) Modification of Criminal Protective Orders. Any Court responsible for issuing custody or visitation orders involving minor children of a defendant or restrained person

subject to a Criminal Protective Order may modify the Criminal Protective Order if all of the following circumstances are applicable;

(1) Both the defendant or restrained person and the victim or protected person are subject to the jurisdiction of the Family, Juvenile, and Probate Court, and both parties are present before the Court;

(2) The defendant or restrained person is on probation (formal or court) for a domestic violence offense in Imperial County;

(3) The Family, Juvenile, or Probate Court identifies a Criminal Protective Order issued against the defendant, which is inconsistent with a proposed Family, Juvenile, or Probate Court order, such that the Family, Juvenile, or Probate Order is/will be more restrictive than the Criminal Protective Order or there is a proposed custody or visitation order which requires recognition in the Criminal Protective Order.

(4) The defendant signs an appropriate waiver of rights form or enters a waiver of rights on the record.

(5) Both the victim or protected person and the defendant or restrained person agree that the Criminal Protective Order may be modified to a more restrictive order.

(c) The following Criminal Protective Orders may not be modified in Family, Juvenile, or Probate Court:

(1) Pre-Trial Orders;

(2) Requests for modifications of Criminal Protective Orders, which are less restrictive than the existing Criminal Protective Orders.

(d) The Family, Juvenile, or Probate Court may, at the request of an interested party or on its own motion, calendar a hearing before the Criminal Court on the issue of whether a Criminal Protective Order should be modified. The Family, Juvenile, or Probate Court shall provide the Criminal Court with copies of existing or proposed Orders relating to the matter. Notice if the hearing will be provided to all counsel and parties.

[Rule 5.27 adopted July 1, 2007 is renumbered to 5.1.27 01/01/12]

Rule 5.1.28 Preparation and Service of Proposed Judgment After Trial

Party preparing the judgment must serve the proposed judgment on the other party within five (5) court business days of trial unless the court orders otherwise. The other party shall have ten (10) calendar days from the date of mailing to review the order and notify the drafting party in writing of objections to its content. Failure to notify the drafting party within the time required shall be deemed an approval. The drafting party must, upon expiration of the ten-day period, promptly file the proposed judgment to the court together with a statement of any responses from the other party or a statement that no responses were received.
If the party ordered to prepare the judgment fails to do so, or if the opposing party files

objections to the proposed judgment within ten (10) calendar days of mailing, the opposing party may prepare and submit a proposed judgment to the court with a letter and copy of the proposed judgment to the other party.

[Adopted January 1, 2013, amended 01/01/16]

Rule 5.1.29 Findings and Orders After Hearing

The moving party filing a motion or Request for Order shall provide a proposed Findings and Orders After Hearing at the time of filing. If the proposed Findings and Order After Hearing is not submitted at the time of filing the moving party must comply with California Rules of Court 3.1312 and 5.125.

[Adopted January 1, 2013, amended 01/01/15]

Division 2
Family Law Facilitator

Rule 5.2.0 Family Law Facilitator

(a) The office of the family law facilitator may perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code §10000, et seq.

(b) In the event that the facilitator deems himself or herself disqualified or biased, he or she shall so advise the court executive officer, so that an alternate facilitator can be assigned to the case.

(c) If there is a grievance against the facilitator, it shall be submitted in writing to the court executive officer.

[Adopted July 1, 2007, amended 07/01/08, Rule 5.23 is renumbered to 5.2.0 01/01/12]

Chapter 6
Juvenile Proceedings

Division 1
General Provisions

Rule 6.1.0 Attendance

Unless excused by the Court, each party and attorney shall attend each scheduled Juvenile Court hearing.

[Rule 5.28 adopted July 1, 2007, Rule 5.28 renumbered to 6.0 01/01/08, Rule 6.0 renumbered to 6.1.0 01/01/12]

Rule 6.1.1 Presence of Minor

(a) All minors shall attend Court hearings unless excused for one of the following reasons:

(1) The minor's attorney waives the minor's appearance;

(2) The minor chooses not to attend;

(3) The minor is excused by the Court; or

(4) The minor is disabled, physically ill, or hospitalized.

(b) Every minor ten (10) years or older shall be told of his or her right to attend court hearings and all minors over the age of ten (10) shall be given notice by the investigating or supervising social worker.

[Rule 5.29 adopted July 1, 2007, Rule 5.29 renumbered to 6.1 01/01/09, Rule 6.1 renumbered to 6.1.1 01/01/12]

Rule 6.1.2 Attorney Competency

(a) All attorneys who represent parties in juvenile court proceedings must be competent within the meaning of these rules. In order to be deemed competent, all attorneys who represent parties in juvenile court proceedings must meet the minimum standards of training and/or experience set forth in these rules and the CRC.

(b) Each attorney of record for a party to a dependency matter who meets the minimum standards of training and/or experience must complete and submit a certification of competency (JV-01) to the Court Executive Officer within ten (10) days of his or her first appearance in a dependency matter.

(c) Attorneys who meet the foregoing minimum standards of training and/or experience shall be deemed competent to practice before the Juvenile Court in dependency cases, except as provided otherwise herein.

(d) Any attorney appearing before the Court in a dependency case who does not meet the minimum standards of training or experience shall notify the Court to that effect and shall have ten (10) days there from to complete the minimum requirements of these rules and the CRC.

(e) If a Court appointed attorney fails to complete such training, the Court shall order that counsel deemed competent be substituted for said attorney. If counsel is retained, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(f) The Court may also determine, based on conduct or performance of counsel before the Court in a

dependency case within the six-month period prior to the submission of the certification to the Court, that a particular attorney does not meet minimum competency standards. In such case, the Court shall not appoint such attorney to represent parties in juvenile dependency matters until the Court is satisfied the attorney meets the minimum competency standards.

(g) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

[Adopted July 1, 2007, Rule 6.4 renumbered to 6.1.2 01/01/12]

Rule 6.1.3 Minimum Standards of Attorney Education and Training

(a) The minimum training and educational requirements for attorneys representing parties in juvenile court proceedings are as follows:

(1) Participation in at least eight hours of training or education in a juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs of appeal, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts, or

(2) At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. 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.

(b) In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the Court shall submit a new certificate of competency to the Court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider, a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider, a copy of the training or educational program schedule together with evidence of attendance at such program, or such other documentation as may reasonably be considered to demonstrate the attorney's

attendance at such program. Attendance at a court-sponsored or approved program will also fulfill this requirement.

(c) The attorney's continuing training or education shall be in the areas set forth in these rules or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

(d) When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the Court by the due date, the Court shall notify the attorney that he or she will be decertified. The attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education.

[Adopted July 1, 2007, Rule 5.33 renumbered to 6.5 01/01/09, Rule 6.5 renumbered to 6.1.3 01/01/12]

Rule 6.1.4 Standards of Representation

All attorneys appearing in dependency:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported, contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information, consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court, and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

(b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the home. Thereafter, the attorney or attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

(c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

(d) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This

shall include the duty to work cooperatively with other counsel and the Court, explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interest, and to comply with local rules and procedures as well as with statutorily mandated timelines.

[Adopted July 1, 2007, Rule 5.34 renumbered to 6.6 01/01/09, Rule 6.6 renumbered to 6.1.4 01/01/12]

Rule 6.1.5 Discovery

(a) Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant materials shall be disclosed in a timely fashion to all parties of the litigation.

(b) Only after all informal means have been exhausted may a party petition the Court for discovery. A noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.

(c) There shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of the Juvenile Court upon noticed motion.

(d) In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least ten (10) calendar days before the hearing and any up-dated records two (2) calendar days before the hearing. In all other cases, such documents shall be made available at least two (2) calendar days prior to the hearing.

(e) Upon timely request, parents, guardians and de facto parents shall disclose to all other parties such non-privileged material and information within their control which is relevant.

(f) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court order.

(g) No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without Court approval. This rule does not apply to the DSS case manager or other authorized DSS social worker.

(h) All attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews taken of the minor relating to the events surrounding the alleged abuse. Any person entitled to information about the alleged incident shall first review any previous information or reports made by the investigating officer(s).

[Adopted July 1, 2007, Rule 5.36 renumbered to 6.8 01/01/09, Rule 6.8 renumbered to 6.1.5 01/01/12]

Rule 6.1.6 Ex Parte Applications and Orders

(a) Before submitting ex parte orders to the Court for approval, the applicant must give notice to all counsel, social workers, CASA, and parents who are not represented by counsel, or explain the reason notice has not been given.

(b) Any party requesting ex parte orders must give all other parties at least 24 hours' notice of any intention to seek an ex parte application, and complete a "Declaration Re notice of Ex Parte Application" form (JV-02) so indicating. The original declaration and accompanying application for order must be submitted to the clerk in the civil department.

(c) Upon receipt of the application and declaration of notice, the courtroom clerk will note the date and time received in the upper right corner of the declaration.

(d) An opposing party must present any written opposition to a request for ex parte orders to the courtroom clerk within twenty-four (24) hours of receipt of notice. The Court may render a decision on the ex parte application or set the matter for hearing. The applicant is responsible or serving all noticed parties with copies of the Court's decision or notice that the Court has calendared the matter and the applicant shall notify all parties of any hearing date and time set by the Court.

(e) Whenever possible the moving and responding papers and declaration re: notice shall be served on the attorneys for each parent, attorney for the child, county counsel, supervising social worker and parents who are not represented by counsel.

(f) Notice may be excused if the giving of such notice would frustrate the purpose of the order and cause the child to suffer immediate and irreparable injury.

(g) Notice may also be excused if, following a good faith attempt, the giving of notice is not possible, or if the opposing parties do not object to the requested ex parte orders.

[Adopted July 1, 2007, Rule 5.38 renumbered to 6.10 01/01/09, Rule 6.10 renumbered to 6.1.6 01/01/12, subd (b) amended 01/01/14]

Rule 6.1.7 Application for Modification of Court Orders

(a) If relief is sought on an ex parte basis the Court shall either grant a hearing and assign a hearing date, or grant or deny the petition for modification outright.

(b) After the judicial officer grants a hearing, the party who presented the petition for modification shall file the petition for modification and any supporting papers with the clerk's office and serve copies of the filed petition for modification and any supporting papers on each party and the party's counsel, if any.

(c) If the judicial officer grants a hearing on the petition for modification and assigns a hearing date, the party who presented the petition for modification shall serve, no less than ten (10) calendar days prior to the assigned hearing date, the filed petition for modification and any supporting papers on each party and the party's counsel, if any. If the petition for modification and any supporting papers are not served on each party or the party's counsel, if any, in compliance with this rule, the hearing date may be taken off calendar.

(d) Any party seeking an order temporarily granting the relief sought in a petition for modification pending the hearing on that petition, shall specify in the petition the fact that temporary relief is being sought and the specific nature of the

temporary relief sought. Any such request for temporary relief shall be accompanied by evidence demonstrating that the order temporarily granting the relief sought in a petition for modification is in the best interests of the minor.

[Adopted July 1, 2007, Rule 5.39 renumbered to 6.11 01/01/09, Rule 6.11 renumbered to 6.1.7 01/01/12]

Rule 6.1.8 Authorizations for Travel, Medical and Dental Care

(a) Unless ordered otherwise by the Court, a minor's care provider may travel with the minor within the State of California with the concurrence of DSS. Any travel for the minor out of the State of California shall require prior Court approval.

(b) Unless counsel for a party has specifically requested advance notice of ex parte applications regarding out-of-state travel or medical/dental care for the minor, an ex parte application may be made, without advance formal notice, to the judicial officer in whose courtroom the minor's case is assigned, seeking an order permitting minor to travel out of state with the foster parent or care provider, relative, or other appropriate adult acceptable to DSS, or an order authorizing that medical or dental care be performed on the minor. All such ex parte applications shall be filed no less than ten (10) calendar days prior to the proposed travel or medical/dental care, absent good cause shown on the application, or unless the Court has specified a greater or lesser period. All such ex parte applications shall include the following information.

(1) the name and address of each party to the action, and the name and address of each party's counsel;

(2) the efforts made to obtain the consent of and/or give notice to the parents or guardians of the minor of the proposed travel or medical/dental care;

(3) if a parent or guardian has refused to agree to the proposed travel or to give consent to medical/dental care, that fact shall be noted on the application, including the ground for the parent/guardian's refusal, if known;

(4) for any parent or guardian whom DSS was unable to locate to give notice and/or obtain consent, a description of the efforts made to locate the parent/guardian; the fact the minors counsel has been notified of the proposed travel or medical/dental care, and said counsel's position on the proposed travel or medical/dental care.

(c) When presented with an ex parte application for order authorizing out-of-state travel or medical/dental care, the Court shall either grant the request and issue the order, or deny the request. If the Court issues the requested order authorizing out-of-state travel or medical/dental care the presenting party must present the application form and order to all counsel. Any party disagreeing with the order for out-of-state travel or medical/dental care shall place the matter on calendar for further consideration.

[Adopted January 1, 2007, Rule 5.40 renumbered to 6.12 01/01/09, Rule 6.12 renumbered to 6.1.8 01/01/12]

Rule 6.1.9 Procedures for Reviewing and Resolving Complaints Against Attorneys

(a) Any party to a juvenile court proceeding may lodge a written complaint with the juvenile presiding judge concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

(b) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of giving notice. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.

(c) The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for a submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(e) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acts contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

(f) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the required standards of representation, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

(g) The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. The attorney shall have ten (10) days after the date of the notice to request a hearing before the Court concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.

(h) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested, except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(i) At hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court determination. Such arguments shall be based on evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing, or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

[Adopted July 1, 2007, Rule 5.41 renumbered to 6.13 01/01/09, Rule 6.13 renumbered to 6.1.9 01/01/12]

Rule 6.1.10 Request for Court Interpreter

An attorney or party in a juvenile proceeding may require the services of a Certified Court Interpreter for a witness. The party or attorney must notify Court Administration at (760) 482-2250 forty-eight (48) hours in advance of the following information: length of time needed, day or days needed, location, and language type.

[Adopted January 1, 2015]

Division 2
Court Appointed Special Advocate

Rule 6.2.0 General

(a) A Court Appointed Special Advocate, hereinafter "advocate", is appointed by the Court on behalf of children, and usually only in juvenile dependency proceedings. An advocate serves at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed.

(b) Each advocate shall be sworn in by a Superior Court Judge before beginning his or her duties. An advocate is an officer of the Court and is bound by all court rules.

(c) Advocates serve under the guidance and supervision of the Imperial County CASA program staff and are expected to comply with operational policies and procedures approved by the program's Board of Directors,

Sections 100 through 109 of the Welfare and Institutions Code, Rule 1424 of the California Rules of Court, any and all Judicial Council Guidelines, local rules of court, and the provisions of any agreement entered into by the Imperial County CASA program with the Juvenile Court.

[Rule 5.30 adopted July 1, 2007, Rule 5.30 renumbered to 6.2 01/01/09, Rule 6.2 renumbered to 6.2.0 01/01/12]

Rule 6.2.1 Function of Advocates

In general, an advocate's functions are as follows:

(a) Support the child throughout the court proceedings;

(b) Explain the court proceedings to the child;

(c) Establish a relationship with the child to better understand the child's needs and desires;

(d) Review available reports and records regarding the child's family history, school behavior, medical or mental health history, etc. including relevant records pertaining to the child from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic.

(e) Identify and explore potential resources that will facilitate family preservation, early family reunification, or alternative permanency planning;

(f) Explain the advocate's role, duties, and responsibilities to all parties associated with a case.

(g) Visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until Dependency is dismissed or the advocate is relieved from appointment.

(h) Communicate the child's needs to the Court through written reports to the Court and make recommendations to the Court on what placement, or permanent plan (if any), and services are best for the child;

(i) Determine whether appropriate services, including reasonable efforts, are being provided to the child and family;

(j) Ensure that the Court-approved plans for the child are being implemented; attend Court hearings;

(k) Investigate the interests of the child in judicial or administrative proceedings outside of Juvenile Court, and communicate and coordinate efforts with the child's social worker and attorney.

(l) Conduct an independent investigation of the circumstances surrounding the case, and interview and observe the child and other appropriate individuals (that is, the parties involved in the case as well as other persons having significant information relating to the child).

[Adopted January 1, 2011[

Rule 6.2.2 Specific Duties of Advocate

The Court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the advocate's duties in each case. If no specific duties are outlined by court order, the advocate shall discharge his or her obligation to the child and Court in accordance with the general duties set forth above. The extent of an advocate's investigative authority is the same as any other officer of the Court appointed to investigate proceedings on behalf of the Court. An advocate is required to report the results of his or her investigation to the Court and, if ordered to do so, provide the Court with any other information the Court specifically requests.

[Adopted January 1, 2011[

Rule 6.2.3 Family Law Advocate

Should the Juvenile Court dismiss Dependency and create a Family Law Order pursuant to W.I.C Section 362.4, the Court may continue the advocate's appointment in the Family Law proceeding. In such case, the Court shall specify the nature, extent, and duration of the advocate's duties in the Family Law proceeding.

[Adopted January 1, 2011]

Rule 6.2.4 Referral Procedures

(a) A child's dependency case may be referred by the Court or by any interested person to the CASA program for evaluation for appointment at any point in the proceedings.

(b) Upon acceptance of the case by the program and acceptance by an available advocate, an Order for Appointment shall be submitted to the Court by the CASA program staff, requesting appointment of the identified volunteer. The Court may appoint an advocate at any time following the jurisdictional hearing. In extraordinary cases, the presiding judge, or his or her designee, may appoint an advocate prior to the establishment of jurisdiction. In such cases, the judicial officer shall be particularly specific as to the duties of the advocate in order to reduce the risk that the advocate may become involved in the investigative process.

(c) The CASA office will notify the parties of the appointment of an advocate, and provide the name and contact information of the specific advocate assigned to the case.

[Adopted January 1, 2011]

Rule 6.2.5 Criteria for Referral to CASA Program

Priority consideration for appointment of an advocate will be given involving the following circumstances;

(a) Severe physical/sexual abuse cases where the child is not released to a parent or relative, and/or the child is seriously traumatized.

(b) Cases that involve Special Needs Children that involve conflicting opinions as to assessment and/or treatment for child, or where treatment plans or resources will be difficult to arrange. "Special Needs Children" are identified as children who have experienced three or more separate placements during any consecutive 12-month period or who have been diagnosed or have a history of the following:

(1) Conduct disorder with aggressive tendencies or antisocial behavior;

(2) Attention Deficit Hyperactive Disorder treated by psychotropic drugs;

(3) Self-destructive or suicidal behavior;

(4) Use of psychotropic drugs;

(5) Developmental disability;

(6) Fire setting;

(7) Manifestation of psychotic symptoms, such as delusion, hallucination, or disconnected or incoherent thinking;

(8) Summarization of psychosomatic problems, such as a sleeping or eating disorder;

(9) Chronic depression or social behavior;

(10) Severe sexual acting-out behavior; or

(11) Substance abuse.

(c) Cases of re-abuse that involve a number of issues or a number of interested parties;

(d) Children ten (10) years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;

(e) Children age 0-8 years old in foster care, where a CASA volunteer might expedite the case toward family reunification or adoption, if reunification is not appropriate; and

(f) Short-term CASA intervention or involvement may facilitate case resolution or clarification of issues or by gathering or researching information, e.g., contacting out-of-state relatives or investigating medical concerns to assist the Court in reaching a decision.

[Adopted January 1, 2011]

Rule 6.2.6 Release of Information to Advocates

An advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation) with regard to records held by any agency, school, organization, division or department of the state, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her identification as a court appointed special advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to child.

[Adopted January 1, 2011]

Rule 6.2.7 Report of Child Abuse

An advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed. As such, an advocate is required to report any reasonable suspicion that the child is a victim of child abuse or serious neglect as described by Penal Code Section 273.

[Adopted January 1, 2011]

Rule 6.2.8 Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments maintained among the advocate, the social worker, the child's attorney (if any), attorneys for parents,

relatives (to the extent permitted by law), foster parents (to the extent permitted by law), and any therapist for the child.

[Adopted January 1, 2011]

Rule 6.2.9 Right to Timely Notice and Right to Timely Appear

(a) An advocate shall be provided proper and timely notice for all proceedings held in cases to which the advocate has been appointed.

(b) An advocate has the right to be personally present at all hearings and to be heard at all Court hearings. The advocate shall have the right to participate in any chambers' conferences which are held in the proceedings to which the advocate has been appointed. If the child is allowed to testify in chambers or to otherwise participate in any chambers' conference, the advocate shall have the right to accompany the child. An advocate shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings.

(c) An advocate shall not be deemed to be a "party" as described in Title 3 of Part 2 of the Code of Civil Procedure. However, the Court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

[Adopted January 1, 2011]

Rule 6.2.10 Access to Records

(a) All information concerning children and families in the Juvenile Court process is confidential. An advocate shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff except as may be ordered by the Court. Any request for access to these records by a non-party must be made to the Presiding Juvenile Court judge through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code sections 827 and 828 (Form JV-570).

(b) The child's case file shall be maintained in the Imperial County CASA office by a custodian of records. No one shall have access to that file except upon approval of the CASA program director. All records will be kept for a minimum of five (5) years and appropriately destroyed, pursuant to Welfare and Institutions Code section 826(a).

(c) An advocate's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the CASA program director, and the presiding judge of the Juvenile Court (or his or her designee). A CASA volunteer's personnel records, however, are subject to the Court's subpoena power. All subpoenas are to be served on the CASA program director at the Imperial County CASA program's offices at:

Court Appointed Special Advocate Program
690 Broadway, Suite #6
El Centro, CA. 92243

[Adopted January 1, 2011]

Rule 6.2.11 Appeal and Grievance Procedures

(a) Advocates serve at the pleasure of the Court; the appointment is a privilege and not a right. The Presiding Juvenile Court judge or his or her designee has the sole authority

and power to appoint and/or remove an advocate to or from a case. There is no appeals process from the Court's decision.

(b) The Imperial County CASA program has established an internal process for the submission and investigation of grievances which process shall be followed.

(c) Once an advocate has been removed from a case, the volunteer is not to contact any of the parties in the case. Advocates who are removed or terminated from the program shall not be appointed on any other case.

[Adopted January 1, 2011]

Rule 6.2.12 Distribution of CASA Reports

Absent good cause, the CASA court report must be filed with the court and distributed to the persons entitled to receive it at least two court days before the hearing for which the report was prepared. It shall be the responsibility of CASA to copy and distribute the CASA court report. Copies of the report shall be filed with the Court and distributed to all counsel of record, the Department of Social Services, and any party to the proceeding not represented by counsel.

[Adopted January 1, 2016]

Division 3
Dependency

Rule 6.3.0 Visitation

(a) Visitation between a minor and the minor's parents, or guardians should be as frequent as possible based on the individual circumstances of the case. Orders for visitation may be issued at any schedule hearing. Arrangements for visitation may be modified by the filing and approval of a WIC Section 388 petition. Unless specified otherwise by the Court, the following definitions shall apply to visitation Supervised Visits: DSS is responsible for the supervision of visits unless the court order specifies that a third party may assume the role. Probation staff may supervise visitation at the shelter receiving home. Only reasonable visits may be required to be supervised.

Reasonable Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.
Liberal Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.
Extended Visits: Visits which last beyond fourteen (14) consecutive days. Pursuant to state regulations, extend visits become placements after sixty (60) consecutive days.

(b) Any significant decrease from the court-ordered level of a party's visitation shall be presented to the affected party for comment before being submitted to the Court. The Court may set a hearing on the issue after hearing the party's comments on the proposed reduction.

[Adopted July, 1, 2007, Rule 6.3 renumbered to 6.3.0 01/01/12]

Rule 6.3.1 Procedures for Informing Court of the Interests of a Dependent Child

(a) 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 which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel shall notify the Court of such right or interest as soon as it is reasonably possible to do so.

(b) Notice to the Court may be given by the filing of Judicial Council Form JV-540 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

(c) If the person filing the notice is the counsel for the minor, 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 a guardian ad litem may be necessary to initiate or pursue the proposed actions, whether joinder of an administrative agency to the juvenile court proceedings pursuant to WIC Section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

(d) 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.

(e) The Court may set a hearing on the notice if the Court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.

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

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

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

(3) Notice a joinder hearing pursuant to WIC Section 362 compelling the responsible agency to report to the Court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the Court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

[Adopted July 1, 2007, Rule 5.35 renumbered to 6.7 01/01/09, Rule 6.7 renumbered to 6.3.1 01/01/12]

Rule 6.3.2 Production of DSS Reports

(a) Reports prepared by DSS shall be filed, served, and made available to all counsel before the hearing in accordance with the following time limitations, unless otherwise ordered by the Court:

(1) Jurisdictional and/or dispositional reports are due at least two (2) judicial days before the hearing;

(2) Review of dependency status and status review reports are due at least ten (10) calendar days before the hearing.

(3) All other reports shall be due a reasonable time before the hearing, but in no event less than two (2) court days.

(b) If a report is not timely filed or made available to all counsel, then any affected party or the Court, may move to strike the report, or request a continuance of the hearing to the extent permitted by law.

(c) The names of any experts to be called by any party and copies of their reports, if not part of a social study report prepared by DSS, shall be provided to all counsel at least five (5) calendar days before the hearing.

[Adopted July 1, 2007 Rule 5.37, Rule 5.37 renumbered to 6.9 01/01/09, Rule 6.9 renumbered to 6.3.2 01/01/12]

Rule 6.3.3 Financial Responsibility for Attorney Fees in Juvenile Dependency Cases

(a) Pursuant to Welfare & Institutions Code 903.45, the court will evaluate the financial ability of parent(s) or guardian(s) to reimburse the court for legal services.

(b) Financial Responsibility may be determined at the close of the disposition hearing. The court will order responsible parties to appear before a Financial Evaluator for preparation of a financial evaluation and recommendation of the party's ability to pay cost of legal services. The court will order one of the following:

(1) The party will be ordered to report to the Financial Evaluator of the Superior Court of California, County of Imperial, within 7 calendar days (if in custody, 7 days from release) at 1625 W. Main Street, 2nd floor, El Centro, CA 92243. The telephone number is 760-336-3510

OR

The parties will be required to provide all information regarding his/her financial status and ability to reimburse the court for court appointed legal assistance, pursuant to Penal Code Section 987.8, Welfare & institutions Code Section 903.45, and Government Code Section 27750. Party will bring the following items to the meeting with the Financial Evaluator:

- Completed Financial Declaration
- Public Assistance Verification
- Most recently prepared tax return

- Current Profit and Loss if self employed
- Wage Statements for the last month
- Verification for any other income

Upon completion of the financial evaluation, parties are entitled to a formal hearing wherein this court will make a determination concerning the value of services rendered and ability to pay the cost of court appointed legal fees. At that hearing parties shall be entitled, but not limited to the rights enumerated in Government Code Section 27755. If, after the conclusion of this hearing, the court determined that Party has the present ability to pay for all or part of the legal costs of services rendered, the court may then order party to pay such costs.

(2) If the parties receive public assistance or their gross income is less than 125% of federal poverty guidelines and parties do not have enough income to pay for household needs and attorney fees. The assessment of attorney fees would harm the parties ability to support the child(ren) or limit their ability to comply with re-unification plan requirements. After review of the case, the court will not order payment of legal fees.

(c) The following juvenile dependency fees may be imposed:

Detention	$228
Disposition	$348
6 month review	$206
12 month review	$147
18 month review	$62
.26 hearing	$304
First Permanency Placement Hearing	$37
Second Permanency Placement Hearing	$37
Third Permanency Placement Hearing	$37
39.1B writ	$859

(d) Pursuant to Welfare & Institutions Code Section 903.1 (b) no fee will be assessed if the case is dismissed at or before jurisdictional hearing.

[Rule 5.42 adopted July 1, 2007, Rule 5.42 renumbered to 6.14 01/01/09, subd (c) amended 01/01/10, subd (b)(c)(d) adopted 01/01/12, Rule 6.14 renumbered to 6.3.3 01/01/12]

Division 4
Delinquency

Rule 6.4.0 Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases

(a) Pursuant to Welfare & Institutions Code 903.45, the court will evaluate the financial ability of parent(s) or guardian(s) to reimburse the county for legal services.

(b) Financial Responsibility may be determined at the close of the disposition hearing. The court will order responsible parties to appear before a Financial Evaluator for preparation of a financial evaluation and recommendation of the party's ability to pay cost of legal services.

The court will order one of the following:

(1) The party will be ordered to report to the Financial Evaluator of the Superior Court of California, County of Imperial, within 7 calendar days (if in custody, 7 days from release) at 1625 W. Main Street, 2nd floor, El Centro, CA 92243. The telephone number is 760-336-3510.

OR

(2) The parties will be required to provide all information regarding his/her financial status and ability to reimburse the county for court appointed legal assistance, pursuant to Penal Code Section 987.8, Welfare & institutions Code Section 903.45, and Government Code Section 27750. Party will bring the following items to the meeting with the Financial Evaluator:

- Completed Financial Declaration
- Public Assistance Verification
- Most recently prepared tax return
- Current Profit and Loss if self employed
- Wage Statements for the last month
- Verification for any other income

Upon completion of the financial evaluation, parties are entitled to a formal hearing wherein this court will make a determination concerning the value of services rendered and ability to pay the cost of court appointed legal fees. At that hearing parties shall be entitled, but not limited to the rights enumerated in Government Code Section 27755. If, after the conclusion of this hearing, the court determined that Party has the present ability to pay for all or part of the legal costs of services rendered, the court may then order party to pay such costs.

If the parties receive public assistance or their gross income is less than 125% of federal poverty guidelines and parties do not have enough income to pay for household needs and attorney fees. The assessment of attorney fees would harm the parties ability to support the child(ren) or limit their ability to comply with re-unification plan requirements. After review of the case, the court will not order payment of legal fees.

(c) The following juvenile delinquency fees may be imposed:

Hourly Rate 65.00

Hearing/Event	Hours per Event out of court	Cost per Event out of court	Hours per Event in Court	Cost per Event in court	Running Balance
Arraignment/Detention	0.50	32.50	2.5	162.50	195.00
Pretrial	5.50	357.50	1.5	97.50	650.00
Jurisdictional Hearing	4.50	292.50	1.5	97.50	1,040.00

Dispositional Hearing	6.00	390.00	2	130.00	1,560.00

Violation of Probation (VOP)

Hearing/Event	Hours per Event out of court	Cost per Event out of court	Hours per Event in Court	Cost per Event in court	Running Balance
Detention VOP	0.50	32.50	2.5	162.50	195.00
Pretrial VOP	5.50	357.50	1.5	97.50	650.00
Violation of Probation Hearing	4.50	292.50	1.5	97.50	1,040.00
Dispositional Hearing VOP	6.00	390.00	2	130.00	1,560.00

Above fees are estimated and may be adjusted dependent upon hearing schedule.

(d) Pursuant to Welfare & Institutions Code Section 903.1 (b), no fee will be assessed if the case is dismissed at or before jurisdictional hearing.

[Adopted 01/01/12]

Chapter 7
Probate Rules

Rule 7.0 Filing Location

Probate matters must be filed in the Probate Department located on the 1st Floor of the El Centro Courthouse on 939 W. Main Street, El Centro, CA 92243.

[Adopted January 1, 2017]

Rule 7.1 Caption of Petitions

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

[Adopted July 1, 2007, Rule 7.0 renumbered to 7.1 01/01/17]

Rule 7.2 Appearances

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property and any petition to which objection has been filed. All other petitions may be pre-approved by the Probate Examiner, with no appearance required, if an order is received by the Court prior to the hearing. However, if an interested person appears and objects and the Court determines that an appearance is necessary by Counsel, the matter may be continued. No notice of continued hearing date will be mailed by the Court; it is the responsibility of counsel to determine whether the matter has been approved or continued.

[Adopted July 1, 2007, Rule 7.1 renumbered to 7.2 01/01/17]]

Rule 7.3 Probate Examiner

Counsel may telephone the Probate Examiner's Office to determine if there are any defects in the file two days prior to the hearing.

[Adopted July 1, 2007, Rule 7.2 renumbered to 7.3 01/01/17]

Rule 7.4 Hearings

All probate matters are heard on Friday of each week at 8:30 a.m. in the assigned probate department except Lanterman, Petris, Short (LPS) Conservatorship matters. Lanterman, Petris, Short (LPS) Conservatorship matters are scheduled on Monday of each week in the assigned department. The hearing date is scheduled by counsel and required to be on all notices of hearing at the time of filing thereof. The Court does not schedule the date of any hearing or mail notices of any hearings.

[Adopted July 1, 2007, amended 01/01/12, Rule 7.3 renumbered to 7.4 01/01/17]

Rule 7.5 Order for Family Allowance

The duration of an order for family allowance is limited to six months if no inventory and appraisal has been filed, and is limited to one year if an inventory and appraisal has been filed.

[Adopted July 1, 2007, amended January 1, 01/01/12, Rule 7.4 renumbered to 7.5 01/01/17]

Rule 7.6 Independent Administration

When a personal representative has been granted authority to administer the estate under the Independent Administration of Estates Act (beginning at Probate Code, Section 10400), the following polices shall apply:

(a) The original of the notice of proposed action and proof of mailing or personal delivery of the notice shall be filed with the Court.

(b) In any accounting or petition for distribution, the personal representative shall report all acts taken without court authorization, approval, confirmation, or instruction that would be required if authority to administer the estate under the Independent Administration of Estates Act has not been granted ("independent acts"). With respect to each independent act, the personal representative shall state whether notice of proposed action was not given, the personal representative should allege whether such notice was not required or waived. Independent acts reported in a prior noticed petition need not again be reported in a later petition.

(c) If no independent acts have been taken during administration, this fact should be stated in the petition for final distribution.

[Adopted July 1, 2007, Rule 7.5 renumbered to 7.6 01/01/17]

Rule 7.7 Fees Stated When Account Waived

In accounts, or in petitions for distribution accompanied by waiver of accounting, the report must state the amount of the personal representative's commissions payable as well as the amount of the attorney's fees and the basis for calculation thereof. When income is included in the basis for calculation, even though the accounting is waived, a detailed schedule of income must be presented.

[Adopted July 1, 2007, Rule 7.6 renumbered to 7.7 01/01/17]

Rule 7.8 Non-Statutory Fees and Commissions

(a) A petition for services other than statutory compensation rendered in a probate or other proceeding shall include:

(1) A declaration by the attorney, personal representative, trustee, or other fiduciary of the services rendered or to be rendered by each of them itemizing their services by date, time, and service rendered;

(2) The sum requested for each item of service, together with the total amount requested for such services (and not merely "reasonable fees"); and

(3) A reference in the caption and prayer to the additional fees.

(b) In determining such fees, the Court shall consider the difficulty of the tasks performed, the reasonable value of time expended, the amount of the estate accounted for, and whether an accounting is waived.

[Adopted July 1, 2007, Rule 7.7 renumbered to 7.8 01/01/17]

Rule 7.9 Fees for Conservators and Attorneys

(a) Petitions for a fee request should be filed with all accountings.

(b) Fees for court appointed attorneys should be requested at the hearing as part of the attorney's report.

(c) Services rendered by conservators and their attorneys must be set forth in a detailed statement of the facts upon which the fee request is based, including a schedule which states: the nature and difficulty of task performed; the results achieved; the benefits to the conservatee or

conservatee's estate; a description of each separate service performed; the hours spent; and total amount requested.

[Adopted July 1, 2007, Rule 7.8 renumbered to 7.9 01/01/17]

Rule 7.10 Required Educational Program for Non-Professional Conservators

a) A conservator who resides outside of Imperial County may make arrangements to attend a program as described in Probate Code 1457 at a Superior Court in another county in California where available. The proposed conservator shall file written proof of completion of the educational program at least four court days prior to the hearing.

b) If a proposed conservator fails to timely provide proof of completion of the educational program, the court may continue the hearing on the petition for a period long enough to allow completion of the program, deny the petition for appointment, or make other appropriate orders.

c) This rule does not apply to a trust company as defined in Probate Code section 83, a public guardian as defined in Government Code section 27430 et seq., a regional center established pursuant to Chapter 5 (commencing with section 4620) of Division 4.5 of the Welfare and Institutions Code, a licensed professional fiduciary as defined in Probate Code section 60.1, a conservator appointed under Welfare and Institutions Code section 5350 et seq., a limited conservator authorized to consent to the sterilization of an adult with a developmental disability pursuant to Probate Code section 1952, or a temporary conservator appointed pursuant to Probate Code section 2250 unless otherwise ordered by the court.

[Adopted January 1, 2017]

Rule 7.11 Form and Lodging of Exhibits

a) If the exhibits accompanying a petition, motion, or other filing exceed ten pages cumulatively, they must be lodged with the court rather than attached to the pleadings, which will remain in the court file. Such exhibits must be lodged at the same time as the corresponding papers are filed with the court.

b) The following items must accompany lodged material: (1) An original notice of lodgment, which includes a numbered listing of all the items lodged; (2) A means of return, as specified in item C., below. The notice of lodgment must be filed with the court. An additional copy may be submitted to be conformed and returned. The lodgment and notice of lodgment must be served on all parties.

c) Return and Retention of Lodged Exhibits. Lodged materials will be returned to the tendering party after the resolution of the calendared matter, unless the party requests their destruction. Therefore, when submitted, lodgments must be accompanied either by a self-addressed, stamped envelope or an attorney service pick-up slip. Following the return of the lodged documents by the court, the tendering party should retain them until the applicable appeal period has expired.

[Adopted January 1, 2017]

Rule 7.12 Availability of Probate Examiner's Notes and Clearing of Defects

a) Probate examiner's notes are available to determine if any defects in pleadings or procedure have been noted by the examiner.

b) The notes are available on the Imperial County Superior Court website www.imperial.courts.ca.gov. When the examiner receives additional pleadings and updates the notes, the new notes will be posted to the website.

c) After checking the notes, counsel and self-represented parties can contact the assigned Probate Examiner with any questions or explanations that may assist in the clearing of any defects.

d) Amended petitions supersede any prior petitions and will be set for hearing in due course.

[Adopted January 1, 2017]

Chapter 8
Appellate Division and Appeals

Division 1 General

Rule 8.1.0 Sessions

The appellate division shall meet on the second Friday of each month provided there are Court cases which meet all of the following:

(a) The record has been filed with the Appellate Division.

(b) All briefs have been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.

(c) The matter has been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.

[Adopted July 1, 2007, Rule 8.0 renumbered to 8.1.0 01/01/09, amended 01/01/10]

Rule 8.1.1 Content of Briefs

All briefs shall comply with CRC 8.204(a).

[Adopted July 1, 2007, Rule 8.1 renumbered to 8.1.1 01/01/09]

Rule 8.1.2 Agreed Statement on Appeal

The Court encourages the use of an agreed statement on appeal. To the extent that the parties are able to stipulate to some matters but not others, the parties shall file a joint agreed statement setting forth those matters upon which they agree and disagree, as well as the parties' respective positions on those matters to which they do not agree. The appellant shall prepare the agreed statement on appeal, but it shall be signed by counsel for all parties.

[Adopted effective July 1, 2007, Rule 8.2 renumbered to 8.1.2 01/01/09]

Rule 8.1.3 Stay Orders in Pending Civil Appeals

[Rule 8.1.3 renumbered to 8.3.0 01/01/12[

Rule 8.1.4 Applications and Motions

(a) No application or motion shall exceed five (5) pages in length. All applications shall include a declaration under penalty of perjury stating with particularity the grounds and reasons for the application.

(b) Rulings on applications and motions made pursuant to this rule are made, without hearing, by the presiding judge of the appellate division.

[Adopted July 1, 2007, Rule 8.4 renumbered to 8.1.4 01/01/09]

Rule 8.1.5 Oral Argument

(a) The date for oral argument will be set by the appellate division. A party who fails to appear at oral argument when the case is called, is deemed to have waived oral argument.

(b) Continuances will only be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the presiding judge of the appellate division, and will be ruled upon, without a hearing.

[Adopted July 1, 2007, Rule 8.5 renumbered to 8.1.5 01/01/09]

Rule 8.1.6 Abandonment

(a) Counsel for appellant must promptly advise the appellate division in writing of the abandonment of any

appeal, of settlement, and satisfaction of judgment.

[Adopted July 1, 2007, Rule 8.6 renumbered to 8.1.6 01/01/09]

Rule 8.1.7 Judgment [Repealed]

[Adopted July 1, 2007, Rule 8.7 renumbered to 8.1.7 01/01/09, Repealed 01/01/12]

Rule 8.1.8 Disposition of Petition

Within 15 days of the filing of the writ petition, the court will either summarily deny the petition or issue an alternative order to show cause why the relief requested should not be granted. If the alternative writ or order to show cause is issued, the Court shall allow at least 5 days for the Court to act or the party to file a responsive pleading, except as herein provided. If the Court grants petitioner's request for stay, the Court will allow at least 10 days for a response. On the motion of any party for good cause shown, or on the Court's own motion, the Court may shorten or extend time for doing any act under this rule.

[Adopted July 1, 2007, Rule 8.10 renumbered to 8.2.2 01/01/09, Rule 8.2.2 renumbered to 8.1.8 01/01/12]

Rule 8.1.9 Filing Requirements

(a) All petitions for extra ordinary relief which name the Superior Court, County of Imperial as respondent, must be filed in the office of the clerk at 939 Main Street, El Centro. No such petitions will be accepted for filing anywhere else. Unless otherwise ordered, any subsequent pleadings and papers in the same matter must be filed in the same office.

(b) All such petitions will be assigned appellate case numbers.

(c) No filing fee will be required when a petition arises from a criminal case.

(d) The petitioner or counsel for the petitioner is required to submit one original and five copies of the petition. Each copy of the petition must include all declarations, exhibits and/or other permissible attachments

(e) If the underlying action is civil, petitioner must also include envelopes bearing sufficient postage for service of the court's orders and addressed to petitioner, respondent(s), and real party/parties in interest.

[Adopted July 1, 2007, Rule 8.11 renumbered to 8.2.3 01/01/09, Rule 8.2.3 renumbered to 8.1.9 01/01/12]

Rule 8.1.10 Transcript of Recording in Civil Appeals

Pursuant to California Rules of Court, Rule 8.837 (6) (B), the trial court may order that a transcript of the official electronic recording be prepared as a record of all or part of the oral proceedings.

[Adopted January 1, 2015]

Division 2
Criminal-Misdemeanor and Felony

Rule 8.2.0 Cost of Transcripts in Criminal Cases

(a) In criminal cases in which the defendant appeals any court order or judgment, and requests a transcript at public expense, the Court may conduct a hearing to determine the defendant's financial ability to pay all, or part of, the cost of the transcript.

(b) A request for a transcript at public expense in cases where the matter appealed from was electronically

recorded will be granted only in exceptional circumstances and only upon a showing of good cause.

(c) The defendant's request for the preparation of a transcript at public expense shall be in writing and shall set forth by declaration good cause for the request including but not limited to a detailed and specific account of all efforts made to create a record through other means such as a settled statement.

[Adopted July 1, 2007, Rule 8.8 renumbered to 8.2.0 01/01/09]

Rule 8.2.1 Bail and Stay of Execution in Criminal Cases

(a) Applications for bail or release on own recognizance must first be made in the trial court, and if denied, may then be made in the appellate division.

(b) Applications for bail reduction are ruled upon without hearing.

(c) Applications for stay of execution must first be made in the trial court, and, if denied, may then be made in the Appellate Division Applications for stay are ruled upon without hearing.

[Adopted July 1, 2007, Rule 8.9 renumbered to 8.2.1 01/01/09]

Division 3
Civil

Rule 8.3.0 Stay Orders in Pending Civil Appeals

(a) Applications for stay orders pending appeal, before notice of appeal has been filed, must be filed in the trial court. Applications for stay orders pending appeal after notice of appeal has been filed, must be filed in the appellate division.

(b) Applications for stay orders are ruled upon, without hearing, by the Court, which may request opposition papers be filed before ruling.

(c) Petitions for writ of supersedeas must be filed in the appellate division and, must be accompanied by proof of service at the time of filing. Petitions for writ of supersedeas will be ruled upon, without hearing, by the Appellate Presiding Judge who may request that opposition papers be filed before ruling on the petition.

(d) Petitions for writs of supersedeas may be granted only on a showing of exceptional circumstances.

[Adopted July 1, 2007; Rule 8.3 renumbered to 8.1.3 01/01/09, Rule 8.1.3 renumbered to 8.3.0 01/01/12]

Division 4
Small Claims

Rule 8.4.0 Calendaring

Small claims appeals must be filed at the court in which the small claims matter was heard.

The Superior Court Appellate Division will assign a case number to all appeals, and assign the case for trial de novo on a rotational basis to one of the civil judges, in the same manner civil cases are assigned. (See Rule 3.9.2)

[Adopted January 1, 2012]

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

	Description	Revised	Mandatory?	Form #
1	Application and Order for Investigation	01/01/13	Yes	AD-01
2	Consent by Birth Parent	01/01/14		AD-02
3	Petition to Declare Minor Free	01/01/13		AD-03
4	Adoption Citation to Declare Minor Free	01/01/15		AD-04
5	Proof of Service for Stepparent Adoption	01/01/13		AD-05
6	Ex Parte Application for Publication of Citation	01/01/13		AD-06
7	Order for Publication of Citation	01/01/13		AD-06A
8	Request To Vacate Civil Assessment	01/01/16	Yes	CL-01
9	Request for Increase/Decrease in Bail	01/01/13	Yes	CR-01
10	Misdemeanor Window Arraignment	01/01/13	Yes	CR-02
11	Request for Copy of Electronic Recording in a Misdemeanor/Infraction	01/01/13		CR-03
12	Bail Authorization	01/01/15	Yes	CR-04
13	Repealed	01/01/13		CR-05
14	Advisement of Rights, Waiver, and Plea Form (First Offense VC23152)	01/01/13	Yes	CR-06
15	Advisement of Rights, Waiver, and Plea Form (VC23152)	01/01/13	Yes	CR-07
16	Plea of Guilty/No Contest-Felony	01/01/17	Yes	CR-08
17	Plea of Guilty Misdemeanors	01/01/13	Yes	CR-09
18	Repealed	01/01/13		CR-10
19	Request for Monthly Payments and Bail Forfeiture	01/01/13	Yes	CR-11
20	Request for Extension to Pay	01/01/13	Yes	CR-12
21	Request for Sentence Modification	01/01/14	Yes	CR-13
22	Bail Review Request	01/01/15	Yes	CR-14
23	Defendant's Financial Statement and Notice to Defendant	01/01/16		CR-15
24	Arbitrators Fee Statement	01/01/13	Yes	CV-01
25	Unlawful Detainer: Plaintiff	01/01/15		CV-02 INFO
26	Unlawful Detainer: Defendant	01/01/13		CV-03 INFO
27	Application to Serve Summons by Posting (Unlawful Detainer)	01/01/13	Yes	CV-04
28	Order to Serve Summons by Posting (Unlawful Detainer)	01/01/13	Yes	CV-04A
29	Notice of Telephone Appearance	01/01/13		CV-05
30	Telephone Appearance Instructions	01/01/13		CV-05 INFO
31	Service Matrix Attachment to Case Management Statement	01/01/14		CV-06
32	Mediation Process	01/01/13		FL-01
33	Proceso de Mediación	01/01/13		FL-01SP
34	Repealed	01/01/13		FL-02
35	Case Management Questionnaire	01/01/16		FL-03
36	Instructions for Findings and Order After Hearing Letter to the Opposing Party	01/01/15		FL-04 INFO
37	Findings and Order After Hearing Letter to the Opposing Party	01/01/15		FL-04
38	Findings and Order After Hearing Letter to the Court	01/01/15		FL-04A
39	Stipulation for Mediation	01/01/15		FL-05
40	Declaration Regarding Ex Parte Notice	01/01/13		FL-06A
45	Application for Ex Parte Request	01/01/13		FL-06B
46	Ex Parte Applications Family Law	01/01/14		FL-06 INFO
47	Checklist for Divorce Case	01/01/15		FL-07
48	Trial Brief	01/01/13		FL-08
49	Marital Settlement Agreement	01/01/14		FL-11
50	Marital Settlement Agreement (Info)	01/01/14		FL-11 INFO
51	Checklist for Uniform Parentage Act Case	01/01/15		FL-12
52	Petition for Joinder (Custody/Visitation)	01/01/13		FL-13
53	Child Custody/Visitation Joinder Packet	01/01/17		FL-13 INFO
54	Repealed	01/01/15		FL-14
55	Petition for Grandparent Visitation	01/01/13		FL-15
56	Grandparent Visitation	01/01/13		FL-15 INFO
57	Response to Petition for Grandparent Visitation	01/01/13		FL-16
58	Order on Registration of Out-of-State/Support Order/Income Withholding Order	01/01/13		FL-17

LOCAL FORMS INDEX

(Numerical Order)

	Description	Revised	Mandatory?	Form #
59	Letter Rogatory, Service In Mexico	01/01/13		FL-18 INFO
60	Ex Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico Order Thereon	01/01/14	Yes	FL-18
61	Request for International Judicial Assistance for Service of Process in Mexico	01/01/15	Yes	FL-18A
62	Authentication Request and Apostille Order Form	01/01/14	Yes	FL-18B
63	Certificate of Execution	01/01/14		FL-18C
64	Cartas Rogatorias (Exhortos), Emplazamiento en México	01/01/14		FL-18 INFO SP
65	Solicitud Ex Parta para la Emisión de Cartas Rogatorias para Emplazamiento en México y Orden de	01/01/14		FL-18 SP
66	Solicitud de Auxilio Judicial Internacional Para Emplazamiento en México	01/01/15		FL-18A SP
67	Solicitud de Autenticacion y Formulario de Orden de Apostilla	01/01/14		FL-18B SP
68	Certificado de Ejecución	01/01/14		FL-18C SP
69	Ex Parte Request and Order to Vacate Restraining Order	01/01/13	Yes	FL-19
70	Stipulation and Order to Modify Spousal Support	01/01/13	Yes	FL-20
71	Stipulation for Continuance	01/01/13		FL-21
72	Family Law Judgment After Trial: Instructions	01/01/16		FL-22
73	Family Law Judgment After Trial: Letter to Other Party	01/01/16		FL-22-1
74	Family Law Judgment After Trial: Request to the Court	01/01/16		FL-22-2
75	Declaration in Support of Modification of Child Support	01/01/13		FL-23
76	Stipulation and Waivers Following Mediation; Order Thereon	01/01/14	Yes	FL-24
77	Petition and Proposed Order for Parental Support	01/01/13		FL-25
78	Response to Petition for Parental Support	01/01/13		FL-26
79	Petition for Relief from Duty to Provide Parental Support	01/01/13		FL-27
80	Citation Regarding Petition for Relief of Duty for Parental Support	01/01/13		FL-27A
81	Order on Petition for Relief of Duty for Parental Support	01/01/13		FL-27B
82	Request for Hearing	01/01/13		GN-01
83	Ex Parte Request to Continue Hearing; Declaration and Order	01/01/14		GN-02
84	Stipulation to Use Alternative Dispute Resolution Process	01/01/13		GN-03
85	Alternative Dispute Resolution Information	01/01/13		GN-04 INFO
86	Certification of Competency	01/01/13	Yes	JV-01
87	Declaration Regarding Notice of Ex Parte Application	01/01/13	Yes	JV-02
88	Guidelines for Juvenile Assessment and Collection of Costs for Court Related Services	01/01/13		JV-03
89	Declaration for Transfer of Small Estates without Probate	01/01/13		PR-01
90	Transferring Property When Someone Dies	01/01/17		PR-01 INFO
91	Declaration of Completion of Orientation & Training for Non-Professional Conservators	01/01/17		PR-02
92	Attachment 8c(1) - Indian Child Inquiry	01/01/17		PR-03
93	Declaration of Representative of Party for Small Claims Court	01/01/13		SC-01
94	Notice of Appeal; Notice of Filing of Appeal Small Claims	01/01/15		SC-02

FOR ALPHABETICAL LISTING OF FORMS SEE NEXT PAGE

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Alphabetical Order)

Description	Form #
Adoption Citation to Declare Minor Free	AD-04
Advisement of Rights, Waiver, and Plea Form (VC23152)	CR-07
Advisement of Rights, Waiver, and Plea Form (First Offense VC23152)	CR-06
Alternative Dispute Resolution Information	GN-04 INFO
Aplication to Serve Summons by Posting (Unlawful Detainer)	CV-04
Application and Order for Investigation	AD-01
Application for Ex Parte Request	FL-06B
Arbitrators Fee Statement	CV-01
Attachment 8c(1) - Indian Child Inquiry	PR-03
Authentication Request and Apostille Order Form	FL-18B
Bail Authorization	CR-04
Bail Review Request	CR-14
Cartas Rogatorias (Exhortos), Emplazamiento en México	FL-18 INFO SP
Case Management Questionnaire	FL-03
Certificado de Ejecución	FL-18C SP
Certificate of Execution	FL-18C
Certification of Competency	JV-01
Checklist for Divorce Case	FL-07
Checklist for Uniform Parentage Act Case	FL-12
Child Custody/Visitation Joinder Packet	FL-13 INFO
Citation Regarding Petition for Relief of Duty for Parental Support	FL-27A
Consent by Birth Parent	AD-02
Declaration for Transfer of Small Estates without Probate	PR-01
Declaration in Support of Modification of Child Support	FL-23
Declaration of Completion of Orientation & Training for Non-Professional Conservators	PR-02
Declaration of Representative of Party for Small Claims Court	SC-01
Declaration Regarding Ex Parte Notice	FL-06A
Declaration Regarding Notice of Ex Parte Application	JV-02
Defendant's Financial Statement and Notice to Defendant	CR-15
Ex Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico Order Thereon	FL-18
Ex Parte Application for Publication of Citation	AD-06
Ex Parte Applications Family Law	FL-06 INFO
Ex Parte Request and Order to Vacate Restraining Order	FL-19
Ex Parte Request to Continue Hearing; Declaration and Order	GN-02
Family Law Judgment After Trial: Instructions	FL-22
Family Law Judgment After Trial: Letter to Other Party	FL-22-1
Family Law Judgment After Trial: Request to the Court	FL-22-2
Findings and Order After Hearing Letter to the Court	FL-04A
Findings and Order After Hearing Letter to the Opposing Party	FL-04
Grandparent Visitation	FL-15 INFO
Guidelines for Juvenile Assessment and Collection of Costs for Court Related Services	JV-03
Instructions for Findings and Order After Hearing Letter to the Opposing Party	FL-04 INFO
Letter Rogatory, Service In Mexico	FL-18 INFO
Marital Settlement Agreement	FL-11
Marital Settlement Agreement (Info)	FL-11 INFO
Mediation Process	FL-01
Misdemeanor Window Arraignment	CR-02
Notice of Appeal; Notice of Filing of Appeal Small Claims	SC-02
Notice of Telephone Appearance	CV-05
Order for Publication of Citation	AD-06A
Order on Petition for Relief of Duty for Parental Support	FL-27B
Order on Registration of Out-of-State/Support Order/Income Withholding Order	FL-17
Order to Serve Summons by Posting (Unlawful Detainer)	CV-04A
Petition and Proposed Order for Parental Support	FL-25

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Alphabetical Order)

Description	Form #
Petition for Grandparent Visitation	FL-15
Petition for Joinder (Custody/Visitation)	FL-13
Petition for Relief from Duty to Provide Parental Support	FL-27
Petition to Declare Minor Free	AD-03
Plea of Guilty Misdemeanors	CR-09
Plea of Guilty/No Contest-Felony	CR-08
Proceso de Mediación	FL-01SP
Proof of Service for Stepparent Adoption	AD-05
Request for Copy of Electronic Recording in a Misdemeanor/Infraction	CR-03
Request for Extension to Pay	CR-12
Request for Hearing	GN-01
Request for Increase/Decrease in Bail	CR-01
Request for International Judicial Assistance for Service of Process in Mexico	FL-18A
Request for Monthly Payments and Bail Forfeiture	CR-11
Request for Sentence Modification	CR-13
Request To Vacate Civil Assessment	CL-01
Response to Petition for Grandparent Visitation	FL-16
Response to Petition for Parental Support	FL-26
Service Matrix Attachment to Case Management Statement	CV-06
Solicitud de Autenticacion y Formulario de Orden de Apostilla	FL-18B SP
Solicitud de Auxilio Judicial Internacional Para Emplazamiento en México	FL-18A SP
Solicitud Ex Parta para la Emisión de Cartas Rogatorias para Emplazamiento en México y Orden de la Misma	FL-18 SP
Stipulation and Order to Modify Spousal Support	FL-20
Stipulation and Waivers Following Mediation; Order Thereon	FL-24
Stipulation for Continuance	FL-21
Stipulation for Mediation	FL-05
Stipulation to Use Alternative Dispute Resolution Process	GN-03
Telephone Appearance Instructions	CV-05 INFO
Transferring Property When Someone Dies	PR-01 INFO
Trial Brief	FL-08
Unlawful Detainer: Defendant	CV-03 INFO
Unlawful Detainer: Plaintiff	CV-02 INFO

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
APPLICATION AND ORDER FOR INVESTIGATION **(Stepparent Adoption, Family. Code Section 9001)**	CASE NUMBER:

Petitioner, _____, hereby requests an order directing the Court Mediator to conduct an investigation of this case, and file a report including recommendation with the court, on or before

_____.
(within 60 days)

ORDER

GOOD CAUSE APPEARING, THEREFORE, IT IS THE ORDER OF THE COURT

FOR COURT USE ONLY

The Court Mediator shall conduct an investigation, and timely file a report including recommendation with the court. The report ☐will ☐will not include a home study of petitioner's home (Family Code, Section 9001(c)).

Absent a waiver, petitioner shall bear the cost of the investigation report up to $700 (Family Code, Section 9002).

Dated: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
CONSENT BY BIRTH PARENT Consent to Adoption by Birth Parent Family Code 9003	CASE NUMBER:

I, _____, being the parent of _____, do hereby
(Print Name) (Name of Child)
give my full and free consent to the adoption of said child by_____.
(Name of Petitioner (Stepparent))

I fully understand that with the signing of this document my consent may not be withdrawn except with court approval, and that with the signing of the order of adoption by the court, I lose all my rights of custody, services, and earnings of said child, and that said child cannot be reclaimed by me.

Said child was born on _____ in _____ and is the child
(Date) (City and State)
of _____ and _____.
(Name of Birth Parent) (Name of Birth Parent)

Executed at _____ on Date _____ 20_____ .
(County and State/Country)

_____ _____
Signature of Parent Form of picture ID

SIGNED IN THE PRESENCE OF:

_____
Name

_____ _____
Signature Title*

*The consent of either or both birth parents shall be signed in the presence of a notary public, court clerk, probation officer, qualified court investigator, authorized representative of a licensed adoption agency, or county welfare department staff member of any county of this state.

NOTICE TO THE BIRTH PARENT WHO CONSENTS TO THE CHILD'S ADOPTION: If you or your child lived together at any time as parent and child, the adoption of your child by a stepparent does not affect the child's right to inherit your property or the property of blood relatives. For further information regarding this right of inheritance, you should consult an attorney.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER:	
PETITION TO DECLARE MINOR FREE FROM PARENTAL CUSTODY AND CONTROL OF PARENT FOR STEPPARENT ADOPTION	CASE NUMBER:

Petitioner alleges:

1. Petitioner _____, is the stepfather/stepmother of the subject minor child _____, and seeks an order freeing the minor from custody and control of the father/mother _____ _____, and termination of parental rights as to the minor.
2. Petitioner is seeking to adopt _____, and a Request for Adoption has been filed in the Superior Court of the County of Imperial.
3. _____, is an unmarried minor child and is a resident of _____, in Imperial County, California.
4. On or about _____, petitioner became the legal spouse of _____, the mother/father of the minor child.
5. Petitioner has known and now has physical custody of the minor _____ since _____, and resides in _____, in Imperial County, California, as the legal spouse of _____.
6. The minor child's father/mother _____ has not contacted the minor child nor the minor child's mother/father since _____. Based on the father's/mother's abandonment of the minor child, (Family Code 7882) petitioner requests the court terminate his/her parental rights to allow the minor child to be adopted by Petitioner:_____

WHEREFORE, Petitioner prays as follows:

1. For an order declaring the minor child, _____, free from custody and parental control of _____, and terminating all of his/her parental rights and responsibilities with respect to the minor child, _____.
2. For such other relief as the court may deem proper.

Dated:_____ _____

(Petitioner)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
IN THE MATTER OF: PETITIONER.	
ADOPTION CITATION TO DECLARE MINOR FREE FROM PARENTAL CUSTODY AND CONTROL OF PARENT FOR STEPPARENT ADOPTION	CASE NUMBER:

To (name): _____
(Parents Whose Rights May Be Terminated)

By order of the Court, you are hereby advised that you are requested to appear before the judge presiding in Department _____ of this Court on _____ (Date) at 8:30 a.m. to show cause, if any you have, why _____ (Child's Name), a minor, should not be declared free from custody and control of his/her parent_____.

TAMMY L. GRIMM,
CLERK OF THE COURT

Dated: _____ by _____,
Deputy Clerk

DO NOT use for conservatorships or for guardianships of adults.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE FOR STEPPARENT ADOPTION	CASE NUMBER:

1. I served the person cited (name): _____ with the citation and petition as follows:
   a. by serving Person cited.
   b. Delivery at: ☐ home ☐ business
      1. date: _____ 2. time: _____
      3. address: _____
2. Serviced:
   ☐ Adoption Citation ☐ Petition to declare free ☐ Request for Adoption ☐ Request for Order
   a. ☐ (Personal Service) by personally delivering copies
3. At the time of service I was at least 18 years of age and not a party to this action.
4. Fee for service: $
5. I am:
   a. ☐ Not a registered California process server
   b. ☐ A registered California process server
   c. ☐ Exempt from registration under Business and Professions Code §22350(b)
   d. ☐ California sheriff or marshal
6. Person Serving (name, address and telephone number):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: ▶ _____
(SIGNATURE OF PERSON SERVING)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER:	
EX PARTE APPLICATION FOR PUBLICATION OF CITATION (CCP §415.50)	CASE NUMBER:

Application is hereby made for an order directing that citation in this action be served on the minor's father/mother _____, by publication in _____, a newspaper of general circulation, pursuant to Code of Civil Procedure Section 415.50.

In support of this application the undersigned states:

1. Petition to Declare Minor Free from Parental Custody and Control was filed _____, and a citation was issued on that same date.

2. The father/mother cannot, with reasonable diligence, be located and served in any other manner specified in Code of Civil Procedure Section 415.10 through 415.50.

3. All prior attempts to serve the father/mother have been unsuccessful. Petitioner has made the following efforts to learn respondent's whereabouts:

   a. On _____, I went to the father's/mother's last known address at:

   _____

   in an effort to learn his/her whereabouts.

   ☐ At that address, I talked to:_____, who told me

   _____

   _____

   ☐ There was no one available to speak with.

b. On _____, I contacted the father's/mother's family members

(1)_____,

(2)_____, and

(3)_____, who told me (*be very specific*)

_____,

with regard to his/her whereabouts.

c. On _____, I contacted father's/mother's last known employer,

_____ at _____

who told me the following with regard to respondent's whereabouts:

_____

d. On _____, I checked the property tax rolls for _____ County and did not find the father's/mother's name.

e. On _____, I checked voter registration for _____ County and did not find the father's/mother's name.

f. On _____, I checked the public phone book in _____ County and there was no listing for the father/mother.

g. I also made the following additional attempts to locate respondent:

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:_____ Signed:_____

Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
IN THE MATTER OF: PETITIONER:	
ORDER FOR PUBLICATION OF CITATION	CASE NUMBER:

On reading petitioner's application for this order and satisfactorily appearing to me that the minor's father/mother _____ cannot with reasonable diligence be served in any other manner specified in Code of Civil Procedure Section 415.10 through 415.30,

IT IS ORDERED that the citation be served by publication in _____, a newspaper of general circulation in the County of _____, hereby designated as the newspaper most likely to give defendant actual notice of the action, and that publication be made once a week for four (4) successive weeks.

IT IS FURTHER ORDERED that a copy of the citation, a copy of the petition, a copy of the Request for Adoption, and a copy for this order be forthwith mailed to the father / mother if his/her address is ascertained before expiration of the time herein prescribed for publication of the citation.

Dated:_____ _____

Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Centro, CA 92243	FOR COURT USE ONLY
DEFENDANT:	
REQUEST TO VACATE CIVIL ASSESSMENT (PC1214.1(b))	CASE NUMBER:

You have failed to pay your fine. This Court will order you to pay a civil assessment of $300.00 in addition to your original fine unless good cause is shown for your failure to pay. If you have good cause to excuse your failure to pay, complete the information below. Written proof of any of the following must be attached and cover the time period in question.

[ ] Hospitalization [ ] Incarceration [ ] Overseas Military Duty [ ] Extenuating Circumstance

The following is an explanation for my failure to pay or appear:

_____

_____

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed at _____, on _____(date)
(city, state)

Name (print) _____Area Code/Telephone #_____

Address, City, State, Zip _____

Signature of Defendant: _____

☐ Staff review: _____ Date: _____

☐ Documents Support Request ☐ Documents do not Support Request

ORDER RE: VACATING CIVIL ASSESSMENT (COURT USE ONLY)

FOR COURT USE ONLY

The Court having read and considered the Petition and evidence regarding vacating the Civil Assessment pursuant to PC 1214.1(b), hereby makes the following order. Judgment on the charge(s) will not be set aside.

Request to vacate is: [ ] Granted [ ] Denied

_____ _____
Date Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: TELEPHONE NO.: FAX NO. *(Optional)*: ATTORNEY FOR *(Name)*:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
DEFENDANT:	
REQUEST FOR INCREASE/DECREASE IN BAIL Penal Code §1269c	CASE NUMBER/BOOKING NUMBER:

Date: _____ **Booking Charges:** _____

Bail Pursuant to Bail Schedule: $_____ **Bail Requested: $**_____

[ ] Pursuant to Penal Code Section 1275, arresting officer requests arrestee not to be released on bail until appearing in court to show the non-felonious source of any bail money.

I request an [ ] increase in bail [ ] decrease in bail [ ] O.R. for the following reasons:

_____

_____

Time of this Request: _____ Time of Booking: _____
Name and ID Number of Requesting Person _____ Agency: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ _____
Signature of Person Making Request

Request for Change in Bail: Approved: _____ Denied: _____

Request for PC1275: Approved: _____ Denied: _____

Bail Set At: $_____ Time: _____

Manner of Request: [ ] Phone [ ] In Person Name of Magistrate: _____

Name of Person Receiving Authorization from Magistrate: _____

_____
Signature of [ ] Magistrate or [ ] Person Receiving Authorization from Magistrate

I certify that the defendant referenced herein has been booked into the Imperial County Jail on the charges noted above.

Date: _____ Time: _____
(Name of Sheriff's Employee Receiving Request)

NAME AND ADDRESS OF ATTORNEY FOR PARTY: TELEPHONE NUMBER:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	
People of the State of California, vs. Defendant(s):	
MISDEMEANOR WINDOW ARRAIGNMENT	CASE NUMBER:

1. The original copy of this form must be filed with the court no less than 24 hours before the scheduled arraignment event date.
2. Upon filing of this form, the clerk of the court will provide trial dates to counsel.
3. This form must be completed in ink or typewritten.
4. This form must be signed by defendant's attorney of record.
5. Defendant's attorney must inform the court if date selected by clerk, pursuant to calendar policy, is unacceptable.
6. Defendant's attorney must appear at all hearings, represent to the court that the case will go to trial, or that a disposition without trial will be made.

I hereby make a general appearance on behalf of the above-named defendant, waive formal arraignment, enter a plea of NOT GUILTY, and request that the case be set for trial:

☐ By Jury ☐ By Court

Release Status:

☐ Own Recognizance ☐ Bail Posted ☐ Bond Posted

Attorney for Defendant: _____ Bar #: _____
(TYPE OR PRINT NAME)

Signature of Attorney: _____ Date: _____

FOR COURT USE ONLY

Pre-trial is set for: _____ at _____ ☐ am ☐ pm, in Dept. _____

Readiness Hearing is set for: _____ at _____ ☐ am ☐ pm, in Dept. ___

Jury Trial is set for: _____ at _____ ☐ am ☐ pm, in Dept. _____
(within 40 days of this entry of plea)

Deputy Clerk _____ Date: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. MAIN STREET
EL CENTRO, CA. 92243

Request for Copy of Electronic Recording
in a Misdemeanor/Infraction

Today's Date: _____ Case No: _____

Dept/Courtroom: _____ Case Name: _____

Date(s) of Hearing(s): _____

Requested By: _____ Phone Number: _____
(Full Name)

Address: _____

Verify this matter was recorded
Cost is $15 per hearing for copies of compact discs
Fees must be paid before your request will be processed
Make checks payable to Superior Court of California, County of Imperial

The Court will notify you by phone when the request has been completed.

Delivery Method

Mailed to you:	Pickup:
Provide prepaid self-Addressed mailer	Superior Court of California Civil Department 939 W. Main Street El Centro, CA. 92243

Any electronic copy not picked up within 6 weeks of notification of completion will be destroyed.

(Clerk's Office Use Only)

DATE RECEIVED: _____ by: _____

☐ Number of hearings: _____ Total fee paid: _____ Receipt # _____

☐ Time sensitive reason _____

☐ Mailer provided

NAME AND ADDRESS OF PARTY: TELEPHONE NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West. Main Street,. El Centro, CA. 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA. 92283	
People of the State of California, vs. Defendant(s):	
BAIL AUTHORIZATION	CASE NUMBER

I, _____, hereby authorize Superior Court of California,
(Name of Depositor)

County of Imperial to apply bail posted for _____, as payment of the fine
(Defendant)

in the case.

☐ All bail posted by Depositor

☐ Limit of $_____ _____
(Depositor Signature)

BAIL POSTED $ _____

FINE $ _____

REFUND $ _____

Tammy L. Grimm, Court Executive Officer

By _____
(Deputy Clerk)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
Advisement of Rights, Waiver, and Plea Form First Offense Only – Vehicle Code §23152	CASE NUMBER:

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐

2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer) ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s):

3. **23152(a)** – Driving under the influence of alcohol or drugs, or both ☐

4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐

5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions. ☐

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

6. **RIGHT TO A JURY TRIAL** – I understand that I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. ☐

7. I give up my right to a jury trial. ☐

8. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ☐

9. I give up my right to confront and cross-examine witnesses. ☐

10. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ☐

11. I give up my right to remain silent and to not incriminate myself. ☐

12. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. ☐

13. I give up my right to produce evidence and witnesses in my own behalf. ☐

See Reverse Side

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

14. I understand that if I am not a citizen, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal benefits. ☐

15. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit. ☐

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)

Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years	Two options, both requiring attendance at an alcohol/drug program, a fine of $390 to $1,000, plus either: **(A)** 48 hours to 6 months in jail; *or* **(B)** A 90-day license restriction allowing driving for work and alcohol/drug program only. Under either option, the Court *may* also suspend my license for 6 months.	96 hours to 6 month in jail; $390 to $1,000 fine, and a 6-month license suspension.
Second offense within 10 years	Two options, both carrying a fine of $390 to $1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; *or* (B) 48 continuous hours to 1 year in jail. an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, $390 to $1,000 fine, and an 18-month license suspension.

Sentences for Reckless Driving (§23103 under §23103.5)

Nature of offense	Minimum and maximum sentences	Other
Reckless driving reduced from driving under the influence	If probation is *not* granted: 5 days to 90 days in jail, *or* 45 to $1,000, or both. If probation *is* granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.

16. I have read and understood the above chart which lists the minimum and maximum sentences for the offense(s) I am charged with. ☐

17. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** which will **significantly increase the amount I must pay.** I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency which responded to any incident caused by my vehicle at the time of my arrest. ☐

18. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on a **freeway,** or **20** or more miles above the speed limit on any other **street or highway,** the Court may impose an **additional consecutive term of 60 days in the county jail.** If this is my **first** offense, the Court may also order me to complete an alcohol/drug counseling program. ☐

19. **If applicable** – I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended** for **one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive. ☐

20. **If applicable** – I understand that if I am convicted of a first violation of Vehicle Code §23152, and the offense occurred in a vehicle which requires a **class 1 or class 2** (or **class A** or **class B**) driver's license, my license shall be **suspended** for **six months** even if probation is granted. ☐

21. **If applicable** – I understand that if my blood-alcohol content was **.20 percent or above,** or if I **refused** to submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, whether to grant probation, or whether to impose additional terms and conditions of probation ☐

22. I understand that if I am convicted of a first violation of Vehicle Code §23152, the Court may order my vehicle **impounded** at my expense for up to **30 days.** ☐

23. I understand that the Department of Motor Vehicles (DMV) may restrict, suspend, or revoke my license under an administrative procedure which is separate from this criminal action. If such a procedure is used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be **in addition** to the Court's sentence and that I must obey it. ☐

24. I understand that the DMV will not issue a restricted license or restore my driving privilege following a restriction suspension, or revocation unless I have **proof of successful completion of a licensed driving-under-the-influence program, proof of valid insurance** and maintain it for **three years.** The DMV will **suspend** my license: **(1)** until proof of insurance is provided by my insurance company to the DMV, **(2)** upon my failure to maintain such proof during the three-year period and **(3)** the DUI program provide the completion certificate to DMV. ☐

See Next Page

25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving which are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

26. I understand that any plea entered in this case may be grounds for **revoking probation** or **parole** which has been previously imposed on me in any other case. ☐

27. I understand the charge(s) against me, and the possible plea(s) and defenses. ☐

28. I am advised and understand that being under the **influence** of **alcohol** or **drugs**, or **both**, impairs your ability to safely operate a motor vehicle. Therefore, it is **extremely dangerous** to human life to **drive** while under the **influence** of **alcohol** or **drugs**, or both. If I **continue** to drive while under the influence of alcohol or drugs, or both and, as a result of that driving, someone is killed, I can be charged with **murder**. ☐

PLEA(S)

29. I hereby freely and voluntarily plead (guilty or no contest):_____

    to (list charge(s)):_____ ☐

30. I understand that I have the right to wait from **six hours** to **five days** prior to being sentenced. I give up this right and agree to be sentenced at this time ☐

31. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____ ☐
    Temporary Judge

_____ _____
Date **Defendant's Signature**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, *including immigration consequences*, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____
Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____
Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____
Judge of the Superior Court

SIGNED: _____
Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
Advisement of Rights, Waiver, and Plea Form Vehicle Code §23152	CASE NUMBER:

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐

2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer) ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s): ☐

3. **23152(a)** - Driving under the influence of alcohol or drugs, or both ☐

4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐

5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions. ☐

6. **Check if applicable – 14601**_____ *or* **14601.1**_____ *or* **14601.2** ☐
   Driving in knowing violation of a license suspension, revocation, or restriction.

7. **If applicable – Other charges** (including non-Vehicle Code sections) – I understand that I am also charged with the following other offense(s): ☐

   _____
   Type of offense(s) and Section Number(s)

8. **If applicable** – I am also charged with having the following **other conviction(s)** ☐

   _____
   List Offense(s), Case Number(s) and Date(s)

9. **If applicable** – I am also charged with violating the **probation** imposed on me in the following case(s): ☐

   _____
   Case Number(s) and Date(s)

10. I understand the charge(s) against me, and the possible pleas and defenses. ☐

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

11. **RIGHT TO A JURY TRIAL** – I understand that I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. ☐

12. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ☐

13. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ☐

See Reverse Side

14. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. ☐

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

15. **If applicable** – I understand that I have the right to a lawyer, the right to a jury trial, the right to confront witnesses, the right to against self-incrimination, and the right to produce evidence and witnesses for **all** of the charges against me, including any other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial although I do have the right to a hearing before a judge. ☐

WAIVER OF RIGHTS

16. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer. ☐

17. I give up my right to a jury trial. ☐

18. I give up my right to confront and cross-examine witnesses. ☐

19. I give up my right to remain silent and to not incriminate myself ☐

20. I give up my right to produce evidence and witnesses in my own behalf. ☐

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

21. I understand that if I am **not a citizen,** of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal appeals. ☐

21.a I understand that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder. ☐

22. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony. ☐

23. I understand that my plea entered in this case may be grounds for **revoking probation** or **parole** that has been previously imposed on me in any other case. ☐

24. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** that will **significantly increase the amount I must pay.** I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency that responded to any incident caused by my vehicle at the time of my arrest. ☐

25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

26 **If applicable** – I understand that if my blood-alcohol content was.**20 percent** or above, or if I **refused to** submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, to grant probation, or to impose additional terms and conditions of probation. ☐

27 **If applicable**- I understand that if I am convicted of Vehicle Code **§23152,** and I am the **registered owner** of the vehicle used in the offense: ☐

A. The Court shall **impound** my vehicle at my expense for up to 90 days, unless it determines that it is in the interests of justice not to do so; **and**

B. The Court may declare my vehicle to be a **nuisance** and order it **sold** following a hearing if I have **two or more** other convictions of driving under the influence (Vehicle Codes §§23152 or 23153), or vehicular manslaughter (Penal Code §§191.5 or 192(c)(3)), or any combination thereof, in the past ten years. ☐

See Next Page

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)		
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years	Two options, both requiring attendance at an alcohol/drug program, a fine of $390 to $1,000, plus either: **(A)** 48 hours to 6 months in jail; *or* **(B)** A 90-day license restriction allowing driving for work and alcohol/drug program only. Under either option, the Court *may* also suspend my license for 6 months.	96 hours to 6 month in jail; $390 to $1,000 fine, and a 6-month license suspension.
Second offense within 10 years	Two options, both carrying a fine of $390 to $1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; *or* (B) 48 continuous hours to 1 year in jail. an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, $390 to $1,000 fine, and an 18-month license suspension.
Sentences for Reckless Driving (§23103 under §23103.5)		
Nature of offense	Minimum and maximum sentences	Other
Reckless driving reduced from driving under the influence	If probation is *not* granted: 5 days to 90 days in jail, *or* 45 to $1,000, or both. If probation *is* granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.

ADDITIONAL PENALTIES FOR A VIOLATION OF §23152

28. I understand that the DMV may restrict, suspend, or revoke my license under an administrative procedure that is separate from this criminal action. If such a procedure used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be **in addition** to the Court's sentence and that I must obey it. ☐

29. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

30. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on a **freeway, or 20** or more miles above the limit on any other **street or highway**, the Court may impose an **additional consecutive term of 60 days in the county jail.** If this is my **first** offense, the Court may also order me to complete an alcohol/drug and counseling program. ☐

31. **If applicable-** I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended** for **one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive. ☐

FIRST OR SECOND VIOLATON OF §23152

32. **If applicable –** I understand that if the offense occurred in a vehicle that requires a **class 1 or class 2** (or **Class A** or **Class B**) driver's license, my license **shall** be **suspended** for **six months** upon a **first** conviction, or for **18 months** upon a **second** conviction, even if probation is granted. ☐

THIRD OR SUBSEQUENT VIOLATIONS OF §23152

33. **If applicable** – I understand that if I am convicted of a **third or subsequent** violation of Vehicle Code §23152:

    A. I must surrender my license to the Court. I will also be designated as a **habitual traffic offender** for a period of **three years** after my conviction, and I will receive an enhanced jail term and fine if I drive in violation of my license revocation. ☐

    B. I must successfully complete an alcohol/drug program in order to be eligible for a driver's license following my license revocation. ☐

    C. If **probation** is granted, I may request to participate in a **30-month treatment program.** This program includes a total of between 120 and 300 hours of community service. If the Court grants my request, I will be sentenced to the county jail for **at least 30 days but not more than one year** as a condition of probation instead of the jail term specified in the above chart. ☐

See reverse side

Case No._____

Sentences for Reckless Driving (Section 23103 under Section 23105.5)

Nature of offense	*Minimum and maximum sentences*	*Other*
Reckless driving reduced from driving under the influence	If probation is not granted: 5 days to 90 days in jail, or$145 to $1,000 fine, or both. If probation is granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years

Sentences for Driving with a Suspended, Revoked, or Restricted License (Sections 14601.1, or 14601.2)

Offense	*First offense within 5 years*	Second *or subsequent offense:* Prior conviction(s) in past 5 years of Sections 14601, 14601.1, 14601.2
Vehicle Code Section 14601	5 days to 6 months in jail, and a fine of $300 to $1,000	10 days to 1 year in jail, and a fine of $500 to $2,000.
Vehicle Code Section **14601.1**	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000
Vehicle Code Section **14601.2**	10 days to 6 month in jail, or a fine of $300 to $1,000	If probation is *not* granted: 30 days to 1 year in jail, and a fine of $500 to $2,000. If probation *is* granted, a minimum of 10 to 30 days in jail, and $500 to $2,000 fine, depending on whether prior conviction was in past 7 or 5 years. (Note: a previous conviction under **§14601.1** constitutes a prior conviction under this section only if that conviction occurred between 5 and 7 years ago.)

*If I have been designated as an **habitual traffic offender** within three years of this conviction, I will in addition be sentenced to serve **180 days in jail and pay a $2,000 fine.**

34. I have read and understood the applicable charts on pages 3 and 4 which list the minimum and maximum sentences for the offense(s) I am charged with. (See No. 35 for the offenses not listed in the charts) ☐

PENALTIES FOR OTHER CHARGES

35. **If applicable** – I understand that the **possible consequences** for the offense(s) charged that are **not listed** on the penalty charts on pages 3 and 4 include the following:

_____ Jail _____ Fine _____
Section Number Max. Min. Max. Min.

Other Consequences_____

_____ Jail _____ Fine _____
Section Number Max. Min. Max. Min. ☐

Other Consequences_____

PLEA(S)

36. I hereby freely and voluntarily plead (guilty or no contest):_____ ☐

to (list charge(s)):_____

37. **If applicable** - I freely and voluntarily admit the **other conviction(s)** I listed on this form. I understand that this admission will increase the penalties that are imposed on me. ☐

38. **If applicable** - I freely and voluntarily admit the **probation violation(s)** listed on this form and give up my right to a hearing before a judge regarding the probation violation(s). ☐

39. I understand that I have the right to wait from **six hours** to **five days** prior to being sentenced. I give up this right and agree to be sentenced at this time. ☐

40. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____ ☐
Temporary Judge

_____ _____
Date **Defendant's Signature**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, *including immigration consequences*, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____

Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____

Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____

Judge of the Superior Court

SIGNED: _____

Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
PLEA OF GUILTY/NO CONTEST – FELONY (PC 1016, 1016.5, 1017)	CASE NUMBER:

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following offenses and admit the enhancements, allegations and prior convictions as follows: ☐

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: *(State any agreement with the District Attorney.)* ☐

_____

_____

_____

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me. ☐

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. ☐

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours. ☐

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. ☐

<u>I understand</u> that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the <u>following constitutional rights, which I now give up</u> to enter my plea of guilty/no contest:

6b. I have the right to a **<u>speedy and public trial by jury</u>**. **I now give up this right.** ☐

6c. I have the right to **<u>confront and cross-examine all the witnesses</u>** against me. **I now give up this right.** ☐

6d. I have the right to **<u>remain silent</u>** (unless I choose to testify on my own behalf). **I now give up this right.** ☐

6e. I have the right to **<u>present evidence in my behalf</u>** and to have the court subpoena my witnesses at no cost to me. **I now give up this right.** ☐

DEFENDANT:	CASE NUMBER:

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; $ _____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation for a period up to 5 years or the maximum term of imprisonment, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sentenced to imprisonment for the maximum term as stated above. ☐

7b. I understand that I must pay a restitution fine ($300 - $10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. ☐

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case. ☐

7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and/or denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" then I **will** be deported, excluded from admission to the U.S., and denied naturalization. ☐

7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences. ☐

7f. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.) ☐

(1) Consecutive sentences
(2) Loss of driving privileges
(3) Lifetime registration as an arson / sex offender
(4) Registration as a narcotic / gang offender
(5) Cannot possess firearms or ammunition
(6) Blood test and saliva sample
(7) Priorable (increased punishment for future offenses)
(8) Restitution, Attorney's fee's, Probation fee's
(9) Prison prior
(10) Mandatory imprisonment
(11) Mandatory State Prison
(12) Presumptive imprisonment
(13) Presumptive State Prison
(14) Sexually Violent Predator Law
(15) Possible/Mandatory hormone suppression treatment
(16) Reduced conduct/work credits
a. Limited local credits (290/serious/prior)
b. Violent Felony (No credit or max. 15%)
c. Prior Strike(s) (No credit to max. 20%)
d. Murder on/after 6/3/98 (No credit)
(17) Domestic Violence treatment program ☐
(18) Other:_____
_____
_____

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. ☐

9. ***(Harvey* Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. ☐

10. ***(Cruz* Waiver)** Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s). ☐

11. ***(Arbuckle* Waiver)** I give up my right to be sentenced by the judge who accepts this plea. ☐

12. **(Probation Report)** I give up my right to a full probation report before sentencing. ☐

13. Unless previously agreed to as indicated in paragraph two (2), I understand that the matter of probation and/or sentence will be determined solely by the court. ☐

14. **(Evidence Disposal Waiver)** I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire. ☐

DEFENDANT:	CASE NUMBER:

PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: *(Describe facts as to each charge and allegation)* ☐

_____
_____
_____
_____
_____

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct. ☐

Dated: _____ Defendant's Signature _____

Defendant's Address: _____
Street

_____
City State Zip

Telephone Number: (____) _____

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: _____ _____
(Print Name) **Attorney for Defendant** (Signature)
(Circle one: PD / AC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____ _____
(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of Imperial, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: _____ _____
(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest andadmissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: _____ _____
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	*FOR COURT USE ONLY*
People of the State of California, vs. Defendant(s):	
PLEA OF GUILTY – MISDEMEANOR	CASE NUMBER:

PLEASE READ AND INITIAL

_____ 1.(a) I personally appeared and entered a plea of (guilty)(no contest) to the charges of _____

_____

(b) (IF APPLICABLE:) I desire to admit the truth of any alleged prior convictions(s) _____

_____

_____ 2. (a) My lawyer is_____

_____ (b) I do not have a lawyer representing me in these proceedings. **If 2b is initialed, complete the reverse page.**

_____ 3. The Court/my attorney has explained the nature of the charges, elements of the offense(s), and pleas and defenses available to me.

_____ 4. I have been advised, understand, and, knowingly and intelligently GIVE UP (WAIVE), in relation to the present charges as well as any prior convictions which may have been alleged and admitted, each of my following trial rights:

_____ (a) My right to be TRIED BY JURY or COURT TRIAL;

_____ (b) My right to be confronted by witnesses against me, that is, to SEE, HEAR, AND QUESTION ALL WITNESSES AGAINST ME; the right to CONFRONT WITNESSES.

_____ (c) My right not to incriminate myself, that is, NOT TO BE REQUIRED TO PLEAD GUILTY OR TESTIFY AGAINST MYSELF. My right to remain silent.

_____ (d) I AM ADVISED THAT IF I AM NOT A CITIZEN, CONVICTION OF THE OFFENSE(S) WITH WHICH I HAVE BEEN CHARGED, MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

_____ 5. (a) Maximum Penalty: _____

_____ (b) Subsequent arrest for petty theft may be filed as a felony.

_____ (c) My plea of guilty/no contest in this case could result in revocation of my probation or violation of parole in other cases.

_____ (d) Other consequences of my plea_____

_____ 6. My decision to enter this plea has been made freely and voluntarily, without fear of threat to me or to anyone closely related to or associated with me. No promises or inducements have been made to me in connection with this plea, except (specify):_____

_____ 7. I UNDERSTAND THAT A PLEA OF NO CONTEST IS THE SAME AS A PLEA OF GUILTY IN THIS CASE FOR PURPOSES OF SENTENCING.

_____ I HAVE READ AND UNDERSTAND EACH OF THE ABOVE ITEMS.

Dated: _____ _____Signature

Defendant

STATEMENT OF ATTORNEY

I am defendant's attorney of record. I have explained to the defendant each of his rights relating to his plea, *including immigration consequences*, and I am satisfied that he understands them. I concur with his plea and waivers.

Dated_____ _____Signature

FINDINGS AND ORDER

The Court finds that:

1. Defendant has appeared in open court and entered his plea(s).
2. Defendant has knowingly, intelligently, and understandingly waived his rights, including his right to jury trial, his right to confront witnesses against him, and his right against self-incrimination as they relate to the charged offense and any prior convictions.
3. There is a factual/legal basis for the plea(s).
4. Defendant has been advised of the consequences of his plea, the effect of which any prior conviction(s) will have on the punishment, and other sanctions to be imposed upon his conviction.
5. Defendant's waivers of his rights and his plea(s) are free and voluntary.

IT IS ORDERED:

Defendant's plea(s) of (guilty)(no contest) be entered and filed.

The Court accepts defendant's admission of his prior(s).

Dated: _____ _____Signature

Judge of the Superior Court

DEFENDANT	CASE NUMBER:

WAIVER OF RIGHT TO HAVE LAWYER
PLEASE READ AND INTIAL

_____ 1. I understand that I am charged in this case with having violated section _____, a misdemeanor.

2. I understand that the possible consequences of a conviction of this include the following:

_____ (a) Jail and/or fine: the judge may sentence me to serve a maximum of _____ in jail and pay a _____ fine plus penalty.

_____ (b) I will be required to register as a _____ offender pursuant to section _____.

_____ (c) Other possible consequences:_____.

_____ (d) Probation: The judge may require me to participate in educational and treatment programs. The judge may place me on probation for up to three years, requiring me to comply with various terms and conditions during that time.

_____

_____

_____

_____ 3. The court has explained the nature and elements of the offense(s) charged against me and the pleas and defenses available to me.

_____ 4. I UNDERSTAND MY CONSTITUTIONAL RIGHT TO HAVE A LAWYER DEFEND ME AT ALL STAGES OF THE PROCEEDINGS AND THAT IF I AM UNABLE TO AFFORD A LAWYER, THE COURT WILL APPOINT ONE FOR ME.

_____ 5. Having in mind each of the above items, I knowingly and intelligently GIVE UP (WAIVE) my right to have a LAWYER defend me in these proceedings and request that I be permitted to represent myself.

Dated:_____ _____Signature
Defendant

FINDINGS AND ORDER

The Court finds that:

Defendant understands the nature of the charge(s) against him, the elements of the offense(s), the pleas and defenses available thereto, and the consequences of conviction thereof.

Defendant's waiver of his right to counsel is intelligently and understandingly made.

IT IS ORDERED THAT:

Defendant's waiver of his right to counsel be accepted and filed, and the defendant be permitted to represent himself.

Dated: _____ _____Signature
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
DEFENDANT:	
REQUEST FOR MONTHLY PAYMENTS & BAIL FORFEITURE	CASE NUMBER:

PLEASE DATE, SIGN, AND MAIL ORIGINAL DOCUMENT TO COURT

Advisement of Rights

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena and present witnesses and physical evidence using the power of the court at no cost to you and testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

Initial each line below that you are agreeing to:

____ I have read and give up those rights listed on the advisement above.

____ I wish to forfeit the bail amount by paying in monthly installments which is the equivalent of a plea of guilty and a conviction that will

be placed on my driving record.

I, the undersigned, agree to make payments on this case (standard amount is $50.00 per month). I promise to pay the fine of $_____ (including a $30.00 administrative fee). Payments are due on or before the _____ day of each month, starting, _____. Thereafter, I promise to pay the monthly payment on or before the due date until the remaining balance is paid in full.

Failure to pay the fine as indicated above may result in the following:

- A Civil Assessment in the amount of $300.00 pursuant to Penal Code 1214.1
- VC40508.5 Civil Assessment is enforced as a civil judgment, including but not limited to wage garnishments, tax intercepts and liens on property.
- DMV will be notified pursuant to VC40509.5 immediately to suspend your driving privilege pursuant to VC13365(a)(2). This suspension will not be lifted until all fines/fees are paid in full.

Date: _____ Signature: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
DEFENDANT:	
REQUEST FOR EXTENSION TO PAY	CASE NUMBER:

PLEASE DATE, SIGN, AND MAIL ORIGINAL DOCUMENT TO COURT

Advisement of Rights

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena and present witnesses and physical evidence using the power of the court at no cost to you and testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

Initial each line below that you are agreeing to:

____ I have read and give up those rights listed on the advisement above.

____ I wish to forfeit the bail amount by paying within **90 days of this agreement,** which is the equivalent of a plea of guilty and a conviction that will be placed on my driving record.

I, the undersigned, agree to make payments on this case and I promise to pay the FULL fine amount of $_____ by _____.
Amount due Date

If not paid timely, a $30.00 administrative fee will be added to the fine balance.

Failure to pay the fine as indicated above may result in the following:

- A Civil Assessment in the amount of $300.00 pursuant to Penal Code 1214.1
- VC40508.5 Civil Assessment is enforced as a civil judgment, including but not limited to wage garnishments, tax intercepts and liens on property.
- DMV will be notified pursuant to VC40509.5 immediately to suspend your driving privilege pursuant to VC13365(a)(2). This suspension will not be lifted until all fines/fees are paid in full.

Date: _____ Signature: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	*FOR COURT USE ONLY*
People of the State of California vs. Defendant(s):	
REQUEST FOR SENTENCE MODIFICATION	CASE NUMBER:

Instructions: This form may be submitted to the Court and must be filed with the ***"Defendant's Financial Statement and Notice to Defendant"*** (Judicial Council Form MC-210) if requesting community service at the time it is submitted to the Court.

Action requested:

☐ Modify my sentence to allow me to attend Traffic School even though it was not initially ordered. **(If approved, I will be required to pay a $57.00 administration fee to the Court before attending the school)**

☐ Modify my sentence to convert my fine to community service.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and that written proof is attached to this form as required.

_____
Defendant's Signature

FOR COURT USE ONLY

Modification Hearing is set for: _____ at _____ ☐ a.m. ☐ p.m. in Dept. ____.

_____ _____
Deputy Clerk Date

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: TELEPHONE NO.: FAX NO. *(Optional)*: ATTORNEY FOR *(Name)*:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
DEFENDANT:	
BAIL REVIEW REQUEST	CASE NUMBER/BOOKING NUMBER:

Name_____ DOB_____

Address _____

Height_____ Weight_____ Hair_____ Eyes _____ Race_____ DL_____

Date Arrested_____ Arresting Agency_____

Violation(s)_____

MARITAL STATUS:

(a) ☐Married ☐Single ☐Separated ☐Common-Law ☐Divorced

(b) If Separated, Spouse's Address:

(c) Number of Children: _____ Live With: _____

Name(s) & Age(s): _____

EDUCATION:

(a) Last School Attended: _____

(b) Highest Grade Completed: _____

(c) Diplomas or Degrees: _____

EMPLOYMENT:

(a) Currently Employed ☐Yes ☐No

(b) Occupation: _____

(c) Name of ☐Current or ☐Last Employer: _____
Duration of Prior or Current Employment: _____ to _____

(d) Income: $_____ Approx. Income Last Year: $_____

(e) Supervisor: _____

(f) Employment Status: ☐Full-time (Permanent) ☐Part-time

☐Full-time (Temporary or Seasonal) ☐Unemployed

(g) Spouse: ☐Employed ☐Unemployed ☐ N/A

Length of Employment: _____ to _____

Name of Employer: _____

Spouse's Income: $_____ Approx. Income Last Year: $_____

FINANCIAL:

(a) Other Family Income: _____

(b) Real Property Owned: _____

Amount Owed: $_____ Payments: $_____

Approx. Value: $_____ Equity: $_____

(c) Automobile(s):

Year: _____ Model: _____ Equity: $_____

COURT USE ONLY:

TIES TO THE COMMUNITY/ABILITY TO POST BOND:

_____

_____

_____

MAXIMUM POTENTIAL SENTENCE THAT COULD BE IMPOSED:

_____

_____

_____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

☐ 220 Main Street, Brawley, CA 92227
☐ 939 West Main Street, El Centro, CA 92243
☐ 1625 West Main Street, El Centro, CA 92243
☐ 2124 Winterhaven Drive, Winterhaven, CA 92283

FOR COURT USE ONLY

People of the State of California,

vs.

Defendant (*Acusado*):

DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT
(DECLARACIÓN FINANCIERA Y AVISO AL ACUSADO)

CHECK ALL THAT APPLY *(MARQUE LAS OPCIONES QUE APLICAN)*:

☐ ELIGIBILITY FOR APPOINTMENT OF COUNSEL
(ELIGIBILIDAD PARA UN ABOGADO DE OFICIO)

☐ REIMBURSEMENT FOR COST OF COURT-APPOINTED COUNSEL
(REEMBOLSO DEL COSTO DEL ABOGADO DE OFICIO)

☐ ELIGIBILITY FOR RECORD ON APPEAL AT PUBLIC EXPENSE
(ELIGIBILIDAD DE LOS AUTOS PARA LA APELACIÓN COMO GASTO PÚBLICO)

CASE NUMBER:

1. a. Defendant's name: _____
(*Nombre del acusado*)
b. Other names used: _____
(*Otros nombres que ha usado*)
c. Address (*Domicilio*): _____
d. Date of birth: _____
(*Fecha de nacimiento*)
e. Telephone number: _____
(*Número telefónico*)
f. Driver's license number: _____
(*Número de licencia*)

2. Defendant's present employment (*Empleo actual del acusado*):
a. Occupation (*Ocupación*):
b. Name of employer (*Nombre del empleador*):
c. Address (*Dirección*):
d. Gross pay per (*Ingreso bruto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
e. Take-home pay per (*Ingreso neto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
f. Name of union (*Nombre del sindicato*): _____
g. Name of credit union (*Nombre de la cooperativa de crédito y ahorros*): _____

3. If defendant is not now working, state the name and address of defendant's last employer and the last date defendant was employed.
(*Si el acusado no está trabajando, indique el nombre y la dirección de su último empleador y la fecha en que dejó de trabajar.*)
a. Name (*Nombre*): _____
b. Address (*Dirección*): _____
c. Last date of employment (*Última fecha de empleo*): _____

4. Defendant (*El acusado*)
is (*es*) ☐ ☐ is not (*no está*) married (*casado*).

5. a. Spouse's name (*Nombre del cónyuge*): _____
b. Other names used (*Otros nombres que ha usado*): _____
c. Address (*Domicilio*): _____
d. Date of birth: _____
(*Fecha de nacimiento*)
e. Telephone number: _____
(*Número telefónico*)

6. Spouse's present employment (*Empleo actual del cónyuge*):
a. Occupation (*Ocupación*):
b. Name of employer (*Nombre del empleador*):
c. Address (*Dirección*):
d. Gross pay per (*Ingreso bruto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
e. Take-home pay per (*Ingreso neto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
f. Name of union (*Nombre del sindicato*): _____
g. Name of credit union (*Nombre de la cooperativa de crédito y ahorros*): _____

7. *If spouse is not now working, state the name and address of spouse's last employer and the last date spouse was employed.*
(*Si el cónyuge no está trabajando, indique el nombre y la dirección de su último empleador y la fecha en que dejó de trabajar.*)
a. Name (*Nombre*): _____
b. Address (*Dirección*): _____
c. Last date of employment (*Última fecha de empleo*): _____

8. Dependents (*Dependientes*)

Name (Nombre)	Address (Domicilio)	Relationship (*Parentezco*)	Age (*Edad*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:

OTHER MONTHLY INCOME (*INGRESOS MENSUALES ADICIONALES*)

9.

Defendant (*Acusado*)

a. Unemployment and disability (*Desempleo e incapacidad*) $ _____
b. Social Security (*Seguro Social*) ..... $ _____
c. Welfare, TANF (*Beneficiencia pública, TANF*) ..... $ _____
d. Veteran's benefits (*Prestaciones de veterano*) ..... $ _____
e. Worker's compensation (*Indemnización laboral*) ..... $ _____
f. Child support payments (*Pensión alimenticia*) ..... $ _____
g. Spousal support payments (*Pensión conyugal*) ..... $ _____
h. All other income not elsewhere listed (*Otros ingresos*) ... $ _____

Total:$ _____

Spouse (*Cónyuge*)

a. Unemployment and disability (*Desempleo e incapacidad*) $ _____
b. Social Security (*Seguro Social*) ..... $ _____
c. Welfare, TANF (*Beneficiencia pública, TANF*) ..... $ _____
d. Veteran's benefits (*Prestaciones de veterano*) ..... $ _____
e. Worker's compensation (*Indemnización laboral*) ..... $ _____
f. Child support payments (*Pensión alimenticia*) ..... $ _____
g. Spousal support payments (*Pensión conyugal*) ..... $ _____
h. All other income not elsewhere listed (*Otros ingresos*) ... $ _____

Total:$ _____

EXPENSES (*GASTOS*)

10. Monthly expenses being paid by defendant alone or by defendant and spouse (*Gastos mensuales pagados por el acusado o cónyuge*):

a. Rent or house payments (*Renta o hipoteca*) ..... $ _____
b. Car payments (*Pagos del auto*) ..... $ _____
c. Transportation payments (*Gastos por transporte*) ..... $ _____
d. Medical and dental payments (*Pagos medicos o dentales*) ..... $ _____
e. Loan payments (*Pagos por préstamos*) ..... $ _____
f. Clothing and laundry (*Ropa y lavanderia*) ..... $ _____
g. Food (*Alimentos*) ..... $ _____
h. Support payments (*Pagos de manutención o pension alimenticia*) ..... $ _____
i. Insurance payments (*Pagos por seguros*) ..... $ _____
j. Other payments (union, taxes, utilities) (*Otros pagos: sindicato, impuestos, servicios públicos*) ... $ _____

Total (a-j): $ _____

11. Installment payments other than those listed in item 10.
(*Pagos mensuales adicionales a los del No. 10*)

Name of Creditor (*Nombre del Acreedor*)	Monthly Payment (*Pago mensual*)	Balance Owed (*Saldo a deber*)
a. _____	$ _____	$ _____
b. _____	$ _____	$ _____
c. _____	$ _____	$ _____
d. _____	$ _____	$ _____
e. _____	$ _____	$ _____
	Total:$ _____	**Total:$** _____

ASSETS
(*BIENES*)

12. What do you own? (*State value*):
(*¿Qué bienes tiene? Indicar su valor:*)

a. Cash (*Efectivo*)..... $ _____
b. House equity (*Plusvalía de su casa*) $ _____
c. Cars, other vehicles and boat equity (*List make, year, and license number of each*) $ _____
(*Plusvalía de su carro, otros vehículos, barco. Enumere el modelo, año y número de licencia de cada uno*)
d. Checking, savings, and credit union accounts ..... $ _____
(*List name and account number of each*)
(*Cuentas de cheques, ahorros y cooperative de créditos y ahorros. Enumere el nombre y el número de cuenta de cada uno*)
e. Other real estate equity (*Plusvalía en otros bienes raíces*) ..... $ _____
f. Income tax refunds due (*Reembolsos fiscales por recibir*) ..... $ _____
g. Life insurance policies (ordinary life, face value) ..... $ _____ Length of ownership_____
(*Pólizas de seguro de vida; ordinario, su valor neto*) (*Tiempo con la póliza*)
h. Other personal property (jewelry, furniture, furs, stocks and bonds, etc.) ..... $ _____
(*Otros biene: joyería, muebles, pieles, acciones y bonos, etc.*)

Total:$ _____

13. **ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT:** If an attorney is appointed to represent you, the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

(***ELEGIBILIDAD PARA EL NOMBRAMIENTO DE UN ABOGADO DE OFICIO Y AVISO AL ACUSADO:*** *Si se le nombra un abogado de oficio, al finalizar su causa penal y después de celebrar una audiencia, el juzgado determinará su capacidad de pago por todo o un porcentaje del costo del abogado. Si el juzgado determina que en ese momento usted tiene la capacidad de pagar, se le ordenará que pague dicho costo total o parcial. Dicha orden tiene la misma vigencia que un fallo de lo civil y será sujeto a ejecución.*)

Declaration of Defendant

I declare under penalty of perjury that the foregoing is true and correct, and that I understand the notice contained in item 13, under the laws of the state of California.

Declaración del Acusado

(Declaro bajo pena de perjurio de acuerdo a las leyes del Estado de California que lo presente es fiel y exacto y que comprendo el aviso contenido en el Número 13.)

Date *(Fecha)*:

Signature of Defendant
(Firma del Acusado)

NAME AND ADDRESS OF ATTORNEY:	FOR COURT USE ONLY
TELEPHONE NUMBER:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
ARBITRATOR'S FEE STATEMENT	CASE NUMBER:

Pursuant to California Rules of Court, rule 3.819 and Local Rules – Superior Court of California, County of Imperial, rule 3.5.6, the following fee(s) are requested for conducting arbitration proceedings in the above named case.

Date session concluded: _____ Date Award/Settlement filed with Court: _____

Name of Arbitrator: _____ Length of Session: _____

Name of Payee: _____ **Fee(s) Requested:** _____

Address of Payee: _____

_____

_____

Social Security number or Taxpayer Identification number: _____

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signature of Arbitrator: _____

FOR COURT USE ONLY

Amount authorized _____

Date: _____ _____
(ARBITRATION ADMINISTRATOR)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

GENERAL INFORMATION
UNLAWFUL DETAINER: PLAINTIFF

Often, the Plaintiff is the landlord but can be any person with a legal right to possession of the residence. The Defendant is often the tenant, but can be any person living in the residence whom the plaintiff wishes to evict. If the Landlord does not list all the adult occupants as defendants, then the eviction may not be used against any unnamed people. Please follow the basic instructions below. You may apply for a fee waiver if you cannot afford the filing fee. You may need more than the forms listed. You can get free forms on www.courts.ca.gov/forms

1	Start the case	Before starting this case, you must have already given proper notice to the tenant to pay, or perform, or to quit. To start the eviction case, the landlord normally must pay a filing fee and submit to the court an original and one copy of: Civil Case Cover Sheet (CM-010) Summons-Unlawful Detainer-Eviction (SUM-130) Complaint-Unlawful Detainer (UD-100) Prejudgment Claim of Right to Possession (CP10.5)
2	Serve a copy	The landlord must next give a copy to the tenant(s). This is called "service." To serve correctly, do not give a copy on your own. Correct service means that someone 18 years or older and not involved in the case hands the copy to the tenant. Use the following forms to prove that a copy was delivered to the tenant(s). Prepare a proof of service form for each tenant served. Proof of Service of Summons (POS-010)
3	Wait	The tenant has only 5 days from the time of service to file any "Answer."
4	Request Default	If the tenant does not file an "Answer," the landlord may request a "Default" by submitting the following forms and documents: Original Summons-Unlawful Detainer-Eviction (SUM-130) Proof of Service of Summons (POS-010) Request for Entry of Default (CIV-100) Writ of Possession (EJ -130) Judgment – Unlawful Detainer (UD-110)
or		
5	Request Trial	If the Tenant files an Answer, in order to end the case, you must request a trial. The court clerk will usually schedule a trial within 20 days of your request.

Remember to avoid these common mistakes:

- Spell everyone's name correctly or else your judgment may not be enforceable.
- If you do not know the names of all the adult occupants, you must serve them with a copy of the Summons and Complaint as well as a blank Prejudgment Claim of Right to Possession.
- If you do not serve unnamed occupants in the way described above, even if you have an order to evict the named tenants, the unnamed occupants can delay their own eviction by filing a Claim of Possession (Form CP 10).

DISCLAIMER: These instructions are designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney see http://www.courts.ca.gov/1084.htm

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

GENERAL INFORMATION
UNLAWFUL DETAINER: DEFENDANT

If your landlord served you with an Unlawful Detainer case, you must decide if you want to answer. You may state defenses in a written "Answer" and file it at court within 5 days after you receive the Summons and Complaint. If you do not answer or if your answer is late, you might lose the case, be evicted, and have money and property taken without warning. Thus you may wish to still file an "Answer" even if you leave the property. You may apply for a fee waiver if you cannot afford the filing fee. You may need more than the forms listed. You can get free forms on www.courts.ca.gov/forms .

1	Answer the case	If you are a named defendant, fill out the "Answer" to explain your defenses: **Answer-Unlawful Detainer** (UD-105) file within 5 days. Or, If you are an un-named adult occupant and you were served a Prejudgment Claim of Right to Possession fill out the following to explain your defenses: **Prejudgment Claim of Right to Possession** (CP10.5) file within 10 days **Answer-Unlawful Detainer** (Form UD-105) file within 5 days thereafter
2	Serve a copy	After you fill out the forms, you must give a full copy of it to the landlord or the landlord's attorney. This is called "service." To serve correctly, do not give a copy on your own. Correct service means that someone 18 years or older and not involved in the case sends the copy through first class mail. After the server mails the copy, fill out the following form after prove that the landlord was mailed a copy: **Proof of Service of Summons** (POS-010)
3	Wait	Take the original Answer and original Proof of Service to the court to file with the clerk. There may be a filing fee, and you may qualify for a fee waiver. Be ready for your hearing.

Remember to avoid these common mistakes:

- Watch deadlines, you have only 5 days from service to take your answer to court. If the 5th day falls on a weekend or holiday, you can file your written response on the following Monday or non-holiday.
- If you are not named on the Summons and Complaint and you **were** served with a Prejudgment Claim of Right to Possession, you may follow step 2 above. If you stay silent, you can be evicted.
- If you are not named on the Summons and Complaint and you **were not** served with a Prejudgment Claim of Right to Possession, the judgment will not necessarily be binding on you. This means that when the eviction notice is posted, you have the chance to file a Claim of Possession (Form CP 10). You must pay the Court's filing fee or complete a fee waiver within 2 court days. You must also deliver to the court 15 days' rent to receive a hearing in 15 days. If you do not pay the deposit, the court will hold the hearing within 5 days.

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
PLAINTIFF: DEFENDANT:	
APPLICATION TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)	CASE NUMBER:

1. I am the ☐ plaintiff ☐ plaintiff's attorney.
2. I hereby apply for an order pursuant to Code of Civil Procedure § 415.45 to permit service by posting of the summons and complaint on defendant(s) (specify names):

   _____

   _____

3. The complaint seeks possession of the property located at: _____

   _____

   County of Imperial. The property is ☐ residential ☐ commercial.
4. Attempts to serve the summons and complaint in a manner specified by Code of Civil Procedure § 415.10 (other than posting and publication) were made as follows:

	DATE	TIME	REASON SERVICE COULD NOT BE MADE/REMARKS
a.			
b.			
c.			

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
PLAINTIFF: DEFENDANT:	
ORDER TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)	CASE NUMBER:

FINDINGS AND ORDER FOR POSTING OF SUMMONS

THE COURT FINDS that a cause of action exists against the defendant(s) named in the application and that the defendant(s) named in the application cannot with reasonable diligence be served in any manner specified in Civil Code § 415.10 et seq., other than posting or publication.

THE COURT ORDERS that the defendant(s) named in the application be served by posting a copy of the summons and complaint on the premises in the manner most likely to give actual notice to the defendant(s), and by immediately mailing, by certified mail, a copy of the summons and complaint to each of the defendant(s) at his or her last known address.

Date: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 West Main Street** **El Centro, CA 92243**	
Petitioner/Plaintiff: Respondent/Defendant: Other Parent/Party:	
NOTICE OF TELEPHONE APPEARANCE	Case Number:

1. I am the ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other Party in this case. I hereby notify the court and all parties that I will make an appearance by telephone.

2. A hearing in this matter is scheduled for

   Date: _____

   Time: _____ am/pm

   Dept: _____

3. I will make an appearance by telephone because:

   _____

   _____.

4. The parties listed below have been served with a copy of this *Notice of Telephone Appearance* at least five (5) court days before the hearing:

   a) _____, who lives in _____, was served on: _____.
   Name *County* *date*

   b) _____, who lives in _____, was served on: _____.
   Name *County* *date*

   c) _____, who lives in _____, was served on: _____.
   Name *County* *date*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

_____ _____
Type or print your name *Signature*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS: TELEPHONE APPEARANCES

You may participate in a court hearing by telephone through a private company named "CourtCall." The calls are not free, but if you are granted a court waiver, they can be placed free of charge. Follow this instruction sheet if you have a civil or a family law case. Please note that some court proceedings do not permit telephone appearances.

Note: If you have a Family Support Title IV-D Hearing which involves the Department of Child Support Services, **do not follow these steps**. Instead, follow California Rule of Court number 5.324 and Local Court Rule 5.1.3(b).

1	Telephone and Fax machine	You will need a telephone or ability to fax CourtCall to make payment arrangements before your hearing date.
2	Cost	You will need to pay a fee to CourtCall to use their service unless you have valid fee waiver from the court. If you do not have a valid fee waiver, you may fill out the Blank Fee Waiver Application and Fee Waiver Order enclosed, and file it with a self-addressed stamped envelope.
3	Request and Notification	You need to notify the court and all parties of your intent to make a telephone appearance by serving them a copy of your notice before filing it with the court. Use the form attached to give notice at least 5 court business days before the hearing. Follow Local Court Rule 3.8.6 carefully.
4	File Fee Waiver and Request	To file your fee waiver application, the notice for a telephone appearance, or other documents in your case, mail the original and a copy with a self addressed stamped envelope to: If you have a Civil Case: Civil Filing Clerk, Imperial County Superior Court, 939 W. Main Street, El Centro, CA 92243 If you have a Family Law Case: Family Law Filing Clerk, Imperial County Superior Court, 939 W. Main Street, El Centro, CA 92243
5	Gather Information About Your Case	Make sure you have the following information ready when you contact CourtCall: 1. Judge's Name 2. Hearing Date 3. Department Number 4. Case Number 5. Nature of Case (*divorce trial, status conference, etc.)*
6	Contact CourtCall	Make arrangements at least 5 court business days before the hearing. DO NOT wait until the last minute. Call CourtCall and follow their instructions: (888) 88-COURT [*888- 882-6878*]

If you have any questions or concerns and are not represented by an attorney in this case, you may contact the Access Center at accesscenter@imperial.courts.ca.gov.

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SHORT TITLE:	CASE NUMBER:

SERVICE MATRIX ATTACHMENT TO CASE MANAGEMENT STATEMENT

Party Served *If the party served is an attorney, the party or parties represented should also be stated*	**Date Served** *Date party was served with complaint or cross-complaint*	**Party Status** *Appeared, defaulted or dismissed and date of such*	**Counsel of Record** *Firm name and address*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Proceso de Mediación

1. **CUSTODIA DE MENORES O VISITA DISPUTADAS**
   Si usted y la otra parte no logran acordar sobre la cantidad de tiempo que su hijo pasará con cada uno de ustedes, La Ley de California requiere que las partes participen en *mediación* respecto a los temas en disputa. La Mediación es un procedimiento informal durante el cual las partes comparecen ya sea de forma separada ó conjuntamente con un mediador capacitado para resolver disputas de custodia o visita.

2. **MEJOR INTERES DEL MENOR O MENORES**
   El Mediador esta obligado a desempeñar su mejor esfuerzo para ayudar a las partes a que alcancen un acuerdo conforme al *mejor interés del menor o menores. El mejor interés del menor* esta basado en factores tales como salud, seguridad y bienestar del menor, existencia de algún antecedente de abuso por de las partes hacia con el menor, así como el tiempo de convivencia del menor con ambas partes, y el uso habitual de alcohol o drogas ilegales por cualquiera de las partes.

3. **ANTECEDENTES DE VIOLENCIA DOMESTICA**
   En caso de existir antecedentes de violencia domestica entre las partes, el mediador esta obligado a reunirse con las partes de forma separada.

4. **REFERENTE A LA MEDIACION / CUESTIONES A DISCUTIR.**
   La referencia a la mediación requiere de un mandato judicial hecho por un juez. La orden se puede hacer ya sea antes de una audiencia ante el tribunal o después. Los asuntos mediados serán limitados estrictamente a asuntos de custodia y visita que han sido presentados ante el tribunal.

5. **SI USTED LLEGA A UN ACUERDO**
   Si las partes llegan a un acuerdo, éste quedará asentado por escrito y podrá ser firmado por las partes antes de retirarse de la reunión.
   El acuerdo puede hacerse una orden de la Corte en la siguiente audiencia ante la presencia del juez.

6. **TERMINOS LEGALES QUE USTED NECESITARA ENTENDER**
   - *Custodia Legal Conjunta:* Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.
   - *Custodia Legal Única:* Una de las partes tiene el derecho y la responsabilidad para tomar las decisiones relacionadas con la salud, la educación y el bienestar del niño.
   - *Custodia Física Conjunta:* Ambas partes tienen períodos significativos de custodia física, y el niño es asegurado del contacto frecuente y continuo de ambas partes.
   - *Custodia Física Única*: El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal.

POSIBLES ACUERDOS SOBRE CUSTODIA

	CUSTODIA LEGAL CONJUNTA: Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA FÍSICA CONJUNTA:** Ambas partes tienen períodos significativos de custodia física, y el niño es asegurado del contacto frecuente y continuo de ambas partes.
Ó	**CUSTODIA LEGAL CONJUNTA:** Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA FÍSICA ÚNICA:** El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal
Ó	**CUSTODIA LEGAL ÚNICA:** Una de las partes tiene el derecho y la responsabilidad para tomar las decisiones relacionadas con la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA LEGAL UNICA PARA UNA DE LAS PARTES:** El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Mediation Process

1. **DISPUTED CHILD CUSTODY OR VISITATION**
   If you and the other party cannot agree upon the amount of time that the child will spend with each of you, California law requires you and the other party to participate in *mediation* concerning the disputed issues. Mediation is an informal process during which parties meet separately and together with a mediator trained to resolve custody and visitation disputes.

2. **BEST INTERESTS OF THE CHILD**
   The Mediator is required to use his or her best efforts to help the parties reach an agreement that is in the *best interests of the child.* The *best interests of the child* are based on factors including the health, safety, and welfare of the child, the nature and amount of contact with each party, and history of abuse, habitual use of alcohol, or illegal drugs by either party.

3. **HISTORY OF DOMESTIC VIOLENCE**
   Whenever there is a *history of domestic violence* between the parties, the mediator is required to meet with the parties separately.

4. **SCHEDULING MEDIATION/ISSUES TO BE DISCUSSED**
   Mediation scheduling may be made by a judge, or stipulated by the parties to advance mediation.
   Issues mediated will be *strictly limited* to custody and visitation issues.

5. **IF YOU REACH AN AGREEMENT**
   If the parties reach an agreement, the agreement will be put in writing and may be signed by the parties before they leave the meeting. The agreement can be made a court order at the next hearing before a judge.

6. **LEGAL TERMS YOU WILL NEED TO UNDERSTAND**
   - *Joint Legal Custody:* Both parties share the right and the responsibility to make the decisions relating to the health, education, and welfare of the child.
   - *Sole Legal Custody:* One party has the right and responsibility to make decisions relating to the health, education, and welfare of the child.
   - *Joint Physical Custody:* Each of the parties has significant periods of physical custody, and the child is assured of frequent and continuing contact with both parties.
   - *Sole Physical Custody:* A child resides with and is under the supervision of one party, subject to the power of the Court to order visitation.

Possible Custody Arrangements

	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child	**AND**	**JOINT PHYSICAL CUSTODY:** Parties have significant periods of physical custody; child has frequent and continuing contact with both parties
OR	**JOINT LEGAL CUSTODY:** Parties share right/responsibility to make decisions relating to health, education and welfare of child	**AND**	**SOLE PHYSICAL CUSTODY TO ONE PARTY:** Child resides with and is under supervision of one party, subject to other's visits.
OR	**SOLE LEGAL CUSTODY TO ONE PARTY:** One party has right/responsibility to make decisions	**AND**	**SOLE PHYSICAL CUSTODY TO ONE PARTY:** Child resides with and is under supervision of one party, subject to other's visits.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
CASE MANAGEMENT QUESTIONNAIRE	CASE NUMBER:

INSTRUCTIONS:

This form must be filed and served at least 20 calendar days before the Case Management Conference. If you are representing yourself, you must have someone over the age of 18, other than yourself; mail a completed copy of this form to the opposing attorney or party at least 20 days before the Case Management Conference. A Proof of Service form should be attached to the original form that is filed with the court. PLEASE BE SURE TO BRING A COPY OF THE COMPLETED FORM AND PROOF OF SERVICE WITH YOU TO THE CASE MANAGEMENT CONFERENCE.

1. PARTIES AND ATIORNEYS. I am ☐ Petitioner ☐ Respondent ☐ Other: _____

   a. I ☐ am ☐ am not represented by an attorney.

   b. The other party ☐ is ☐ is not represented by an attorney.

   c. The address of the other party/party's attorney is:

   Name: _____

   Address: _____

   City/State/Zip Code: _____

   Telephone Number: _____

2. NATURE OF CASE.

   a. Have the parties reconciled ..... ☐ Yes ☐ No

   b. Has the Respondent been served with the Summons and Petition ..... ☐ Yes ☐ No

   c. Do the parties expect to make an agreement ..... ☐ Yes ☐ No

   d. Has this case settled..... ☐ Yes ☐ No Judgment will be filed on/before: _____

   e. Parties working on an agreement and request the CMC be continued..... ☐ Yes ☐ No

   f. Has the Petitioner served Respondent with Disclosure Documents ..... ☐ Yes ☐ No

   g. Has the Respondent served Petitioner with Disclosure Documents ..... ☐ Yes ☐ No

   h. Have the parties had a meeting to try and settle all issues ..... ☐ Yes ☐ No

   i. Are the parties involved in any private mediation ..... ☐ Yes ☐ No

Petitioner: Respondent:	Case Number:

3. ISSUES. This case involves the following issues (*check all that apply*).

a. CHILD CUSTODY/VISITATION has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

b. CHILD SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

c. SPOUSAL SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

d. DIVISION OF ASSETS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

e. DIVISION OF DEBTS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

f. ATTORNEY'S FEES & COSTS have been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

4. TRIAL READINESS. I ☐ am ☐ am not ready for trial.

a. If not ready for trial, when will you be ready (*date*): _____

b. If ready for trial, this case will take _____ ☐ days ☐ hours to complete.

c. If ready for trial, what dates are you unavailable for trial: _____

_____

_____

_____

5. ADDITIONAL INFORMATION:

_____

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

_____
☐ Petitioner ☐ Respondent

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS

Findings and Orders After Hearing

A minute order from the hearing may contain the decisions in your case, but it is not the order because it is not signed by the judge. A moving party filing a motion or a Request for Order shall provide a Proposed Findings and Order After Hearing at the time of filing or in open court. Otherwise, prepare the Order after the hearing, according to the instructions below.

1	Prepare the Orders	Get a copy of the Court's minute order of the hearing. Fill out the Findings and Order After Hearing according to the minute order. You can buy the forms in the clerk's office or download them for free at http://www.courts.ca.gov/forms.htm Start with FL-340, and enter the date and courtroom where the case was heard, the name of the judge, the people who attended, and what type of orders the judge made. Do not sign this page. Add additional pages as needed to accurately reflect the orders.
2	Serve a copy	After you finish the proposed orders, you must send it within 10 days of the hearing date to the other party for approval. Make a copy. Send it with the "Letter to the Other Party" attached to this packet that explains time limits and options, as required in Section CRC 5.125.
3	Wait	The other party has 20 days from the hearing date to review the proposed orders. If the other party receives the proposed orders, they should obtain a copy of the minute order and compare for accuracy. If there are mistakes, the other party must notify you within 20 days from the hearing date. If the proposed orders are correctly prepared, the other party should sign the first page to approve the order within 20 days from the hearing date and return it to you to be submitted for review and signature by the Court. If the other party does nothing during the twenty-day period, you may submit the proposed orders for review and signature by the Court within 25 days of the hearing.
4	File	After the 20 days have passed, you may now take the approved orders signed by the other party, or the unsigned proposed orders with the "Letter to the Court," to the Family Law Department. Be sure to file your original with at least two copies. Include a self addressed and stamped envelope for the clerk to mail back your copies signed by the judge. This must be done within 25 days of the hearing.
5	Serve a Copy	After the judge signs the orders, the clerk will use your stamped envelope to mail your copies back to you. Keep one copy. Serve the second copy to the other party by mail, sign the proof of service, and file with the court.
6	For Child Support Orders	If there are any child support orders, both parties must complete a **Child Support Case Registry** (FL-191). You may also fill out an **Income Withholding for Support** (FL-195) and an **Ex Parte Application for Earnings Assignment Order** (FL-430) for payments to be processed through the State Disbursement Unit. To find out more about wage assignments, call the State Disbursement Unit at 866-325-1010, or the California Department of Child Support Services at 866-901-3212. You may also contact the Court's Access Center at accesscenter@imperial.courts.ca.gov.

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Findings and Orders After Hearing
Letter to the Opposing Party

Date: _____

To:
Opposing Party Name and Address

_____

_____

_____

RE: Findings and Order After Hearing

Case Number: _____

Case Name: _____

Dear (other party name) _____:
Enclosed, you will find a Findings and Order After Hearing containing the orders from our Court hearing which occurred on date: _____. Please review the document. If it is correctly prepared, and reflects the Court's order, please review, sign, and return it to me within twenty days of the hearing date listed above. If it does not reflect the Court's order, then you must state the reasons for disapproval to me within twenty days. Failure to notify me within the time limit will be considered an approval of the proposed order. These instructions are according to the California Rules of the Court, Rule number 5.125.

Sincerely,

_____
(Signature)

_____
(Print Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	FOR COURT USE ONLY **RECEIVED**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
FINDINGS AND ORDERS AFTER HEARING **LETTER TO THE COURT**	CASE NUMBER:

A proposed Findings and Order After Hearing for the hearing held on date: _____ was mailed to the other party named _____ on date: _____, as required in the California Rules of the Court, Rule 5.125.

I also included a letter to the other party explaining the steps they may take.

☐ I have not received any response.

☐ I have received the following response(s) from the other party:

_____

_____

_____

I ask the Court to please sign the attached Findings and Order after Hearing.

Sincerely,

_____
(Signature)

_____
(Print Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION FOR MEDIATION	CASE NUMBER:

1. Provide any of the following case numbers:
   ☐ Family Law: _____ ☐ Family Support: _____
   ☐ Domestic Violence: _____ ☐ Uniform Parentage Action: _____

2. A dispute exists between the above named parties concerning (check all that apply and provide a brief explanation): ☐ Custody ☐ Visitation ☐ Other

3. Date of last Mediation Report: _____/_____/_____.

4. Do you have a current Domestic Violence Restraining Order?
   ☐ Yes (If yes, attach copy)
   ☐ No

Please provide the following information. (Post Office Box if Domestic Violence is an issue.)

PETITIONER'S INFORMATION:		RESPONDENT'S INFORMATION:	
Name:		Name:	
Mailing Address:		Mailing Address:	
City State/Zip:		City State/Zip:	
Home Phone:	Work Phone:	Home Phone:	Work Phone:
Relationship to child:		Relationship to child:	
Language:		Language:	
Attorney:		Attorney:	

5. Any information I have provided above and any attachment to this request is furnished in good faith in the hope of settling the dispute. I declare under penalty of perjury that the foregoing is true and correct.

_____ PETITIONER SIGNATURE AND DATE

_____ RESPONDENT- SIGNATURE AND DATE

6. **Notice of Mediation Appointment:**
   Superior Court, Family Law, Clerk's Office
   939 Main Street, Lower Level, El Centro, CA

   Date: _____ Time: _____

_____ CLERK SIGNATURE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

EX PARTE APPLICATIONS – FAMILY LAW

1. **WHAT IS AN EX PARTE APPLICATION?** A request for an "ex parte" order is made by submitting papers asking the judge to make orders without giving the other party the usual amount of notice. For example, applications for court orders are made by giving the other party at least 16 court days' notice. However, if you need to have your hearing earlier than 16 court days before the hearing, you may ask the court for an ex parte order to shorten the time for service and filing.

2. **IS AN EX PARTE APPLICATION REQUIRED FOR MY ISSUE?** There is no need for an ex parte application for written stipulations; Default judgments; Joint requests for advanced stipulation for mediation-Local Form (FL-05); Wage and earnings assignment order-Judicial Council Form (FL-435); Restoration of former name after judgment or Order for Publication or posting. Submit these documents to the family law filing clerk for judicial officer signature.

3. **EX PARTE APPLICATIONS FOR CHILD CUSTODY AND CHILD VISITATION ARE STRONGLY DISFAVORED**

   - Ex parte applications regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California. Family Code § 3064(a).
   - "Immediate harm to the child" includes, but is not limited to, having a parent who has committed recent domestic violence, or domestic violence that is part of a continuing pattern, and sexual abuse of the child, where the acts of sexual abuse are recent, or are part of a continuing pattern of sexual abuse. Family Code § 3064(b)
   - Ex parte applications to change a child's vacation, school or holiday schedule are disfavored. If you have a need for the court to hear such a matter, the court may make an order shortening time and notice for the matter to be heard.

4. **IF I WANT TO MAKE AN EX PARTE APPLICATION, WHAT PAPERS DO I NEED TO FILE?** Fill out and file: a) Local Form FL-06(A) Declaration re: Ex Parte Notice, and b) Local Form FL-06(B) Application in Support of Ex Parte Request, and c) Local Form GN-01 Request for Hearing, d) Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Local Form FL-06(A) Declaration re: Ex Parte Notice tells the court that you have given the other party the required notice of the fact that you are seeking an ex parte application, or the reasons you are excused from doing so.

5. **HOW DO I GIVE NOTICE?** Before 10:00 a.m. on the court day before the hearing, the party asking for an ex parte order must:

   - Notify all other parties or attorneys of the nature of the relief sought, and the date, time and place for the presentation of the application, and
   - Try to determine whether the opposing party will appear to oppose the application. (CRC 3.1202)
   - Notice can only be waived if it would cancel out the benefit of the requested relief or frustrate the purpose of the proposed order, or if the applicant would suffer immediate and irreparable injury before notice could be given. Notice may be excused if following a good faith attempt, the giving of notice is not possible.
   - Even if you have not given notice by 10:00 a.m. the court day before the ex parte appearance, the clerk must not reject the ex parte application for filing and must present it to the appropriate judicial officer for consideration. (CRC 3.1205)

6. **HOW DO I TELL THE COURT WHAT I WANT?** Use Local Form FL-06(B) Application in Support of Ex Parte Request to state the facts that support your request for relief. Include:

   - Whether the order you are seeking will result in a change of the status quo. If you do not tell the court this information, you could be ordered to pay attorney's fees or costs incurred to return to the status quo.
   - Facts within your own personal knowledge, rather than your personal feelings and fears.
   - The reason the request cannot be heard on the court's regular law and motion calendar.

7. **WHAT HAPPENS NEXT?** Make an extra copy of your forms and take them to the family law filing clerk with your Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Ex parte hearings are held at 1:30 p.m. in Department 3. The clerk will take your papers and the file to the judicial officer to review prior to the date and time of your previously scheduled ex parte hearing. At the ex parte hearing, the court may decide whether or not to grant relief based only on the pleadings, without listening to oral argument or testimony. Take a proposed order to Court.

8. **GIVE A COPY OF YOUR PAPERS TO THE OTHER PARTY.** Parties appearing at the ex parte hearing must serve the application or written opposition on all parties appearing at the first reasonable opportunity.

9. **COME TO THE EX PARTE HEARING.** You must appear in person at the ex parte hearing unless you have a stipulation for an order or other circumstances set forth in CRC 3.1207.

10. **ORDER AFTER HEARING:** If the court signs the order, a copy of it must be served on the other party within 24 hours.

For help, contact or visit the
Superior Court, Access Center
Courthouse Lower Level, 939 W. Main Street, El Centro, CA
accesscenter@imperial.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
DECLARATION REGARDING EX PARTE NOTICE	CASE NUMBER:

Other party (or attorney if represented):

a. Name: _____

b. Address: _____

c. Phone Number: _____

DECLARATION REGARDING NOTICE

1. The undersigned ☐ **has** ☐ **has not** made any prior applications on the same issue in this case or another case.

2. If there has been another case, fill in the County in which the case is pending:
   County: _____ Case number: _____.

3. This order ☐ **will** ☐ **will not** result in a change of the status quo.

4. I have given notice of the ex parte application to the other party/attorney by the following method before 10:00 a.m. on the Court day before the hearing:

   By: ☐ Personal Delivery ☐ Fax with confirmation of receipt

   ☐ First Class Mail ☐ Telephone

   ☐ Other (explain): _____

   Date and time I gave notice _____
   (Date) (Time)

PETITIONER: RESPONDENT:	CASE NUMBER:

5. The other party or their attorney ☐ has or ☐ has not confirmed receipt of the motion (state details)

_____

_____

_____

_____

_____

6. ☐ I have given notice that I would present this application for these orders on_____ at _____ am/pm in Department _____ of the Superior Court, 939 Main Street, El Centro, CA.

7. ☐ I anticipate the other party will oppose this application. ☐ I do not anticipate the opposing party will oppose this application.

8. The Domestic Violence Protection Act. **I have not given notice** to the other party or attorney for the following reasons:
   ☐ This is a DVP (The Domestic Violence Protection Act

   ☐ Other-Local Rule 5.1.1(e) Explain:

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ _____
Signature of Declarant

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER: ATTORNEY FOR(NAME):	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: **RESPONDENT:**	
APPLICATION FOR EX PARTE REQUEST	CASE NUMBER:

REASONS FOR EX PARTE RELIEF

You must specify why this request cannot be heard on the court's regular motion calendar. Only include factual information within your personal knowledge, and not conclusions, feelings or fears. **(IF CUSTODY OR VISITION IS AT ISSUE, YOU MUST CLEARLY SHOW WHY THERE IS A RISK OF IMMEDIATE HARM TO YOUR CHILD OR CHILDREN, OR WHY THERE IS AN IMMEDIATE RISK THAT YOUR CHILDREN WILL BE REMOVED FROM CALIFORNIA.)**

_____

_____

_____

_____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ Signature: _____

Print Name: _____

Please submit your **proposed order** as an attachment to this declaration in clear handwritten or typewritten form.

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the declarant above this Declaration for Ex Parte Hearing. The declarant above has expressly indicated that he or she understood this document before signing it.

Date: _____ Signature: _____

Print Name:_____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro, CA 92243

Your name:_____
Are you the ☐ Petitioner (P) or ☐ Respondent (R)?

Your case number:_____
Always bring a complete copy of your court case and this check list when you come to court to discuss your case.

CHECKLIST FOR YOUR DIVORCE CASE

Please use this checklist to keep track of the many documents in your case. Court forms are available for purchase at the clerk's window or you may print them for free from the internet at www.courts.ca.gov/forms. Instructions: Find the item and fill in the date of filing. *

START YOUR CASE:

BEGIN YOUR FILE

Form name	Form #	Date filed by P	Date filed by R
Summons	FL-110		N/A
Petition and any attachments	FL-100		
Declaration under Uniform Child Custody and Jurisdiction Enforcement Act**	FL-105		

DISCUSS PROPERTY

Form Name	Form#	Date filed by P	Date filed by R
Declaration of Disclosure - Preliminary	FL-140		
Schedule of Assets and Debts	FL-142		
Income & Expense Declaration	FL-150		
Property Declaration - Separate**	FL-160		
Property Declaration - Community**	FL-160		

SERVE THE OTHER PARTY

Form Name	Form#	Date filed by P	Date filed by R
Proof of Service of Summons	FL-115		N/A
Declaration Regarding Service of Declaration of Disclosure - Preliminary	FL-141		

AFTER SERVICE

Form Name	Form #	Date filed by P	Date filed by R
Request to Enter Default (If no Response within 30 days)	FL-165		N/A
Response and any attachments, forms for children and property as above.	FL-120	N/A	
Case Management Questionnaire & attendance at Conference	Local Form		

FINISH YOUR CASE:

PREPARE YOUR JUDGMENT

Form Name	Form #	Date filed by P	Date filed by R
Declaration of Disclosure – Final	FL-140		
Declaration for Default or Uncontested Judgment	FL-170		
Judgment and any attachments or Marital Settlement Agreement**	FL-180		
Notice of Entry	FL-190		
Child Support Case Registry **	FL-191		
Notice of Rights and Responsibilities**	FL-192		

OR PREPARE FOR TRIAL

Form Name	Form #	Date filed by P	Date filed by R
Trial Brief (and pay court reporter fees)	FL-08		
Declaration of Disclosure – Final	FL-140		
Declaration Regarding Service of Declaration of Disclosure, Final	FL-141		
Schedule of Assets and Debts	FL-142		
Income & Expense Declaration	FL-150		
Property Declaration - Separate**	FL-160		
Property Declaration - Community**	FL-160		

* You must serve the other party a copy of any document you file and complete a proof of service. This list is basic, you may need more forms and more steps. If you need support, visitation, or other orders while your case is open, you may file a Request for Order.
** If applicable.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO. FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
TRIAL BRIEF	CASE NUMBER

Date:_____ Time:_____ Dept.:_____ Judge:_____

TRIAL BRIEF MUST BE FILED AND SERVED AT LEAST **TEN** DAYS BEFORE TRIAL DATE

1. I have filed and served a **Preliminary** Declaration of Disclosure-Judicial Council Form (FL-141).

2. ☐ I have completed and served on the other party the **Final** Declaration of Disclosure-Judicial Council Form (FL-141).

OR

☐ The parties have executed and filed a Stipulation and Waiver of Final Declaration of Disclosure-Judicial Council Form (FL-144).

3. The following issues have been resolved by ☐ oral or ☐ written agreement. (Attach copy of written agreement if applicable.)

_____

_____

_____

☐ Continued on attachment

4. The following issues have not been resolved, and I propose the following resolutions:

Issue: _____ Resolution: _____

Issue: _____ Resolution: _____

☐ Continued on attachment

5. I have attached the following completed forms:
   - ☐ Income & Expense Declaration-Judicial Council Form (FL– 150) (with required pay or benefit stubs)
   - ☐ Schedule of Assets & Debts-Judicial Council Form (FL–142)
   - ☐ Property Declaration-Judicial Council Form (FL–160)

6. I request that custody and visitation be awarded as set forth on Child Custody and Visitation Application Attachment-Judicial Council Form (FL-311 and attachments) for the following reasons:

_____

_____

_____

☐ Continued on attachment

PETITIONER: RESPONDENT:	CASE NUMBER:

7. I request that child support be ordered as follows: $_____ payable per month from _____ to _____. A Guideline Calculation must be attached and is available online at www.childsup.gov or at the Court Access Center.

8. I request the following spousal support order: $_____ payable per month from _____ to _____, based on the following facts. State length of marriage, lifestyle during marriage, education levels, work skills, health and age, hardships and efforts to find work.

_____

_____

_____

_____

☐ Continued on attachment

9. I request the following orders for attorney's fees and court costs: $_____ payable from _____ to _____ for _____.

10. I ask that the community and separate property assets and debts be allocated in the manner listed on the attached Property Declaration(s) (FL – 160), the values are based on:

Property_____ Basis of Value_____

Property_____ Basis of Value_____

☐ Continued on attachment.

11. I intend to call the following witnesses to testify. Attach curriculum vitae for experts.

Witness	Address/Phone	Subject Matter

☐ Continued on attachment

12. I intend to introduce the following documents at trial:

_____

_____

☐ Continued on attachment

13. A proof of service on the other party is attached hereto.

Dated: _____

_____
Print Your Name

_____
Your Signature

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Settlement Agreements

In order to finish a case for parentage, dissolution of marriage, legal separation or nullity, there must be a judgment entered. A judgment can be obtained following a court trial, a default of one party by the other, or by mutual agreement of the parties.

If the parties to a parentage case, dissolution, legal separation or nullity both agree to settle the case, complete the Settlement Agreement-Local Form (FL-11), with the following attached Judicial Council forms if applicable:

- Child Custody and Visitation Order Attachment (FL-341)
- Child Support Information and Order Attachment (FL-342)
- Spousal, Partner or Family Support Attachment (FL-343)
- Property Order Attachment to Judgment (FL-345)

Note: In a default case, the signature of the respondent on the settlement agreement must be notarized.

Attach the completed and signed Settlement Agreement and applicable attachments to the Judgment (FL-180). Submit the Judgment with the other documents required to complete the case.

For help, contact or visit the
Superior Court, Access Center
939 West Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov

Petitioner: Respondent:	Case Number:

SETTLEMENT AGREEMENT

SELECT ONE: ☐ MARITAL ☐ UNIFORM PARENTAGE AGREEMENT

1. ☐ The Parties agree

   Name: _____ ☐ Mother ☐ Father and

   Name: _____ ☐ Mother ☐ Father

   are the parents of the following minor child or children:
   (To list additional children, attach form MC-025 or a sheet of paper and write Additional Minor Children with name and date of birth for each child. Check box if attaching another page. ☐)

   Name:_____DOB:_____

   Name:_____DOB:_____

   Name:_____DOB:_____

   Name:_____DOB:_____

2. ☐ Custody of and visitation with the children shall be awarded as set forth on the attached Child Custody and Visitation (Parenting Time) Order Attachment (FL-341).

3. Child support orders:
   a. ☐ Child support for the minor children shall be ordered as set forth on the attached Child Support Information and Order Attachment (FL-342); or
   b. ☐ Child support is payable through the Department of Child Support Services as shown on attachment from DCSS or conformed copy of the most recent court order.

4. ☐ The parties stipulate this cause may be tried as an uncontested matter.

Items #5 -7 apply if the parties are married:

5. Spousal support orders (choose only one):
   a. ☐ Each party waives the right to receive spousal support, and requests that the court terminate jurisdiction to award future spousal support to the other party.
   b. ☐ Spousal support is ordered as set forth in the attached Spousal, Partner, or Family Support Order Attachment (FL-343).
   c. ☐Petitioner ☐Respondent shall pay ☐Petitioner ☐Respondent as and for spousal support the sum of $_____ per month, commencing _____and continuing until_____.
   If no termination date specified, said support shall continue until the death of either party, remarriage of the supported party, or further order of the court.

6. Property division orders (choose only one):
   a. ☐There are no assets or debts to be disposed of by this Court.
   b. ☐Division of assets and debts is ordered as set forth in the attached Property Order Attachment to Judgment (FL-345).

7. ☐ Each party declares that they have completed and served on the other party a Preliminary Declaration of Disclosure (FL-140) in compliance with Family Code Section 2104.

SETTLEMENT AGREEMENT

8. ☐ Each party waives receipt of the Final Declaration of Disclosure under Family Code Section 2105(d). Each of us declares under penalty of perjury under the laws of the State of California that:
   a) Both parties have complied with Section 2104 and the preliminary declarations of disclosure have been completed and exchanged.
   b) Both parties have completed and exchanged a current income and expense declaration, that includes all material facts and information regarding that party's earnings, accumulations, and expenses.
   c) Both parties have fully complied with Section 2102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information regarding the characterization of all assets and liabilities, the valuation of all assets that are contended to be community property or in which it is contended the community has an interest, and the amounts of all obligations that are contended to be community obligations or for which it is contended the community has liability.
   d) The waiver is knowingly, intelligently, and voluntarily entered into by each of the parties.
   e) Each party understands that this waiver does not limit the legal disclosure obligations of the parties, but rather is a statement under penalty of perjury that those obligations have been fulfilled. Each party further understands that noncompliance with those objections will result in the court setting aside the judgment.

9. Pursuant to Government Code § 70671, no filing fee shall be required because it is intended that this Settlement Agreement shall be incorporated into the judgment.

10. ☐ Other:_____

_____

The foregoing is agreed to by:

Date:_____ Signature of Petitioner:_____

Date:_____ Signature of Respondent:_____
(Notarization required if no response on file.)

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA, COUNTY OF (SPECIFY):_____. On (date):_____ before me (name and title): _____ personally appeared (name):_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(NOTARY SEAL)

_____

Signature of Notary Public

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro, CA 92243

Your name:_____
Are you the ☐ Petitioner (P) or ☐ Respondent (R)?

Your case number:_____
Always bring a complete copy of your court case and this check list when you come to court to discuss your case.

CHECKLIST FOR YOUR UNIFORM PARENTAGE ACT CASE

Please use this checklist to keep track of the many documents in your case. Court forms are available for purchase at the clerk's window or you may print them for free from the internet at www.courts.ca.gov/forms. Instructions: Find the item and fill in the date of filing. *

START YOUR CASE:

BEGIN YOUR FILE

Form name	Form #	Date filed by P	Date filed by R
Summons	FL-210		N/A
Petition and any attachments	FL-200		
Declaration under Uniform Child Custody and Jurisdiction Enforcement Act	FL-105		

SERVE THE OTHER PARTY

Form Name	Form#	Date filed by P	Date filed by R
Proof of Service of Summons	FL-115		N/A

AFTER SERVICE

Form Name	Form #	Date filed by P	Date filed by R
Request to Enter Default (If no Response within 30 days)	FL-165		N/A
Response and any attachments, forms for children as above.	FL-220	N/A	
Case Management Questionnaire & attendance at Conference	Local Form		

FINISH YOUR CASE:

PREPARE YOUR JUDGMENT

Form Name	Form #	Date filed by P	Date filed by R
Declaration for Default or Uncontested Judgment	FL-230		
Advisement and Waiver of Rights	FL-235		
Stipulation for Entry of Judgment**	FL-240		
Judgment and any attachments or Settlement Agreement**	FL-250		
Notice of Entry	FL-190		
Child Support Case Registry	FL-191		
Notice of Right and Responsibilities	FL-192		

OR PREPARE FOR TRIAL

Form Name	Form #	Date filed by P	Date filed by R
Trial Brief (and pay court reporter fees)	FL-08		
Income & Expense Declaration	FL-150		

* You must serve the other party a copy of any document you file and complete a proof of service. This list is basic, you may need more forms and more steps. If you need support, visitation, or other orders while your case is open, you may file a Request for Order.
** If applicable.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Child Custody/Visitation Joinder Packet
(California Rules of Court 5.16, 5.24)

A non-parent, including a grandparent, may ask for child custody or visitation in a pending dissolution or custody case. (If there is already a judgment, joinder is unavailable).

Joinder forms included are:

- Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
- Responsive Declaration to Motion for Joinder/Consent Order of Joinder - Judicial Council Form
  (FL-373)
- Proof of Service by Mail – Judicial Council Form (FL-335)
- Summons (Joinder) – Judicial Council Form (FL-375)
- Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
- Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
- Decl. Under Uniform Child Custody Jurisdiction & Enforcement Act – (FL-105)
- Proof of Personal Service – Judicial Council Form (FL-330).

This process involves several steps:

1. Complete the following forms:
   - Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

2. File the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a ***copy*** of these forms attached:
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

Child Custody/Visitation Joinder Packet
(California Rules of Court 5.16, 5.24)

Continued

3. Have someone else serve a copy of the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a ***copy*** of these forms attached:
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
     AND a blank:
   - Responsive Declaration to Motion for Joinder – Judicial Council Form (FL-373)

   Have the person who served the documents complete and file either a **Proof of Service by Mail** Judicial Council Form (FL-335) or a **Proof of Personal Service** Judicial Council Form (FL-330).

4. Attend the hearing. If the motion for joinder is granted, file the following forms:
   - Petition for Joinder – Local Form(FL-13),
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act
     Ask the filing clerk to issue the Summons – Judicial Council Form (FL-105).

5. Have someone else serve a copy of the Summons, Petition for Joinder, Child Custody and Visitation Application Attachment, and Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act on each of the parties personally. The person who served these documents must complete and file a Proof of Personal Service (either page 2 of the Summons, or Proof of Personal Service FL-330) for each person served.

6. Once the proofs of service have been filed, the joinder process is complete. You may then file papers to obtain the child custody or visitation rights you are seeking by filing a Notice of Motion-Judicial Council Form (FL-310) and Application for Order and Supporting Declaration-Judicial Council Form (FL-310).

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PETITION FOR JOINDER (Custody/Visitation)	CASE NUMBER:

Claimant alleges as follows:

1. Claimant's relationship to the following minor child(ren) is: _____

	Child's Name	Birth Date	Age	Gender
a.				
b.				
c.				
d.				

To list any other minor child(ren), attach form MC-020 or attach a sheet of paper and write Additional Minor Child(ren). Check here if you attach another page ☐

2. Each child named above is currently living with:
   ☐ Petitioner
   ☐ Respondent
   ☐ Other (specify) _____ in _____County.

3. Claimant requests that the court grant the following orders:
   a. Reasonable visitation with the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
   b. Custody of the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
   c. Other:_____

4. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ Signature: _____

Print Name:_____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Grandparent Visitation

A grandparent may request visitation with a grandchild by filing a petition for visitation. If the parents of the grandchild are married, the grandparent may file a petition for visitation ONLY IF:

- The parents are now living separately and apart on a permanent or indefinite basis;
- One parent has been absent for more than one month without the other parent knowing the whereabouts of the absent parent;
- One of the parents joins in the petition with the grandparent;
- The child is not residing with either parent; or,
- The child has been adopted by a stepparent.

The court may grant reasonable visitation rights with a grandchild ONLY IF both:

- The court finds that there is a prior relationship between the grandparent and the grandchild that created a bond such that visitation is in the best interest of the child, and
- In deciding the matter, the court balanced the interest of the child(ren) in having visitation with the grandparents against the right of the parent to exercise their parental authority.

The court's decision may depend upon whether the child's parent(s) object(s) to visitation by the grandparent, and upon whether the visitation would conflict with a right of custody or visitation of a parent who is not a party to the proceeding.

Starting a case:

- Petition for Grandparent Visitation – Local Form (FL-15)
- Summons – Judicial Council Form (FL-110)
- Proof of Personal Service – Judicial Council Form (FL-330)
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act Judicial council Form (FL-105)

The petitioner shall give notice of the petition by personal service under Code of Civil Procedure Section 415.10 to each of the parents of the child, any stepparent, and any person who has physical custody of the child.

Grandparents and Other Close Relatives Where One or More Parents is Deceased-California Family Code Section 3102

If either parent of a minor child is deceased, the children, siblings, parents and grandparents of the deceased parent may be granted reasonable visitation with the child upon a finding that the visitation would be in the best interest of the child. See California Family Code Section 3102 for more details.

For help, contact or visit the Superior Court Access Center
939 W. Main Street, El Centro, CA.
accesscenter@imperial.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PETITION FOR GRANDPARENT VISITATION (Family Code Section 3104)	CASE NUMBER:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

2. Petitioner(s) are seeking reasonable visitation rights with the minor child(ren).

3. There is a preexisting relationship between the grandparent(s) and the grandchild(ren) that has created a bond such that visitation is in the best interest of the child(ren).

4. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist (mark all that apply):
   - ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
   - ☐ One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse;
   - ☐ One of the parents joins in the petition with the grandparent;
   - ☐ The child is not residing with either parent.
   - ☐ The child has been adopted by a stepparent.

5. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____.

Petitioner: Respondent:	Case Number:

6. ☐ The parents of the child(ren) have never been married.

7. ☐ The mother of the minor child(ren) is deceased.

8. ☐ The father of the minor child(ren) is deceased.

9. Each child named above is currently living with, _____
(state name and relationship to child(ren)
in County:_____, State: _____.

10. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

11. PARENTAL CONSENT TO REQUEST FOR GRANDPARENT VISITATION: I consent to and join in this Petition for Grandparent Visitation.

Date: _____

_____
Print Name of Parent of Minor Child(ren)

_____
Signature of Parent of Minor Child(ren)

Petitioner(s) request(s) that the court grant reasonable visitation with the following children together with such other relief as the court deems just, pursuant to California Family Code Sections 3100, 3102, and 3104.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed

at_____, California.

Date: _____ Signature of Petitioner_____

Print Name: _____

Date: _____ Signature of Petitioner _____

Print Name: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION FOR GRANDPARENT VISITATION (Fam. Code Section 3104)	CASE NUMBER:

Respondent admits, denies and alleges as follows:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) and
2. Respondent is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

3. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist(mark all that apply):

   ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
   ☐ One of the parents has been absent for more than one month without the other parent knowing the whereabouts of the absent parent;
   ☐ One of the parents joins in the petition with the grandparent;
   ☐ The child is not residing with either parent;
   ☐ The child has been adopted by a stepparent.

4. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____.

PETITIONER: RESPONDENT:	CASE NUMBER:

5. ☐ The parents of the child(ren) have never been married.
6. ☐ The mother of the minor child(ren) is deceased.
7. ☐ The father of the minor child(ren) is deceased.

8. Each child named above is currently living with _____ (name), _____ (relationship to child(ren), in _____ County, _____ (state), _____(country).

9. Respondent objects to Petitioner's request for visitation rights with the minor child(ren) because:

_____
_____
_____
_____

10. ☐ Visitation is not in the best interest of the children because there is not a preexisting relationship between the Petitioner and the grandchild(ren).

11. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

12. PARENTAL OBJECTION TO PETITIONER'S REQUEST FOR GRANDPARENT VISITATION: I object to the Petition for Grandparent Visitation.

Date: _____ _____
Signature of Parent of Minor Child(ren)

_____
Print Name of Parent of Minor Child(ren)

13. Respondent(s) request(s) that the court deny Petitioner's request for visitation and for such other relief as the court deems just.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ _____
Signature of Respondent

_____
Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
ORDER ON REGISTRATION OF OUT-OF-STATE **☐ SUPPORT ORDER ☐ INCOME WITHHOLDING ORDER**	CASE NUMBER:

1. Notice of Registration of Out of State Support Order-Judicial Council Form (FL-570). A copy of the registration statement with a copy of the out of state order was sent by the Clerk of the Court to _____ by first class mail on *(date)*:_____.

2. ☐ A Request for Hearing Regarding Registration of Support Order and/or Income Withholding Order-Judicial Council Form (FL-575) was NOT filed and this proceeding was heard by default.
   OR
   ☐ A Request for Hearing Regarding Registration of Support Order and/or Income Withholding Order-Judicial Council Form (FL-575) was filed on (date): _____ and this proceeding was heard as follows:

This proceeding was heard as a contested matter:
On (date):_____at (time)_____in Dept._____
by Judge (name): _____ ☐ Temporary Judge
☐ Petitioner present ☐ Attorney present (name):
☐ Respondent present ☐ Attorney present (name):
☐ Other present ☐ Attorney present (name):

THE COURT ORDERS:

3. ☐ Out of State Support Order is confirmed

4. ☐ Out of State Support Order is *not* confirmed

5. ☐ Out of State Income Withholding Order is confirmed

6. ☐ Out of State Income Withholding Order is *not* confirmed

7. ☐ Other:

Date:_____ _____
Judge of the Superior Court

TRIBUNAL SUPERIOR DE CALIFORNIA
CONDADO DE IMPERIAL
939 W. Main Street
El Centro CA 92243

CARTAS ROGATORIAS (EXHORTOS), EMPLAZAMIENTO EN MEXICO

Instrucciones para el Emplazamiento en Demandas Iniciales de Derecho en lo Familiar en México. Este formulario está disponible en ventanilla o por internet en http://www.imperial.courts.ca.gov/courtforms/courtsforms.html.

ETAPA UNO: Presentar su petición en el tribunal

1	Completar la Ex Parte	Llene el formulario titulado **Solicitud Ex-Parte para la Emisión de Cartas Rogatorias para el Emplazamiento en México; Orden de la Misma.**
2	Completar la Petición de Emplazamiento y resuma los Puntos Principales	Llene el formulario titulado **Petición de Asistencia Jurídica Internacional para el Emplazamiento en México (Cartas Rogatorias)**. En el número Uno de la **Petición,** escriba los artículos correctos del código de procedimientos civiles correspondiente al estado Mexicano que recibirá la **Petición.** El paquete incluye una lista de artículos del código relevantes a cada estado Mexicano. Los artículos de código pueden cambiar, por favor verifique si están vigentes . Llene la página cuatro del formulario titulado **Información Esencial para el Demandado**.
3	Copiar su Causa	Anexe las copias conformadas destinadas al Demandado. Si usted ya no tiene ese set, compre una copia certificada de su emplazamiento y su demanda. Incluya formularios en blanco para el emplazamiento.
4	Presentar la Ex Parte y la Petición de Emplazamiento	Presente la **Solicitud Ex-Parte**, la **Petición** de cuatro páginas, la copia conformada del Demandado, y las copias en blanco en la oficina de trámites de Derecho en lo Familiar. Para información sobre las normas que conciernen asuntos ex-parte, consulte las normas locales del Tribunal Superior del Condado de Imperial.
5	Recibir la Orden Firmada y los Documentos	Una vez firmados los formularios por el funcionario judicial y el actuario, se le devolverá a usted el original y una copia. El tribunal se quedará con una segunda copia de los formularios para el expediente judicial.

ETAPA DOS: Autenticar las firmas del Juez y Actuario

6	Enviar por Correo o en Persona la Petición original de 3 páginas al Secretario de Estado	Llene el **Formulario de Autenticación y Apostilla**. Envíelo junto con la **Petición** original firmada al Secretario de Estado de California. Con ésto se solicita que las firmas del juez y actuario sean verificadas con una Apostilla, la cual será anexada a su solicitud y le será devuelta. **Entrega en Persona:** Los Angeles Regional Office, 300 S. Spring St., Rm. 12513, Los Angeles, CA 90013, (213) 897-3062 **Por Correo:** Sacramento Main Office, 1500 11th Street, Sacramento, CA 95814, (916) 657-5448 Se cobrará una cuota. Incluya un sobre con estampilla dirigdo a si mismo. Ver, www.sos.ca.gov/business/notary/authentication.htm.

Este instructivo fue diseñado como herramienta para ayudarle a que el emplazamiento en México de la otra parte en su causa de derecho en lo familiar sea válido. Puede que no incluya toda la información requerida conforme a derecho, no es asesoría legal, y no deberá sustituir la asesoría legal de un abogado acreditado por la Barra de Abogados del Estado de California. Para información sobre como contratar un abogado o consultar con un abogado de lo familiar, vea http://www.courts.ca.gov/1084.htm.

ETAPA TRES: Copie y traduzca los documentos

7	Traduzca al español todos los formularios	Cuando reciba la Apostilla del Secretario de Estado, debe traducir al español todos los formularios en su expediente judicial, incluyendo la **Petición e Información Esencial.** Podrá encontrar en español la mayoría de los formularios de lo familiar en http://www.courts.ca.gov/forms.htm. Copie la información que tiene en sus documentos en inglés a los formularios traducidos. Aquí encontrará un listado de intérpretes: www.courts.ca.gov/3796.htm. No requiere certificarse la traducción.

ETAPA CUATRO: Envíe al tribunal mexicano correspondiente para el emplazamiento

8	Envíe los Documentos al Tribunal Estatal Mexicano	Entregue los siguientes documentos al tribunal de lo familiar al estado mexicano en el cual reside el demandado: **Cartas Rogatorias** originales de 4 páginas **Apostilla del Secretario de Estado** **Copia conformada del caso** y los Formularios de Respuesta en blanco para el demandado **Certificado de Ejecución** en blanco 1. Traduzca al español todos los originales y los en blanco. 2. Saque 2 copias: el Original y 1 copia para el tribunal mexicano y 1 copia para Ud. Se incluye en este paquete el directorio mexicano de los tribunales estatales de derecho en lo familiar. Pueden haber cambiado los nombres o direcciones. Favor de verificar que la dirección sea la correcta. Puede hacerse entrega de los documentos al tribunal de derecho en lo familiar en México en persona, por correo o pidiéndole a alguien que lo haga por usted. Sáquele copia a los formularios si desea mantener un expediente propio.
9	Espere a que el Tribunal Estatal Mexicano Emplace al Demandado	Una vez que el tribunal de lo familiar en México reciba toda su documentación, se lo asignará al personal judicial correspondiente para que emplace al Demandado. Cuando se cumpla el proceso de emplazamiento conforme a derecho del estado mexicano, el notificador llenará el **Certificado de Ejecución** y se lo enviará al tribunal en California que solicitó su intervención.
10	El Tribunal Estatal Mexicano hace Entrega del Certificado de Ejecución	El tribunal mexicano enviará el Comprobante de Emplazamiento según como haya recibido la solicitud. Si las Cartas rogatorias fueron enviadas por correo, serán devueltas por correo. Si las Cartas Rogatorias se entregaron al tribunal mexicano en persona, entonces puede pasar por ellas en persona. AVISO: Puede que el tribunal mexicano le entregue todos los documentos relativos a las Cartas Rogatorias y que incluyan las anotaciones y la documentación del propio tribunal. Dichos documentos pueden conformar un expediente de 30 a 80 páginas de grosor. Con frecuencia, puede contenerse el Certificado de Ejecución dentro de ese expediente. Asimismo, puede que incluya una carátula del tribunal mexicano que indique si se ejecutó el emplazamiento. Presente el Certificado de Ejecución en el tribunal de California.

Reseña:

Formularios	Parte Firma	Juez Firma	Actuario Firma	Enviado al Secretario del Estado	Traducción Necesaria Después del Regreso del Secretario del Estado	Paquetes en inglés y español para mandar al Tribunal Mexicano	El Tribunal Mexicano se lo Regresará a Usted o al Funcionario del Tribunal De California
Solicitud Ex-Parte para la Emisión de Cartas Rogatorias para el Emplazamiento en México; Orden de la Misma	X	X					
Petición para Asistencia Jurídica Internacional para Emplazamiento en México y Autenticación Información Esencial para el Demandado		X	X	X	X	Original + Copia	
Copia Certificada o Conformada de su Expediente Judicial (debe obtener esto por separado)				X	X	Original + Copia	
Apostilla Formulario de la Orden	X			X			
Apostilla (Expedida por el Secretario del Estado)					X	Original + Copia	
Certificado de Ejecución en Blanco y Anexo					X	Mande Solo el Original	Original
Códigos de Procedimiento Civil de cada Estado Mexicano	*Se Proporciona como referencia solamente. Por favor recuerde que usted es responsible de verificar la fidelidad*						
Directorio de Tribunales de Derecho en lo Familiar de cada Estado Mexicano	*Se Proporciona como referencia solamente. Por favor recuerde que usted es responsible de verificar la fidelidad*						

Poder Judicial	Información de Contacto y Codigo de Procediemiento Civil para Cartas Rogatorias y Vinculo
AGUASCALIENTES	**PALACIO DE JUSTICIA CIVIL Y FAMILIAR** AV. HÉROE. DE NACOZARI ESQUINA AV. LÓPEZ MATOS S/N COL. SAN LUIS,C.P. 20250 AGUASCALIENTES, AGS (449) 910-35-50 **C. MAGISTRADO: FERNANDO GONZALEZ DE LUNA** www.poderjudicialags.gob.mx/ Artículos 97-102 http://www.aguascalientes.gob.mx/gobierno/leyes/leyes_PDF/31102007_100354.pdf
BAJA CALIFORNIA	**PRESIDENCIA DEL TRIBUNAL SUPERIOR DE JUSTICIA** CALZADA INDEPENDENCIA Y AV. PIONEROS S/N. EDIFICIO TRIBUNALES. CENTRO CÍVICO. 21000. MEXICALI, B.C. (686) 904-5000 EXT. 1001 FAX. EXT. 1002, DIRECT 557-21-13 FAX 554-28-94 **C. MAGISTRADA: MAGISTRADO JORGE ARMANDO VÁSQUEZ** www.poder-judicial-bc.gob.mx Artículos 104-109 http://www.ordenjuridico.gob.mx/Estatal/BAJA%20CALIFORNIA/Codigos/BCOD02.pdf
BAJA CALIFORNIA SUR	**H. TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE BAJA CALIFORNIA SUR** BLVD. LUIS DONALDO COLOSIO Y ANTONIO ALVAREZ RICO TEL:(612) 123 - 89 – 00 **C. MAGISTRADO: HUMBERTO MONTIEL PADILLA** http://www.tribunalbcs.gob.mx/ Artículos 103-108 http://www.cbcs.gob.mx/marco_juridico/D1124-3.doc
CAMPECHE	**PODER JUDICIAL DEL ESTADO** AVE. PATRICIO TRUEBA DE REGIL S/N SAN RAFAEL TEL:(981)813-1566 **C. MAGISTRADA: GUADALUPE EUGENIA QUIJANO VILLANUEVA** http://www.tribunalcampeche.gob.mx/ Artículos 83-87 http://www.ordenjuridico.gob.mx/Documentos/Estatal/Campeche/wo20302.pdf
CHIAPAS	**PALACIO DE JUSTICIA** LIBRAMIENTO NORTE ORIENTE NO. 2100 FRACC. EL BOSQUE C.P. 29047 TUXTLA GUTIÉRREZ, CHIAPAS. **C. MAGISTRADO: JUAN MANUEL COUTIO GOMEZ** http://www.poderjudicialchiapas.gob.mx/ Artículos 103-108 http://www.congresochiapas.gob.mx/images/legislacion/codigos/07.pdf
CHIHUAHUA	**SUPREMO TRIBUNAL DE JUSTICIA DE CHIHUAHUA** CALLE ALLENDE NO 901. C.P. 31000, ZONA CENTRO.CHIHUAHUA, CHIHUAHUA. MÈXICO TEL:+ 52 (614) 180-0700 **C. MAGISTRADO: JAVIER RAMÍREZ BENÍTEZ** http://www.stj.gob.mx/ Artículos 129-140 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc8.pdf
COAHUILA	**PODER JUDICIAL DEL ESTADO DE COAHUILA ZARAGOZA** BLVD. FRANCISCO COSS 945. ZONA CENTRO. SALTILLO, COAHUILA. TEL: 844-416-0120 **C. MAGISTRADO: GREGORIO ALBERTO PEREZ MATA** http://www.poderjudicialcoahuila.gob.mx Artículos 228-240 http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion_archivo/dir.codigos/gen.zip/index.coah
COLIMA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE COLIMA** CALZADA GALVÁN Y ALDAMA S/N, COLONIA CENTRO, C.P. 28000, COLIMA, COLIMA. TELS. 31 31301, 31 34643, **C. MAGISTRADO: RAFAEL GARCIA RINCON** http://stj.col.gob.mx/ Artículos104-109 http://www.congresocol.gob.mx/leyes/codigo_procedimiento_civiles.pdf

DISTRITO FEDERAL	**TRIBUNAL SUPERIOR DE JUSTICIA DEL DISTRITO FEDERAL** NIÑOS HÉROES 132, COL. DOCTORES, C.P.06720, MÉXICO D.F. (TEL) 51-34-11-00 AL 51-34-14-00 **C. MAGISTRADO: EDGAR ELIAS AZAR** http://www.poderjudicialdf.gob.mx/ Artículos104-109 http://www.asambleadf.gob.mx/al/pdf/010805000002.pdf
DURANGO	**PODER JUDICIAL DEL ESTADO DE DURANGO** AV. ZARAGOZA ESQ. CON 5 DE FEBRERO S/N, ZONA CENTRO C.P. 34000, DURANGO, DURANGO TEL:(618) 811-4712 **C. MAGISTRADO: J. APOLONIO BETANCOURT RUIZ** www.tsjdgo.gob.mx/ Articulos104-109 http://www.congresodurango.gob.mx/Leyes/2.PDF
ESTADO DE MEXICO	**PODER JUDICIAL DEL ESTADO DE MÉXICO** NICOLAS BRAVO NORTE 201 COLONIA CENTRO, TOLUCA, MÉXICO. TEL. (722) 167-92-00 **C. MAGISTRADO: BARUCH F. DELGADO CARBAJAL** http://www.pjedomex.gob.mx/ Articulos1.141 to 1.147 http://www.ordenjuridico.gob.mx/Estatal/ESTADO%20DE%20MEXICO/Codigos/MEXCOD04.pdf
GUANAJUATO	**PODER JUDICIAL DEL ESTADO DE GUANAJUATO** AV. CIRCUITO SUP. POZUELOS NO. 1, CONJUNTO ADMVO.POZUELOS, C.P. 36050 GUANAJUATO, GTO. **C. MAGISTRADA: MARIA RAQUEL BARAJAS MONJARAS** www.poderjudicial-gto.gob.mx/ Articulos305-310 http://www.rppc.guanajuato.gob.mx/files/notarias/leyes/CPCEG.doc
GUERRERO	**PODER JUDICIAL DEL ESTADO DE GUERRERO** PALACIO DE JUSTICIA, PLAZA CÍVICA PRIMER CONGRESO DE ANÁHUAC S/N COL. CENTRO, CHILPANCINGO, GUERRERO, MÉXICO, C.P. 39000 TEL: (01)747-472-2137, (01)747-472-4191 **C. MAGISTRADO: EDMUNDO ROMAN PINZON** www.tsj-guerrero.gob.mx/ Articulos168-170 http://www.guerrero.gob.mx/pics/legislacion/182/CPCELSG364.pdf
HIDALGO	**PODER JUDICIAL DEL ESTADO DE HIDALGO** CARR. MÉXICO - PACHUCA KM. 84.5, SECTOR PRIMARIO, C.P. 42085, PACHUCA, HGO. TELS. 01 (771) 71 7 90 00 **C. MAGISTRADO: VALENTIN ECHAVARRIA ALMANZA** http://www.pjhidalgo.gob.mx/ Artículos 103-108 http://www.ordenjuridico.gob.mx/Estatal/HIDALGO/Codigos/HGOCOD02.pdf
JALISCO	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE JALISCO** AV. HIDALGO NO. 190 ZONA CENTRO. GUADALAJARA, JALISCO. C.P. 44100 TELÉFONOS (0133) 1200 1400 Y 1200, 1500 **C. MAGISTRADO: CELSO RODRIGUEZ GONZALEZ** Artículos 99-104 http://congresojal.gob.mx/Servicios/BibVirtual/busquedasleyes/archivos/C%C3%B3digo%20de%20 Procedimientos%20Civiles%20del%20Estado%20de%20Jalisco.doc
MICHOACAN	**PODER JUDICIAL DEL ESTADO DE MICHOACAN** CALZADA LA HUERTA # 400, COL. NUEVA VALLADOLID, MORELIA, MICHOACÁN C.P. 58190 443-313-2231 **C. MAGISTRADO: GONZÁLEZ GÓMEZ ALEJANDRO** http://www.tribunalmmm.gob.mx/ Articulos110-114 http://www.congresomich.gob.mx/Modulos/mod_Biblioteca/archivos/304_bib.pdf
MORELOS	**PODER JUDICIAL DEL ESTADO DE MORELOS** AV. FRANCISCO LEYVA NÚMERO 7,CENTRO CUERNAVACA, MORELOS C. P. 62000 (777) 362-1010 **C. MAGISTRADO:** www.tsjmorelos.gob.mx/ Artículos117-124 http://www.tsjmorelos.gob.mx/transparencia/leyes/la/ Código_Procesal_Civil_de_Morelos_Actualizado_al_01-Oct-2006%20x%20imprimir.pdf
NAYARIT	**PODER JUDICIAL DEL ESTADO DE NAYARIT**

	CALLE ZACATECAS 109 SUR, COLONIA CENTRO, TEPIC, NAYARIT. MÉXICO C.P. 63000. (52) (311) 216-09-00, 01, 03OR (52) (311) 215-47-00 **C. MAGISTRADO: PEDRO ANTONIO ENRIQUEZ SOTO** www.tsjnay.gob.mx/ Artículos76 - 80 http://www.tsjnay.gob.mx/Leyes/codigo_de_procedimientos_civiles.htm
NUEVO LEON	**PODER JUDICIAL DEL ESTADO DE NUEVO LEÓN** CALLE JUAN I. RAMÓN Y ZARAGOZA, ZONA CENTRO. MONTERREY NUEVO LEÓN, MÉXICO, CP.64000 **C. MAGISTRADO: JUAN CARLOS GUEVARA DE LEÓN** www.pjenl.gob.mx/ Artículos 45-50 http://www.nl.gob.mx/pics/pages/civil.base/codigoProcedi_Civiles_Edo.pdf
OAXACA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE OAXACA** MARTIRES DE TACUBAYA 400, IXCOTEL OAXACA DE JUAREZ, OAXACA **C. MAGISTRADO: HECTOR ANUAR MAFUD MAFUD** http://www.tribunaloax.gob.mx/ Artículos 100-105 http://www.bancosjuridicos.gob.mx/Documentos/ccivil/20codciv.pdf
PUEBLA	**TRIBUNAL SUPERIOR DE JUSTICIAL DEL ESTADO DE PUEBLA** CALLE 5 ORIENTE NÚMERO 9 COL. CENTRO, PUEBLA, PUEBLA (222)- 229-66-38. **C. MAGISTRADO: LEON DUMIT ESPINAL** http://www.htsjpuebla.gob.mx/home.html Artículos 69-74 http://www.congresopuebla.gob.mx/old_site/web/prensa/tmp/cprcivil.pdf
QUERETARO	**PODER JUDICIAL DE QUERETARO** PASTEUR SUR # 4. CENTRO, QUERÉTARO, QRO 76000 TELS. (442) 214 0983, 212 8303 **C. MAGISTRADA: CELIA MAYA GARCIA** http://www.tribunalqro.gob.mx/ Artículos103-108 www.tribunalqro.gob.mx/biblio/leeDoc.php?cual=30494
QUINTANA ROO	**PODER JUDICIAL DEL ESTADO DE QUINTANA ROO** AV. INDEPENDENCIA NÚMERO 2, ESQUINA BOULEVARD BAHÍA. C.P. 77000, COLONIA CENTRO. CHETUMAL, QUINTANA ROO. MEXICO (983) 8321000 **C. MAGISTRADA: LIZBETH LOY SONG ENCALADA** Artículos99-104 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc23.pdf
SAN LUIS POTOSI	**PODER JUDICIAL DEL ESTADO DE SAN LUIS POTOSÍ** AV. LUIS DONALDO COLOSIO NO. 305, COL. ISSSTE C.P. 78350 SAN LUIS POTOSI, S.L.P. TEL: (444) 826-85-00 **C. MAGISTRADO: CARLOS ALEJANDRO ROBLEDO ZAPATA** http://www.stjslp.gob.mx/ Artículos 99-104 http://www.ordenjuridico.gob.mx/Documentos/Estatal/San%20Luis%20Potosi/wo29879.pdf
SINALOA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE SINALOA** AV. LAZARO CARDENAS 891 SUR, CENTRO SINALOA, C.P. 80129 CULIACAN, SINALOA. **C. MAGISTRADO: ENRIQUE INZUNZA CAZAREZ** http://www.stj-sin.gob.mx Artículos104-109 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
SONORA	**PODER JUDICIAL DEL ESTADO DE SONORA** CENTRO DE GOBIERNO, EDIFICIO HERMOSILLO, TERCER PISO, PASEO RÍO SONORA Y COMONFORT, COL. VILLA DEL SERIS, C. P. 83280, HERMOSILLO, SONORA. (662) 217-54-61 **C. MAGISTRADO: MAX GUTIÉRREZ COHEN** http://www.stjsonora.gob.mx/ Artículos 163-168 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html

TABASCO	**PODER JUDICIAL DE TABASCO** CALLE INDEPENDENCIA ESQUINA NICOLAS BRAVO S/N COLONIA CENTRO, C.P. 86070, VILLAHERMOSA TABASCO (993) 358-2000 **C. MAGISTRADO: RODOLFO CAMPOS MONTEJO** http://www.tsj-tabasco.gob.mx/ Artículos 143-145 http://saf.tabasco.gob.mx/marco_legal/leyes/leyes_estatales/codigos/codigo_procedimientos_civiles_tab.pdf
TAMAULIPAS	**PODER JUDICIAL DE TAMAULIPAS** BOULEVARD PRAXEDIS BALBOA # 2207 ENTRE LÓPEZ VELARDE Y DÍAZ MIRÓN, COL. MIGUEL HIDALGO, CD. VICTORIA, TAMAULIPAS C.P. 87090 (834) 31-8-71-05 **C. MAGISTRADO: ALEJANDRO ETIENNE LLANO** http://www.pjetam.gob.mx/ Artículos 92-99 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc28.pdf
TLAXCALA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE TLAXCALA** PLAZA DE LA CONSTITUCIÓN NO. 23, COL. CENTRO. TLAXCALA, TLAXCALA, C.P. 90000 **C. MAGISTRADO: JOSE AMADO JUSTINO HERNANDEZ HERNANDEZ** Artículos 102-104 http://www.congresotlaxcala.gob.mx/congreso/paginas/leyes/codigos/c-prociv2010.doc
VERACRUZ	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE VERACRUZ** AV. LÁZARO CÁRDENAS NO. 373, COLONIA EL MIRADOR. XALAPA, VERACRUZ. C.P. 91170 (228) 8422800 **C. MAGISTRADO: ALBERTO SOSA HERNANDEZ** http://www.pjeveracruz.gob.mx/ Artículos 68-72 http://www.csva.gob.mx/legal/codigos/CodProcCivilesVer.pdf
YUCATAN	**TRIBUNAL SUPERIOR DE JUSITICIA DEL ESTADO DE YUCATAN** AV. JACINTO CANEK S/N X 90 COL. INÁLAMBRICA. CP. 97069. RECINTO DEL PODER JUDICIAL, MÉRIDA, YUCATÁN. ( ) 930-06-50 **C. MAGISTRADO: ÁNGEL FRANCISCO PRIETO MÉNDEZ** http://www.tsjyuc.gob.mx/ Section 30 http://www.yucatan.gob.mx/gobierno/orden_juridico/Yucatan/Codigos/nr30rf3.pdf
ZACATECAS	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE ZACATECAS** BLVD. HÉROES DE CHAPULTEPEC NO. 2002, CIUDAD GOBIERNO, C.P. 98160, ZACATECAS, ZACATECAS. **C. MAGISTRADA: LEONOR VARELA** http://www.tsjzac.gob.mx/ Artículos163-168 http://www.congresozac.gob.mx/cgi-bin/coz/mods/secciones/index.cgi?action=elemento&cual=102

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

LETTERS ROGATORY, SERVICE IN MEXICO

Instructions for Service of Process of Initial Family Law Filings in Mexico. This form is available at the clerk's window or online at http://www.imperial.courts.ca.gov/courtforms/courtsforms.html.

STAGE ONE: File your request at Court

1	Complete the Ex Parte	Fill out the form entitled **Ex-Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico; Order Thereon.**
2	Complete the Request for Service and Summarize Main Points	Fill out the form entitled **Request for International Judicial Assistance for Service of Process in Mexico (Letters Rogatory)**. In Item One of the **Request**, write the correct code of civil procedure sections for the Mexican state receiving the **Request**. A list of relevant code sections for each Mexican state is included in the packet. Code sections may change, please verify that it is current. Fill out page four of the form entitled **Essential Information for the Respondent**.
3	Copy your Case	Attach the conformed copies intended for the Respondent. If you no longer have that set, buy a certified copy of your summons and petition. Include blank forms for service.
4	File the Ex Parte and the Request for Service	File the **Ex-Parte Application** and the four-page **Request**, and the Respondent's conformed copy and blanks at the family law filing desk. For applicable rules regarding ex-parte matters, review the local rules of the Imperial County Superior Court.
5	Receive the Signed Order & Documents	After the forms are signed by the judicial officer and the clerk of the court, the original and one copy are returned to you. The court will keep the second copy of the forms in the court file.

STAGE TWO: Authenticate the Judge's and Clerk's signatures

6	Mail or Walk in the original 3-page Request to the Secretary of State	Fill out the **Authentication & Apostille Order Form**. Send it with the original signed **Request** to the California Secretary of State. This asks that the judge's and clerk's signatures be verified with an Apostille which will be attached to your application and returned to you. **To drop off in person:** Los Angeles Regional Office 300 S. Spring St., Rm. 12513 Los Angeles, CA 90013 (213) 897-3062 **To mail:** Sacramento Main Office 1500 11th Street Sacramento, CA 95814 (916) 657-5448 There is a fee. Include a self-addressed stamped envelope. See, www.sos.ca.gov/business/notary/authentication.htm.

This instruction packet is designed as a tool to assist you with the process of having the other party in your family law case validly served in Mexico. It may not include all of the information that is legally required, it is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney, see http://www.courts.ca.gov/1084.htm.

STAGE THREE: Copy and translate documents

7	Translate all the Forms into Spanish	After you receive the Apostille from the Secretary of State, you must translate all the forms in your court file into Spanish, including the **Request**, and **Essential Information.** You may find most of the family law forms available in Spanish at http://www.courts.ca.gov/forms.htm and on http://www.imperial.courts.ca.gov. Copy the information in your English paperwork to the translated forms. You may find an interpreter here www.courts.ca.gov/3796.htm. The translation does not have to be certified.

STAGE FOUR: Send to proper Mexican Court for service

8	Send Documents to Mexican State Court	Submit the following documents to the Mexican family court in the state where the respondent resides: Original four-page **Letters Rogatory** **Apostille from Secretary of State** Respondent's **conformed case copy** & Blank Response forms Blank **Certificate of Execution** 1. Translate all originals and blanks into Spanish. 2. Make 2 copies: Original and 1 copy for Mexican court, 1 copy for yourself A directory of Mexican family law courts in each state is included in the packet. Names and addresses may change; please verify that the address is current. You may take the forms personally to the Mexican family law court, mail them, or have someone else take them on your behalf. You may make a copy of the forms for your own records.
9	Wait for Mexican State Court to Serve Respondent	Once the Mexican family law court receives all your paperwork, it will assign it to the appropriate judicial staff to serve the Respondent. Once the service is complete according to the laws of the Mexican state, the server will complete the **Certificate of Execution** and return it to the California court requesting the assistance.
10	Mexican State Court Returns Certificate of Execution	There are three ways that the Mexican Court may return the Proof of service, and it will depend on how they received it. If the Letters Rogatory was mailed by the party, it will be mailed back to the party. If the party walked the Letters Rogatory directly to the Mexican Court, then the party can pick it up in person. NOTE: Often, the Mexican Court will return all documents associated with the Letters Rogatory, including the Mexican Court's own notes and documentation. The documents may be bound into a packet that can be 30-80 pages long. Often, the Certificate of Execution will be bound inside the Mexican Court's file. There can also be a cover letter from the Mexican Court indicating whether the service was successful. Bring the certificate of execution to the California Court.

Overview:

Forms	Party signs	Judge signs	Clerk signs	Sent to Secretary of State	Translation needed after Return from Secretary of State	English and Spanish sets to send to Mexican Court	Mexican Court will return to you or Clerk of CA Court
Ex-Parte Application for Issuance of Letter Rogatory for Service of Process in Mexico; Order Thereon	X	X					
Request for International Judicial Assistance for Service of Process in Mexico & Authentication Essential Information for Respondent		X	X	X	X	Original + Copy	
Certified or Conformed Copy of your Court File (you must obtain this separately)				X	X	Original + Copy	
Apostille Order Form	X			X			
Apostille (issued by Secretary of State)					X	Original + Copy	
Blank Certificate of Execution and Attachment					X	Send only Original	Original
Codes of Civil Procedure of each Mexican State	*Provided for reference only. Please remember that it is up to you to verify accuracy.*						
Directory of Family Courts of each Mexican State	*Provided for reference only. Please remember that it is up to you to verify accuracy.*						

Judicial Branch	Contact Information and Code of Civil Procedure for Letters Rogatory and link
AGUASCALIENTES	**PALACIO DE JUSTICIA CIVIL Y FAMILIAR** AV. HÉROE. DE NACOZARI ESQUINA AV. LÓPEZ MATOS S/N COL. SAN LUIS,C.P. 20250 AGUASCALIENTES, AGS (449) 910-35-50 **PRESIDING JUDGE: HON. FERNANDO GONZALEZ DE LUNA** www.poderjudicialags.gob.mx/ Sections 97-102 http://www.aguascalientes.gob.mx/gobierno/leyes/leyes_PDF/31102007_100354.pdf
BAJA CALIFORNIA	**PRESIDENCIA DEL TRIBUNAL SUPERIOR DE JUSTICIA** CALZADA INDEPENDENCIA Y AV. PIONEROS S/N. EDIFICIO TRIBUNALES. CENTRO CÍVICO. 21000. MEXICALI, B.C. (686) 904-5000 EXT. 1001 FAX. EXT. 1002, DIRECT 557-21-13 FAX 554-28-94 **PRESIDING JUDGE: MAGISTRADO JORGE ARMANDO VÁSQUEZ** www.poder-judicial-bc.gob.mx Sections 104-109 http://www.ordenjuridico.gob.mx/Estatal/BAJA%20CALIFORNIA/Codigos/BCOD02.pdf
BAJA CALIFORNIA SUR	**H. TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE BAJA CALIFORNIA SUR** BLVD. LUIS DONALDO COLOSIO Y ANTONIO ALVAREZ RICO TEL:(612) 123 - 89 – 00 **PRESIDING JUDGE: HON. HUMBERTO MONTIEL PADILLA** http://www.tribunalbcs.gob.mx/ Sections 103-108 http://www.cbcs.gob.mx/marco_juridico/D1124-3.doc
CAMPECHE	**PODER JUDICIAL DEL ESTADO** AVE. PATRICIO TRUEBA DE REGIL S/N SAN RAFAEL TEL:(981)813-1566 **PRESIDING JUDGE; HON. GUADALUPE EUGENIA QUIJANO VILLANUEVA** http://www.tribunalcampeche.gob.mx/ Sections 83-87 http://www.ordenjuridico.gob.mx/Documentos/Estatal/Campeche/wo20302.pdf
CHIAPAS	**PALACIO DE JUSTICIA** LIBRAMIENTO NORTE ORIENTE NO. 2100 FRACC. EL BOSQUE C.P. 29047 TUXTLA GUTIÉRREZ, CHIAPAS. **PRESIDING JUDGE: HON. JUAN MANUEL COUTIO GOMEZ** http://www.poderjudicialchiapas.gob.mx/ Sections 103-108 http://www.congresochiapas.gob.mx/images/legislacion/codigos/07.pdf
CHIHUAHUA	**SUPREMO TRIBUNAL DE JUSTICIA DE CHIHUAHUA** CALLE ALLENDE NO 901. C.P. 31000, ZONA CENTRO.CHIHUAHUA, CHIHUAHUA. MÉXICO TEL:+ 52 (614) 180-0700 **PRESIDING JUDGE: HON. JAVIER RAMÍREZ BENÍTEZ** http://www.stj.gob.mx/ Sections129-140 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc8.pdf
COAHUILA	**PODER JUDICIAL DEL ESTADO DE COAHUILA ZARAGOZA** BLVD. FRANCISCO COSS 945. ZONA CENTRO. SALTILLO, COAHUILA. TEL: 844-416-0120 **PRESIDING JUDGE: HON. GREGORIO ALBERTO PEREZ MATA** http://www.poderjudicialcoahuila.gob.mx Sections 228-240 http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion_archivo/dir.codigos/gen.zip/index.coah
COLIMA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE COLIMA** CALZADA GALVÁN Y ALDAMA S/N, COLONIA CENTRO, C.P. 28000, COLIMA, COLIMA. TELS. 31 31301, 31 34643, **PRESIDING JUDGE: HON. RAFAEL GARCIA RINCON** http://stj.col.gob.mx/ Sections104-109 http://www.congresocol.gob.mx/leyes/codigo_procedimiento_civiles.pdf
DISTRITO	**TRIBUNAL SUPERIOR DE JUSTICIA DEL DISTRITO FEDERAL**

FEDERAL	NIÑOS HÉROES 132, COL. DOCTORES, C.P.06720, MÉXICO D.F. (TEL) 51-34-11-00 AL 51-34-14-00 **PRESIDING JUDGE: HON. EDGAR ELIAS AZAR** http://www.poderjudicialdf.gob.mx/ Sections104-109 http://www.asambleadf.gob.mx/al/pdf/010805000002.pdf
DURANGO	**PODER JUDICIAL DEL ESTADO DE DURANGO** AV. ZARAGOZA ESQ. CON 5 DE FEBRERO S/N, ZONA CENTRO C.P. 34000, DURANGO, DURANGO TEL:(618) 811-4712 **PRESIDING JUDGE: HON. J. APOLONIO BETANCOURT RUIZ** www.tsjdgo.gob.mx/ Sections104-109 http://www.congresodurango.gob.mx/Leyes/2.PDF
ESTADO DE MEXICO	**PODER JUDICIAL DEL ESTADO DE MÉXICO** NICOLAS BRAVO NORTE 201 COLONIA CENTRO, TOLUCA, MÉXICO. TEL. (722) 167-92-00 **PRESIDING JUDGE: HON. BARUCH F. DELGADO CARBAJAL** http://www.pjedomex.gob.mx/ Sections1.141 to 1.147 http://www.ordenjuridico.gob.mx/Estatal/ESTADO%20DE%20MEXICO/Codigos/MEXCOD04.pdf
GUANAJUATO	**PODER JUDICIAL DEL ESTADO DE GUANAJUATO** AV. CIRCUITO SUP. POZUELOS NO. 1, CONJUNTO ADMVO.POZUELOS, C.P. 36050 GUANAJUATO, GTO. **PRESIDING JUDGE: HON. MARIA RAQUEL BARAJAS MONJARAS** www.poderjudicial-gto.gob.mx/ Sections305-310 http://www.rppc.guanajuato.gob.mx/files/notarias/leyes/CPCEG.doc
GUERRERO	**PODER JUDICIAL DEL ESTADO DE GUERRERO** PALACIO DE JUSTICIA, PLAZA CÍVICA PRIMER CONGRESO DE ANÁHUAC S/N COL. CENTRO, CHILPANCINGO, GUERRERO, MÉXICO, C.P. 39000 TEL: (01)747-472-2137, (01)747-472-4191 **PRESIDING JUDGE:HON. EDMUNDO ROMAN PINZON** www.tsj-guerrero.gob.mx/ Sections168-170 http://www.guerrero.gob.mx/pics/legislacion/182/CPCELSG364.pdf
HIDALGO	**PODER JUDICIAL DEL ESTADO DE HIDALGO** Carr. México - Pachuca Km. 84.5, Sector Primario, C.P. 42085, Pachuca, Hgo. Tels. 01 (771) 71 7 90 00 **PRESIDING JUDGE HON. VALENTIN ECHAVARRIA ALMANZA** http://www.pjhidalgo.gob.mx/ Sections 103-108 http://www.ordenjuridico.gob.mx/Estatal/HIDALGO/Codigos/HGOCOD02.pdf
JALISCO	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE JALISCO** Av. Hidalgo No. 190 Zona Centro. Guadalajara, Jalisco. C.P. 44100 Teléfonos (0133) 1200 1400 y 1200, 1500 **PRESIDING JUDGE: HON. CELSO RODRIGUEZ GONZALEZ** Sections 99-104 http://congresojal.gob.mx/Servicios/BibVirtual/busquedasleyes/archivos/C%C3%B3digo%20de%20 Procedimientos%20Civiles%20del%20Estado%20de%20Jalisco.doc
MICHOACAN	**PODER JUDICIAL DEL ESTADO DE MICHOACAN** CALZADA LA HUERTA # 400, COL. NUEVA VALLADOLID, MORELIA, MICHOACÁN C.P. 58190 443-313-2231 **PRESIDING JUDGE GONZÁLEZ GÓMEZ ALEJANDRO** http://www.tribunalmmm.gob.mx/ Sections110-114 http://www.congresomich.gob.mx/Modulos/mod_Biblioteca/archivos/304_bib.pdf
MORELOS	**PODER JUDICIAL DEL ESTADO DE MORELOS** Av. Francisco Leyva Número 7,Centro Cuernavaca, Morelos C. P. 62000 (777) 362-1010 **PRESIDING JUDGE HON.** www.tsjmorelos.gob.mx/ Sections117-124 http://www.tsjmorelos.gob.mx/transparencia/leyes/la/ Código_Procesal_Civil_de_Morelos_Actualizado_al_01-Oct-2006%20x%20imprimir.pdf
NAYARIT	**PODER JUDICIAL DEL ESTADO DE NAYARIT** Calle Zacatecas 109 sur, Colonia Centro, Tepic, Nayarit, MéxicoC.P. 63000.

	(52) (311) 216-09-00, 01, 03or (52) (311) 215-47-00 **PRESIDING JUDGE:. HON. PEDRO ANTONIO ENRIQUEZ SOTO** www.tsjnay.gob.mx/ Sections76 - 80 http://www.tsjnay.gob.mx/Leyes/codigo_de_procedimientos_civiles.htm
NUEVO LEON	**Poder Judicial del Estado de Nuevo León** Calle Juan I. Ramón y Zaragoza, Zona Centro. Monterrey Nuevo León, México, CP.64000 **Presiding Judge.JUAN CARLOS GUEVARA DE LEÓN** www.pjenl.gob.mx/ Sections 45-50 http://www.nl.gob.mx/pics/pages/civil.base/codigoProcedi_Civiles_Edo.pdf
OAXACA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE OAXACA** Martires de Tacubaya 400, Ixcotel Oaxaca de Juarez, Oaxaca **PRESIDING JUDGE Hon. Hector Anuar Mafud Mafud** http://www.tribunaloax.gob.mx/ Sections 100-105 http://www.bancosjuridicos.gob.mx/Documentos/ccivil/20codciv.pdf
PUEBLA	**TRIBUNAL SUPERIOR DE JUSTICIAL DEL ESTADO DE PUEBLA** Calle 5 Oriente número 9 Col. Centro, Puebla, Puebla (222)- 229-66-38. **PRESIDING JUDGE: Hon. LEON DUMIT ESPINAL** http://www.htsjpuebla.gob.mx/home.html Sections 69-74 http://www.congresopuebla.gob.mx/old_site/web/prensa/tmp/cprcivil.pdf
QUERETARO	**PODER JUDICIAL DE QUERETARO** Pasteur sur # 4. Centro, Querétaro, Qro 76000 Tels. (442) 214 0983, 212 8303 **PRESIDING JUDGE: HON. CELIA MAYA GARCIA** http://www.tribunalqro.gob.mx/ Sections103-108 www.tribunalqro.gob.mx/biblio/leeDoc.php?cual=30494
QUINTANA ROO	**PODER JUDICIAL DEL ESTADO DE QUINTANA ROO** Av. Independencia Número 2, Esquina Boulevard Bahia. C.P. 77000, Colonia Centro. Chetumal, Quintana Roo. Mexico (983) 8321000 PRESIDING JUDGE: **HON. LIZBETH LOY SONG ENCALADA** Sections99-104 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc23.pdf
SAN LUIS POTOSI	**PODER JUDICIAL DEL ESTADO DE SAN LUIS POTOSÍ** Av. Luis Donaldo Colosio No. 305, Col. ISSSTE C.P. 78350 San Luis Potosi, S.L.P. Tel: (444) 826-85-00 **PRESIDING JUDGE: CARLOS ALEJANDRO ROBLEDO ZAPATA** http://www.stjslp.gob.mx/ Sections 99-104 http://www.ordenjuridico.gob.mx/Documentos/Estatal/San%20Luis%20Potosi/wo29879.pdf
SINALOA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE SINALOA** Av. Lazaro Cardenas 891 Sur, Centro Sinaloa, C.P. 80129 Culiacan, Sinaloa. **PRESIDING JUDGE: ENRIQUE INZUNZA CAZAREZ** http://www.stj-sin.gob.mx Sections104-109 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
SONORA	**PODER JUDICIAL DEL ESTADO DE SONORA** Centro de Gobierno. Edificio Hermosillo. Tercer Piso. Paseo Rio Sonora y Comonfort, Col. Villa del Seris, C. P. 83280, Hermosillo, Sonora. (662) 217-54-61 **PRESIDING JUDGE: HON. MAX GUTIÉRREZ COHEN** http://www.stjsonora.gob.mx/ Sections 163-168 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
TABASCO	**PODER JUDICIAL DE TABASCO** Calle Independencia esquina Nicolas Bravo S/N Colonia Centro, C.P. 86070, Villahermosa Tabasco

	(993) 358-2000 **PRESIDING JUDGE: RODOLFO CAMPOS MONTEJO** http://www.tsj-tabasco.gob.mx/ Sections 143-145 http://saf.tabasco.gob.mx/marco_legal/leyes/leyes_estatales/codigos/codigo_procedimientos_civiles_tab.pdf
TAMAULIPAS	**PODER JUDICIAL DE TAMAULIPAS** Boulevard Praxedis Balboa # 2207 entre López Velarde y Díaz Mirón, Col. Miguel Hidalgo C.P. 87090 (834) 31-8-71-05 Cd. Victoria, Tamaulipas **PRESIDING JUDGE: HON. ALEJANDRO ETIENNE LLANO** http://www.pjetam.gob.mx/ Sections 92-99 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc28.pdf
TLAXCALA	TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE TLAXCALA Plaza de la Constitución No. 23, Col. Centro. Tlaxcala, Tlaxcala, C.P. 90000 **PRESIDING JUDGE: HON. JOSE AMADO JUSTINO HERNANDEZ HERNANDEZ** Sections 102-104 http://www.congresotlaxcala.gob.mx/congreso/paginas/leyes/codigos/c-prociv2010.doc
VERACRUZ	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE VERACRUZ** Av. Lázaro Cárdenas No. 373, Colonia El Mirador. Xalapa, Veracruz. C.P. 91170 (228) 8422800 **PRESIDING JUDGE: HON. ALBERTO SOSA HERNANDEZ** http://www.pjeveracruz.gob.mx/ Sections 68-72 http://www.csva.gob.mx/legal/codigos/CodProcCivilesVer.pdf
YUCATAN	**TRIBUNAL SUPERIOR DE JUSITICIA DEL ESTADO DE YUCATAN** Av. Jacinto Canek s/n x 90 Col. Inálambrica, CP. 97069, Recinto del Poder Judicial, Mérida, Yucatán. ( ) 930-06-50 **PRESIDING JUDGE HON. ÁNGEL FRANCISCO PRIETO MÉNDEZ** http://www.tsjyuc.gob.mx/ Section 30 http://www.yucatan.gob.mx/gobierno/orden_juridico/Yucatan/Codigos/nr30rf3.pdf
ZACATECAS	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE ZACATECAS** Blvd. Héroes de Chapultepec No. 2002, Ciudad Gobierno, C.P. 98160, Zacatecas, Zacatecas. **PRESIDING JUDGE: HON. LEONOR VARELA** http://www.tsjzac.gob.mx/ Sections163-168 http://www.congresozac.gob.mx/cgi-bin/coz/mods/secciones/index.cgi?action=elemento&cual=102

ABOGADO O PARTE AUTOREPRESENTADA (*Nombre, No. de BAR estatal, y dirección*):	PARA USO EXCLUSIVO DEL TRIBUNAL
TELÉFONO: FAX (*opcional*): CORREO ELECTRÓNICO (*opcional*): ABOGADO DE (*Nombre*).	
TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
DEMANDANTE: DEMANDADO:	
SOLICITUD EX PARTE PARA LA EMISIÓN DE CARTAS ROGATORIAS PARA EMPLAZAMIENTO EN MEXICO Y ORDEN DE LA MISMA	NO. DE CAUSA:

SOLICITUD

Por este medio se solicita una orden pidiendo emisión de cartas rogatorias para emplazamiento en México. El demandante pide que el emplazamiento, la demanda, y los documentos relacionados de esta acción sean entregados al demandado en México con el auxilio de las autoridades judiciales competentes conforme al acuerdo inter-americano sobre las cartas rogatorias. En apoyo de esta solicitud, el suscrito declara:

1. El (fecha) _____, se presentó la ☐ Demanda de Divorcio, ☐ Demanda de Separación Legal, ☐ Demanda de Nulidad, ☐ Demanda para el Establecimiento de Paternidad y se emitió el Emplazamiento en esa misma fecha; se presentó ☐ Otro_____ el (fecha) _____.

2. El demandado es una parte propia de esta acción.

3. La última dirección conocida del demandado es_____, México.

4. El demandado no puede ser emplazado de otra manera porque _____

_____

_____

Declaro so pena de perjurio conforme a las leyes del estado de California que lo anterior es verdadero y correcto.

Fecha:_____ _____

Firma del demandante o abogado del mismo

ORDEN

Al leer la solicitud para esta orden de la parte demandante, y pareciéndome de manera satisfactoria que el demandado no puede ser emplazado con la diligencia debida, y de ninguna otra manera especificada en los artículos 415.10 al 415.40 del código de procedimiento civil, y que el demandado es una parte propia de esta acción, **SE ORDENA** que se emita una carta rogatoria pidiendo auxilio judicial internacional para la entrega del emplazamiento, la demanda, y los documentos correspondientes, al demandado en México.

PARA USO EXCLUSIVO DEL TRIBUNAL

Fechado: _____ _____

Juez del Tribunal Superior

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
EX PARTE APPLICATION FOR ISSUANCE OF LETTERS ROGATORY FOR SERVICE OF PROCESS IN MEXICO ORDER THEREON	CASE NUMBER:

APPLICATION

Application is hereby made for an order requesting issuance of letters rogatory for service of process in Mexico. The Petitioner requests the Summons, Petition, and accompanying documents in this action be served on Respondent in Mexico with the assistance of the appropriate judicial authorities pursuant to the Inter-American Convention on Letters Rogatory. In support of this application, the undersigned states:

1. On (date) _____ the ☐ Petition for Dissolution of Marriage ☐ Petition for Legal Separation ☐ Petition for Nullity ☐ Petition to Establish Parental Relationship was filed and Summons was issued on that same date; ☐ Other _____ filed on (date)_____.

2. Respondent is a proper party to this action.

3. Respondent's last known address is _____, Mexico.

4. Respondent cannot be served by any other method because: _____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____
Signature of Petitioner or Petitioner's Attorney

ORDER

On reading petitioner's application for this order, and it satisfactorily appearing to me that respondent cannot with reasonable diligence be served in any other manner specified in Code of Civil Procedure § 415.10 through 415.40, and that respondent is a pro per party to this action, **IT IS ORDERED** that a letter rogatory issue requesting international judicial assistance in serving the summons, petition and accompanying documents on respondent in Mexico.

FOR COURT USE ONLY

Dated: _____ _____
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
PETITIONER: RESPONDENT:	
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FOR SERVICE OF PROCESS IN MEXICO	CASE NUMBER:

FROM THE SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF IMPERIAL, UNITED STATES OF AMERICA, TO THE APPROPRIATE JUDICIAL AUTHORITY IN THE REPUBLIC OF MEXICO IN REGARD TO THE SERVICE OF PROCESS IN _____, MEXICO:
(City and state)

This Court presents its compliments to the appropriate judicial authority of City: _____,State: _____ Mexico, (Name and Title of Presiding Judge) _____, and requests international judicial assistance for the Service of Process in a family law proceeding before this Court in the above-captioned matter, as necessary in the interests of justice.

This request is made under California Code of Civil Procedure Section 413.10(c), the Inter-American Convention on Letters Rogatory, Principles of International Reciprocity, the Mexican Federal Code of Civil Procedures, Sections 549–551, 568–571, and the Code of Civil Procedure Sections _____for the Mexican State of _____.

The facts of the case pending before the requesting court are as follows: On (date):_____, a

☐ Petition for Dissolution of Marriage ☐ Other: _____
☐ Petition for Legal Separation _____
☐ Petition for Nullity ☐ Other: _____
☐ Petition to Establish Parental Relationship _____

was filed by _____, Petitioner, against _____, Respondent, in case number _____, requesting

☐ dissolution of marriage based on _____ (Cite legal grounds)
☐ legal separation based on_____ (Cite legal grounds
☐ nullity of marriage based on_____ (Cite legal grounds)
☐ establishment of parental relationship
☐ The children include:

1._____ (name) _____ (date of birth)
2._____ (name) _____ (date of birth)
3._____ (name) _____ (date of birth)
4._____ (name) _____ (date of birth).

☐ The Petition requests ☐ joint legal custody, or ☐ sole legal custody of the minor child(ren) for the ☐ Petitioner ☐ Respondent
☐ joint physical custody, or ☐ sole physical custody of the minor child(ren) for the ☐Petitioner ☐Respondent
☐ visitation rights for the ☐Petitioner ☐ Respondent
☐ possible child support orders
☐ spousal support for ☐Petitioner ☐ Respondent
☐ termination of jurisdiction to award spousal support to ☐Petitioner ☐ Respondent
☐ property division
☐ other: _____.

The address of the Petitioner is: _____

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FOR SERVICE OF PROCESS IN MEXICO	CASE NUMBER:

The undersigned judicial authority has the honor to transmit the documents listed below in duplicate, and requests prompt service of process of one copy thereof on Respondent (name) _____ at the address of _____. The undersigned judicial authority further requests that service be carried out in the following manner: (a) by personal service on the identified addressee, or (b) if personal service is not possible, then, in accordance with the law of the State of destination.

☐ If Respondent cannot be located for personal or substitute service, the undersigned judicial authority requests that service be accomplished by publication or posting in accordance with the law of the State of destination. A Declaration of Diligence Regarding Attempts to Locate Respondent in California and Mexico signed by Petitioner is included with the documents to be served.

The marriage dissolution documents marked to be served are authenticated copies of:	The Uniform Parentage Act documents marked to be served are authenticated copies of:
☐ Summons	☐ Summons
☐ Petition for Dissolution of Marriage	☐ Petition to Establish Parental Relationship
☐ Petition for Legal Separation	☐ Income and Expense Declaration
☐ Petition for Nullity	☐ Copy of this Letter Rogatory
☐ Property Declaration	☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration of Disclosure (Preliminary)	☐ Declaration of Diligence Regarding Attempts to Locate Respondent
☐ Income and Expense Declaration	☐ Notice of Family Law Case Management Conference
☐ Schedule of Assets and Debts	☐ Blank Response to Petition to Establish Parental Relationship
☐ Copy of this Letter Rogatory	☐ Blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	☐ Blank Income and Expense Declaration
☐ Declaration of Diligence Regarding Attempts to Locate Respondent	☐ Blank Case Management Questionnaire
☐ Notice of Family Law Case Management Conference	☐ Other: _____
☐ Blank Response to Petition for Dissolution of Marriage, Legal Separation or Nullity	
☐ Blank Property Declaration	
☐ Blank Declaration of Disclosure	
☐ Blank Income and Expense Declaration	
☐ Blank Schedule of Assets and Debts	
☐ Blank Case Management Questionnaire	
☐ Other: _____	

This Court further requests that the judicial authority of the State of destination return to this Court an executed Certificate of Execution, as attached hereto, once service of process is complete. The requesting Court agrees to willingly provide similar assistance to the judicial authorities of the Receiving State, _____, Mexico.

Date: _____

_____

The Honorable:

Judge of the Superior Court of California, County of Imperial

AUTHENTICATION

As Clerk of the Court for the Superior Court of California, County of Imperial, I do hereby certify that the Honorable _____, whose signature is affixed to the Request for International Judicial Assistance for Service of Process Abroad, annexed hereto, was at the time and date thereof, Judge of the Superior Court of California, County of Imperial; that the official acts and doings of said Judge are entitled to full faith and credit; and that the attestation to said Request is in due form of law. I further certify that the seal attached to said Request is the official seal of the Court.

WITNESS my hand and seal of said Court in the County of Imperial, State of California, on this _____ day of_____, 20____.

_____

Tammy L. Grimm, Clerk of the Superior Court

[Seal]

AUTHENTICATION

As Judge of the Superior Court of California, County of Imperial, I do hereby certify that _____, whose signature is affixed hereto, was at the time and date thereof, Clerk of the Court for the Superior Court of California, County of Imperial; that the official acts and doings of said Clerk are entitled to full faith and credit; and that this authentication to said Request is in due form of law.

WITNESS my hand and seal of said Court in the County of Imperial, State of California, on this _____ day of _____, 20_____.

_____

The Honorable :

Judge of the Superior Court of California, County of Imperial

SHORT TITLE:	CASE NUMBER:

ESSENTIAL INFORMATION FOR RESPONDENT

You are hereby informed that on (date) _____ the Petitioner filed a ☐ Petition for Dissolution of Marriage ☐ Petition for Legal Separation ☐ Petition for Nullity ☐ Petition to Establish Parental Relationship ☐ Other _____ against you as Respondent, in case number _____. The Petition requests a ☐ dissolution of marriage ☐ legal separation ☐ nullity of marriage based on_____ ☐ other _____

☐ establishment of parental relationship.

☐ The minor children include:

☐ 1._____(name) _____(date of birth)

☐ 2._____(name) _____(date of birth)

☐ 3._____(name) _____(date of birth)

☐ 4._____(name) _____(date of birth)

☐ In addition, the Petition requests the following orders:

☐ joint legal custody or ☐ sole legal custody to the ☐ Petitioner ☐ Respondent,

☐ joint physical custody or ☐ sole physical custody of the minor child(ren) to the ☐ Petitioner ☐ Respondent,

☐ visitation rights for ☐ petitioner ☐ respondent, ☐ possible child support orders,

☐ spousal support to the ☐ Petitioner ☐ Respondent,

☐ termination of jurisdiction to award spousal support to ☐ petitioner ☐ respondent,

☐ property division,

☐ other:_____.

The address of the Petitioner is _____. This form is attached to the Letter Rogatory giving rise to the service of these documents.

Also attached are:

☐ Copies of the Petition initiating the action in which the Letter Rogatory was issued, copies of documents filed concurrently with the petition, and any rulings that ordered the issuance of the Letter Rogatory. The Summons grants you 30 calendar days from the date of service to file the Response, and warns that if you do not, the case may be determined by default (without your participation) and that the court may make orders affecting your marriage or domestic partnership, property, debts, custody of children, and may order you to pay support, attorney's fees and costs. You are required by the local rules of the Imperial County Superior Court to file a Case Management Questionnaire no later than fifteen calendar days before your Case Management Hearing.

☐ Other: _____.

The first paper fee to file the Response is $435.00 (U.S. Dollars). If you cannot afford to pay the filing fee, you may apply to the court for an order waiving the filing fee and other fees. Information about obtaining a fee waiver may be found at http://www.courts.ca.gov/documents/fw001info.pdf.

Legal information and assistance is available at the Family Law Facilitator's Office in the courthouse where your case was filed. For a list of all Family Law Facilitator's locations in the state of California, see http://www.courts.ca.gov/9497.htm. Assistance is also available at the Access Center, Superior Court of California, County of Imperial, 939 W. Main Street, El Centro, CA 92243, email accesscenter@imperial.courts.ca.gov.

Send this request :

☐ IN PERSON
Secretary of State
Los Angeles Regional Office
300 South Spring Street, Rm. 12513
Los Angeles, CA 90013
(213) 897-3062

OR

☐ BY MAIL
Secretary of State
Sacramento Main Office
1500 11th Street
Sacramento, CA 95814
(916) 657-5448

Authentication Request & Apostille Order Form

Please authenticate and attach an apostille to the enclosed documents.

Personal Information

Name: _____ E-mail: _____

Address: _____ City: _____ Region/State: _____

Postal Code: _____ Country: _____

Document Information

The legalized document(s) are being sent to (specify country): _____

Please return the documents to:

☐ personal address provided above.

☐ another address:

Organization/Company: _____

Name of Contact: _____ Telephone: _____

Address: _____ City: _____

Region/State: _____ Postal Code: _____ Country: _____

Fee Information

I am enclosing the required fee of $_____ for this service.

Date: _____ _____
(Signature)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
PETITIONER: RESPONDENT:	
CERTIFICATE OF EXECUTION	CASE NUMBER:

The undersigned authority has the honor to certify that the documents described below:

1. ☐ Were served on the Respondent (name) _____,

on (date) _____ at (time) _____ a.m./p.m., at (address) _____

_____ by one of the following methods authorized by the Letter Rogatory:

(Please mark the appropriate box)

☐ By personal service on the identified address to Respondent;

☐ In the following method in accordance with the law of the State of Destination:

☐ Substitute service ☐ Publication

☐ Posting ☐ Other (describe)_____

2. ☐ Were not served, by reason of the following facts(state reasons): _____

_____

ANNEXES
Documents returned: _____

Executed at _____, this _____ day of _____, 20_____.
(City, State, and Country)

_____
Name, signature and/or stamp of the Receiving Authority of the State of Destination

Mark box next to documents served on the Respondent:

☐ Summons
☐ Petition for Dissolution of Marriage
☐ Petition for Legal Separation
☐ Petition for Nullity
☐ Petition to Establish Parental Relationship
☐ Property Declaration
☐ Declaration of Disclosure (Preliminary)
☐ Income and Expense Declaration
☐ Schedule of Assets and Debts
☐ Copy of this Letter Rogatory
☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration of Diligence Regarding Attempts to Locate Respondent
☐ Notice of Family Law Case Management Conference
☐ Blank Response to Petition for Dissolution of Marriage, Legal Separation or Nullity
☐ Blank Response to Petition to Establish Parental Relationship
☐ Blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Blank Property Declaration
☐ Blank Declaration of Disclosure
☐ Blank Income and Expense Declaration
☐ Blank Schedule of Assets and Debts
☐ Blank Case Management Questionnaire
☐ Other: _____
_____.

TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL 939 W. MAIN ST. EL CENTRO, CA 92243	PARA USO EXCLUSIVO DEL TRIBUNAL
DEMANDANTE: DEMANDADO:	
SOLICITUD DE AUXILIO JUDICIAL INTERNACIONAL PARA EMPLAZAMIENTO EN MÉXICO	NO. DE CAUSA:

DEL TRIBUNAL SUPERIOR DE CALIFORNIA, EN Y PARA EL CONDADO DE IMPERIAL, ESTADOS UNIDOS DE AMERICA, A LA AUTORIDAD COMPETENTE DE LA REPÚBLICA DE MÉXICO, REFERENTE AL PROCESO DE EMPLAZAMIENTO EN _____, MÉXICO:
(Ciudad y Estado)

Este Tribunal presenta sus saludos a la autoridad competente de la ciudad de _____, del Estado de _____, México, (Nombre y Título del Juez) _____ y solicita su atenta asistencia judicial internacional para efectuar emplazamiento en un procedimiento de lo familiar ante este tribunal en esta causa en aras de la justicia.

La presente solicitud se extiende según el Artículo 413.10(c) del Código del Procedimiento Civil de California, la Convención Interamericana sobre Exhortos o Cartas Rogatorias, el Principio de Reciprocidad en el Derecho Internacional, los Artículos 549 al 551, 568 al 571 del Código Federal de Procedimientos Civiles de México, y los Artículos _____ del Código de Procedimientos Civiles del Estado de _____.

Los hechos de la causa en proceso ante el tribunal solicitante son los siguientes: El (fecha):_____, un/a

☐ Demanda de Divorcio ☐ Otro: _____
☐ Demanda de Separación Legal _____
☐ Demanda de Nulidad ☐ Otro: _____
☐ Demanda para el Establecimiento de Paternidad _____

fue presentado por _____, Demandante, en contra de _____, Demandado, en la causa número _____, solicitando

☐ divorcio bajo la causal de _____(Fundamento Legal)
☐ separación Legal bajo la causal de_____(Fundamento Lagal
☐ nulidad de matrimonio bajo la causal de _____(Fundamento Legal)
☐ establecimiento de paternidad
☐ Los hijos de la presente causa incluyen a:

☐ 1. _____ (nombre) _____(fecha de nacimiento)
☐ 2. _____ (nombre) _____(fecha de nacimiento)
☐ 3. _____ (nombre) _____(fecha de nacimiento)
☐ 4. _____ (nombre) _____(fecha de nacimiento)

☐ En la petición se solicita:
☐ patria potestad única, ó ☐patria potestad compartida para el/la ☐ Demandante ☐ Demandado
☐ custodia física única, ó ☐ custodia física compartida del(os) menor(es) para el/la ☐ Demandante ☐ Demandado
☐ derecho a convivencia para el/la ☐ Demandante ☐ Demandado,
☐ posibles órdenes de pensión alimenticia,
☐ manutención conyugal para el/la ☐ Demandante ☐ Demandado,
☐ conclusión del derecho para otorgar o recibir manutención conyugal al ☐ Demandante ☐ Demandado,
☐ división de bienes
☐ otro _____.

El domicilio de el/la Demandante es: _____.

SOLICITUD DE AUXILIO JUDICIAL INTERNACIONAL PARA EMPLAZAMIENTO EN MÉXICO	NO. DE CAUSA:

La autoridad judicial que suscribe tiene el honor de transmitir por duplicado los documentos que a continuación se enumeran, y solicita el pronto emplazamiento a juicio al demandado _____ con domicilio en _____.

Asimismo, la autoridad judicial requirente solicita que el emplazamiento se desahogue de la siguiente forma: (a) Personalmente con el demandado en el domicilio señalado, o (b) en caso de no poder realizarse de forma personal, se diligenciará conforme a derecho del Estado Receptor.

☐ Si el Demandado no puede ser localizado para el emplazamiento personal o cedula, la autoridad judicial suscrita requiere que el emplazamiento se ejecute por edicto conforme a derecho del Estado Receptor. Se deberá incluir una Declaración de Debida Diligencia para la Ubicación del Demandado en California y México firmada por el Demandante, junto con los documentos del emplazamiento.

Los documentos de acción de divorcio a emplazarse son copias autenticadas de:	Los documentos de acuerdo a la Ley Uniforme de Paternidad a emplazarse son copias autenticadas de:
☐ Citatorio Judicial	☐ Citatorio Judicial
☐ Petición de Divorcio	☐ Petición para el Establecimiento de Paternidad
☐ Petición de Separación Legal	☐ Declaración de Ingresos y Gastos
☐ Petición de Nulidad	☐ Copia de esta Carta Rogatoria
☐ Declaración de Bienes	☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)
☐ Declaración de Revelación de Información (Preliminar)	☐ Declaración de Debida Diligencia para la ubicación del Demandado
☐ Declaración de Ingresos y Gastos	☐ Notificación de la Audiencia de Administración de Causa de Derecho Familiar
☐ Declaración de Bienes y Deudas	☐ Respuesta en blanco a Petición para el Establecimiento de Paternidad
☐ Copia de esta Carta Rogatoria	☐ Declaración en blanco, Declaración Uniforme de Custodia de Menores, Jurisdicción y Ejecución (UCCJEA)
☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)	☐ Declaración en blanco de Ingresos y Gastos
☐ Declaración de Debida Diligencia para la ubicación del Demandado	☐ Cuestionario en blanco de la Administración de Causa
☐ Notificación de la Audiencia de Administración de Causa de Derecho Familiar	☐ Otro:_____
☐ Respuesta en blanco a Petición de Divorcio, Separación Legal ó Nulidad	
☐ Declaración en blanco de Bienes Mancomunados	
☐ Declaración en blanco de Revelación de Información	
☐ Declaración en blanco de Ingresos y Gastos	
☐ Declaración en blanco de Bienes y Deudas	
☐ Cuestionario en blanco de la Administración de Causa	
☐ Otro:_____	

El Tribunal Requirente solicita a la autoridad judicial del Estado Receptor, regresar a este Tribunal el Certificado de Ejecución conforme al formulario que se anexa a la presente. El Tribunal Requirente se compromete a proporcionar la asistencia judicial similar a las autoridades receptoras del Estado de _____, México.

Fecha: _____

_____

Sr./a. Juez:
Juez del Tribunal Superior de California, Condado Imperial

AUTENTICACIÓN

En calidad de Directora Ejecutiva del Tribunal Superior de California en el Condado de Imperial, por medio de la presente certifico que el/la Sr./a. Juez _____, cuya firma aparece en la Solicitud de Asistencia Judicial Internacional para Emplazamiento de Demanda en el Extranjero que se anexa a la presente, en el día y fecha señalados, se encontraba en el ejercicio y desempeño de sus funciones como Juez del Tribunal Superior de California en el Condado Imperial; que los actos y el desempeño de dicho/a Juez ameritan plena fe y atribuciones; y que lo atestado a dicha Solicitud se hace conforme a derecho. Además certifico que el sello que aparece en la presente Solicitud es el sello oficial del Tribunal.

DOY FE con firma y sello de dicho Tribunal en el Condado de Imperial, Estado de California, este día _____ de _____ de 20_____.

_____

Tammy L. Grimm, Directora Ejecutiva del Tribunal Superior

[Sello]

AUTENTICACIÓN

En calidad de Juez del Tribunal Superior de California en el Condado de Imperial, por medio de la presente certificó que _____, cuya firma aparece en la presente, en el día y fecha señalados, se encontraba en ejercicio y desempeño de sus funciones como Director Ejecutivo del Tribunal Superior de California en el Condado Imperial; que los actos y el desempeño de dicha Dirección ameritan plena fe y atribuciones; y que esta autenticación a dicha Solicitud es conforme a derecho.

DOY FE con firma y sello de dicho Tribunal en el Condado de Imperial, Estado de California, este día _____ de _____ de 20_____.

_____

Sr./a. Juez:
Juez del Tribunal Superior de California, Condado de Imperial

NOMBRE DE LAS PARTES:	NO. DE CAUSA:

INFORMACIÓN ESENCIAL PARA EL DEMANDADO

Por medio del presente se hace de su conocimiento que el (fecha)_____ el Demandante presentó una ☐ Demanda de Divorcio ☐Demanda de Separación Legal ☐Petición de Nulidad ☐Petición de Establecimiento de Paternidad ☐Otro_ _____ en contra de usted como Demandado, en la causa número _____. La demanda solicita el/la ☐divorcio ☐separación legal ☐nulidad de matrimonio bajo la causal de _____ _____ ☐otro _____

☐ establecimiento de paternidad.

☐ Los menores de la presente causa incluyen a:

☐ 1. _____ (nombre) _____ (fecha de nacimiento)

☐ 2. _____ (nombre) _____ (fecha de nacimiento)

☐ 3. _____ (nombre) _____ (fecha de nacimiento)

☐ 4. _____ (nombre) _____ (fecha de nacimiento)

☐ Además la demanda requiere las siguientes órdenes:

☐ patria potestad única, ó ☐custodia legal compartida para el/la ☐ Demandante ☐ Demandado,

☐ custodia física única, ó ☐ compartida del menor (los menores) para el/la ☐ Demandante ☐ Demandado,

☐ derechos de convivencia para el/la ☐ Demandante ☐ Demandado,

☐ posibles órdenes de pensión alimenticia,

☐ manutención conyugal para el/la ☐ Demandante ☐ Demandado,

☐ terminación de jurisdicción para otorgar manutención conyugal al ☐ Demandante ☐ Demandado,

☐ división de bienes,

☐ otro:_____.

El domicilio del Demandante es el ubicado en:_____. El presente formulario se anexa a la Carta Rogatoria que da origen al emplazamiento de los documentos en cuestión.

Se anexan también:

☐ Copias de la demanda que da origen a la acción en la cual la Carta Rogatoria es emitida, los documentos que acompañan la demanda, y todo dictamen para la emisión de la Carta Rogatoria. El Citatorio le concede a usted el término de 30 días naturales siguientes a la fecha del emplazamiento para presentar su respuesta, advirtiéndole que en caso de no hacerlo dentro del término concedido para tal efecto, el presente juicio se tramitará en rebeldía –sin su participación– pudiendo el juez emitir órdenes que afecten su matrimonio o sociedad doméstica, bienes, deudas, guarda y custodia de menores, y puede ordenarle pago de alimentos, gastos y costos judiciales. Conforme a los lineamientos locales del Tribunal Superior de California para el Condado Imperial, se le requiere presentar un Cuestionario de Administración de Causa a más tardar quince días calendarios antes de la audiencia.

☐ Otros:_____.

Los derechos a cubrir por presentar la contestación de demanda son de $435.00 dólares. Si no se encuentra en posibilidad de cubrir el pago de derechos, usted puede solicitar una excepción de pago de derechos. Información de cómo obtener una excepción en el pago de derechos esta disponible para usted en http://www.courts.ca.gov/documents/fw001infos.pdf .

Información y asistencia legal esta disponible para usted por medio de la Oficina del Abogado Familiar de el Tribunal en la que su caso fue presentado. Para una lista de todas las Oficinas del Abogado Familiar ubicadas en el Estado de California, puede entrar a: http://www.courts.ca.gov/9497.htm. De igual forma, en caso de requerir asistencia legal, usted puede comunicarse al Centro de Ayuda Legal de el Tribunal Superior de California en el Condado Imperial, ubicado en, 939 Main Street, El Centro, CA 92243, con número de teléfono (760) 482-2232, correo electrónico accesscenter@imperial.courts.ca.gov.

Envíe esta solicitud:

☐ EN PERSONA
Secretary of State
Los Angeles Regional Office
300 South Spring Street, Rm. 12513
Los Angeles, CA 90013
(213) 897-3062

O

☐ POR CORREO
Secretary of State
Sacramento Main Office
1500 11th Street
Sacramento, CA 95814
(916) 657-5448

Solicitud de Autenticación y Formulario de Orden de Apostilla

Favor de autentificar y anexar una apostilla a los documentos incluidos.

Datos Personales

Nombre: _____ Correo electrónico: _____

Dirección (Calle): _____ Ciudad: _____

Región/Edo.: _____ Código Postal: _____ País: _____

Información documental

Especificar país al que se envían los documentos legalizados: _____

Favor de devolver los documentos a:

☐ la dirección personal que se especifica arriba.

☐ la siguiente dirección:

Organización/Empresa: _____

Nombre a quien se dirige: _____ No.Teléfono: _____

Dirección (Calle): _____ Ciudad: _____

Región/Edo.: _____ Código Postal: _____ País: _____

Información sobre la cuota

Incluyo la cuota requerida por este servicio en la cantidad de $_____.

Fecha: _____ _____

(Firma)

TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL 939 W. MAIN ST. EL CENTRO, CA 92243	PARA USO EXCLUSIVO DEL TRIBUNAL
DEMANDANTE: DEMANDADO:	
CERTIFICADO DE EJECUCIÓN	NO. DE CAUSA

La autoridad que suscribe tiene el honor de certificar que los presentes documentos:

1. ☐ Fueron emplazados al Demandado (nombre) _____,

en (fecha) _____ a la (hora) _____ a.m./p.m., en el (domicilio) _

_____ por alguno de los siguientes

métodos autorizados en la Carta Rogatoria:

(Favor de marcar la opción correcta)

☐ De forma personal con el demandado en su domicilio;

☐ De la siguiente forma, de conformidad con las leyes vigentes del Estado Receptor:

☐ Substitución o Cédula ☐ Edictos

☐ Publicación ☐ Otro (describir) _____

2. ☐ No fueron emplazados debido a los siguientes hechos: (describir motivo): _____

_____

ANEXOS
Documentos regresados: _____

Firmado en _____, el día _____ del _____ de 20_____.
(*Ciudad, Estado y País*)

_____
Nombre, firma y sello de la autoridad judicial del Estado requerido

Marque el/los cuadro(s) correspondiente(s) de los documentos que le fueron emplazados al Demandado:

- ☐ Citatorio Judicial
- ☐ Petición de Divorcio
- ☐ Petición de Separación Legal
- ☐ Petición de Nulidad
- ☐ Petición de Establecimiento de Paternidad
- ☐ Declaración de Bienes
- ☐ Declaración de Revelación de Información (Preliminar)
- ☐ Declaración de Ingresos y Gastos
- ☐ Declaración de Bienes y Deudas
- ☐ Copia de esta Carta Rogatoria
- ☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)
- ☐ Declaración de Debida Diligencia para la ubicación del Demandado
- ☐ Notificación de Audiencia Familiar
- ☐ Respuesta en blanco a Petición de Divorcio, Separación Legal ó Nulidad
- ☐ Respuesta en blanco a Petición para el Establecimiento de Paternidad
- ☐ Declaración en blanco, Declaración Uniforme de Custodia de Menores, Jurisdicción y Ejecución (UCCJEA)
- ☐ Declaración en blanco de Bienes Mancomunados
- ☐ Declaración en blanco de Revelación de Información
- ☐ Declaración en blanco de Ingresos y Gastos
- ☐ Declaración en blanco de Bienes y Deudas
- ☐ Cuestionario en blanco del Manejo Administrativo de Causa
- ☐ Otro _____

_____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
EX PARTE REQUEST AND ORDER TO VACATE RESTRAINING ORDER	CASE NUMBER

1. Your name (protected person):_____
2. Name of restrained person:_____
3. The ☐ temporary restraining order (TRO) ☐ permanent restraining order (RO) was issued on :_____
   The order expires on:_____.
4. I ask the Court to vacate the **RESTRAINING ORDER** issued on my behalf in its entirety, and I understand this means additional protected parties will no longer be protected.
5. I ask the Court to vacate the restraining order indicated above for the following reasons:_____
   _____
   _____
6. The restrained person ☐ does ☐ does NOT have a cross-restraining order issued against me.
   The ☐ temporary restraining order (TRO) ☐ permanent restraining order (RO) was issued on:_____
   The order expires on:_____.

I make this request of my own free will. I have not been coerced or threatened in any way by the restrained person or anyone else to make this request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:_____ _____
Signature of Protected Party

ORDER

FOR COURT USE ONLY

Based on the above request, **IT IS SO ORDERED:**

☐ The request is **GRANTED**. The restraining order filed on behalf of the protected party issued on:_____ is hereby vacated in its entirety.

☐ Any custody and visitation orders shall remain in full force and effect.

☐ The request is **DENIED** and all orders remain in full force and effect.

☐ A Request for Order is required.

☐ Other:_____

Date: _____ _____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION AND ORDER TO ESTABLISH OR MODIFY SPOUSAL SUPPORT	CASE NUMBER:

1. ☐ The Court reserves jurisdiction to award spousal or partner support to the ☐ Petitioner ☐ Respondent.
2. ☐ The Court terminates jurisdiction to award spousal or partner support for the ☐ Petitioner ☐ Respondent.
3. ☐ The Court finds that the Petitioner's gross monthly income is _____. Respondent's gross monthly income is _____. The parties were married for (specify): _____ years, _____ months.
4. ☐ This order shall modify a prior order for spousal or domestic partner support. The prior order was entered on: _____, ordering $_____, payable on the (specify): _____ day of each month or other (specify): _____, beginning (date): _____.
5. ☐ Petitioner ☐ Respondent must pay to the ☐ Petitioner ☐ Respondent as spousal/domestic partner support $_____ per month, beginning (date): _____, until (end date): _____, ☐ payable on the (specify): _____ day of each month or ☐ other: _____. If no termination date is specified, said support shall continue until the death of either party, remarriage of the supported party or further order of the Court.
   ☐ Other: _____.
   a) ☐ Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death of either party, remarriage, or registration of a new domestic partnership of the support payee.
   b) ☐ An earnings assignment for the foregoing support will issue. (**Note**: the payor of spousal, family or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings, and for any support not paid by the assignment.)
   c) ☐ Service of the earnings assignment is stayed provided the payor is not more than (specify number): _____ days late in the payment of spousal, family or partner support.
6. ☐ The ☐ Petitioner ☐ Respondent should make reasonable efforts to assist in providing for his or her support needs.
7. ☐ The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
8. ☐ Except as modified herein, all provisions of any previous orders made in this action will remain in effect.
9. ☐ Other orders: _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. We agree that we are fully informed of our rights. We make this agreement freely without coercion or duress.

Date: Date:

_____ _____

Signature of Petitioner or Attorney Signature of Respondent or Attorney

ORDER

UPON GOOD CAUSE, **IT IS HEREBY ORDERED.**

FOR COURT USE ONLY

Date: _____

_____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION FOR CONTINUANCE	CASE NUMBER:

Stipulated Continuance: ☐ Hearing ☐ Trial

Original Date: Proposed Date:
Original Time: Proposed Time:
Dept:

By stipulated agreement, petitioner and respondent hereby apply for a court order continuing the hearing/trial. A hearing/trial in this matter is scheduled for _____. The original moving papers were filed by ☐ petitioner or ☐ respondent. I ask the court to continue my hearing/trial until (approximate date):_____ or ☐take hearing/trial off calendar. I am requesting a continuance due to the following:_____
_____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:
Signature: _____
Print Name:_____
Petitioner

Date:
Signature: _____
Print Name:_____
Petitioner's Attorney

Date:
Signature: _____
Print Name:_____
Respondent

Date:
Signature: _____
Print Name:_____
Respondent's Attorney

ORDER

UPON GOOD CAUSE, **IT IS HEREBY ORDERED** that the hearing/ trial presently scheduled for _____ at _____am/pm in Department ____ is rescheduled as follows:

Date:_____ Time:_____ Dept:_____
Name and address of court if different than address above:
_____

Or:
☐ the hearing/motion is taken off calendar.
☐ request is **DENIED.**
Date:_____ _____
Judge of the Superior Court

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TABLE OF CONTENTS

	Chapter 1 Preliminary Rules	Page	Effective	Revised
Rule 1.0	Effective Date	1	7/1/2007	1/1/2017
Rule 1.1	Citation of Rules	1	7/1/2007	
Rule 1.2	Construction of Rules	1	7/1/2007	
Rule 1.3	Amendments	1	7/1/2007	
	Chapter 2 Administrative and General Matters			
Rule 2.0	Court Administration	2	7/1/2007	
Rule 2.1	Presiding Judge and Assistant Presiding Judge	2	7/1/2007	
Rule 2.2	Court Executive Officer	2	7/1/2007	
Rule 2.3	Court Divisions	2	7/1/2007	1/1/2014
Rule 2.4	Sessions of the Court	3	7/1/2007	1/1/2014
Rule 2.5	Departments of the Court	3	7/1/2007	1/1/2014
Rule 2.6	Clerk's Offices	3	7/1/2007	1/1/2014
Rule 2.7	Intra-County Venue and Filing	3	7/1/2007	1/1/2014
Rule 2.8	Late Filings	3	7/1/2007	1/1/2010
Rule 2.9	Conformed Pleadings	3	7/1/2007	
Rule 2.10	Court Security	4	7/1/2007	1/1/2017
Rule 2.11	Subordinate Judicial Officer Complaints	4	7/1/2007	
Rule 2.12	Attendance and Conduct at Court Proceedings	4	7/1/2007	1/1/2017
Rule 2.13	Compliance with Rules	5	7/1/2007	
Rule 2.14	Repealed	5	7/1/2008	1/1/2017
Rule 2.15	Limitations on Electronic and Photographic Equipment in Courthouses	5	1/1/2013	1/1/2014
Rule 2.16	Administrative Recordings	5	1/1/2017	
	Chapter 3 Civil Rules			
	Division 1 – General Provisions			
Rule 3.1.0	Policy	6	7/1/2007	
Rule 3.1.1	Case Assignment and Direct Calendaring	6	7/1/2007	
Rule 3.1.2	Case Management	6	7/1/2007	1/1/2010
Rule 3.1.3	Repealed	7	7/1/2007	1/1/2010
Rule 3.1.4	Expert Witnesses and Fees	7	7/1/2007	
Rule 3.1.5	Jury Fees	7	7/1/2007	
Rule 3.1.6	Repealed	7	7/1/2007	1/1/2012
Rule 3.1.7	Settlements	7	7/1/2007	1/1/2017
Rule 3.1.8	Jury Instructions	7	7/1/2007	1/1/2012
Rule 3.1.9	Juror Questionnaires	7	7/1/2007	
Rule 3.1.10	Motions in Limine	7	7/1/2007	1/1/2015
Rule 3.1.11	Taking Trial Off Calendar	8	7/1/2007	
Rule 3.1.12	Post Trial	8	7/1/2007	
Rule 3.1.13	Stay of Execution Pending New Trial Motion	8	7/1/2007	
Rule 3.1.14	Judgment Pursuant to Stipulation	8	7/1/2007	
Rule 3.1.15	Court Reporters for Civil Trials	8	7/1/2007	1/1/2017
Rule 3.1.16	Fee Waivers	8	1/1/2009	1/1/2012
Rule 3.1.17	Fee Waivers from Inmates	9	7/1/2009	1/1/2012
Rule 3.1.18	Proof of Service Accompanying Case Management Statement	9	1/1/2014	

TABLE OF CONTENTS

	Chapter 3 Civil Rules - Continued	Page	Effective	Revised
Rule 3.1.19	Failure to Appear at Pre-Voir Dire Conference	9	1/1/2015	
	Division 2 - Law and Motion			
Rule 3.2.0	Scheduling Hearings and Tentative Rulings	9	7/1/2007	1/1/2013
Rule 3.2.1	Orders Shortening Time	9	7/1/2007	
Rule 3.2.2	Failure to File Proof of Service of Notice of Motion	9	7/1/2007	
Rule 3.2.3	Taking Motions Off Calendar	10	7/1/2007	1/1/2012
Rule 3.2.4	Separate Motion Requirement	10	7/1/2007	1/1/2012
Rule 3.2.5	Joinders	10	7/1/2007	
Rule 3.2.6	Evidentiary Objections	11	7/1/2007	
Rule 3.2.7	Particular Motions	11	7/1/2007	
Rule 3.2.8	Opposing and Reply Papers	12	7/1/2007	
Rule 3.2.9	Conduct of Hearing	13	7/1/2007	
Rule 3.2.10	Orders After Hearing	13	7/1/2007	
	Division 3 – Ex Parte Relief			
Rule 3.3.0	Policy	13	7/1/2007	1/1/2009
Rule 3.3.1	Filing Fees, Case Number and Hearing Date	13	7/1/2007	1/1/2017
Rule 3.3.2	Scheduling of Ex Parte Hearings	13	7/1/2007	1/1/2013
Rule 3.3.3	Ex Parte Orders	14	7/1/2007	
	Division 4 - Extraordinary Writs			
Rule 3.4.0	Procedure	14	7/1/2007	
Rule 3.4.1	Assignment	14	7/1/2007	
	Division 5 - Arbitration			
Rule 3.5.0	Cases Subject to Arbitration	14	7/1/2007	
Rule 3.5.1	Arbitration Administrator	14	7/1/2007	1/1/2010
Rule 3.5.2	Exemptions to Arbitration	14	7/1/2007	
Rule 3.5.3	Arbitration Statement and Evidence	15	7/1/2007	1/1/2010
Rule 3.5.4	Settlement Conference	15	7/1/2007	
Rule 3.5.5	Withdrawal of Request for Trial Following Arbitration Award	15	7/1/2007	
Rule 3.5.6	Arbitrator's Fees	15	7/1/2007	
	Division 6 - Reserved-Repealed			
	Division 7 - Special Case Categories			
Rule 3.7.0	Judgment Debtor Examinations	16	7/1/2007	
Rule 3.7.1	Unlawful Detainer Proceedings	16	7/1/2007	
Rule 3.7.2	Uninsured/Underinsured Motorist Actions	17	7/1/2007	
Rule 3.7.3	Minors, Incompetents, Conservatees	17	7/1/2007	
Rule 3.7.4	Class Action Rules	17	7/1/2007	
	Division 8 - Miscellaneous Provisions			
Rule 3.8.0	Procedure Upon Death of Plaintiff	19	7/1/2007	
Rule 3.8.1	Receivers	19	7/1/2007	
Rule 3.8.2	Confidentiality Agreements, Protective Orders, Sealed Documents	19	7/1/2007	
Rule 3.8.3	Daily Transcript of Proceedings	20	7/1/2007	
Rule 3.8.4	Depositions	20	7/1/2007	
Rule 3.8.5	Bankruptcy	20	7/1/2007	
Rule 3.8.6	Telephone Appearances	20	7/1/2007	1/1/2013
Rule 3.8.7	Default Attorney Fee Schedule	21	7/1/2007	

TABLE OF CONTENTS

	Chapter 3 Civil Rules - Continued	Page	Effective	Revised
	Division 9 - Small Claims			
Rule 3.9.0	Hearing Officer	22	7/1/2007	
Rule 3.9.1	Repealed	22	7/1/2007	1/1/2012
Rule 3.9.2	Calendaring Appeals	22	7/1/2007	1/1/2012
Rule 3.9.3	Required Personal Appearance	22	1/1/2012	
Rule 3.9.4	Recalendaring of Unserved Small Claims Matters	22	1/1/2017	
	Chapter 4 Criminal Rules			
	Division 1 - Misdemeanors and Felony			
Rule 4.1.0	Filing Locations; Calendaring	23	7/1/2007	1/1/2014
Rule 4.1.1	Peremptory Challenges	24	7/1/2007	1/1/2012
Rule 4.1.2	Time for Filing Complaints	24	7/1/2007	1/1/2012
Rule 4.1.3	Repealed	24	7/1/2007	7/1/2008
Rule 4.1.4	Pretrials	24	7/1/2007	1/1/2012
Rule 4.1.5	Evidence at Pretrial Motion	24	7/1/2007	1/1/2012
Rule 4.1.6	Motions to Suppress	25	7/1/2007	1/1/2014
Rule 4.1.7	Continuance Policy	25	7/1/2007	1/1/2012
Rule 4.1.8	Bail/Fine	25	7/1/2007	1/1/2012
Rule 4.1.9	Official Electronic Recordings in Misdemeanor Criminal Cases	26	7/1/2007	1/1/2012
Rule 4.1.10	Misdemeanor Warrant Procedure	26	7/1/2007	1/1/2016
Rule 4.1.10.01	Pre Trial Services, O.R. Release	26	1/1/2016	
Rule 4.1.10.02	Purge of Active Misdemeanor Warrants with No Expiration Date	27	1/1/2016	
Rule 4.1.11	Telephone Appearances	27	1/1/2012	1/1/2013
Rule 4.1.12	Civil Assessment	27	7/1/2007	1/1/2013
Rule 4.1.13	Vacate Civil Assessment	27	7/1/2007	1/1/2013
Rule 4.1.14	Victim Restitution Costs	27	1/1/2013	
Rule 4.1.15	Request for Court Interpreter	27	1/1/2013	
Rule 4.1.16	Fine/Fee Payments	28	1/1/2013	
Rule 4.1.17	Insurance VC §16028 Fine Reduced by Clerk	28	1/1/2013	
Rule 4.1.18	Payment Extension	28	1/1/2007	1/1/2013
Rule 4.1.19	Motions for State Prison Cases	28	1/1/2014	
Rule 4.1.20	Bail Review Request	28	1/1/2015	
Rule 4.1.21	Felony Warrant Procedure	28	1/1/2016	
Rule 4.1.22	Purge of Active Felony Warrants with No Expiration Date	29	1/1/2016	
	Division 2 - Infractions			
Rule 4.2.0	Evidence	29	7/1/2007	1/1/2012
Rule 4.2.1	Continuance by Clerk	29	7/1/2007	1/1/2014
Rule 4.2.2	Correctable	29	7/1/2007	1/1/2017
Rule 4.2.3	Evidence of Compliance Non Traffic	29	1/1/2012	
Rule 4.2.4	Extension for Pay or Appear Date	29	7/1/2007	1/1/2013
Rule 4.2.5	Trial by Declaration	29	7/1/2007	1/1/2013
Rule 4.2.6	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.7	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.8	Repealed	30	7/1/2007	1/1/2013
Rule 4.2.9	Repealed	30	7/1/2007	1/1/2013

TABLE OF CONTENTS

	Chapter 4 Criminal Rules - Continued			
Rule 4.2.10	Insurance VC §16028 Fine Reduced by Clerk	30	1/1/2013	
Rule 4.2.11	Request for Traffic School in Payments	30	1/1/2015	
	Division 3 - Juvenile Infractions			
Rule 4.3.0	Traffic	30	1/1/2011	1/1/2012
Rule 4.3.1	Continuance by Clerk: Non-Traffic	30	1/1/2013	1/1/2014
	Chapter 5 Family Law			
	Division 1 - General Provisions			
Rule 5.1.0	Applicability	31	7/1/2007	1/1/2012
Rule 5.1.1	Ex Parte Orders (Except Domestic Violence Protection Act Actions)	31	7/1/2007	1/1/2012
Rule 5.1.2	Hearings	32	7/1/2007	1/1/2012
Rule 5.1.3	Telephone Appearances	32	7/1/2007	1/1/2013
Rule 5.1.4	Referrals to Mediation	33	7/1/2007	1/1/2011
Rule 5.1.5	Participation in Mediation	33	7/1/2007	1/1/2011
Rule 5.1.6	Confidentiality of Mediation	34	7/1/2007	1/1/2011
Rule 5.1.7	Results of Mediation	34	7/1/2007	1/1/2011
Rule 5.1.8	Stipulated Mediation	34	7/1/2007	1/1/2011
Rule 5.1.9	Referral to Counseling	34	7/1/2007	1/1/2011
Rule 5.1.10	Repealed	34	7/1/2007	1/1/2011
Rule 5.1.11	Court Experts and Investigators	34	7/1/2007	1/1/2011
Rule 5.1.12	Court Experts	34	7/1/2007	1/1/2011
Rule 5.1.13	Disqualification of Court Expert	35	7/1/2007	1/1/2012
Rule 5.1.14	Distribution of Investigative Report	35	7/1/2007	1/1/2012
Rule 5.1.15	Complaints against Court Mediators, Evaluators and Investigators	35	7/1/2007	1/1/2012
Rule 5.1.16	Case Management	35	7/1/2007	1/1/2017
Rule 5.1.17	Exchange of Settlement Proposals	36	7/1/2007	1/1/2012
Rule 5.1.18	Repealed	36	7/1/2007	1/1/2012
Rule 5.1.19	Trial Conference	36	7/1/2007	
Rule 5.1.20	Trial Brief	36	7/1/2007	1/1/2010
Rule 5.1.21	Income & Expense Declarations	37	7/1/2007	1/1/2017
Rule 5.1.22	Child Support	38	7/1/2007	1/1/2014
Rule 5.1.23	Spousal Support	38	7/1/2007	1/1/2012
Rule 5.1.24	Default or Uncontested Judgments	38	7/1/2007	1/1/2013
Rule 5.1.25	Attorney's Fees and Costs	38	7/1/2007	1/1/2012
Rule 5.1.26	Privilege Against Self Incrimination	39	7/1/2007	1/1/2012
Rule 5.1.27	Domestic Violence and Child Custody Orders	39	7/1/2007	
Rule 5.1.28	Preparation and Service of Proposed Judgment After Trial	40	1/1/2013	1/1/2016
Rule 5.1.29	Findings and Orders After Hearing	41	1/1/2013	1/1/2015
	Division 2 - Family Law Facilitator			
Rule 5.2.0	Family Law Facilitator	41	1/1/2007	1/1/2012
	Chapter 6 Juvenile Proceedings			
	Division 1 - General Provisions			
Rule 6.1.0	Attendance	42	7/1/2007	1/1/2012
Rule 6.1.1	Presence of Minor	42	7/1/2007	1/1/2012

TABLE OF CONTENTS

	Chapter 6 Juvenile Proceedings - Continued	Page	Effective	Revised
Rule 6.1.2	Attorney Competency	42	7/1/2007	
Rule 6.1.3	Minimum Standards of Attorney Education and Training	43	7/1/2007	
Rule 6.1.4	Standards of Representation	44	7/1/2007	
Rule 6.1.5	Discovery	45	7/1/2007	
Rule 6.1.6	Ex Parte Applications and Orders	45	7/1/2007	1/1/2014
Rule 6.1.7	Application for Modification of Court Orders	46	7/1/2007	
Rule 6.1.8	Authorizations for Travel, Medical and Dental Care	47	1/1/2007	
Rule 6.1.9	Procedures for Reviewing and Resolving complaints Against Attorneys	48	7/1/2007	
Rule 6.1.10	Request for Court Interpreter	49	1/1/2015	
	Division 2 - Court Appointed Special Advocate			
Rule 6.2.0	General	49	7/1/2007	1/1/2012
Rule 6.2.1	Function of Advocates	50	1/1/2011	1/1/2012
Rule 6.2.2	Specific Duties of Advocate	51	1/1/2011	1/1/2012
Rule 6.2.3	Family Law Advocate	51	1/1/2011	1/1/2012
Rule 6.2.4	Referral Procedures	51	1/1/2011	1/1/2012
Rule 6.2.5	Criteria for Referral to CASA Program	51	1/1/2011	1/1/2012
Rule 6.2.6	Release of Information to Advocates	52	1/1/2011	1/1/2012
Rule 6.2.7	Report of Child Abuse	52	1/1/2011	1/1/2012
Rule 6.2.8	Communication	52	1/1/2011	1/1/2012
Rule 6.2.9	Right to Timely Notice and Right to Timely Appear	53	1/1/2011	1/1/2012
Rule 6.2.10	Access to Records	53	1/1/2011	1/1/2012
Rule 6.2.11	Appeal and Grievance Procedures	53	1/1/2011	1/1/2012
Rule 6.2.12	Distribution of CASA Reports	54	1/1/2016	
	Division 3 - Dependency			
Rule 6.3.0	Visitation	54	7/1/2007	1/1/2012
Rule 6.3.1	Procedures for Informing Court of the Interests of a Dependent Child	54	7/1/2007	1/1/2012
Rule 6.3.2	Production of DSS Reports	56	7/1/2007	1/1/2012
Rule 6.3.3	Financial Responsibility for Attorney Fees in Juvenile Dependency Cases	56	7/1/2007	1/1/2012
	Division 4 - Delinquency			
Rule 6.4.0	Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases	57	1/1/2012	
	Chapter 7 Probate Rules			
Rule 7.0	Filing Location	60	1/1/2017	
Rule 7.1	Caption of Petitions	60	7/1/2007	1/1/2017
Rule 7.2	Appearances	60	7/1/2007	1/1/2017
Rule 7.3	Probate Examiner	60	7/1/2007	1/1/2017
Rule 7.4	Hearings	60	7/1/2007	1/1/2017
Rule 7.5	Order For Family Allowance	60	7/1/2007	1/1/2017
Rule 7.6	Independent Administration	60	7/1/2007	1/1/2017
Rule 7.7	Fees Stated When Account Waived	61	7/1/2007	1/1/2017
Rule 7.8	Non-Statutory Fees and Commissions	61	7/1/2007	1/1/2017
Rule 7.9	Fees for Conservators and Attorneys	61	7/1/2007	1/1/2017
Rule 7.10	Required Educational Program for Non-Professional Conservators	62	1/1/2017	
Rule 7.11	Form and Lodging of Exhibits	62	1/1/2017	
Rule 7.12	Availability of Probate Examiner's Notes and Clearing of Defects	63	1/1/2017	

TABLE OF CONTENTS

	Chapter 8 Appellate Division and Appeals			
	Division 1 - General			
Rule 8.1.0	Sessions	64	7/1/2007	1/1/2010
Rule 8.1.1	Content of Briefs	64	7/1/2007	
Rule 8.1.2	Agreed Statement on Appeal	64	7/1/2007	
Rule 8.1.3	Stay Orders in Pending Civil Appeals	64	7/1/2007	1/1/2012
Rule 8.1.4	Applications and Motions	64	7/1/2007	1/1/2012
Rule 8.1.5	Oral Argument	64	7/1/2007	1/1/2012
Rule 8.1.6	Abandonment	64	7/1/2007	1/1/2012
Rule 8.1.7	Repealed	65	7/1/2007	1/1/2012
Rule 8.1.8	Disposition of Petition	65	7/1/2007	1/1/2012
Rule 8.1.9	Filing Requirements	65	7/1/2007	1/1/2012
Rule 8.1.10	Transcript of Recording in Civil Appeals	65	1/1/2015	
	Division 2 - Criminal - Misdemeanor and Felony			
Rule 8.2.0	Cost of Transcripts in Criminal Cases	65	7/1/2007	
Rule 8.2.1	Bail and Stay of Execution in Criminal Cases	66	7/1/2007	
	Division 3 - Civil			
Rule 8.3.0	Stay Orders of Execution in Pending Civil Appeal	66	7/1/2007	1/1/2012
	Division 4 - Small Claims			
Rule 8.4.0	Calendaring	66	1/1/2012	

Chapter 1
Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on 01/01/17.

[Adopted July 1, 2007, amended 01/01/08, 01/01/09, 01/01/11, 01/01/12, 01/01/13, 01/01/14, 01/01/15, 01/01/16, 01/01/17]

Rule 1.1 Citation of Rules

These rules shall be known and cited as the "Local Rules for the Superior Court of California, County of Imperial." The rules may be referred to herein as the "Local Rules," and the Superior Court of California may be referred to herein as the "Court."

[Adopted July 1, 2007]

Rule 1.2 Construction of Rules

These rules state local practices and are intended to supplement the California Rules of Court and state statutes. The rules shall be liberally construed to facilitate the proper and efficient administration of judicial business and to promote access to justice.

[Adopted July 1, 2007]

Rule 1.3 Amendments

The Local Rules may be established, amended, or repealed by a majority vote of the judges.

[Adopted July 1, 2007]

Chapter 2 Administrative and General Matters

Rule 2.0 Court Administration

All judges participate in court policy-making by means of regularly scheduled meetings of the entire membership of the judiciary and pursuant to established internal governance and administrative protocols. By majority vote, the judges may adopt standing orders, protocols, policy statements, executive orders and administrative directives, which need not be incorporated in these rules.

[Adopted July 1, 2007]

Rule 2.1 Presiding Judge and Assistant Presiding Judge

At a meeting of all the judges held not later than December 31st of every odd-numbered year, a Presiding Judge ("PJ") and Assistant Presiding Judge ("APJ") shall be selected as described in the Court's governance and administrative protocols. Each judge selected shall serve for a term of two consecutive calendar years.

[Adopted July 1, 2007]

Rule 2.2 Court Executive Officer

The administrative functions of the Court shall be under the direction of the Court Executive Officer ("CEO"), who shall be selected by, and serve at the pleasure of, the judges. In addition to the duties set forth in California Rule of Court (CRC) 10.610, the CEO serves as clerk of the court and jury commissioner. The CEO shall perform such other duties as directed by the presiding judge, and has the authority to establish other necessary offices to meet the needs of the court.

[Adopted July 1, 2007]

Rule 2.3 Court Divisions

(a) **Criminal Division** Six judges shall be assigned to preside over the criminal division, which includes both misdemeanors and felonies. Four judges shall be assigned in El Centro and two in Brawley. The judges in the criminal division shall, at a meeting held not later than December 31st of each year, designate a supervising judge of the criminal division ("SCJ") to preside over the felony master calendar department. The PJ may, but need not, serve as SCJ.

(b) **Civil Division** Two judges shall be assigned to preside over the civil division in El Centro and shall hear trials, law and motion, conservatorship, and probate.

(c) **Family and Juvenile Division** Two judges and one part-time AB1058 commissioner shall be assigned to the family and juvenile divisions, and shall hear matters as assigned by the Juvenile Presiding Judge.

(d) **Infractions** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza, Brawley, and Winterhaven Courthouses.

(e) **Small Claims** An appointed referee shall hear small claims cases at designated times at the El Centro and Winterhaven Courthouses.

(f) **Appellate** Judges of the appellate division of the Court are designated by the Chief Justice of the California Supreme Court. In addition to appeals specified elsewhere by statute or rule, the appellate division has jurisdiction over matters as required by these rules.

(g) **Juvenile Infractions.** An appointed referee shall preside over infraction cases at the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (d) amended 01/01/10, subd (g) adopted 01/01/10, subd (c)(g) amended 01/01/12, subd (a)(d)(e) amended 01/01/14]

Rule 2.4 Sessions of the Court

Sessions of the Court shall be held at the Courthouse in El Centro, (939 Main Street, El Centro), El Centro Valley Plaza (1625 Main Street, El Centro), Brawley (220 Main Street, Brawley), and Winterhaven (2124 Winterhaven Drive, Winterhaven).

[Adopted July 1, 2007, amended 01/01/10, 01/01/12, 01/01/14]

Rule 2.5 Departments of the Courts

The departments in the Courthouse in El Centro (Main) are designated:
Dept. 1, Dept. 2, Dept. 3, Dept. 4, Dept. 5, Dept. 7, Dept. 8, and Dept. 9.

The departments in other locations are designated:
Brawley East
Brawley West
Valley Plaza
Winterhaven.

[Adopted July 1, 2007, amended 01/01/10, 01/01/14]

Rule 2.6 Clerk's Offices

A clerk's office shall be located at the El Centro, Valley Plaza, Brawley, and Winterhaven Courthouses.

[Adopted July 1, 2007, amended 01/01/09, 01/01/14]

Rule 2.7 Intra-County Venue and Filing

(a) For purposes of intra-county venue, the County of Imperial is divided into Brawley, El Centro, and Winterhaven venues. The Brawley venue is that portion of the County of Imperial lying North of Keystone Road; the El Centro venue is that portion of the County of Imperial lying South of Keystone Road. The Winterhaven venue is the portion of the County of Imperial lying East of the intersection of Interstate 8 and State Route 98 East.

(b) **Limited Civil Cases.** All papers for a limited civil case may be filed in Brawley or El Centro (Main) courthouses. All limited civil matters are heard in El Centro (Main) Courthouse.

(c) **Small Claims Cases.** Plaintiff's Claim and Order to Go to Small Claims Court and the Defendant's Claim and Order to Go to Small Claims Court for a small claims case may be filed in Brawley, El Centro (Main), and Winterhaven Courthouses.

(d) **All Other Civil Filings.** All papers in general or unlimited civil, family law, probate cases and appeals shall be filed in the clerk's office in the El Centro (Main) Courthouse.

[Adopted July 1, 2007, subd (a)(b)(c), amended (b)(c), subd (d) Adopted 01/01/09, amended (b)(c) 01/01/10, subd (b)(d) amended 01/01/12, subd (a)(b)(c) amended 01/01/14]

Rule 2.8 Late Filings

A paper presented late for filing, or filed the day before a hearing, will be accepted for filing by the clerk, but may not be placed in the court file prior to the hearing. It is the responsibility of the party filing such paper to deliver a copy thereof to the judge presiding over the matter.

[Adopted July 1, 2007]

Rule 2.9 Conformed Pleadings

When an original document is filed, the court will conform two copies thereof at no charge. If conformed copies are to be returned by mail or messenger, a stamped,

self-addressed envelope or messenger slip must be submitted.

[Adopted July 1, 2007]

Rule 2.10 Court Security

(a) Upon entering any Court building, all persons, and their belongings will be screened and inspected for weapons. Unless required by law, a person may refuse to submit to screening and inspection, in which case he or she shall immediately leave the court building.

(b) Notwithstanding any provision of law, no person may possess any object that could be construed as a weapon while in a Court building, including, but not limited to guns, knives, tools, sharp objects or pepper spray. If these items are found at the Court screening stations, the screened individual has the choice of (1) taking it outside the building; or (2) having the security personnel confiscate the item. Except as provided in (d) below, security staff will not temporarily hold the item for any person. However, except as provided below, bailiffs, correctional officers and law enforcement officers employed by a federal, state, county or local jurisdiction, and court security personnel may possess weapons while in the course and scope of their official duties.

(c) A person authorized to possess a weapon pursuant to section (b) hereof shall not possess said weapon while in a Court building if he/she or a member of his/her immediate family or someone with whom he/she has a close relationship is a party to a pending proceeding to be heard that day.

(d) Persons prohibited from possessing weapons pursuant to section (c) hereof shall, upon first entering the Court, immediately declare to the security officer, the fact of his or her possession of such weapon and shall then surrender such weapon for safekeeping.

(e) Any violation of this rule may be punished as contempt, and may result in imprisonment, a fine, or both.

(f) Except by specific permission first obtained from a judge, bailiff, or other designated court personnel, no person shall be or remain in any area or any department restricted to the exclusive occupancy of court personnel or judicial officers. This includes clerk offices, judicial chambers, hallways leading to judicial chambers or court staff workspaces, sallyports/holding cells, and/or administrative offices.

[Adopted July 1, 2007, subd (b) amended 01/01/17, subd (f) adopted January 1, 2017]

Rule 2.11 Subordinate Judicial Officer Complaints

Investigation of complaints against commissioners and other subordinate judicial officers shall follow the procedures in CRC 10.703 as well as internal court governance procedures and administrative protocols.

[Adopted July 1, 2007]

Rule 2.12 Attendance and Conduct at Court Proceedings

(a) Attorneys and self-represented litigants are required to promptly appear at all proceedings.

(b) If an attorney or self-represented litigant will be late or will not appear at any calendared proceeding, the

attorney shall telephone the department in which the proceeding is set, prior to the time set for the appearance, and advise the clerk or bailiff that the attorney or litigant will be late or will not be present. Failure to so advise the clerk or bailiff may subject the violator to sanctions pursuant to Code of Civil Procedure section 177.5.
The telephone advisement referred to in subdivision (b) of this rule does not excuse an attorney's failure to timely appear at a calendared proceeding.

(c) No person shall appear in Court barefoot, shirtless, wearing a tank top, wearing sunglasses, wearing clothing with obscenities, or dress in any manner reflecting poorly upon the dignity of the Court and its decorum. The bailiffs of the Court may remove any person violating this rule.

(d) Cellular phones and electronic devices are not to be utilized in the courtroom galleries to avoid disruption of the proceedings.

[Adopted July 1, 2007, subd (c) and (d) adopted January 1, 2017]

Rule 2.13 Compliance with Rules

If counsel, a party represented by counsel, or a self-represented party, fails to comply with any requirements of these Local Rules, the Court, on motion of a party or on its own motion, may strike out all, or any part of any pleading of that party, or dismiss the action or proceeding, or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that party, or his or her counsel, to pay to the moving party, the reasonable expenses in making the motion, including reasonable attorney fees.

[Adopted July 1, 2007]

Rule 2.14 Pleadings [Repealed]

[Adopted July 1, 2008, repealed 01/01/17]

Rule 2.15 Limitations on Electronic and Photographic Equipment in Courthouses

No filming, photography or electronic recording is permitted in any courthouse, except as per California Rules of Court, rule 1.150.

[Adopted January 1, 2013, amended 01/01/14]

Rule 2.16 Administrative Recordings

The Court electronically records some court proceedings, which are used by the Court for administrative purposes only. Any request for a copy of an administrative recording must be made by noticed motion scheduled before the Presiding Judge.

[Adopted January 1, 2017]

Chapter 3
Civil Rules

Division 1
General Provisions

Rule 3.1.0 Policy

It is the policy of the Court to manage cases in accordance with Sections 2.1 of the Standards of Judicial Administration contained in the Appendix to CRC. Nothing shall prevent the Court from making exceptions based on a specific finding that the interests of justice so require. However, no procedure or deadline, established by these rules or order of the Court may be modified, extended, or avoided by stipulation or agreement of the parties, except as permitted Section 68616 of the Government Code, unless approved by the Court in advance of the date sought to be altered.

[Adopted July 1, 2007, Rule 3.0 renumbered to 3.1.0 01/01/09]

Rule 3.1.1 Case Assignment and Direct Calendaring

At the time a civil action is filed, the clerk will, pursuant to authority and direction of the Presiding Judge, assign it to a specified civil judge for all purposes. The name of the judge to whom the case is assigned shall be stamped or otherwise noted on the first paper and any conformed copy by the clerk. Thereafter, it shall be the duty of the parties to ensure that subsequently filed papers bear the name of assigned judge on the first page immediately to the right of the caption.

[Adopted July 1, 2007, Rule 3.1 renumbered to 3.1.1 01/01/09]

Rule 3.1.2 Case Management

(a) In all general civil cases as the term is defined in CRC 1.6(4) a notice of case management conference will be delivered to the plaintiff upon the filing of the complaint, setting the case management conference one hundred eighty (180) days from the date of filing of the case.

(b) A copy of the notice of case management conference shall be served with the summons and complaint, and proof of service thereof shall be filed with the court.

(c) In every general civil case specified in CRC 3.712(a) that has not been placed on the civil active list within one-hundred eighty (180) days of the filing of the complaint or other first paper, an order to show cause will be issued regarding dismissal for failure to comply. Notice of the time and date of the show cause hearing shall be given by the clerk at the direction of the Court.

(d) Any party may, upon notice, move the Court, for setting of a case management conference, prior to one hundred eighty (180) days from the filing of the case, if the party contends that an earlier case management conference would facilitate the expeditious preparation of the matter for trial.

(e) It is the policy of the court to hold the case management conference on the date originally set. In cases where no defendants have appeared, a continuance may be requested ex parte based on a declaration showing good cause why the conference should be continued.

(f) A Notice of Case Management Conference will not be issued in uninsured motorist cases, coordinated cases and collections cases pursuant to CRC 3.712.

[Adopted July 1, 2007, subd (c) amended 01/01/10, subd (f) adopted 01/01/10]

Rule 3.1.3 [Repealed]

[Adopted July 1, 2007; renumbered to 3.1.3 01/01/09; Rule 3.1.3 repealed 01/01/10]

Rule 3.1.4 Expert Witnesses and Fees

(a) Excessive expert witness fees may limit access to the courts and undermine the quality of justice. Accordingly, it is the policy of the Court that the Court will consider the ordinary and customary fees charged by similar experts for similar services within the relevant community.

(b) Based on the collective experience of the courts, the following hourly rates appear to be representative of the ordinary and customary fees charged for expert testimony in this community:

$250 Physicians, osteopaths, surgeons, dentists and psychiatrists
$250 Attorneys
$200 Psychologists
$200 Economists
$200 Engineers, architects
$150 Chiropractor

(c) Parties will be permitted to designate call at trial. It is the policy of the Court that parties are limited to one expert per field of expertise per side, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.3 renumbered to 3.1.4 01/01/09]

Rule 3.1.5 Jury Fees

All jury fee deposits shall be accompanied by a notice of jury fee deposit, which shall be served on all parties.

[Adopted July 1, 2007, Rule 3.5 renumbered to 3.1.401/01/09]

Rule 3.1.6 [Repealed]

[Adopted July 1, 2007, Rule 3.6 renumbered to 3.1.6 01/01/09, Rule 3.1.6 repealed 01/01/12]

Rule 3.1.7 Settlements

(a) **Unconditional Settlements.** The parties are required to submit to the clerk a notice of settlement which shall include a stipulation for the immediate dismissal of the action without prejudice. The request for dismissal shall be filed within 45 days after the date of settlement in accordance with CRC 3.1385.

(b) **Conditional Settlements.** The notice of conditional settlement served and filed by each plaintiff or other party seeking affirmative relief must specify a date in which the dismissal is to be filed, not to exceed 180 days from the date of filing the Notice of Settlement. (Judicial Council Form CM-200).

[Adopted July 1, 2007, Rule 3.7 renumbered to 3.1.7 01/01/09, amended 2012; and subd (a)(b) adopted 01/01/12, subd (a) amended 01/01/17]

Rule 3.1.8 Jury Instructions

On the scheduled trial date, the parties shall submit the full text of proposed jury instructions to the Court.

[Adopted July 1, 2007, Rule 3.8 renumbered to 3.1.8 01/01/09]

Rule 3.1.9 Juror Questionnaires

If the parties wish to use juror questionnaires, the questionnaires must be submitted to the Court for review two (2) court days prior to the trial.

[Adopted July 1, 2007, Rule 3.9 renumbered to 3.1.9 01/01/09]

Rule 3.1.10 Motions in Limine

All written in limine motions must be submitted to the Court at least five (5) court days before the pre voir dire conference date in the case of a jury trial, or the trial date in

the case of a court trial. Written opposition must be submitted to the Court no later than two (2) court days before such date. The Court, in its discretion, may order that the motions in limine be filed at an earlier time.

The following motions will be automatically granted and need not be put in writing: (1) motions to exclude evidence of a collateral source, (2) motions to exclude evidence of offers to settle and/or settlement discussions.

[Adopted July 1, 2007, Rule 3.10 renumbered to 3.1.10 01/01/09, amended 01/01/15]

Rule 3.1.11 Taking Trial Off Calendar

If the plaintiff decides to take a trial off calendar, the remaining parties need to be contacted in person or telephonically as soon as possible after the determination is made. Trials may be taken off calendar only if: (1) all unserved parties not participating in settlement will be dismissed; and (2) all parties agree the case has been settled in its entirety. If one or more of the above conditions is not met, the trial will not go off calendar without an order of the Court.

[Adopted July 1, 2007, Rule 3.11 renumbered to 3.1.11 01/01/09]

Rule 3.1.12 Post Trial

In matters tried by a Court without a jury, the prevailing party (or the party designated by the Court) shall file the judgment with the Court within thirty (30) days after the Court awards judgment.

[Adopted July 1, 2007, Rule 3.2 renumbered to 3.1.12 01/01/12]

Rule 3.1.13 Stay of Execution Pending New Trial Motion

Only the trial judge may order an ex parte stay of execution pending the determination of a motion for new trial. If the trial judge is not available, the application shall be made to the presiding judge.

[Adopted January 1, 2007, Rule 3.13 renumbered to 3.1.13 01/01/09]

Rule 3.1.14 Judgment Pursuant to Stipulation

All ex parte applications for judgment, pursuant to stipulation, shall state the type of case, date of filing of original complaint, and whether the proposed judgment is fully dispositive of the case.

[Adopted January 1, 2007, Rule 3.14 renumbered to 3.1.14 01/01/09]

Rule 3.1.15 Court Reporters for Civil Trials

An attorney or party in civil matters hiring their own court reporters shall provide the name, address, telephone number, and Certified Shorthand Reporter (CSR) number of the court reporter to the courtroom clerk prior to the commencement of the proceeding. Attorney or party must ensure that the contracted court reporter is in good standing with the CSR certification board and all trial and appellate courts. The clerk shall note the court reporter's identifying information in the minutes.

The court will provide a reporter for civil law and motion on Monday and Wednesday in Department 7, and on Tuesday, Thursday, and Friday in Department 9.

[Adopted July 1, 2007, Rule 3.15 renumbered to 3.1.15 01/01/09, amended 01/01/13, 01/01/17]

Rule 3.1.16 Fee Waivers

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code Sections 68632 and 68633.

[Adopted 01/01/09, amended 01/01/12]

Rule 3.1.17 Fee Waivers From Inmates

The court has delegated to the clerk, the authority to grant applications to proceed in forma pauperis that meet the standards of eligibility in Government Code section 68635(g).

[Adopted July 1, 2009, amended 01/01/12]

Rule 3.1.18 Proof of Service Accompanying Case Management Statement

Proof of Service listing parties served must accompany Case Management Statement. The list must include counsel of record that was served and the party they represent. This document would accompany Judicial Council form number CM-110.

[Adopted January 1, 2014]

Rule 3.1.19 Failure to Appear at Pre-Voir Dire Conference

A failure to appear at the pre-voir dire conference may, in the discretion of the trial judge, be deemed a waiver of jury by the party failing to appear.

[Adopted January 1, 2015]

Division 2
Law and Motion

Rule 3.2.0 Scheduling Hearings and Tentative Rulings

(a) Civil law and motion matters are heard Monday through Friday at 8:30 a.m. at the El Centro Courthouse in the civil department to which a case has been assigned, unless otherwise directed by the Court. The moving party shall set the date of hearing by specifying the date, time, and department in the notice of motion, in accordance with statute. The Court may reschedule such matters to accommodate workload, if necessary. See the Court's website, www.imperial.courts.ca.gov, for setting mandatory reported cases.

(b) Any civil department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judge. The tentative ruling may specify the issues on which the Court wishes the parties to provide further argument. If a tentative ruling is issued the day before the date set for hearing, no notice of intent to appear is required to appear for argument, and the tentative ruling may be obtained from the Court's website. The tentative ruling may also be posted on a calendar note on the day of the hearing, or announced by the Court at the time of oral argument.

[Adopted July 1, 2007, amended 07/01/08, amended subd (a) 01/01/13]

Rule 3.2.1 Orders Shortening Time

An applicant must file all moving papers and pay appropriate fees at the time of making a request for an order shortening time. All orders shortening time shall contain a complete briefing schedule, including the date and time for filing the moving papers, the opposition, the reply and proofs of service, as well as the time and manner of service of all motion papers.

[Adopted July 1, 2007, Rule 3.17 renumbered to 3.2.1 01/01/09]

Rule 3.2.2 Failure to File Proof of Service of Notice of Motion

Except for petitions to enjoin harassment and orders to examine judgment debtors, if a party fails to timely file a required proof of service in accordance with CRC 3.1300(c), a

matter will be ordered off calendar unless opposition papers contesting the merits of the motion have already been timely filed.

[Adopted July 1, 2007, Rule 3.18 renumbered to 3.2.2 01/01/09]

Rule 3.2.3 Taking Motions Off Calendar

(a) A moving party may take a motion off calendar by filing a written notice at least (5) court days prior to a scheduled hearing date. Failure to file a written notice may be deemed by the Court to be a violation of an order of the Court, punishable by monetary sanctions payable to the Court under Section 177.5 of the Code of Civil Procedure, as well as any other sanctions provided by law.

(b) With regard to motions to compel discovery responses, parties shall notify the court in writing within twenty-four (24) hours of receipt of responses that make the motion moot. Failure to do so may constitute a waiver of sanctions sought in conjunction with the motion to compel.

(c) If an amended pleading is properly filed and deems a demurrer, motion to strike, or motion for judgment on the pleadings moot, the demurring or moving party shall file a written notice at least (5) court days prior to the scheduled hearing date. Failure to do so may constitute a waiver of any right to seek sanctions.

[Adopted July 1, 2007, Rule 3.19 renumbered to 3.2.3 01/01/09, subd (a)(b)(c) amended 01/01/12]

Rule 3.2.4 Separate Motion Requirement

(a) Every motion must be filed separately, except as stated herein. A motion for summary judgment may be filed with a motion for summary adjudication. Discovery motions to compel when there has been no response to the discovery request may be combined if they involve the same legal and factual issues. Requests for sanctions and stays are not considered "separate" motions when they are ancillary to another motion, except as otherwise required by statute. A request for dismissal is not considered a separate motion when combined with a motion for good faith settlement. However, all such "combined" motions are subject to the length restrictions imposed by the CRC 3.1113 for single motions.

[Adopted July 1, 2007, Rule 3.20 renumbered to 3.2.4 01/01/09, amended 01/01/12]

Rule 3.2.5 Joinders

(a) For purposes of this section, a joinder is defined as a pleading by a party requesting to be included in relief granted or denied by the Court on a motion in which the party is not the original moving or responding party. A joinder may not include separate points and authorities or evidence, but will be deemed to incorporate the arguments and evidence submitted in connection with the motion, opposition, or reply to which the joinder relates. A joinder in a motion, opposition, or reply must be filed and personally served within two calendar days after service of papers to which the joinder relates.

(b) A joinder should include only a brief statement of the basis for the joinder. If additional materials are necessary for the Court to grant the requested relief in favor of the party seeking to join in the motion or opposition, a separate motion, opposition, or reply must be filed.

(c) A joinder in a motion does not relieve a party of its individual burden to establish separate

entitlement to the relief requested, nor does it entitle the joining party to file a reply separate from that filed by the moving party, but the joining party may join in the reply.

(d) The proper response to an improper joinder shall be by objection.

[Adopted July 1, 2007, Rule 3.21 renumbered to 3.2.5 01/01/09]

Rule 3.2.6 Evidentiary Objections

(a) A party seeking to object to evidence offered in support of or in opposition to any motion shall either submit objections in writing or shall object on the record at the hearing prior to submission of the matter for decision. Any written objection shall be contained in a separate document, shall state the page and line number of the document to which objection is made, and state the grounds of the objection, in the same manner as a motion to strike evidence made at trial. Such written objections shall be filed and personally served no later than the close of business three (3) court days before the hearing.

(b) Opposition and/or reply papers to separate motions may not be combined.

[Adopted July 1, 2007, Rule 3.22 renumbered to 3.2.6 01/01/09]

Rule 3.2.7 Particular Motions

(a) In any case, where a bond or undertaking may be considered or is requested, a declaration must be submitted setting forth facts from which the Court may determine the appropriate amount of bond or undertaking. Failure to timely file such a declaration may result in a denial of the relief being sought.

(b) Consolidation Motions: Consolidation motions shall be noticed for hearing in the department in which the earliest filed case is pending, absent a court order to the contrary. Whenever an order for consolidation of cases for all purposes is made, the Court shall designate one of the consolidated cases the master file. All later filed papers shall thereafter be placed in the master file, and all hearing dates will be noticed under the master file number. At the time of the order for consolidation, any hearing date, in any case other than the master file case, are vacated. The order for consolidation shall, on a separate page, list all case numbers, associated parties, and their counsel, if any. If more than two cases are consolidated and the master file is settled or dismissed, the consolidated cases will be noticed or dismissed in forty-five (45) days, unless the parties appear ex parte before the Court to reactivate the consolidated cases and designates a new master file.

(c) Motions Requiring Separate Statements: The following motions shall include a separate statement identifying the elements of the various causes of action set forth in the complaint and setting forth evidence in support of each element:

(1) Claim for Punitive damages against health care provider (Section 425.13 of the Code of Civil Procedure);

(2) Claim against religious corporation for punitive damages (Code of Civil Procedure Section 425.14);

(3) Claim against volunteer director or officer of nonprofit corporation (Section 425.14 of the Code of the Civil Procedure);

(4) Opposing motions to strike in SLAPP suits (Section 425.16 of the Code of Civil Procedure);

(5) Protective orders (Section 3295 of the Civil Code) (prima facie evidence of liability for punitive damages). The separate statement shall be in the form set forth in the CRC 3.1350.

(d) Motions to Amend Pleadings or File Cross-Complaint: When filing a motion to amend a pleading or for leave to file a cross-complaint, the original signed proposed pleading shall be lodged with the Court when the moving papers are filed. If leave is granted, the proposed pleading will be filed by the Court and deemed served on all appearing parties as of the date of the ruling. All defaulted parties must be served with the amended pleading.

(e) Motions to Quash Service: If a party wishes to proceed against a defendant who prevailed on a motion to quash service on grounds of procedural defects in the manner of service (rather than jurisdictional defects), the party shall re-serve that defendant within fifteen (15) days of the Court's order, unless otherwise ordered. Failure to comply with this rule may result in dismissal of the new party, as well as imposition of sanctions as permitted by law.

(f) Requests for Sanctions: When monetary sanctions are sought, a declaration must be submitted, setting forth the nature of the attorney work performed, the amount of attorney time expended, and the sum deemed to be a reasonable hourly rate for the serviced performed.

(g) Good Faith Settlement Motions: The following language should be utilized in any formal order granting a good faith settlement motion: "The [unopposed] motion for good faith settlement [and dismissal] filed by [name of party] is granted pursuant to Section 877.6 of the Code of Civil Procedure. This determination bars any other joint tortfeasor or co-obligor from any further claims against the settling parties for equitable comparative contribution or partial or comparative indemnity based on comparative negligence or comparative fault."

If a concurrent motion for dismissal has been properly noticed, the following should be added to the order:

"All cross-complaints for equitable comparative contribution, or partial or comparative indemnity, based on comparative negligence or comparative fault against the settling tortfeasor or co-obligator are hereby dismissed."

[Adopted July 1, 2007, Rule 3.27 renumbered to 3.2.7 01/01/09]

Rule 3.2.8 Opposing and Reply Papers

(a) A party who has not timely filed and served written opposition to a motion, demurrer, or petition may not present oral argument at the hearing, unless authorized by the Court. Failure to serve and file a written opposition may be deemed a waiver of any objection and an admission that the motion, demurrer, or petition is meritorious.

(b) When a proof of service has not been executed by the time of opposing or reply papers are filed, the executed proof of service shall be filed within three (3) days after service has been completed except that a proof of personal service of reply papers may be brought to the hearing and filed at that time.

[Adopted July 1, 2007, Rule 3.28 renumbered to 3.2.8 01/01/09]

Rule 3.2.9 Conduct of Hearing

Parties may submit matters without being personally present at a hearing only if they notify opposing counsel and the clerk prior to the date and time set for such matters. Failure to do so shall be deemed cause for ordering such matters off calendar or for ruling in the absence of the parties.

[Adopted July 1, 2007, Rule 3.25 renumbered to 3.2.9 01/01/09]

Rule 3.2.10 Orders After Hearing

Orders after hearing shall refer to all matters covered by the Court, shall affirmatively state the result or relief, and shall specify if the ruling disposes of the entire case as to all parties. The introductory paragraph shall include the subject of the motion, demurrer, or petition, the date, time, department number, judge's name, and names of the parties and attorneys who appeared. The order shall set forth all relief granted, including the Court's stated reasons as well as the statutory grounds for the ruling, and shall not require reference to other documents.

[Adopted July 1, 2007, Rule 3.26 renumbered to 3.2.10 01/01/09]

Division 3
Ex Parte Relief

Rule 3.3.0 Policy

It is the policy of the Court to discourage unnecessary ex parte orders which may affect substantial rights of the parties. Ex Parte relief should be reserved for unavoidable emergency matters only. Therefore, whenever reasonable or practical, litigants are encouraged to use orders to show cause or noticed motions for contested hearings on the merits.

[Adopted July 1, 2007, Rule 3.27 renumbered to 3.3.0 01/01/09, amended 01/01/09]

Rule 3.3.1 Filing Fees, Case Number, and Hearing Date

Filing fees must be paid, or an application of fee waiver must be filed, before an application for ex parte relief will be heard. All documents in support of an ex parte application must be filed twenty-four (24) hours prior to the time for hearing.

[Adopted July 1, 2007, Rule 3.28 renumbered to 3.3.1 01/01/09, amended 01/01/17]

Rule 3.3.2 Scheduling of Ex Parte Hearings

A request for ex parte relief in a civil case assigned to a judge for all purposes will be heard by the judge so assigned, and shall be scheduled by contacting the Calendar Coordinator at (760) 482-2237 at least twenty-four (24) hours in advance. All other ex parte matters will be heard in the manner and at times ordered by the presiding judge. Ex parte applications will normally be ruled on in chambers without a reporter or parties present.

[Adopted July 1, 2007, Rule 3.29 renumbered to 3.3.2 01/01/09, amended 01/01/13]

Rule 3.3.3 Ex Parte Orders

Any order, judgment, or decree made by a judge ex parte must be in writing, signed by the judge, and filed and served within two (2) days thereafter or it may be voidable.

[Adopted July 1, 2007, Rule 3.30 renumbered to 3.3.3 01/01/09]

Division 4
Extraordinary Writs

Rule 3.4.0 Procedure

(a) In seeking traditional mandate, administrative mandamus, or prohibition relief, it is not necessary to obtain an alternative writ. A noticed motion procedure in compliance with Code of Civil Procedure § 1005 should be used whenever possible, and must be used if no alternative writ is sought, or where application for the alternative writ is denied by the court.

(b) Where an alternative writ is sought in the first instance, the petition must be filed, fees paid and a judge assigned. Petitioner shall then proceed in the manner required for ex parte relief generally.

[Adopted July 1, 2007, Rule 3.31 renumbered to 3.4.0 01/01/09]

Rule 3.4.1 Assignment

(a) Extraordinary civil writs and ex parte applications in connection therewith will be assigned in accordance with the direct calendaring system established by these rules, except as hereinafter indicated.

(b) Petitions for writs of habeas corpus or mandamus by inmates, directed at county jail or state prison officials, will be assigned to the Supervising Criminal Judge (SCJ).

(c) Where an application for extraordinary relief challenges a decision made by a judge to whom a case has been earlier assigned, the matter shall be assigned in accordance with the rules for the appellate division.

[Adopted July 1, 2007, Rule 3.32 renumbered to 3.4.1 01/01/09]

Division 5
Arbitration

Rule 3.5.0 Cases Subject to Arbitration

(a) All non-exempt unlimited civil cases where the amount in controversy does not exceed $50,000 as to any plaintiff, and all limited civil cases, shall be submitted to arbitration under CCP 1141.10 et seq.

(b) The determination as to whether to submit a case to arbitration shall occur at the case management conference.

[Adopted July 1, 2007, Rule 3.33 renumbered to 3.5.0 01/01/09]

Rule 3.5.1 Arbitration Administrator

The arbitration administrator is the CEO or their designee.

[Adopted July 1, 2007, Rule 3.34 renumbered to 3.5.1 01/01/09, amended 01/01/10]

Rule 3.5.2 Exemptions to Arbitration

Pursuant to CRC 3.811(b), the following categories of cases are exempt from judicial arbitration:

(a) Limited civil cases in which no jury trial is demanded and the estimated time for trial is one day or less;

(b) Collection actions (i.e., cases primarily seeking money on an assigned claim).

[Adopted July 1, 2007, Rule 3.35 renumbered to 3.5.2 01/01/09]

Rule 3.5.3 Arbitration Statement and Evidence

At the time of the arbitration hearing, or at any other time designated by the arbitrator, each party or attorney shall, unless excused by the arbitrator, submit the following:

(a) Copies of any offered pleading, arranged chronologically, and appropriately highlighted;

(b) An arbitration brief consisting of:

(1) A concise statement of facts;

(2) Legal and factual contentions of each party;

(3) A statement of damages sought to be awarded including the amount claimed, medical expense, and property damage;

[Adopted effective July 1, 2007, Rule 3.36 renumbered to 3.5.3 01/01/09, amended 01/01/10]

Rule 3.5.4 Settlement Conference

If a party makes a timely request for a trial following an arbitration award, a settlement conference will be scheduled. If a case does not settle at the settlement conference, the case may be ordered to trial on the next available date.

[Adopted July 1, 2007, Rule 3.37 renumbered to 3.5.4 01/01/09]

Rule 3.5.5 Withdrawal of Request for Trial Following Arbitration Award

If a party has requested a trial following an arbitration award, the request may be withdrawn by a written stipulation and the award entered as a judgment. If a party requesting a trial after arbitration award files a request for dismissal, such request for dismissal shall be deemed a withdrawal of the request for trial, and the clerk shall enter judgment on the arbitration award forthwith, unless all parties have consented to the request for dismissal.

[Adopted July 1, 2007, Rule 3.38 renumbered to 3.5.5 01/01/09]

Rule 3.5.6 Arbitrator's Fees

Arbitrators shall be paid $150 per case unless the Supervising Civil Judge authorizes a higher fee.

[Adopted July 1, 2007, Rule 3.39 renumbered to 3.5.6 01/01/09]

Division 6
[RESERVED]

Rule 3.6.0 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.0 01/01/09; Rule 3.6.0 repealed 01/01/10]

Rule 3.6.1 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.1 01/01/09; Rule 3.6.1 repealed 01/01/10]

Rule 3.6.2 [Repealed]

[Previously adopted July 1, 2009 renumbered to 3.6.2 01/01/09; Rule 3.6.2 repealed 01/01/10]

Rule 3.6.3 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.3 01/01/09; Rule 3.6.3 repealed 01/01/10]

Rule 3.6.4 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.4 01/01/09; Rule 3.6.4 repealed 01/01/10]

Rule 3.6.5 [Repealed]

[Previously adopted July 1, 2009; renumbered to 3.6.5 01/01/09; Rule 3.6.5 repealed 01/01/10]

Division 7
Special Case Categories

Rule 3.7.0 Judgment Debtor Examinations

(a) **Proof of Service**: Proof of service of the Order to Appear for Examination must be filed no later than five (5) calendar days before the date of the hearing. However, if the proof of service is not filed five (5) calendar days before the hearing, but the person ordered to appear does appear and is ready to proceed, the Court has discretion to order the examination be conducted.

(b) **Appearance at Examination**: Upon the call of the calendar, if the parties appear, the examination must proceed at once, unless a continuance is ordered by the Court. If the person ordered to appear does appear and the moving party fails to appear, the proceedings may, at the discretion of the Court, be continued to another day or be dismissed.

(c) **Nonappearance of Party to be Examined:** If the party to be examined fails to appear at the time and place set for examination, a bench warrant may be issued requiring attendance forthwith, provided the moving party complies with subdivision "(d)" of this rule within thirty (30) days after the examination date.

(d) **Bench Warrants of Attachment:** If a judgment debtor fails to appear for hearing as ordered, the judgment creditor may request issuance of a bench warrant of attachment. The judgment creditor must file with the clerk the following items before the bench warrant of attachment shall issue:

(1) Sheriff's instructions, fully completed, stating the location where the defendant may be served (forms available in Sheriff's office, original only required);

(2) Check made payable to the "Sheriff of Imperial County" for service fees; and

(3) A bench warrant of attachment form.

The above documents shall be filed within thirty (30) days of the order directing or granting the issuance of the bench warrant of attachment.

(e) **Continuances:** One or more continuances of a judgment debtor examination may be allowed upon stipulation of all parties or their attorneys, joined in by the person or entity ordered to appear, if approved by the Court upon good cause shown.

[Adopted July 1, 2007, Rule 3.46 renumbered to 3.7.0 01/01/09]

Rule 3.7.1 Unlawful Detainer Proceedings

(a) **Judgment for Money Damages after Judgment for Possession of the Premises:** When the plaintiff obtains a default judgment for possession of the premises, the case may be calendared for further hearing. In the alternative, a plaintiff may file a dismissal without

prejudice as to the money damages, attorney fees and costs.

(b) **Redesignation of Case Where Possession is No Longer In Issue:** The Plaintiff shall immediately notify the Court when possession is no longer in issue and request the matter be designated as a general civil matter.

[Adopted July 1, 2007, Rule 3.47 renumbered to 3.7.1 01/01/09]

Rule 3.7.2 Uninsured/Underinsured Motorist Actions

(a) If a complaint includes an uninsured/underinsured motorist claim as defined under Section 68609.5 of the Government Code and Section 11580.2 of the Insurance Code, Plaintiff shall file a declaration stating the case is an uninsured/underinsured motorist case, the name of insurance carrier, and amount of coverage. The Court will suspend the time requirements and the action shall be stayed for a period of one hundred eighty (180) days.

(b) A party who claims to be exempt from the stay and who desires to further prosecute the action shall object by noticed motion in the stayed action. Upon the expiration of the one hundred eighty (180) day stay period, the action shall be dismissed unless, upon noticed motion, good cause is shown to the contrary. If such motion is granted, the stay may be extended, but such an extension shall not exceed one hundred eighty (180) days.

[Adopted July 1, 2007, Rule 3.48 renumbered to 3.7.2 01/01/09]

Rule 3.7.3 Minors, Incompetents, Conservatees

(a) Guardians Ad Litem: Due to potential conflicts of interest, parents asserting individual claims or defenses on their own behalf shall not serve as guardians ad litem for their minor children absent a Court order to the contrary.

(b) Petition to Compromise: The person compromising the claim on behalf of a minor and the minor must be in attendance at the hearing, unless the Court orders otherwise.

(c) Attorney's Fees: Attorney's fees shall not exceed twenty-five percent (25%) of the gross settlement. Attorney's fees are not payable until the minor's funds have been deposited in accordance with the Court's order.

(d) Blocked Account: If the order approving the petition for compromise includes a provision that the settlement proceeds will be placed in a blocked account, an order to deposit money will be made at the same time to an account specified.

[Adopted July 1, 2007, Rule 3.49 renumbered to 3.7.3 01/01/09]

Rule 3.7.4 Class Action Rules

(a) Class Certification Conference: If the Court grants a motion for class certification, the Court will schedule a class certification conference within thirty (30) days to review the proposed notice to class members and will send notice of the same to all parties who have appeared in the case.

(b) Proposed Notice to Class: Three (3) court days prior to the class certification conference, the

prevailing party in a motion for class certification shall file with the Court and serve personally or by fax on the other appearing parties a proposed notice to the class of pendency of a class action, and a statement containing the following information:

(1) The time when and manner in which notice should be given;

(2) Any reasons why other parties should bear a portion of the cost and;

(3) An estimate of the cost involved in giving notice.

The proposed notice shall contain:

(i) A brief explanation of the case, including basic contentions or denials of the parties;

(ii) A statement that any member of the class who so requests by a specified date may "opt out"(be excluded from the class) of the action by giving notice;

(iii) Information concerning how a class member who desires to "opt out" may give notice;

(iv) A statement that the claims of a member who does not "opt out" will be terminated by the judgment in the action under the doctrine of res judicata; and

(v) A statement any member who does not "opt out" may seek leave of Court to appear as a named class co-representative, upon good cause shown on noticed motion.

(c) Dispensing with Notice: The Court has discretion to dispense with the notice requirement upon a proper showing, such as where only injunctive relief is sought.

(d) Progress Conferences: Within ninety (90) days after the initial case management conference, the Court may, upon motion of any party, schedule a progress conference to discuss class issues, establish precedence of discovery, schedule hearings, review status of settlement discussions and/or discuss pretrial determination of class issues and other initial case management conference issues.

(e) Attendance of Counsel: Counsel completely familiar with the case and possessing authority to enter into stipulations shall be present and fully prepared to discuss the issues outlined above. If counsel is not fully prepared, the Court may continue the hearing and impose sanctions against the offending attorney. If the hearing proceeds as scheduled, the orders made will not be subject to reconsideration due to counsel's unfamiliarity with the case at the time of the hearing. At the conclusion of the conference, the Court shall make an order which embraces the stipulations, if any, of the parties. Additional progress conferences will be scheduled at the Court's discretion.

[Adopted July 1, 2007, Rule 3.50 renumbered to 3.7.4 01/01/09]

Division 8
Miscellaneous Provisions

Rule 3.8.0 Procedure Upon Death of Plaintiff

Within ten (10) calendar days of receiving notice of the death of a plaintiff, counsel for the plaintiff shall file with the Court and serve upon all other parties in the action, a Notice of Death of the Plaintiff. Upon receipt of the notice, the Court shall suspend future consideration of the case for ninety (90) calendar days. The case shall be placed on a dismissal calendar to be heard ninety (90) days after the notice is filed unless:

(a) The original case is consolidated with a new wrongful death action;

(b) Good cause is shown upon written noticed motion to extend the time for dismissal; or

(c) Plaintiff's counsel moves to have the original action restored to active status.

[Adopted July 1, 2007, Rule 3.51 renumbered to 3.8.0 01/01/09]

Rule 3.8.1 Receivers

(a) A proposed order appointing a receiver shall set forth the powers of the receiver and shall designate as precisely as possible the real and personal property subject to receivership and specify the rate of compensation of the receiver.

(b) Employment of counsel by the receiver requires Court approval. An application for employment of counsel must set forth the attorney's hourly rate and a good faith estimate of the number of hours the attorney will expend on behalf of the receivership estate.

(c) Employment of a property manager requires Court approval. An application for employment of a property manager must set forth the property manager's rate of compensation and a good faith estimate of the number of hours the property manager will expend on behalf of the receivership estate.

(d) If the proposed property management company is affiliated with the receiver, full disclosure of the affiliation must be made to the parties and the Court.

(e) Any money collected by the receiver and not expended pursuant to the receiver's duties must be held in the receivership estate until Court approval of the receiver's final report and discharge of the receiver, unless otherwise ordered by the Court.

(f) Accountings filed in receivership proceedings shall set forth the beginning and ending dates of the accounting period and contain a summary of income, expenses, and capital outlays on a month-by-month basis. Receiver's fees and administrative expenses, including fees and costs of property managers, accountants, and/or attorneys previously authorized by the Court shall be included in the summary, but separately stated. The summary shall be supported by appropriate itemized schedules and evidentiary foundations.

[Adopted July 1, 2007, Rule 3.52 renumbered to 3.8.1 01/01/09]

Rule 3.8.2 Confidentiality Agreements, Protective Orders, Sealed Documents

(a) It is the policy of the Court that confidentiality agreements and protective orders are disfavored and

should be recognized and approved by the Court only when there is a genuine trade secret or privilege to be protected. Such agreements will not be recognized or approved by the Court absent a particularized showing (document by document) that secrecy is in the public interest, that the proponent has a cognizable interest in the material (e.g., the material contains trade secrets, privileged information, or is otherwise protected by law from disclosure), and that disclosure would cause serious harm.

(b) Sealed records may be viewed only by parties and their attorneys of record, unless the order sealing the records states otherwise. Sealed records may not be copied by persons authorized to view them, absent a court order to the contrary.

[Adopted July 1, 2007, Rule 3.53 renumbered to 3.8.2 01/01/09]

Rule 3.8.3 Daily Transcript of Proceedings

A party in a civil action may request a daily transcript of the proceedings. The Court may grant the request if such will not disrupt the regular assignment of court reporters. If the request is granted, the requesting party shall deposit with the clerk of the court each day a sum equal to the daily cost of the salary and benefits for court reporters in this county under existing law, to compensate the requisite additional reporter.

Current information regarding such cost is available in the office of the CEO.

[Adopted July 1, 2007, Rule 3.54 renumbered to 3.8.3 01/01/09]

Rule 3.8.4 Depositions

Any deposition returned to court may be opened by the clerk at the request of either party, and the clerk shall note thereon at whose request it was opened, and file the deposition on the day it was received by the clerk.

[Adopted July 1, 2007, Rule 3.55 renumbered to 3.8.4 01/01/09]

Rule 3.8.5 Bankruptcy

All parties to an action must promptly notify the Court in writing if during the litigation they become debtors in bankruptcy or if, to their knowledge, other parties to the litigation become debtors in bankruptcy.

[Adopted July 1, 2007, Rule 3.56 renumbered to 3.8.5 01/01/09]

Rule 3.8.6 Telephone Appearances

(a) Pursuant to California Rule of Court 3.670, the Court has contracted with CourtCall LLC, a private telephone appearance provider. The telephone number for CourtCall LLC is (888) 88-COURT [(888) 882-6878].

(b) The CourtCall Telephone Appearance Program (CourtCall) utilizes a procedure for telephone appearances by attorneys and parties representing themselves as an alternative to personal appearances. A CourtCall appearance is fully voluntary and available at a fixed fee for use only in civil cases, California Rule of Court 1.6 and 3.670.

(c) Hearings are conducted in open court. All persons making a CourtCall appearance call a designated toll free tele-conferencing number five (5) minutes before the calendared time of the hearing to check in with CourtCall. Attorneys or parties remain on the Court's speakerphone-telephone line and hear the same business that those present in the Court hear. Persons not participating by telephone appear

in person. All present in the courtroom hear the discourse of those making CourtCall appearances.

(d) CourtCall appearances are scheduled, in writing, in advance, by serving all parties and delivering (by fax, mail, or personal delivery) to CourtCall, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance. It is the responsibility of counsel or the party to obtain, from CourtCall, required forms and payment information.

(e) Except as otherwise stated below, parties have the option of appearing by telephone in case management proceedings, civil law and motion hearings and probate proceedings

(1) where the total time required for hearing of the matter will not exceed ten (10) minutes,

(2) where counsel has fully briefed all issues in writing and wishes only to be available to respond to questions from the Court or argument of opposing counsel, and

(3) where all documents and exhibits have been filed with the pleadings of the parties and no further documentation will be offered.

(f) The Court reserves the authority, at any time, to require a personal appearance at any hearing or conference for which the Court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. When the Court denies a request for telephone appearance, it shall order a refund of deposited telephone appearance fees and notify CourtCall.

(g) The Court reserves authority to halt a telephone hearing on any matter and order the parties or attorneys to personally appear at a later date and time, in which case no refund is permitted.

(h) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.

(i) Attorneys or parties choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.

(j) If telephone communication is disruptive to the court, telephone hearing will be terminated.

For procedure, see instruction sheet (CV-05 INFO).

[Adopted July 1, 2007, amended 01/01/09, Rule 3.57 renumbered to 3.8.6 01/01/09, subd (b) amended 01/01/12, adopted subd (j) 01/01/13]

Rule 3.8.7 Default Attorney Fee Schedule

(a) Whenever the obligation sued upon provides for the recovery of a reasonable attorney fee, the fee in each default case may be fixed pursuant to the following schedule:

25% of the first $1,000 (minimum fee of $150)
20% of the next $4,000
15% of the next $5,000
10% of the next $10,000
5% of the next $30,000
2% of the amount over $50,000

(b) In any case where an attorney claims he or she is entitled to a fee in excess of any of the above amounts, the attorney may apply to the Court therefore and present proof to support the claim. The Court shall determine a reasonable fee according to proof.

[Adopted July 1, 2007, Rule 3.58 renumbered to 3.8.7 01/01/09]

Division 9
Small Claims

Rule 3.9.0 Hearing Officer

An appointed commissioner, referee or temporary judge shall hear and adjudicate small claims cases at any designated court location within Imperial County.

[Adopted July 1, 2007, Rule 3.59 renumbered to 3.9.0 01/01/09]

Rule 3.9.1 [Repealed]

[Adopted July 1, 2007, Rule 3.60 renumbered to 3.9.1 01/01/09, repealed 01/01/12]

Rule 3.9.2 Calendaring Appeals

Small claims appeals must be filed at the court in which the small claims matter was heard.

The Superior Court Appellate Division will assign a case number to all appeals, and assign the case for trial de novo on a rotational basis to one of the civil judges, in the same manner civil cases are assigned. (See Local Rule 8.3.0)

[Adopted July 1, 2007, Rule 3.61 renumbered as 3.9.2 01/01/09, Rule 3.9.1 and 3.9.2 amended to 3.9.2 01/01/12]

Rule 3.9.3 Required Personal Appearance

A personal appearance is required for trials and hearings at which witnesses are expected to testify, except for appearances made in accordance with CCP 116.540. Telephonic appearances are not available in Small Claims Court.

[Adopted January 1, 2012]

Rule 3.9.4 Recalendaring of Unserved Small Claims Matters

The clerk, on plaintiff's ex parte request, may vacate the pending trial date and provide plaintiff a new trial date allowing sufficient time for service and notice provided that no defendant has been served with the original date. The clerk's authority is limited to issuing one such extension, being the first one after the original hearing date.

Such request for a new hearing date must be made no later than 3 court days before the original trial date. Continuance date will not be more than 45 days from the date of ex-parte request.

[Adopted January 1, 2017]

Chapter 4
Criminal Rules

Division 1
Misdemeanor and Felony

Rule 4.1.0 Filing Locations; Calendaring

(a) Out of custody misdemeanor complaints are filed in the venue referred to in Rule 2.7 except that criminal misdemeanor matters arising in the Winterhaven venue are filed in the Criminal Department of the Court Clerk's Office at the El Centro Courthouse.

(b) In custody misdemeanor complaints are filed in the El Centro Court Criminal Department or Brawley Court.

(c) Felony complaints are filed at the Criminal Department of the Court Clerk's Office at the El Centro Courthouse. The cases are heard at the Brawley Court, where defendants are then arraigned, and where pre-trials and preliminary hearings are held. When scheduling difficulties preclude a preliminary hearing from being heard at the Brawley Court, the preliminary hearing may be assigned to be heard by another bench officer. The Supervising Criminal Division Judge ("SCJ") may direct such an assignment.

(d) Where a defendant charged with one or more felonies is held to answer following preliminary hearing (or where a preliminary hearing is waived), an information must be filed with the Criminal Department of the Court Clerk's Office at the El Centro Courthouse, as required by law, unless the district attorney elects to deem the complaint as the information after the held to answer order of the Court, at which time the defendant will be arraigned on the information.

(e) In other cases, defendants charged by information with one or more felonies are arraigned in the master calendar department by the SCJ or any other judge who may be assigned to that department. The SCJ (or other judge assigned) thereafter hears and determines felony pretrial motions, presides over readiness conferences, and, where not inconsistent with law, assists in the disposition of cases without trial. At readiness conferences, the SCJ assigns cases for trial to judges on the criminal team.

(f) The Clerk of the Criminal Department calendars felony arraignments and all other post-preliminary hearing pre-trials and hearings in the master calendar department. When a case is assigned for trial from the master calendar, the courtroom clerk transfers the file to assigned department and advises Jury Commissioner staff of the assignment.

(g) Grand Jury indictments are received in the Court where the grand jury is seated, and are filed in El Centro where they are set for arraignment on the indictment.

(h) Juvenile infractions cited in Imperial County are filed in the El Centro Valley Plaza Courthouse.

[Adopted July 1, 2007, subd (h) adopted 01/01/10, Rule 4.0 renumbered to 4.1.0 01/01/12, subd (a)(b)(c) amended 01/01/14]

Rule 4.1.1 Peremptory Challenges

When a misdemeanor is assigned for trial, any peremptory challenge must be filed within ten (10) days of the notice of assignment.

[Adopted July 1, 2007; Rule 4.1 renumbered to 4.1.1 01/01/12]

Rule 4.1.2 Time for Filing Complaints

All criminal complaints charging in-custody defendants shall be filed at the earliest time possible, but in no case later than 11:30 a.m. on the date set for arraignment of the defendant on those charges. All criminal complaints charging out of custody defendants shall be filed not later than five (5) court days before the time set for arraignment, providing proof of notice has been filed with the court at least two (2) court days prior to the arraignment. Upon a showing of good cause, a later time for filing may be authorized by the judge assigned to the arraignment.

[Adopted July 1, 2007; Rule 4.2 renumbered to 4.1.2 01/01/12]

Rule 4.1.3 [Repealed]

[Rule 4.3 repealed July 1, 2008, adopted 07/01/07, Rule 4.3 renumbered to 4.1.3 01/01/12]

Rule 4.1.4 Pretrials

(a) Negotiation of criminal cases at the earliest practicable stage of the proceedings furthers a significant social policy and is to be encouraged. Counsels are strongly encouraged to meet and confer informally in an attempt to resolve cases at the earliest convenient time. The Court may decline to meet in any pretrial conference with parties who have not attempted a resolution beforehand.

(b) The first felony pretrial conference with the Court shall occur prior to the preliminary hearing. The prosecutor shall deliver to defense counsel (or to a defendant proceeding in pro per) a formal offer for resolution prior to or at the felony pretrial. Defense counsel shall meet with his/her client before said conference and be prepared to discuss the offer or other possible disposition with the Court. All counsel shall appear at the felony pretrial with the objective of disposing of the case.

(c) Early resolution will be best promoted if parties comply with the discovery statutes as soon as possible following the entry of the initial plea in the case. Pursuant to informal discovery request, the prosecutor shall disclose to the defense all police reports in his/her possession containing the information described in Penal Code Section 1054.1.

(d) After a defendant is held to answer or an indictment is filed, early disposition shall again be attempted following compliance by all parties with discovery rules.

[Adopted July 1, 2007; Rule 4.4 renumbered to 4.1.4 01/01/12]

Rule 4.1.5 Evidence at Pretrial Motions

In motions involving an evidentiary hearing, the moving party must specify on the first page of his/her notice of motion that an evidentiary hearing is requested and the estimate of time needed. Failure to comply with this rule may result in a denial of the right to present live testimony.

[Adopted July 1, 2007; Rule 4.5 renumbered to 4.1.5 01/01/12]

Rule 4.1.6 Motions to Suppress

(a) Where a moving party on a motion under Penal Code §§ 995 or 1538.5 intends to rely upon testimony in a transcript of prior proceedings, reference to such testimony identified as to page and line number in the transcript shall be included;

(b) At the preliminary examination, the magistrate may grant the defendant a continuance for the purpose of filing and serving the motion upon the People, upon a showing that the defendant or his or her counsel was not aware of the evidence or was not aware of the grounds for suppression before the preliminary examination.

(c) Defendant must specify the precise grounds for suppression of the evidence, including the inadequacy of any justification for the search and seizure. If defendant's motion alleges the lack of a warrant as the sole basis for suppression, any opposition filed by the People shall specify the justification for the warrantless search. The defendant shall then file and personally serve a reply brief at least two court days before the hearing specifying the inadequacies of the justification. The raising of new issues in the reply may constitute good cause for continuance to permit the People to prepare for the hearing.

(d) 1. A memorandum of points and authorities must include a statement of the case and a statement of facts setting forth all procedural and factual matters relevant to the issue presented.

2. The memorandum must clearly specify the factual and legal issues raised and the specific legal authority relied upon for the motion.

3. Failure of the moving party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is without merit.

4. Except as to motions to suppress heard at the preliminary examination, failure of the responding party to serve and file points and authorities within the time permitted without good cause may be considered by the court as an admission that the motion is meritorious.

[Adopted July 1, 2007; Rule 4.6 renumbered to 4.1.6 01/01/12, subd (c), (d) adopted 01/01/14]

Rule 4.1.7 Continuance Policy

(a) It is the policy of the Court that all criminal proceedings be set for trial at the earliest possible time. Consistent with said policy continuances will generally not be granted, absent good cause.

(b) If the need for such a continuance is caused by an act or omission of counsel for either party, sanctions may be imposed.

[Adopted July 1, 2007; Rule 4.7 renumbered to 4.1.7 01/01/12]

Rule 4.1.8 Bail/Fine

(a) The uniform countywide schedule of bail for all bailable felony offenses is adopted annually and is posted on the Court's website.

(b) Any application pursuant to Penal Code §1269c for an order setting bail in an amount greater or less than the amount specified by the bail

schedule shall be made on local form "Request for Increase/Decrease in Bail" (Form CR-01). The application must be signed under penalty of perjury, and submitted to the watch commander then on duty at the Imperial County Jail, who shall forthwith transmit it to a magistrate for review.

(c) Any person requesting a bail reduction or increase shall disclose all other applications that have been made prior to the subject request.

(d) If bail is set by a judge or magistrate out of court, any further out of court request for increase or reduction of bail shall be made to the judge who set such bail.

(e) The Uniform Bail and Penalty Schedules approved by the Judicial Counsel for all misdemeanor and infraction offenses is adopted annually and is posted on the Court's website.

[Adopted July 1, 2007, amended 07/01/08, subd (b) amended 01/01/10; Rule 4.8 renumbered to 4.1.8 01/01/12]

Rule 4.1.9 Official Electronic Recordings in Misdemeanor Criminal Cases

(a) Unless the trial court orders otherwise, the recording of misdemeanor trials shall be created by electronic recording of the proceedings.

(b) A party wishing to have a misdemeanor matter recorded other than a trial shall request recording, in writing, at least two (2) court days in advance.

[Rule 4.9 was adopted July 1, 2007, amended 01/01/08; title, subd (b) amended, subd (c) repealed 01/01/10; Rule 4.9 renumbered to 4.1.9 01/01/12]

Rule 4.1.10 Misdemeanor Warrant Procedure

(a) Warrants for the arrest of defendants in misdemeanor cases will expire one (1) year from the date issued. Expired warrants shall be considered invalid and unenforceable.

(b) Upon expiration of the warrant, the warrant shall be deemed recalled and the court will calendar the matter for hearing, and issue notice to the prosecuting agency:

(1) that the arrest warrant has expired, and that;

(2) The prosecuting agency is Ordered to Appear and to Show Cause why the underlying criminal action should not be dismissed or probation terminated.

(3) Upon a showing of Good Cause the Court may reissue the warrant of arrest.

[Rule 4.11 adopted July 2008, Rule 4.11 is renumbered to rule 4.1.10 01/01/12, subd (a) amended 01/01/15, subd (b)(d) repealed 01/01/15, subd (c) renumbered to subd (b) and amended 01/01/15, 01/01/16]

Rule 4.1.10.01 Pre Trial Services, O.R. Release

Upon the arrest of a defendant on any Misdemeanor Arrest Warrant, Warrant of Arrest (as defined in Penal Code sections 813-829) or Bench Warrant (as defined in Penal Code sections 978.5-983), it shall lie within the discretion of the Imperial County Sheriff to release the defendant on his/her Own Recognizance or any other conditional release consistent with the provisions of Penal Code Section 853.6.

(a) Unless the warrant specifies that OR is not authorized, persons arrested on misdemeanors must be released

unless they fit into specified disqualifying categories, set out in PC section 853.6 (basically, for the person's own safety, when there are outstanding arrest warrants, defendant cannot provide ID, or release would compromise public safety).

(b) There is no distinction made in PC section 853.6 between persons arrested on Bench Warrants as opposed to Arrest Warrants.

(c) Persons who are on Probation or Parole may not be released on OR without a court hearing, per PC 1319.5.

[Adopted January 1, 2016]

Rule 4.1.10.02 Purge of Active Misdemeanor Warrants with No Expiration Date

Active Misdemeanor Warrants more than 365 days from the date of issue will be subject to bulk Order to Show Cause Notice pursuant to the procedure in Local Rule 4.1.10(b). The warrants shall be deemed recalled and the court will provide a bulk Notice to the Imperial County District Attorney of the warrants, grouped by year. The underlying cases will be dismissed unless Good Cause is shown for reissuance.

[Adopted January 1, 2016]

Rule 4.1.11 Telephone Appearances

Telephone Appearances are not permitted in criminal proceedings.

[Adopted January 1. 2012, amended 01/01/13]

Rule 4.1.12 Civil Assessment

Upon full payment of any fine, where civil assessment pursuant to PC §1214.1 is imposed, the court delegates the following authority to the collections clerk:

(a) If paid within thirty (30) days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to $150.00.

(b) If paid within sixty (60) days from the notice of imposition of the civil assessment, the collections clerk will reduce the civil assessment to $200.00.

(c) The collections clerk has no authority to reduce the amount of the civil assessment after sixty (60) days from the notice of imposition.

[Rule 4.10 subd. (h) adopted July 1, 2007 is renumbered to 4.2.8 01/01/12, Rule 4.2.8 is renumbered to 4.1.12 01/01/13]

Rule 4.1.13 Vacate Civil Assessment

A party may submit an Ex Parte Request to Vacate Civil Assessment if a civil assessment was imposed pursuant to PC §1214.1. The form (CL-01) must be submitted with proof indicating the party was incarcerated, hospitalized, overseas on active military duty, or unable to pay fine for other good cause. The clerk will present the request to a judicial officer for ruling.

[Rule 4.10 subd. (g) adopted July 1, 2007 is renumbered to 4.2.9 01/01/12, Rule 4.2.9 is renumbered to 4.1.13 and amended 01/01/13]

Rule 4.1.14 Victim Restitution Costs

A 15% Collection Administrative fee will be added on Victim Restitution cases to offset the cost of collections allowed per PC 1203.1(1).

[Adopted January 1, 2013]

Rule 4.1.15 Request for Court Interpreter

An attorney or party in a criminal proceeding may require the services of a Certified Court Interpreter for a witness. The party or attorney must notify Court Administration at (760) 482-2250 forty-

eight (48) hours in advance of the following information: length of time needed, day or days needed, location, and language type.

[Adopted January 1, 2013]

Rule 4.1.16 Fine/Fee Payments

A clerk of the Court, upon defendant's written request to forfeit bail and make payments, is authorized to make an accounts receivable and charge a $30 installment fee if the fine is paid in payments (Form CR-11).

[Rule 4.10 subd. (i) adopted July 1, 2007 is renumbered to 4.2.6 01/01/12, Rule 4.2.6 is renumbered to 4.1.16 and amended 01/01/13]

Rule 4.1.17 Insurance VC §16028 Fine Reduced by Clerk

Defendant must obtain insurance within 45 days of citation date and provide six months valid insurance for fine to be reduced.

[Adopted January 1, 2013]

Rule 4.1.18 Payment Extension

A party that has been approved to make payments of fine may ask the clerk for one 30-day payment extension. The request must be presented in writing. Any further delay in payment may result in the imposition of a civil assessment per PC §1214.1

[Rule 4.10 subd. (f) adopted July 1, 2007 is renumbered to 4.2.7 01/01/12, Rule 4.2.7 is renumbered to 4.1.18 01/01/13]

Rule 4.1.19 Motions for State Prison Cases

Motions filed for incarcerated inmates of Imperial County prisons are scheduled as follows:

(a) Motions filed regarding an inmate at the Centinela State Prison are heard Tuesdays at 1:30 p.m. in the El Centro courthouse on the master calendar.

(b) Motions filed regarding an inmate at the Calipatria State Prison are heard Thursdays at 1:30 p.m. in the El Centro courthouse on the master calendar.

(c) Motions filed regarding an inmate at Centinela or Calipatria State Prison for inmates that are not yet bound over or indicted are heard at 9:00 a.m. on the Prelim Hearing calendar.

[Adopted January 1, 2014]

Rule 4.1.20 Bail Review Request

A defendant requesting a bail review must submit Form CR-14 at the time of the request.

[Adopted January 1, 2015]

Rule 4.1.21 Felony Warrant Procedure

(a) Warrants for the arrest of defendants in felony cases will expire upon the expiration of the Limitations period for that offense as specified in Penal Code Sections 799-805. The expiration date shall be indicated on the face of the warrant when issued. Expired Warrants shall be considered invalid and unenforceable.

(b) Upon expiration of the warrant, the warrant shall be deemed recalled and notice will be issued to the prosecuting agency:

(1) that the arrest warrant has expired, and that;

(2) The prosecuting agency is Ordered to Appear and to Show Cause why the underlying criminal action

should not be dismissed or probation terminated.

(3) Upon a showing of Good Cause the Court may reissue the warrant of arrest.

[Adopted January 1, 2016]

Rule 4.1.22 Purge of Active Felony Warrants with No Expiration Date

Felony Warrants that are still active beyond the limitations period specified in Penal Code 799-806 or more than 7 years from the date of issue will be subject to the Order to Show Cause Notice pursuant to the procedure in Local Rule 4.1.21(b) above. The warrants shall be deemed recalled and the court will provide a bulk Notice to the Imperial County District Attorney of the warrants, grouped by year. The underlying cases will be dismissed unless Good Cause is shown for reissuance.

[Adopted January 1, 2016]

Division 2 Infractions

Rule 4.2.0 Evidence

Pursuant to California Vehicle Code § 40901, in the trial of any alleged infraction of the California Vehicle Code or any local ordinance, testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to California Vehicle Code § 40500 and/or a business record or receipt that would otherwise be subject to a hearsay objection.

[Rule 4.10 subd. (d) adopted July 1, 2007 is renumbered to 4.2.0 01/01/12]

Rule 4.2.1 Continuance by Clerk

A clerk of this court may, upon written request of a defendant or his counsel, continue the initial and/or mandatory arraignment of a defendant, except for defendants released on bail. Such continuance must be 30 days or less. Only one continuance is allowed. Request must be submitted no less than twenty-four (24) hours prior to arraignment date.

[Rule 4.10 subd. (b) adopted July 1, 2007 is renumbered to 4.2.1, and amended 01/01/12, amended 01/01/13, 01/01/14]

Rule 4.2.2 Correctable

Correctable violations will not be dismissed by the clerk without proof of correction in the manner required by Vehicle Code 40616 and payment of required fee by the appearance date.

[Rule 4.10 subd. (a) adopted July 1, 2007 is renumbered to 4.2.2, and amended 01/01/12, 01/01/17]

Rule 4.2.3 Evidence of Compliance Non Traffic

The clerk is authorized to accept plea of guilty together with evidence of compliance and reduce fine to the mandatory fee.

[Adopted January 1, 2012]

Rule 4.2.4 Extension for Pay or Appearance Date

A party may request from the clerk, one extension not to exceed 30 days from the pay or appear date listed on the citation or notice to appear. The party must submit to the clerk the written extension request.

[Rule 4.10 subd. (e) adopted July 1, 2007 is renumbered to 4.2.4, and amended 01/01/12, 01/01/13]

Rule 4.2.5 Trial by Declaration

Trials by Declaration are governed by Vehicle Code § 40902 and California Rule of Court 4.210 and are made only on Judicial Council Form TR-205. Bail must accompany declaration. All proof(s) of correction and administrative fee(s) must be paid on all violations not contested. Only Vehicle Code or Local Ordinances adopted

pursuant to California Vehicle Code § 40903 are authorized for Trial by Declaration.

[Rule 4.10 subd. (c) adopted July 1, 2007 is renumbered to 4.2.5, and amended 01/01/12, amended 01/01/13]

Rule 4.2.6 Repealed

[Rule 4.10 subd. (i) adopted July 1, 2007 is renumbered to 4.2.6, and amended 01/01/12, repealed and renumbered to 4.1.16 01/01/13]

Rule 4.2.7 Repealed

[Rule 4.10 subd. (f) adopted July 1, 2007 is renumbered to 4.2.7 01/01/12, is repealed and renumbered to 4.1.18 01/01/13]

Rule 4.2.8 Repealed

[Rule 4.10 subd. (h) adopted July 1, 2007 is renumbered to 4.2.8 01/01/12, is repealed and renumbered to 4.1.12 01/01/13]

Rule 4.2.9 Repealed

[Rule 4.10 subd. (g) adopted July 1, 2007 is renumbered to 4.2.9 01/01/12, is repealed and renumbered to 4.1.13 01/01/13]

Rule 4.2.10 Insurance VC §16028 Fine Reduced by Clerk

Must obtain insurance within 45 days of citation date and provide six months valid insurance for fine to be reduced.

[Adopted January 1, 2013]

Rule 4.2.11 Request for Traffic School in Payments

A clerk of this court may, upon written request of a defendant or counsel, approve a request to pay traffic school fines and fees on a 90-day payment plan.

[Adopted January 1, 2015]

The following misdemeanor and felony Rules also apply to infraction cases:

4.1.12 Civil Assessment
4.1.13 Vacate Civil Assessment
4.1.16 Fine/Fee Payments
4.1.17 Insurance VC §16028
4.1.18 Payment Extension

Division 3
Juvenile Infractions

Rule 4.3.0 Traffic

The provisions of Welfare and Institutions Code Section 603.5 are hereby adopted with respect to minors alleged to have committed only a violation of the vehicle code or a violation of a local ordinance involving the driving, parking or operation of a motor vehicle.

[Rule 4.10 subd. (j) adopted January 1, 2011 is renumbered to 4.3.0 01/01/12]

Rule 4.3.1 Continuance by Clerk: Non-Traffic

A clerk of this court may, upon written request of a defendant or his counsel, continue the initial and/or mandatory arraignment of a defendant in a non-traffic infraction, except for defendants released on bail. Such continuance must be 30 days or less. Only one continuance is allowed. Request must be submitted no less than twenty-four (24) hours prior to arraignment date.

[Adopted January 1, 2013, amended 01/01/14]

The following misdemeanor and felony Rules also apply to juvenile infraction cases:

4.1.12 Civil Assessment
4.1.13 Vacate Civil Assessment
4.1.16 Fine/Fee Payments
4.1.17 Insurance VC §16028
4.1.18 Payment Extension
4.2.0 Evidence
4.2.2 Correctable
4.2.4 Extension for Pay or Appearance
4.2.5 Trial by Declaration

Chapter 5
Family Law

Division 1
General Provisions

5.1.0 Applicability

This division applies to any proceeding under the Family Code for dissolution of marriage or domestic partnership, legal separation or nullity of marriage or actions under the Domestic Violence Prevention Act, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act, and local child support agency actions.

[Rule 5.0 adopted July 1, 2007 is renumbered to 5.1.0 01/01/12]

Rule 5.1.1 Ex Parte Orders (Except Domestic Violence Protection Act Actions)

(a) Ex parte matters are heard at 1:30 p.m. in the Family Law Department. The judicial officer has the discretion of ruling on the motion based only on the submitted pleadings. Any oral testimony will be limited in scope and time only to the specific issues raised in the applicant's motion. All ex parte matters must be set for hearing except:

(1) Written stipulations [Note: if the stipulation involves a continuation of the court trial or a hearing involving oral testimony, please confirm dates with family law clerk.];

(2) Signature of an order or judgment after a default proceeding;

(3) Requests for advanced mediation;

(4) Wage and earnings assignment order;

(5) Restoration of former name after judgment; and

(6) Order for publication or posting.

(b) Disclosure of Prior Orders and Status Quo. The applicant must disclose whether any prior applications have been made on the same issue and whether any orders were made with respect to such applications. THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT THE REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded.

(c) Ex Parte Actions Disfavored.
Ex Parte applications in general are strongly disfavored. Ex parte motions to change a child's vacation or school or the holiday schedule are disfavored. Requests for such changes should be presented on a regular motion calendar. A judicial officer may grant an order shortening time for such hearing.

(d) Evidentiary Declarations.
The judicial officer will only consider ex parte requests that are supported by written statements that have been signed by the declarant under penalty of perjury. Those statements must contain sufficient factual information within the personal knowledge of the declarant, and not conclusions, feelings, or fears. The declarations must describe why the ex parte request cannot be

heard on the court's regular motion calendar.

(e) Showing Required. Ex parte orders regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California.

(f) Notice. The party seeking the order must notify all parties, or their attorney if represented, no later than 10:00 a.m. one court day before the ex parte appearance, absent a showing of exceptional circumstances that justify a shorter time for notice. A declaration regarding notice must be filed with the court.

(1) The contents of the notice must include the nature of the relief requested, and the date, time and place for the presentation of the application.

(2) Notice may be waived only if the party alleges that such notification may negate the benefit of the requested relief, or frustrate the purpose of the proposed order, or that the applicant would suffer immediate and irreparable injury before the other party can oppose the motion. Notice may also be excused if, following a good faith attempt, the giving of notice is not possible. See Local Form FL-06 (A).

(g) Proposed Order. The application must be accompanied by a proposed order. If the judicial officer does not sign the proposed order, it will be returned to the moving party. If the judicial officer signs the proposed order, the applicant may obtain a conformed copy for service

[Rule 5.1 adopted July 1, 2007, amended 01/01/08, subd (a)(b)(c)(d)(e)(f) amended 01/01/10; Rule 5.1 is renumbered to 5.1.1 01/01/12]

Rule 5.1.2 Hearings

(a) Failure of a moving party or attorney to be present at calendar call may result in the matter being removed from the calendar. If the responding party has appeared, attorney's fees and costs may be awarded to the appearing party against the offending party or attorney without prior notice other than this rule. The level of award of attorney's fees and costs shall be based on actual reasonable fees and costs resulting from the incident, and may be established by testimony of the party or the party's counsel.

(b) The parties shall meet and confer prior to any scheduled hearing in a good faith effort to resolve all pending issues. If the Court determines that the parties have not done so, the Court may trail or continue the matter to allow the parties to meet and confer.

[Rule 5.2 adopted July 1, 2007, amended 07/01/09, sub(c) amended 01/01/11, Rule 5.2 renumbered to 5.1.2, subd(c)(d) repealed 01/01/12]

Rule 5.1.3 Telephone Appearances

(a) In Family Court, appearances are governed by local rule 3.8.6 except as indicated in subdivision (b).

(b) In Family Support, Title IV-D Hearings, a party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government

agency who wishes to appear by telephone at a hearing must file a Request for Telephone Appearance-Judicial Council Form (FL-679) with the court clerk at least twelve (12) court days before the hearing. This request must be served on all parties by the close of the next court day as provided in California Rules of Court 5.324.

(c) If telephone communication is disruptive to the court, telephone hearing will be terminated.

For procedure, see instruction sheet (CV-05INFO).

[Rule 5.2 adopted July 1, 2007, subd (c)(d) renumbered to 5.1.3, amended 01/01/12, adopted subd (c) 01/01/13, and amended 01/01/13]

Rule 5.1.4 Referrals to Mediation

(a) Before a hearing on any disputed issue of custody or visitation, the parties must participate in mediation. In addition, if there is any disputed issue of custody or visitation, the parties must participate in mediation prior to the first case management conference scheduled in the case. For mediation appointment, see Rule 5.1.8 Stipulated Mediation.

(b) A referral of a party to mediation is a court order, and each party is required to attend and participate in mediation. At the time of the referral to mediation, the Court will set a date for further hearing, in advance of which, mediation shall be concluded.

(c) A mediation appointment may be rescheduled one time by each party, or by court order. A request to reschedule shall be made at least five court days prior to the mediation date by telephoning the Civil Department at (760) 482-2240.

(d) Failure to cancel or reschedule mediation at least five court days before the mediation date, and failure to attend and participate in mediation, may subject the party to monetary sanctions of up to $300.00 for each occurrence.

(e) The mediator shall review such items as the parties may submit to the mediator prior to the mediation session which the parties feel would be helpful to the mediation process, including items from the Court's file such as the moving and responding papers and any pertinent prior orders or judgments.

(f) During mediation, the parties shall use their best efforts to settle the disputed custody and visitation issues.

(g) If a disputed custody or visitation issue is resolved prior to mediation, the moving party or attorney must promptly notify the other party or attorney, and inform the Court in writing.

[Rule 5.3 adopted July 1, 2007, amended 01/01/09, 01/01/11, Rule 5.3 is renumbered to 5.1.4 01/01/12]

Rule 5.1.5 Participation in Mediation

The mediator has the duty of assessing the needs and best interest of the children, and may interview them if the mediator determines it is appropriate or necessary. The mediator has the authority to involve such persons in the proceedings, as the mediator deems appropriate. Children shall not be brought to the mediator's facility, except upon the request of the mediator.

[Rule 5.4 adopted July 1, 2007 is renumbered to 5.1.5 01/01/12]

Rule 5.1.6 Confidentiality of Mediation

Mediation must be held in private, and is confidential. Mediators are not allowed to testify concerning any aspect of the mediation process.

[Rule 5.5 adopted July 1, 2007 is renumbered to 5.1.6 01/01/12]

Rule 5.1.7 Results of Mediation

(a) If mediation results in an agreement, the mediator shall reduce the agreement to writing and present it to the parties for signature. If all parties have signed the agreement, the signed agreement shall be placed in the court file in an envelope marked "Confidential-Mediation Agreement." for Court review.

(b) If mediation yields no agreement on any issues, the mediator shall report only that mediation was unsuccessful.

[Rule 5.6 adopted July 1, 2007, amended 01/01/08, Rule 5.6 is renumbered to 5.1.7 01/01/12]

Rule 5.1.8 Stipulated Mediation

The parties may agree to mediation before a hearing on a notice of motion or order to show cause by filing the Stipulation for Mediation Form (FL-05) with a notice of motion or order to show cause. Upon signed mediation agreement, the clerk will set date for further hearing.

[Rule 5.7 adopted July 1, 2007, amended 01/01/11, Rule 5.7 is renumbered to 5.1.8 01/01/12]

Rule 5.1.9 Referral to Counseling

Where custody or visitation is in dispute, the parties shall, preferably in writing, address the issues in Family Code §§3190-3192, including (1) any alleged substantial danger to the best interests of the child, and (2) the manner in which counseling is in the best interests of the child.

[Rule 5.8 adopted July 1, 2007, amended 01/01/08, Rule 5.8 is renumbered to 5.1.9 01/01/12]

Rule 5.1.10 Repealed

[Rule 5.9 adopted July 1, 2007, repealed 01/01/08 is renumbered to 5.1.10 01/01/12]

Rule 5.1.11 Court Experts and Investigators

In an appropriate case, the Court may refer the matters of custody and visitation to the Probation Department, or to another Court expert for an investigation and report pursuant to Family Code Section 3110 or Evidence Code Section 730. The Court may also appoint an attorney for a child or private custody evaluator or investigator. The cost of experts shall be borne by the parties in a proportion to be ordered by the Court.

[Rule 5.10 adopted July 1, 2007 is renumbered to 5.1.11 01/01/12]

Rule 5.1.12 Court Experts

When a court-appointed investigator makes contact with minor children of families being investigated, the following rules shall apply:

(a) The investigator must advise the child that any disclosures will not be confidential, unless the Court grants a protective order protecting such disclosures, in which case, the investigator shall so advise the child. Where the lack of confidentiality seems to impede the investigation, the investigator may recommend that an attorney be appointed for the child, or communicate with each party (or counsel, if represented) and recommend that the matter be calendared for the purpose of

discussing an appropriate protective order.

(b) In a dispute between parents, a child interviewed by the investigator with one parent must be interviewed with the other, unless the Court orders otherwise on good cause shown.

(c) Initial interviews of siblings must be conducted separately, but subsequent joint interviews may be appropriate.

(d) In a dispute between parents, an investigation may be based on an interview with only one parent, unless the Court orders otherwise on good cause shown.

[Rule 5.11 adopted July 1, 2007 is renumbered to 5.1.12 01/01/12]

Rule 5.1.13 Disqualification of Court Expert

No expert appointed by the Court to perform an independent custody evaluation under Family Code Section 3110 and Rule 5.220 of the California Rules of Court may be peremptorily challenged.

[Rule 5.12 adopted July 1, 2007 is renumbered to 5.1.13 01/01/12]

Rule 5.1.14 Distribution of Investigation Report

The investigation report of any expert appointed by the Court shall be distributed in writing as follows: A copy will be delivered to the Court in an envelope marked "confidential." Contemporaneously, copies shall be delivered or mailed to all counsel and unrepresented parties. Service on counsel shall be considered sufficient service on the party represented by that counsel.

[Rule 5.13 adopted July 1, 2007 is renumbered to 5.1.14 01/01/12]

Rule 5.1.15 Complaints against Court Mediators, Evaluators, and Investigators

Any party or attorney representing a party with a grievance regarding mediation or evaluation may file a complaint with the CEO or designee according to court policy.

[Rule 5.14 adopted July 1, 2007, amended 07/01/08, Rule 5.14 is renumbered to 5.1.15 01/01/12]

Rule 5.1.16 Case Management

(a) It is the policy of the Superior Court to actively manage family law cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

(b) At the time of filing a petition for any case under this chapter, an initial case management conference will be scheduled by the Court one hundred eighty (180) days thereafter and notice thereof delivered by the clerk to the petitioner at the time the petition is filed.

(c) A copy of the Notice of Case Management and a blank Case Management Questionnaire (FL-03) must be served on the responding party along with the summons and petition, and proof of service of thereof filed with the Court.

(d) At the request of any party or upon the Court's motion, any other appropriate contested family law matter may be set for a case management conference.

(e) At least fifteen (15) days before the initial case management conference, all counsel, and/or self-represented parties must file and serve on all parties a completed Case Management Questionnaire (FL-03).

(f) At the case management conference, the Court shall continue the case for further review/case management, or schedule the case for settlement conference and/or trial. If a further review/case management conference is scheduled, the Court may require a supplemental case management questionnaire to be completed, served, and filed.

[Rule 5.15 adopted July 1, 2007, amended 07/01/08, subd (g) adopted 01/01/11, Rule 5.15 is renumbered to 5.1.16 01/01/12, subd (g) repealed 01/01/17]

Rule 5.1.17 Exchange of Settlement Proposals

At least thirty (30) days prior to the date set for settlement conference, counsel for each party, and/or the self-represented parties must meet and confer, and exchange written settlement proposals, in a good faith effort to resolve issues in the case.

[Rule 5.16 adopted July 1, 2007 is renumbered to 5.1.17 01/01/12]

Rule 5.1.18 [Repealed]

[Rule 5.17 adopted July 1, 2007 is renumbered to 5.1.18; and repealed 01/01/12]

Rule 5.1.19 Trial Conference

On the date set for trial, and prior to any evidence being presented, the Court may, with the agreement of all counsel and parties, conduct settlement discussions. By participating in this conference, all counsel and/or self-represented parties waive the right to disqualify the judge other than for actual cause.

[Adopted July 1, 2007, amended 01/01/11, Rule 5.18 is renumbered to 5.1.19 01/01/12]

Rule 5.1.20 Trial Brief (Form FL-08)

(a) Each counsel and /or self-represented party shall prepare, serve, and file a Trial Brief at least ten (10) days before trial. The brief must include the following information and attachments, if applicable to the disputed issue in the case:

(1) A confirmation that the preliminary disclosure statements have been served and filed with the court;

(2) A summary of all issues resolved; if the resolution is by written agreement, a copy of the agreement; if the agreement is oral, a statement of the details;

(3) A summary of all issues in dispute, and the propounding party's proposed resolution of them;

(4) A complete and current Income and Expense Declaration (FL-150);

(5) A complete and current Schedule of Assets and Debts (FL-142);

(6) A complete and current Property Declaration (FL-160);

(7) A detailed itemization of all disputed marital assets and debt, and a proposal for an equal division of property. The proposed division shall specify any assumption or payment of debts and liabilities and any tax consequences;

(8) Proposed orders for the child support, including guideline calculations;

(9) Proposed orders for spousal support, including detailed justification;

(10) Proposed orders for custody and visitation, including proposed access schedules;

(11) Proposed orders for attorney's fees, court costs, and payment of other costs of litigation;

(12) Points and authorities on any disputed issues of law applicable to the case;

(13) Values of property shall be supported by appraisals or statements, copies of which shall be attached, unless good cause is shown why no appraisal or statement has been obtained. Except for items of unusual value, personal property maybe aggregated as e.g., "jewelry $1000." There shall be rebuttable presumption that the average Kelly Blue Book value shown for a given vehicle is its fair market value;

(14) If it is claimed that an item of property is wholly or partially separate, the statement must clearly show the item or amount claimed to be separate, and the justification thereof. If any community funds have been used to purchase or maintain separate property, the amounts and the times the payments were made must be shown;

(15) A list of all witnesses to be examined, a brief synopsis of their testimony, and copies of the resumes of any expert witnesses;

(16) Any additional information which the party believes would be helpful to the Court.

(b) Failure to timely file a proper trial brief may result in the trial being vacated, the imposition of monetary sanctions including payment of costs and fees, or in trial sanctions precluding the litigation of issues or the exclusion of evidence. The Court has authority to impose these sanctions on its own motion. The sanctions may also be requested by an adverse party on noticed motion.

[Rule 5.19 adopted July 1, 2007, subd (a) amended 01/01/10, Rule 5.19 is renumbered to 5.1.20 01/01/12]

Rule 5.1.21 Income & Expense Declarations

In supplying Income and Expense Declarations for the Court's consideration, the party must include the following (on attachments, if necessary):

(a) Wage earners shall attach legible copies of their last two months' pay stubs, or a declaration by their employer establishing that no such stubs exist.

(b) Employment benefits whether in cash or in kind.

(c) If applicable, an explanation of why the party is currently unemployed and the nature of efforts made to seek new employment.

(d) Where employment is seasonal, a description of the employment.

(e) The identity of all income-producing household members, their relationship to a party, gross and net income, contribution to household expenses, and financial arrangements between the parties, if any.

(f) A complete description of all other sources of income.

(g) Self-employment and business income, with supporting documentation including, but not limited to, current business tax returns and/or verified profit and loss statements.

[Rule 5.20 adopted July 1, 2007 is renumbered to 5.1.21 01/01/12, subd (a) amended 01/01/17]

Rule 5.1.22 Child Support

(a) When a proposed default judgment contains an award of child support, a copy of support calculations generated by computer software certified by the Judicial Council must be attached.

(b) Where a proposed judgment contains an order for child support for a party who has requested or is currently receiving public assistance, or where child support is currently being enforced by Imperial County Department of Child Support Services in a separate case, the Judgment must have an attachment from the Imperial County Department of Child Support Services or a conformed copy of the current order.

[Rule 5.21 adopted July 1, 2007 is renumbered to 5.1.22 01/01/12, repealed subd (b) 01/01/13, adopted subd (b) 01/01/14.]

Rule 5.1.23 Spousal Support

The Court will consider all relevant factors in setting pendente lite/temporary spousal support, including guideline calculations based upon the formula adopted by Alameda County.

[Rule 5.22 adopted July 1, 2007, amended 01/01/09, 01/01/10, amended 01/01/11, Rule 5.22 is renumbered to 5.1.23 01/01/12]

Rule 5.1.24 Default or Uncontested Judgments

Parties seeking entry of a default judgment or uncontested judgment in cases involving child custody or visitation issues must file a declaration informing the court of the extent of contact between the parents and the child(ren) during the last six months at the time the proposed judgment is entered. California Judicial Council Forms (FL-170), (FL-230), and (MC-030) may be used for this purpose, as applicable. Any change to the residence of the child(ren) requires the filing of an updated Declaration Under Child Custody Jurisdiction and Enforcement Act-Judicial Council Form (FL-105).

[Rule 5.24 adopted July 1, 2007, amended 01/01/11, Rule 5.24 is renumbered to 5.1.24 01/01/12, amended 01/01/13]

Rule 5.1.25 Attorney's Fees and Costs

If request is made for an order for attorney's fees and costs, the requesting party shall file a current Income and Expense Declaration-Judicial Council Form (FL-150). The requesting party or his or her attorney shall also file a declaration which shall include:

(a) The services performed and costs incurred to date;

(b) The time expended;

(c) The hourly billing rate if applicable;

(d) The best estimate of future services to be performed, costs to be incurred, and reason therefore;

(e) Each party's access to community property;

(f) The specific amounts requested;

(g) The total amount paid by or on behalf of the party requesting fees and costs;

(h) A history of prior appearance and awards; and

(i) The extent to which there is a disparity of income between the parties.

(j) The ability of one party to pay for legal representation for both parties. Any other relevant factors.

[Rule 5.25 adopted July 1, 2007, subd (i) amended 01/01/11, subd (j) adopted 01/01/11, Rule 5.25 is renumbered to 5.1.25 01/01/12]

Rule 5.1.26 Privilege Against Self Incrimination

In contempt proceedings, a party may file a notice that he or she is exercising his or her right against self-incrimination, which shall be filed with the Court and served on all parties. Time for all requests for discovery requiring a personal response from the party under oath shall be tolled pending resolution of the contempt citation.

[Rule 5.26 adopted July 1, 2007 is renumbered to 5.1.26 01/01/12]

Rule 5.1.27 Domestic Violence and Child Custody Orders

(a) Court Communication Regarding Restraining Orders.

(1) All counsel and/or self-represented parties must disclose to the Court all known existing restraining or protective or custody/visitation orders that are in effect anywhere involving the parties and/or their children.

(2) Orders that permit contact between a defendant or restrained person subject to either CLETS Civil Restraining Orders or Criminal Protective Orders and his or her children, shall contain specific language setting forth the time, day, place, and manner of the transfer of the children, including the safe exchange of the children, in accordance with Section 3100 of the Family Code. Such an order shall not contain language that conflicts with a Criminal Protective Order against any restrained party. Safety of all parties shall be the Court's primary concern;

(3) Any Court issuing any orders involving child custody or visitation shall make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action;

(4) Any Court issuing a criminal protective order shall make reasonable efforts to determine whether there exists any child custody or visitation orders that involve any party to the action;

(b) Modification of Criminal Protective Orders. Any Court responsible for issuing custody or visitation orders involving minor children of a defendant or restrained person

subject to a Criminal Protective Order may modify the Criminal Protective Order if all of the following circumstances are applicable;

(1) Both the defendant or restrained person and the victim or protected person are subject to the jurisdiction of the Family, Juvenile, and Probate Court, and both parties are present before the Court;

(2) The defendant or restrained person is on probation (formal or court) for a domestic violence offense in Imperial County;

(3) The Family, Juvenile, or Probate Court identifies a Criminal Protective Order issued against the defendant, which is inconsistent with a proposed Family, Juvenile, or Probate Court order, such that the Family, Juvenile, or Probate Order is/will be more restrictive than the Criminal Protective Order or there is a proposed custody or visitation order which requires recognition in the Criminal Protective Order.

(4) The defendant signs an appropriate waiver of rights form or enters a waiver of rights on the record.

(5) Both the victim or protected person and the defendant or restrained person agree that the Criminal Protective Order may be modified to a more restrictive order.

(c) The following Criminal Protective Orders may not be modified in Family, Juvenile, or Probate Court:

(1) Pre-Trial Orders;

(2) Requests for modifications of Criminal Protective Orders, which are less restrictive than the existing Criminal Protective Orders.

(d) The Family, Juvenile, or Probate Court may, at the request of an interested party or on its own motion, calendar a hearing before the Criminal Court on the issue of whether a Criminal Protective Order should be modified. The Family, Juvenile, or Probate Court shall provide the Criminal Court with copies of existing or proposed Orders relating to the matter. Notice if the hearing will be provided to all counsel and parties.

[Rule 5.27 adopted July 1, 2007 is renumbered to 5.1.27 01/01/12]

Rule 5.1.28 Preparation and Service of Proposed Judgment After Trial

Party preparing the judgment must serve the proposed judgment on the other party within five (5) court business days of trial unless the court orders otherwise. The other party shall have ten (10) calendar days from the date of mailing to review the order and notify the drafting party in writing of objections to its content. Failure to notify the drafting party within the time required shall be deemed an approval. The drafting party must, upon expiration of the ten-day period, promptly file the proposed judgment to the court together with a statement of any responses from the other party or a statement that no responses were received.
If the party ordered to prepare the judgment fails to do so, or if the opposing party files

objections to the proposed judgment within ten (10) calendar days of mailing, the opposing party may prepare and submit a proposed judgment to the court with a letter and copy of the proposed judgment to the other party.

[Adopted January 1, 2013, amended 01/01/16]

Rule 5.1.29 Findings and Orders After Hearing

The moving party filing a motion or Request for Order shall provide a proposed Findings and Orders After Hearing at the time of filing. If the proposed Findings and Order After Hearing is not submitted at the time of filing the moving party must comply with California Rules of Court 3.1312 and 5.125.

[Adopted January 1, 2013, amended 01/01/15]

Division 2
Family Law Facilitator

Rule 5.2.0 Family Law Facilitator

(a) The office of the family law facilitator may perform all duties prescribed or permitted by the Family Law Facilitator Act, Family Code §10000, et seq.

(b) In the event that the facilitator deems himself or herself disqualified or biased, he or she shall so advise the court executive officer, so that an alternate facilitator can be assigned to the case.

(c) If there is a grievance against the facilitator, it shall be submitted in writing to the court executive officer.

[Adopted July 1, 2007, amended 07/01/08, Rule 5.23 is renumbered to 5.2.0 01/01/12]

Chapter 6
Juvenile Proceedings

Division 1
General Provisions

Rule 6.1.0 Attendance

Unless excused by the Court, each party and attorney shall attend each scheduled Juvenile Court hearing.

[Rule 5.28 adopted July 1, 2007, Rule 5.28 renumbered to 6.0 01/01/08, Rule 6.0 renumbered to 6.1.0 01/01/12]

Rule 6.1.1 Presence of Minor

(a) All minors shall attend Court hearings unless excused for one of the following reasons:

(1) The minor's attorney waives the minor's appearance;

(2) The minor chooses not to attend;

(3) The minor is excused by the Court; or

(4) The minor is disabled, physically ill, or hospitalized.

(b) Every minor ten (10) years or older shall be told of his or her right to attend court hearings and all minors over the age of ten (10) shall be given notice by the investigating or supervising social worker.

[Rule 5.29 adopted July 1, 2007, Rule 5.29 renumbered to 6.1 01/01/09, Rule 6.1 renumbered to 6.1.1 01/01/12]

Rule 6.1.2 Attorney Competency

(a) All attorneys who represent parties in juvenile court proceedings must be competent within the meaning of these rules. In order to be deemed competent, all attorneys who represent parties in juvenile court proceedings must meet the minimum standards of training and/or experience set forth in these rules and the CRC.

(b) Each attorney of record for a party to a dependency matter who meets the minimum standards of training and/or experience must complete and submit a certification of competency (JV-01) to the Court Executive Officer within ten (10) days of his or her first appearance in a dependency matter.

(c) Attorneys who meet the foregoing minimum standards of training and/or experience shall be deemed competent to practice before the Juvenile Court in dependency cases, except as provided otherwise herein.

(d) Any attorney appearing before the Court in a dependency case who does not meet the minimum standards of training or experience shall notify the Court to that effect and shall have ten (10) days there from to complete the minimum requirements of these rules and the CRC.

(e) If a Court appointed attorney fails to complete such training, the Court shall order that counsel deemed competent be substituted for said attorney. If counsel is retained, the Court shall notify the party that his or her counsel has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(f) The Court may also determine, based on conduct or performance of counsel before the Court in a

dependency case within the six-month period prior to the submission of the certification to the Court, that a particular attorney does not meet minimum competency standards. In such case, the Court shall not appoint such attorney to represent parties in juvenile dependency matters until the Court is satisfied the attorney meets the minimum competency standards.

(g) In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the Juvenile Court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

[Adopted July 1, 2007, Rule 6.4 renumbered to 6.1.2 01/01/12]

Rule 6.1.3 Minimum Standards of Attorney Education and Training

(a) The minimum training and educational requirements for attorneys representing parties in juvenile court proceedings are as follows:

(1) Participation in at least eight hours of training or education in a juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs of appeal, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts, or

(2) At least six months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. 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.

(b) In order to retain his or her certification to practice before the Juvenile Court, each attorney who has been previously certified by the Court shall submit a new certificate of competency to the Court on or before January 31st of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach the renewal Certification of Competency as evidence that he or she has completed at least eight hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider, a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider, a copy of the training or educational program schedule together with evidence of attendance at such program, or such other documentation as may reasonably be considered to demonstrate the attorney's

attendance at such program. Attendance at a court-sponsored or approved program will also fulfill this requirement.

(c) The attorney's continuing training or education shall be in the areas set forth in these rules or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

(d) When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the Court by the due date, the Court shall notify the attorney that he or she will be decertified. The attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education.

[Adopted July 1, 2007, Rule 5.33 renumbered to 6.5 01/01/09, Rule 6.5 renumbered to 6.1.3 01/01/12]

Rule 6.1.4 Standards of Representation

All attorneys appearing in dependency:

(a) The attorney shall thoroughly and completely investigate the accuracy of the allegations of the petition or other moving papers and the court reports filed in support thereof. This shall include conducting a comprehensive interview with the client to ascertain his or her knowledge and/or involvement in the matters alleged or reported, contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information, consulting with and, if necessary, seeking the appointment of experts to advise the attorney or the Court with respect to matters which are beyond the expertise of the attorney and/or the Court, and obtaining such other facts, evidence or information as may be necessary to effectively present the client's position to the Court.

(b) The attorney shall determine the client's interests and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts are unknown, this shall include a comprehensive interview with the client. If the client is a minor child who is placed out of home, in addition to interviewing the child, the attorney shall also interview the child's caretaker. The attorney or the attorney's agent shall make at least one visit to the home. Thereafter, the attorney or attorney's agent should make at least one visit to the child at the child's placement prior to each review hearing.

(c) The attorney shall advise the client of the possible courses of action and of the risks and benefits of each. This shall include advising the client of the risks and benefits of resolving disputed matters without the necessity for adhering to court mandated time limits.

(d) The attorney shall vigorously represent the child within applicable legal and ethical boundaries. This

shall include the duty to work cooperatively with other counsel and the Court, explore ways to resolve disputed matters without hearing if it is possible to do so in a way which is consistent with the client's interest, and to comply with local rules and procedures as well as with statutorily mandated timelines.

[Adopted July 1, 2007, Rule 5.34 renumbered to 6.6 01/01/09, Rule 6.6 renumbered to 6.1.4 01/01/12]

Rule 6.1.5 Discovery

(a) Pre-hearing discovery shall be conducted informally. Except as protected by privilege, all relevant materials shall be disclosed in a timely fashion to all parties of the litigation.

(b) Only after all informal means have been exhausted may a party petition the Court for discovery. A noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information.

(c) There shall be no depositions, interrogatories, subpoenas of juvenile records or other similar types of civil discovery without approval of the Juvenile Court upon noticed motion.

(d) In contested proceedings, the social worker's narratives and other relevant case records shall be made available to all counsel at least ten (10) calendar days before the hearing and any up-dated records two (2) calendar days before the hearing. In all other cases, such documents shall be made available at least two (2) calendar days prior to the hearing.

(e) Upon timely request, parents, guardians and de facto parents shall disclose to all other parties such non-privileged material and information within their control which is relevant.

(f) No party or attorney in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or Court order.

(g) No party or attorney in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without Court approval. This rule does not apply to the DSS case manager or other authorized DSS social worker.

(h) All attorneys representing parties in a dependency case in which child abuse has been alleged and other participants in the case, including a child advocate, shall attempt to minimize the number of interviews taken of the minor relating to the events surrounding the alleged abuse. Any person entitled to information about the alleged incident shall first review any previous information or reports made by the investigating officer(s).

[Adopted July 1, 2007, Rule 5.36 renumbered to 6.8 01/01/09, Rule 6.8 renumbered to 6.1.5 01/01/12]

Rule 6.1.6 Ex Parte Applications and Orders

(a) Before submitting ex parte orders to the Court for approval, the applicant must give notice to all counsel, social workers, CASA, and parents who are not represented by counsel, or explain the reason notice has not been given.

(b) Any party requesting ex parte orders must give all other parties at least 24 hours' notice of any intention to seek an ex parte application, and complete a "Declaration Re notice of Ex Parte Application" form (JV-02) so indicating. The original declaration and accompanying application for order must be submitted to the clerk in the civil department.

(c) Upon receipt of the application and declaration of notice, the courtroom clerk will note the date and time received in the upper right corner of the declaration.

(d) An opposing party must present any written opposition to a request for ex parte orders to the courtroom clerk within twenty-four (24) hours of receipt of notice. The Court may render a decision on the ex parte application or set the matter for hearing. The applicant is responsible or serving all noticed parties with copies of the Court's decision or notice that the Court has calendared the matter and the applicant shall notify all parties of any hearing date and time set by the Court.

(e) Whenever possible the moving and responding papers and declaration re: notice shall be served on the attorneys for each parent, attorney for the child, county counsel, supervising social worker and parents who are not represented by counsel.

(f) Notice may be excused if the giving of such notice would frustrate the purpose of the order and cause the child to suffer immediate and irreparable injury.

(g) Notice may also be excused if, following a good faith attempt, the giving of notice is not possible, or if the opposing parties do not object to the requested ex parte orders.

[Adopted July 1, 2007, Rule 5.38 renumbered to 6.10 01/01/09, Rule 6.10 renumbered to 6.1.6 01/01/12, subd (b) amended 01/01/14]

Rule 6.1.7 Application for Modification of Court Orders

(a) If relief is sought on an ex parte basis the Court shall either grant a hearing and assign a hearing date, or grant or deny the petition for modification outright.

(b) After the judicial officer grants a hearing, the party who presented the petition for modification shall file the petition for modification and any supporting papers with the clerk's office and serve copies of the filed petition for modification and any supporting papers on each party and the party's counsel, if any.

(c) If the judicial officer grants a hearing on the petition for modification and assigns a hearing date, the party who presented the petition for modification shall serve, no less than ten (10) calendar days prior to the assigned hearing date, the filed petition for modification and any supporting papers on each party and the party's counsel, if any. If the petition for modification and any supporting papers are not served on each party or the party's counsel, if any, in compliance with this rule, the hearing date may be taken off calendar.

(d) Any party seeking an order temporarily granting the relief sought in a petition for modification pending the hearing on that petition, shall specify in the petition the fact that temporary relief is being sought and the specific nature of the

temporary relief sought. Any such request for temporary relief shall be accompanied by evidence demonstrating that the order temporarily granting the relief sought in a petition for modification is in the best interests of the minor.

[Adopted July 1, 2007, Rule 5.39 renumbered to 6.11 01/01/09, Rule 6.11 renumbered to 6.1.7 01/01/12]

Rule 6.1.8 Authorizations for Travel, Medical and Dental Care

(a) Unless ordered otherwise by the Court, a minor's care provider may travel with the minor within the State of California with the concurrence of DSS. Any travel for the minor out of the State of California shall require prior Court approval.

(b) Unless counsel for a party has specifically requested advance notice of ex parte applications regarding out-of-state travel or medical/dental care for the minor, an ex parte application may be made, without advance formal notice, to the judicial officer in whose courtroom the minor's case is assigned, seeking an order permitting minor to travel out of state with the foster parent or care provider, relative, or other appropriate adult acceptable to DSS, or an order authorizing that medical or dental care be performed on the minor. All such ex parte applications shall be filed no less than ten (10) calendar days prior to the proposed travel or medical/dental care, absent good cause shown on the application, or unless the Court has specified a greater or lesser period. All such ex parte applications shall include the following information.

(1) the name and address of each party to the action, and the name and address of each party's counsel;

(2) the efforts made to obtain the consent of and/or give notice to the parents or guardians of the minor of the proposed travel or medical/dental care;

(3) if a parent or guardian has refused to agree to the proposed travel or to give consent to medical/dental care, that fact shall be noted on the application, including the ground for the parent/guardian's refusal, if known;

(4) for any parent or guardian whom DSS was unable to locate to give notice and/or obtain consent, a description of the efforts made to locate the parent/guardian; the fact the minors counsel has been notified of the proposed travel or medical/dental care, and said counsel's position on the proposed travel or medical/dental care.

(c) When presented with an ex parte application for order authorizing out-of-state travel or medical/dental care, the Court shall either grant the request and issue the order, or deny the request. If the Court issues the requested order authorizing out-of-state travel or medical/dental care the presenting party must present the application form and order to all counsel. Any party disagreeing with the order for out-of-state travel or medical/dental care shall place the matter on calendar for further consideration.

[Adopted January 1, 2007, Rule 5.40 renumbered to 6.12 01/01/09, Rule 6.12 renumbered to 6.1.8 01/01/12]

Rule 6.1.9 Procedures for Reviewing and Resolving Complaints Against Attorneys

(a) Any party to a juvenile court proceeding may lodge a written complaint with the juvenile presiding judge concerning the performance of his or her appointed attorney in a juvenile court proceeding. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent.

(b) Each appointed attorney shall give written notice to his or her adult client of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. The notice shall be given to the client within ten (10) days of the attorney's appointment to represent the client. Evidence that a copy of said notice was given or mailed to the client shall be provided to the Court within ten (10) days of giving notice. In the case of a minor client, the notice shall be mailed or given to the current caretaker of the child. If the minor is twelve (12) years of age or older, a copy of the notice shall also be sent or given to the minor.

(c) The Court shall review a complaint within ten (10) days of receipt. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or has violated local rules, the Court shall notify the attorney with a copy of the complaint and shall give the attorney twenty (20) days from the date of the notice to respond to the complaint in writing.

(d) After a response has been filed by the attorney or the time for a submission of a response has passed, the court shall review the complaint and the response, if any, to determine whether the attorney acted contrary to local rules or has acted incompetently. The Court may ask the complainant or the attorney for additional information prior to making a determination on the complaint.

(e) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acts contrary to the rules of the Court, the Court may reprove the attorney, either privately or publicly, and may, in cases of willful or egregious violations of local rules, issue such reasonable monetary sanctions against the attorney as the Court may deem appropriate.

(f) If, after reviewing the complaint, the response and any additional information, the Court finds that the attorney acted contrary to the required standards of representation, the Court may order that the attorney practice under the supervision of a mentor attorney for a period of at least six months, that the attorney complete a specified number of hours of training or education in the area in which the attorney's conduct caused actual harm to his or her client, or both. In cases in which the attorney's conduct caused actual harm to his or her client, the Court shall order that competent counsel be substituted for the attorney found to have been incompetent and may, in the Court's discretion, refer the matter to the State Bar of California for further action.

(g) The Court shall notify the attorney and the complaining party in writing of its determination of the complaint. The attorney shall have ten (10) days after the date of the notice to request a hearing before the Court concerning the Court's proposed action. If the attorney does not request a hearing within that period of time, the Court's determination shall become final.

(h) If the attorney requests a hearing, the attorney shall serve a copy of the request on the complaining party. The hearing shall be held as soon as practicable after the attorney's request therefore, but in no case shall it be held more than thirty (30) days after it has been requested, except by stipulation of the parties. The complainant and the attorney shall each be given at least ten (10) days notice of the hearing. The hearing may be held in chambers. The hearing shall not be open to the public. The court may designate a commissioner, referee, judge pro tempore, or any qualified member of the bar to act as hearing officer.

(i) At hearing, each party shall have the right to present arguments to the hearing officer with respect to the Court determination. Such arguments shall be based on evidence before the Court at the time the determination was made. No new evidence may be presented unless the party offering such evidence can show that it was not reasonably available to the party at the time that the Court made its initial determination with respect to the complaint. Within ten (10) days after the hearing, the Court or hearing officer shall issue a written determination upholding, reversing, or amending the Court's original determination. The hearing decision shall be the final determination of the Court with respect to the matter. A copy of the hearing decision shall be provided to both the complainant and the attorney.

[Adopted July 1, 2007, Rule 5.41 renumbered to 6.13 01/01/09, Rule 6.13 renumbered to 6.1.9 01/01/12]

Rule 6.1.10 Request for Court Interpreter

An attorney or party in a juvenile proceeding may require the services of a Certified Court Interpreter for a witness. The party or attorney must notify Court Administration at (760) 482-2250 forty-eight (48) hours in advance of the following information: length of time needed, day or days needed, location, and language type.

[Adopted January 1, 2015]

Division 2
Court Appointed Special Advocate

Rule 6.2.0 General

(a) A Court Appointed Special Advocate, hereinafter "advocate", is appointed by the Court on behalf of children, and usually only in juvenile dependency proceedings. An advocate serves at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed.

(b) Each advocate shall be sworn in by a Superior Court Judge before beginning his or her duties. An advocate is an officer of the Court and is bound by all court rules.

(c) Advocates serve under the guidance and supervision of the Imperial County CASA program staff and are expected to comply with operational policies and procedures approved by the program's Board of Directors,

Sections 100 through 109 of the Welfare and Institutions Code, Rule 1424 of the California Rules of Court, any and all Judicial Council Guidelines, local rules of court, and the provisions of any agreement entered into by the Imperial County CASA program with the Juvenile Court.

[Rule 5.30 adopted July 1, 2007, Rule 5.30 renumbered to 6.2 01/01/09, Rule 6.2 renumbered to 6.2.0 01/01/12]

Rule 6.2.1 Function of Advocates

In general, an advocate's functions are as follows:

(a) Support the child throughout the court proceedings;

(b) Explain the court proceedings to the child;

(c) Establish a relationship with the child to better understand the child's needs and desires;

(d) Review available reports and records regarding the child's family history, school behavior, medical or mental health history, etc. including relevant records pertaining to the child from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic.

(e) Identify and explore potential resources that will facilitate family preservation, early family reunification, or alternative permanency planning;

(f) Explain the advocate's role, duties, and responsibilities to all parties associated with a case.

(g) Visit the child regularly until the child is secure in a permanent placement. Thereafter, the advocate shall monitor the case as appropriate until Dependency is dismissed or the advocate is relieved from appointment.

(h) Communicate the child's needs to the Court through written reports to the Court and make recommendations to the Court on what placement, or permanent plan (if any), and services are best for the child;

(i) Determine whether appropriate services, including reasonable efforts, are being provided to the child and family;

(j) Ensure that the Court-approved plans for the child are being implemented; attend Court hearings;

(k) Investigate the interests of the child in judicial or administrative proceedings outside of Juvenile Court, and communicate and coordinate efforts with the child's social worker and attorney.

(l) Conduct an independent investigation of the circumstances surrounding the case, and interview and observe the child and other appropriate individuals (that is, the parties involved in the case as well as other persons having significant information relating to the child).

[Adopted January 1, 2011]

Rule 6.2.2 Specific Duties of Advocate

The Court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the advocate's duties in each case. If no specific duties are outlined by court order, the advocate shall discharge his or her obligation to the child and Court in accordance with the general duties set forth above. The extent of an advocate's investigative authority is the same as any other officer of the Court appointed to investigate proceedings on behalf of the Court. An advocate is required to report the results of his or her investigation to the Court and, if ordered to do so, provide the Court with any other information the Court specifically requests.

[Adopted January 1, 2011]

Rule 6.2.3 Family Law Advocate

Should the Juvenile Court dismiss Dependency and create a Family Law Order pursuant to W.I.C Section 362.4, the Court may continue the advocate's appointment in the Family Law proceeding. In such case, the Court shall specify the nature, extent, and duration of the advocate's duties in the Family Law proceeding.

[Adopted January 1, 2011]

Rule 6.2.4 Referral Procedures

(a) A child's dependency case may be referred by the Court or by any interested person to the CASA program for evaluation for appointment at any point in the proceedings.

(b) Upon acceptance of the case by the program and acceptance by an available advocate, an Order for Appointment shall be submitted to the Court by the CASA program staff, requesting appointment of the identified volunteer. The Court may appoint an advocate at any time following the jurisdictional hearing. In extraordinary cases, the presiding judge, or his or her designee, may appoint an advocate prior to the establishment of jurisdiction. In such cases, the judicial officer shall be particularly specific as to the duties of the advocate in order to reduce the risk that the advocate may become involved in the investigative process.

(c) The CASA office will notify the parties of the appointment of an advocate, and provide the name and contact information of the specific advocate assigned to the case.

[Adopted January 1, 2011]

Rule 6.2.5 Criteria for Referral to CASA Program

Priority consideration for appointment of an advocate will be given involving the following circumstances;

(a) Severe physical/sexual abuse cases where the child is not released to a parent or relative, and/or the child is seriously traumatized.

(b) Cases that involve Special Needs Children that involve conflicting opinions as to assessment and/or treatment for child, or where treatment plans or resources will be difficult to arrange. "Special Needs Children" are identified as children who have experienced three or more separate placements during any consecutive 12-month period or who have been diagnosed or have a history of the following:

(1) Conduct disorder with aggressive tendencies or antisocial behavior;

(2) Attention Deficit Hyperactive Disorder treated by psychotropic drugs;

(3) Self-destructive or suicidal behavior;

(4) Use of psychotropic drugs;

(5) Developmental disability;

(6) Fire setting;

(7) Manifestation of psychotic symptoms, such as delusion, hallucination, or disconnected or incoherent thinking;

(8) Summarization of psychosomatic problems, such as a sleeping or eating disorder;

(9) Chronic depression or social behavior;

(10) Severe sexual acting-out behavior; or

(11) Substance abuse.

(c) Cases of re-abuse that involve a number of issues or a number of interested parties;

(d) Children ten (10) years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification;

(e) Children age 0-8 years old in foster care, where a CASA volunteer might expedite the case toward family reunification or adoption, if reunification is not appropriate; and

(f) Short-term CASA intervention or involvement may facilitate case resolution or clarification of issues or by gathering or researching information, e.g., contacting out-of-state relatives or investigating medical concerns to assist the Court in reaching a decision.

[Adopted January 1, 2011]

Rule 6.2.6 Release of Information to Advocates

An advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation) with regard to records held by any agency, school, organization, division or department of the state, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her identification as a court appointed special advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to child.

[Adopted January 1, 2011]

Rule 6.2.7 Report of Child Abuse

An advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed. As such, an advocate is required to report any reasonable suspicion that the child is a victim of child abuse or serious neglect as described by Penal Code Section 273.

[Adopted January 1, 2011]

Rule 6.2.8 Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments maintained among the advocate, the social worker, the child's attorney (if any), attorneys for parents,

relatives (to the extent permitted by law), foster parents (to the extent permitted by law), and any therapist for the child.

[Adopted January 1, 2011]

Rule 6.2.9 Right to Timely Notice and Right to Timely Appear

(a) An advocate shall be provided proper and timely notice for all proceedings held in cases to which the advocate has been appointed.

(b) An advocate has the right to be personally present at all hearings and to be heard at all Court hearings. The advocate shall have the right to participate in any chambers' conferences which are held in the proceedings to which the advocate has been appointed. If the child is allowed to testify in chambers or to otherwise participate in any chambers' conference, the advocate shall have the right to accompany the child. An advocate shall not be subject to exclusion by virtue of the fact that he or she may be called to testify at some point in the proceedings.

(c) An advocate shall not be deemed to be a "party" as described in Title 3 of Part 2 of the Code of Civil Procedure. However, the Court, in its discretion, shall have the authority to grant the advocate amicus curiae status, which includes the right to appear with counsel.

[Adopted January 1, 2011]

Rule 6.2.10 Access to Records

(a) All information concerning children and families in the Juvenile Court process is confidential. An advocate shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff except as may be ordered by the Court. Any request for access to these records by a non-party must be made to the Presiding Juvenile Court judge through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code sections 827 and 828 (Form JV-570).

(b) The child's case file shall be maintained in the Imperial County CASA office by a custodian of records. No one shall have access to that file except upon approval of the CASA program director. All records will be kept for a minimum of five (5) years and appropriately destroyed, pursuant to Welfare and Institutions Code section 826(a).

(c) An advocate's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the CASA program director, and the presiding judge of the Juvenile Court (or his or her designee). A CASA volunteer's personnel records, however, are subject to the Court's subpoena power. All subpoenas are to be served on the CASA program director at the Imperial County CASA program's offices at:

Court Appointed Special Advocate Program
690 Broadway, Suite #6
El Centro, CA. 92243

[Adopted January 1, 2011]

Rule 6.2.11 Appeal and Grievance Procedures

(a) Advocates serve at the pleasure of the Court; the appointment is a privilege and not a right. The Presiding Juvenile Court judge or his or her designee has the sole authority

and power to appoint and/or remove an advocate to or from a case. There is no appeals process from the Court's decision.

(b) The Imperial County CASA program has established an internal process for the submission and investigation of grievances which process shall be followed.

(c) Once an advocate has been removed from a case, the volunteer is not to contact any of the parties in the case. Advocates who are removed or terminated from the program shall not be appointed on any other case.

[Adopted January 1, 2011]

Rule 6.2.12 Distribution of CASA Reports

Absent good cause, the CASA court report must be filed with the court and distributed to the persons entitled to receive it at least two court days before the hearing for which the report was prepared. It shall be the responsibility of CASA to copy and distribute the CASA court report. Copies of the report shall be filed with the Court and distributed to all counsel of record, the Department of Social Services, and any party to the proceeding not represented by counsel.

[Adopted January 1, 2016]

Division 3
Dependency

Rule 6.3.0 Visitation

(a) Visitation between a minor and the minor's parents, or guardians should be as frequent as possible based on the individual circumstances of the case. Orders for visitation may be issued at any schedule hearing. Arrangements for visitation may be modified by the filing and approval of a WIC Section 388 petition. Unless specified otherwise by the Court, the following definitions shall apply to visitation Supervised Visits: DSS is responsible for the supervision of visits unless the court order specifies that a third party may assume the role. Probation staff may supervise visitation at the shelter receiving home. Only reasonable visits may be required to be supervised.

Reasonable Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.
Liberal Visits: Visits may include overnight and weekends and up to a maximum of fourteen (14) consecutive days.
Extended Visits: Visits which last beyond fourteen (14) consecutive days. Pursuant to state regulations, extend visits become placements after sixty (60) consecutive days.

(b) Any significant decrease from the court-ordered level of a party's visitation shall be presented to the affected party for comment before being submitted to the Court. The Court may set a hearing on the issue after hearing the party's comments on the proposed reduction.

[Adopted July, 1, 2007, Rule 6.3 renumbered to 6.3.0 01/01/12]

Rule 6.3.1 Procedures for Informing Court of the Interests of a Dependent Child

(a) 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 which needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have a right or interest which needs to be protected or pursued in another judicial or administrative forum, counsel shall notify the Court of such right or interest as soon as it is reasonably possible to do so.

(b) Notice to the Court may be given by the filing of Judicial Council Form JV-540 or by the filing of a declaration. In either case, the person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

(c) If the person filing the notice is the counsel for the minor, 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 a guardian ad litem may be necessary to initiate or pursue the proposed actions, whether joinder of an administrative agency to the juvenile court proceedings pursuant to WIC Section 362 may be appropriate or necessary to protect or pursue the child's interests and whether further investigation may be necessary.

(d) 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.

(e) The Court may set a hearing on the notice if the Court deems it necessary in order to determine the nature of the child's right or interest or. whether said interest should be protected or pursued.

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

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

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

(3) Notice a joinder hearing pursuant to WIC Section 362 compelling the responsible agency to report to the Court with respect to whether it has carried out its statutory duties with respect to the child;

(4) Appoint a guardian ad litem for the child for the purposes of initiating or pursuing appropriate action in the other forum(s);

(5) Take any other action the Court may deem necessary or appropriate to protect the welfare, interests, and rights of the child.

[Adopted July 1, 2007, Rule 5.35 renumbered to 6.7 01/01/09, Rule 6.7 renumbered to 6.3.1 01/01/12]

Rule 6.3.2 Production of DSS Reports

(a) Reports prepared by DSS shall be filed, served, and made available to all counsel before the hearing in accordance with the following time limitations, unless otherwise ordered by the Court:

(1) Jurisdictional and/or dispositional reports are due at least two (2) judicial days before the hearing;

(2) Review of dependency status and status review reports are due at least ten (10) calendar days before the hearing.

(3) All other reports shall be due a reasonable time before the hearing, but in no event less than two (2) court days.

(b) If a report is not timely filed or made available to all counsel, then any affected party or the Court, may move to strike the report, or request a continuance of the hearing to the extent permitted by law.

(c) The names of any experts to be called by any party and copies of their reports, if not part of a social study report prepared by DSS, shall be provided to all counsel at least five (5) calendar days before the hearing.

[Adopted July 1, 2007 Rule 5.37, Rule 5.37 renumbered to 6.9 01/01/09, Rule 6.9 renumbered to 6.3.2 01/01/12]

Rule 6.3.3 Financial Responsibility for Attorney Fees in Juvenile Dependency Cases

(a) Pursuant to Welfare & Institutions Code 903.45, the court will evaluate the financial ability of parent(s) or guardian(s) to reimburse the court for legal services.

(b) Financial Responsibility may be determined at the close of the disposition hearing. The court will order responsible parties to appear before a Financial Evaluator for preparation of a financial evaluation and recommendation of the party's ability to pay cost of legal services. The court will order one of the following:

(1) The party will be ordered to report to the Financial Evaluator of the Superior Court of California, County of Imperial, within 7 calendar days (if in custody, 7 days from release) at 1625 W. Main Street, 2nd floor, El Centro, CA 92243. The telephone number is 760-336-3510

OR

The parties will be required to provide all information regarding his/her financial status and ability to reimburse the court for court appointed legal assistance, pursuant to Penal Code Section 987.8, Welfare & institutions Code Section 903.45, and Government Code Section 27750. Party will bring the following items to the meeting with the Financial Evaluator:

- Completed Financial Declaration
- Public Assistance Verification
- Most recently prepared tax return

- Current Profit and Loss if self employed
- Wage Statements for the last month
- Verification for any other income

Upon completion of the financial evaluation, parties are entitled to a formal hearing wherein this court will make a determination concerning the value of services rendered and ability to pay the cost of court appointed legal fees. At that hearing parties shall be entitled, but not limited to the rights enumerated in Government Code Section 27755. If, after the conclusion of this hearing, the court determined that Party has the present ability to pay for all or part of the legal costs of services rendered, the court may then order party to pay such costs.

(2) If the parties receive public assistance or their gross income is less than 125% of federal poverty guidelines and parties do not have enough income to pay for household needs and attorney fees. The assessment of attorney fees would harm the parties ability to support the child(ren) or limit their ability to comply with re-unification plan requirements. After review of the case, the court will not order payment of legal fees.

(c) The following juvenile dependency fees may be imposed:

Detention	$228
Disposition	$348
6 month review	$206
12 month review	$147
18 month review	$62
.26 hearing	$304
First Permanency Placement Hearing	$37
Second Permanency Placement Hearing	$37
Third Permanency Placement Hearing	$37
39.1B writ	$859

(d) Pursuant to Welfare & Institutions Code Section 903.1 (b) no fee will be assessed if the case is dismissed at or before jurisdictional hearing.

[Rule 5.42 adopted July 1, 2007, Rule 5.42 renumbered to 6.14 01/01/09, subd (c) amended 01/01/10, subd (b)(c)(d) adopted 01/01/12, Rule 6.14 renumbered to 6.3.3 01/01/12]

Division 4
Delinquency

Rule 6.4.0 Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases

(a) Pursuant to Welfare & Institutions Code 903.45, the court will evaluate the financial ability of parent(s) or guardian(s) to reimburse the county for legal services.

(b) Financial Responsibility may be determined at the close of the disposition hearing. The court will order responsible parties to appear before a Financial Evaluator for preparation of a financial evaluation and recommendation of the party's ability to pay cost of legal services.

The court will order one of the following:

(1) The party will be ordered to report to the Financial Evaluator of the Superior Court of California, County of Imperial, within 7 calendar days (if in custody, 7 days from release) at 1625 W. Main Street, 2nd floor, El Centro, CA 92243. The telephone number is 760-336-3510.

OR

(2) The parties will be required to provide all information regarding his/her financial status and ability to reimburse the county for court appointed legal assistance, pursuant to Penal Code Section 987.8, Welfare & institutions Code Section 903.45, and Government Code Section 27750. Party will bring the following items to the meeting with the Financial Evaluator:

- Completed Financial Declaration
- Public Assistance Verification
- Most recently prepared tax return
- Current Profit and Loss if self employed
- Wage Statements for the last month
- Verification for any other income

Upon completion of the financial evaluation, parties are entitled to a formal hearing wherein this court will make a determination concerning the value of services rendered and ability to pay the cost of court appointed legal fees. At that hearing parties shall be entitled, but not limited to the rights enumerated in Government Code Section 27755. If, after the conclusion of this hearing, the court determined that Party has the present ability to pay for all or part of the legal costs of services rendered, the court may then order party to pay such costs.

If the parties receive public assistance or their gross income is less than 125% of federal poverty guidelines and parties do not have enough income to pay for household needs and attorney fees. The assessment of attorney fees would harm the parties ability to support the child(ren) or limit their ability to comply with re-unification plan requirements. After review of the case, the court will not order payment of legal fees.

(c) The following juvenile delinquency fees may be imposed:

Hourly Rate 65.00

Hearing/Event	Hours per Event out of court	Cost per Event out of court	Hours per Event in Court	Cost per Event in court	Running Balance
Arraignment/Detention	0.50	32.50	2.5	162.50	195.00
Pretrial	5.50	357.50	1.5	97.50	650.00
Jurisdictional Hearing	4.50	292.50	1.5	97.50	1,040.00

Dispositional Hearing	6.00	390.00	2	130.00	1,560.00

Violation of Probation (VOP)

Hearing/Event	Hours per Event out of court	Cost per Event out of court	Hours per Event In Court	Cost per Event In court	Running Balance
Detention VOP	0.50	32.50	2.5	162.50	195.00
Pretrial VOP	5.50	357.50	1.5	97.50	650.00
Violation of Probation Hearing	4.50	292.50	1.5	97.50	1,040.00
Dispositional Hearing VOP	6.00	390.00	2	130.00	1,560.00

Above fees are estimated and may be adjusted dependent upon hearing schedule.

(d) Pursuant to Welfare & Institutions Code Section 903.1 (b), no fee will be assessed if the case is dismissed at or before jurisdictional hearing.

[Adopted 01/01/12]

Chapter 7
Probate Rules

Rule 7.0 Filing Location

Probate matters must be filed in the Probate Department located on the 1st Floor of the El Centro Courthouse on 939 W. Main Street, El Centro, CA 92243.

[Adopted January 1, 2017]

Rule 7.1 Caption of Petitions

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

[Adopted July 1, 2007, Rule 7.0 renumbered to 7.1 01/01/17]

Rule 7.2 Appearances

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property and any petition to which objection has been filed. All other petitions may be pre-approved by the Probate Examiner, with no appearance required, if an order is received by the Court prior to the hearing. However, if an interested person appears and objects and the Court determines that an appearance is necessary by Counsel, the matter may be continued. No notice of continued hearing date will be mailed by the Court; it is the responsibility of counsel to determine whether the matter has been approved or continued.

[Adopted July 1, 2007, Rule 7.1 renumbered to 7.2 01/01/17]]

Rule 7.3 Probate Examiner

Counsel may telephone the Probate Examiner's Office to determine if there are any defects in the file two days prior to the hearing.

[Adopted July 1, 2007, Rule 7.2 renumbered to 7.3 01/01/17]

Rule 7.4 Hearings

All probate matters are heard on Friday of each week at 8:30 a.m. in the assigned probate department except Lanterman, Petris, Short (LPS) Conservatorship matters. Lanterman, Petris, Short (LPS) Conservatorship matters are scheduled on Monday of each week in the assigned department. The hearing date is scheduled by counsel and required to be on all notices of hearing at the time of filing thereof. The Court does not schedule the date of any hearing or mail notices of any hearings.

[Adopted July 1, 2007, amended 01/01/12, Rule 7.3 renumbered to 7.4 01/01/17]

Rule 7.5 Order for Family Allowance

The duration of an order for family allowance is limited to six months if no inventory and appraisal has been filed, and is limited to one year if an inventory and appraisal has been filed.

[Adopted July 1, 2007, amended January 1, 01/01/12, Rule 7.4 renumbered to 7.5 01/01/17]

Rule 7.6 Independent Administration

When a personal representative has been granted authority to administer the estate under the Independent Administration of Estates Act (beginning at Probate Code, Section 10400), the following polices shall apply:

(a) The original of the notice of proposed action and proof of mailing or personal delivery of the notice shall be filed with the Court.

(b) In any accounting or petition for distribution, the personal representative shall report all acts taken without court authorization, approval, confirmation, or instruction that would be required if authority to administer the estate under the Independent Administration of Estates Act has not been granted ("independent acts"). With respect to each independent act, the personal representative shall state whether notice of proposed action was not given, the personal representative should allege whether such notice was not required or waived. Independent acts reported in a prior noticed petition need not again be reported in a later petition.

(c) If no independent acts have been taken during administration, this fact should be stated in the petition for final distribution.

[Adopted July 1, 2007, Rule 7.5 renumbered to 7.6 01/01/17]

Rule 7.7 Fees Stated When Account Waived

In accounts, or in petitions for distribution accompanied by waiver of accounting, the report must state the amount of the personal representative's commissions payable as well as the amount of the attorney's fees and the basis for calculation thereof. When income is included in the basis for calculation, even though the accounting is waived, a detailed schedule of income must be presented.

[Adopted July 1, 2007, Rule 7.6 renumbered to 7.7 01/01/17]

Rule 7.8 Non-Statutory Fees and Commissions

(a) A petition for services other than statutory compensation rendered in a probate or other proceeding shall include:

(1) A declaration by the attorney, personal representative, trustee, or other fiduciary of the services rendered or to be rendered by each of them itemizing their services by date, time, and service rendered;

(2) The sum requested for each item of service, together with the total amount requested for such services (and not merely "reasonable fees"); and

(3) A reference in the caption and prayer to the additional fees.

(b) In determining such fees, the Court shall consider the difficulty of the tasks performed, the reasonable value of time expended, the amount of the estate accounted for, and whether an accounting is waived.

[Adopted July 1, 2007, Rule 7.7 renumbered to 7.8 01/01/17]

Rule 7.9 Fees for Conservators and Attorneys

(a) Petitions for a fee request should be filed with all accountings.

(b) Fees for court appointed attorneys should be requested at the hearing as part of the attorney's report.

(c) Services rendered by conservators and their attorneys must be set forth in a detailed statement of the facts upon which the fee request is based, including a schedule which states: the nature and difficulty of task performed; the results achieved; the benefits to the conservatee or

conservatee's estate; a description of each separate service performed; the hours spent; and total amount requested.

[Adopted July 1, 2007, Rule 7.8 renumbered to 7.9 01/01/17]

Rule 7.10 Required Educational Program for Non-Professional Conservators

a) A conservator who resides outside of Imperial County may make arrangements to attend a program as described in Probate Code 1457 at a Superior Court in another county in California where available. The proposed conservator shall file written proof of completion of the educational program at least four court days prior to the hearing.

b) If a proposed conservator fails to timely provide proof of completion of the educational program, the court may continue the hearing on the petition for a period long enough to allow completion of the program, deny the petition for appointment, or make other appropriate orders.

c) This rule does not apply to a trust company as defined in Probate Code section 83, a public guardian as defined in Government Code section 27430 et seq., a regional center established pursuant to Chapter 5 (commencing with section 4620) of Division 4.5 of the Welfare and Institutions Code, a licensed professional fiduciary as defined in Probate Code section 60.1, a conservator appointed under Welfare and Institutions Code section 5350 et seq., a limited conservator authorized to consent to the sterilization of an adult with a developmental disability pursuant to Probate Code section 1952, or a temporary conservator appointed pursuant to Probate Code section 2250 unless otherwise ordered by the court.

[Adopted January 1, 2017]

Rule 7.11 Form and Lodging of Exhibits

a) If the exhibits accompanying a petition, motion, or other filing exceed ten pages cumulatively, they must be lodged with the court rather than attached to the pleadings, which will remain in the court file. Such exhibits must be lodged at the same time as the corresponding papers are filed with the court.

b) The following items must accompany lodged material: (1) An original notice of lodgment, which includes a numbered listing of all the items lodged; (2) A means of return, as specified in item C., below. The notice of lodgment must be filed with the court. An additional copy may be submitted to be conformed and returned. The lodgment and notice of lodgment must be served on all parties.

c) Return and Retention of Lodged Exhibits. Lodged materials will be returned to the tendering party after the resolution of the calendared matter, unless the party requests their destruction. Therefore, when submitted, lodgments must be accompanied either by a self-addressed, stamped envelope or an attorney service pick-up slip. Following the return of the lodged documents by the court, the tendering party should retain them until the applicable appeal period has expired.

[Adopted January 1, 2017]

Rule 7.12 Availability of Probate Examiner's Notes and Clearing of Defects

a) Probate examiner's notes are available to determine if any defects in pleadings or procedure have been noted by the examiner.

b) The notes are available on the Imperial County Superior Court website www.imperial.courts.ca.gov. When the examiner receives additional pleadings and updates the notes, the new notes will be posted to the website.

c) After checking the notes, counsel and self-represented parties can contact the assigned Probate Examiner with any questions or explanations that may assist in the clearing of any defects.

d) Amended petitions supersede any prior petitions and will be set for hearing in due course.

[Adopted January 1, 2017]

Chapter 8
Appellate Division and Appeals

Division 1 General

Rule 8.1.0 Sessions

The appellate division shall meet on the second Friday of each month provided there are Court cases which meet all of the following:

(a) The record has been filed with the Appellate Division.

(b) All briefs have been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.

(c) The matter has been submitted, oral argument has been requested, or the time for requesting oral argument has elapsed.

[Adopted July 1, 2007, Rule 8.0 renumbered to 8.1.0 01/01/09, amended 01/01/10]

Rule 8.1.1 Content of Briefs

All briefs shall comply with CRC 8.204(a).

[Adopted July 1, 2007, Rule 8.1 renumbered to 8.1.1 01/01/09]

Rule 8.1.2 Agreed Statement on Appeal

The Court encourages the use of an agreed statement on appeal. To the extent that the parties are able to stipulate to some matters but not others, the parties shall file a joint agreed statement setting forth those matters upon which they agree and disagree, as well as the parties' respective positions on those matters to which they do not agree. The appellant shall prepare the agreed statement on appeal, but it shall be signed by counsel for all parties.

[Adopted effective July 1, 2007, Rule 8.2 renumbered to 8.1.2 01/01/09]

Rule 8.1.3 Stay Orders in Pending Civil Appeals

[Rule 8.1.3 renumbered to 8.3.0 01/01/12]

Rule 8.1.4 Applications and Motions

(a) No application or motion shall exceed five (5) pages in length. All applications shall include a declaration under penalty of perjury stating with particularity the grounds and reasons for the application.

(b) Rulings on applications and motions made pursuant to this rule are made, without hearing, by the presiding judge of the appellate division.

[Adopted July 1, 2007, Rule 8.4 renumbered to 8.1.4 01/01/09]

Rule 8.1.5 Oral Argument

(a) The date for oral argument will be set by the appellate division. A party who fails to appear at oral argument when the case is called, is deemed to have waived oral argument.

(b) Continuances will only be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the presiding judge of the appellate division, and will be ruled upon, without a hearing.

[Adopted July 1, 2007, Rule 8.5 renumbered to 8.1.5 01/01/09]

Rule 8.1.6 Abandonment

(a) Counsel for appellant must promptly advise the appellate division in writing of the abandonment of any

appeal, of settlement, and satisfaction of judgment.

[Adopted July 1, 2007, Rule 8.6 renumbered to 8.1.6 01/01/09]

Rule 8.1.7 Judgment [Repealed]

[Adopted July 1, 2007, Rule 8.7 renumbered to 8.1.7 01/01/09, Repealed 01/01/12]

Rule 8.1.8 Disposition of Petition

Within 15 days of the filing of the writ petition, the court will either summarily deny the petition or issue an alternative order to show cause why the relief requested should not be granted. If the alternative writ or order to show cause is issued, the Court shall allow at least 5 days for the Court to act or the party to file a responsive pleading, except as herein provided. If the Court grants petitioner's request for stay, the Court will allow at least 10 days for a response. On the motion of any party for good cause shown, or on the Court's own motion, the Court may shorten or extend time for doing any act under this rule.

[Adopted July 1, 2007, Rule 8.10 renumbered to 8.2.2 01/01/09, Rule 8.2.2 renumbered to 8.1.8 01/01/12]

Rule 8.1.9 Filing Requirements

(a) All petitions for extra ordinary relief which name the Superior Court, County of Imperial as respondent, must be filed in the office of the clerk at 939 Main Street, El Centro. No such petitions will be accepted for filing anywhere else. Unless otherwise ordered, any subsequent pleadings and papers in the same matter must be filed in the same office.

(b) All such petitions will be assigned appellate case numbers.

(c) No filing fee will be required when a petition arises from a criminal case.

(d) The petitioner or counsel for the petitioner is required to submit one original and five copies of the petition. Each copy of the petition must include all declarations, exhibits and/or other permissible attachments

(e) If the underlying action is civil, petitioner must also include envelopes bearing sufficient postage for service of the court's orders and addressed to petitioner, respondent(s), and real party/parties in interest.

[Adopted July 1, 2007, Rule 8.11 renumbered to 8.2.3 01/01/09, Rule 8.2.3 renumbered to 8.1.9 01/01/12]

Rule 8.1.10 Transcript of Recording in Civil Appeals

Pursuant to California Rules of Court, Rule 8.837 (6) (B), the trial court may order that a transcript of the official electronic recording be prepared as a record of all or part of the oral proceedings.

[Adopted January 1, 2015]

Division 2
Criminal-Misdemeanor and Felony

Rule 8.2.0 Cost of Transcripts in Criminal Cases

(a) In criminal cases in which the defendant appeals any court order or judgment, and requests a transcript at public expense, the Court may conduct a hearing to determine the defendant's financial ability to pay all, or part of, the cost of the transcript.

(b) A request for a transcript at public expense in cases where the matter appealed from was electronically

recorded will be granted only in exceptional circumstances and only upon a showing of good cause.

(c) The defendant's request for the preparation of a transcript at public expense shall be in writing and shall set forth by declaration good cause for the request including but not limited to a detailed and specific account of all efforts made to create a record through other means such as a settled statement.

[Adopted July 1, 2007, Rule 8.8 renumbered to 8.2.0 01/01/09]

Rule 8.2.1 Bail and Stay of Execution in Criminal Cases

(a) Applications for bail or release on own recognizance must first be made in the trial court, and if denied, may then be made in the appellate division.

(b) Applications for bail reduction are ruled upon without hearing.

(c) Applications for stay of execution must first be made in the trial court, and, if denied, may then be made in the Appellate Division Applications for stay are ruled upon without hearing.

[Adopted July 1, 2007, Rule 8.9 renumbered to 8.2.1 01/01/09]

Division 3
Civil

Rule 8.3.0 Stay Orders in Pending Civil Appeals

(a) Applications for stay orders pending appeal, before notice of appeal has been filed, must be filed in the trial court. Applications for stay orders pending appeal after notice of appeal has been filed, must be filed in the appellate division.

(b) Applications for stay orders are ruled upon, without hearing, by the Court, which may request opposition papers be filed before ruling.

(c) Petitions for writ of supersedeas must be filed in the appellate division and, must be accompanied by proof of service at the time of filing. Petitions for writ of supersedeas will be ruled upon, without hearing, by the Appellate Presiding Judge who may request that opposition papers be filed before ruling on the petition.

(d) Petitions for writs of supersedeas may be granted only on a showing of exceptional circumstances.

[Adopted July 1, 2007; Rule 8.3 renumbered to 8.1.3 01/01/09, Rule 8.1.3 renumbered to 8.3.0 01/01/12]

Division 4
Small Claims

Rule 8.4.0 Calendaring

Small claims appeals must be filed at the court in which the small claims matter was heard.

The Superior Court Appellate Division will assign a case number to all appeals, and assign the case for trial de novo on a rotational basis to one of the civil judges, in the same manner civil cases are assigned. (See Rule 3.9.2)

[Adopted January 1, 2012]

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

	Description	Revised	Mandatory?	Form #
1	Application and Order for Investigation	01/01/13	Yes	AD-01
2	Consent by Birth Parent	01/01/14		AD-02
3	Petition to Declare Minor Free	01/01/13		AD-03
4	Adoption Citation to Declare Minor Free	01/01/15		AD-04
5	Proof of Service for Stepparent Adoption	01/01/13		AD-05
6	Ex Parte Application for Publication of Citation	01/01/13		AD-06
7	Order for Publication of Citation	01/01/13		AD-06A
8	Request To Vacate Civil Assessment	01/01/16	Yes	CL-01
9	Request for Increase/Decrease in Bail	01/01/13	Yes	CR-01
10	Misdemeanor Window Arraignment	01/01/13	Yes	CR-02
11	Request for Copy of Electronic Recording in a Misdemeanor/Infraction	01/01/13		CR-03
12	Bail Authorization	01/01/15	Yes	CR-04
13	Repealed	01/01/13		CR-05
14	Advisement of Rights, Waiver, and Plea Form (First Offense VC23152)	01/01/13	Yes	CR-06
15	Advisement of Rights, Waiver, and Plea Form (VC23152)	01/01/13	Yes	CR-07
16	Plea of Guilty/No Contest-Felony	01/01/17	Yes	CR-08
17	Plea of Guilty Misdemeanors	01/01/13	Yes	CR-09
18	Repealed	01/01/13		CR-10
19	Request for Monthly Payments and Bail Forfeiture	01/01/13	Yes	CR-11
20	Request for Extension to Pay	01/01/13	Yes	CR-12
21	Request for Sentence Modification	01/01/14	Yes	CR-13
22	Bail Review Request	01/01/15	Yes	CR-14
23	Defendant's Financial Statement and Notice to Defendant	01/01/16		CR-15
24	Arbitrators Fee Statement	01/01/13	Yes	CV-01
25	Unlawful Detainer: Plaintiff	01/01/15		CV-02 INFO
26	Unlawful Detainer: Defendant	01/01/13		CV-03 INFO
27	Application to Serve Summons by Posting (Unlawful Detainer)	01/01/13	Yes	CV-04
28	Order to Serve Summons by Posting (Unlawful Detainer)	01/01/13	Yes	CV-04A
29	Notice of Telephone Appearance	01/01/13		CV-05
30	Telephone Appearance Instructions	01/01/13		CV-05 INFO
31	Service Matrix Attachment to Case Management Statement	01/01/14		CV-06
32	Mediation Process	01/01/13		FL-01
33	Proceso de Mediación	01/01/13		FL-01SP
34	Repealed	01/01/13		FL-02
35	Case Management Questionnaire	01/01/16		FL-03
36	Instructions for Findings and Order After Hearing Letter to the Opposing Party	01/01/15		FL-04 INFO
37	Findings and Order After Hearing Letter to the Opposing Party	01/01/15		FL-04
38	Findings and Order After Hearing Letter to the Court	01/01/15		FL-04A
39	Stipulation for Mediation	01/01/15		FL-05
40	Declaration Regarding Ex Parte Notice	01/01/13		FL-06A
45	Application for Ex Parte Request	01/01/13		FL-06B
46	Ex Parte Applications Family Law	01/01/14		FL-06 INFO
47	Checklist for Divorce Case	01/01/15		FL-07
48	Trial Brief	01/01/13		FL-08
49	Marital Settlement Agreement	01/01/14		FL-11
50	Marital Settlement Agreement (Info)	01/01/14		FL-11 INFO
51	Checklist for Uniform Parentage Act Case	01/01/15		FL-12
52	Petition for Joinder (Custody/Visitation)	01/01/13		FL-13
53	Child Custody/Visitation Joinder Packet	01/01/17		FL-13 INFO
54	Repealed	01/01/15		FL-14
55	Petition for Grandparent Visitation	01/01/13		FL-15
56	Grandparent Visitation	01/01/13		FL-15 INFO
57	Response to Petition for Grandparent Visitation	01/01/13		FL-16
58	Order on Registration of Out-of-State/Support Order/Income Withholding Order	01/01/13		FL-17

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

	Description	Revised	Mandatory?	Form #
59	Letter Rogatory, Service In Mexico	01/01/13		FL-18 INFO
60	Ex Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico Order Thereon	01/01/14	Yes	FL-18
61	Request for International Judicial Assistance for Service of Process in Mexico	01/01/15	Yes	FL-18A
62	Authentication Request and Apostille Order Form	01/01/14	Yes	FL-18B
63	Certificate of Execution	01/01/14		FL-18C
64	Cartas Rogatorias (Exhortos), Emplazamiento en México	01/01/14		FL-18 INFO SP
65	Solicitud Ex Parta para la Emisión de Cartas Rogatorias para Emplazamiento en México y Orden de	01/01/14		FL-18 SP
66	Solicitud de Auxilio Judicial Internacional Para Emplazamiento en México	01/01/15		FL-18A SP
67	Solicitud de Autenticacion y Formulario de Orden de Apostilla	01/01/14		FL-18B SP
68	Certificado de Ejecución	01/01/14		FL-18C SP
69	Ex Parte Request and Order to Vacate Restraining Order	01/01/13	Yes	FL-19
70	Stipulation and Order to Modify Spousal Support	01/01/13	Yes	FL-20
71	Stipulation for Continuance	01/01/13		FL-21
72	Family Law Judgment After Trial: Instructions	01/01/16		FL-22
73	Family Law Judgment After Trial: Letter to Other Party	01/01/16		FL-22-1
74	Family Law Judgment After Trial: Request to the Court	01/01/16		FL-22-2
75	Declaration in Support of Modification of Child Support	01/01/13		FL-23
76	Stipulation and Waivers Following Mediation; Order Thereon	01/01/14	Yes	FL-24
77	Petition and Proposed Order for Parental Support	01/01/13		FL-25
78	Response to Petition for Parental Support	01/01/13		FL-26
79	Petition for Relief from Duty to Provide Parental Support	01/01/13		FL-27
80	Citation Regarding Petition for Relief of Duty for Parental Support	01/01/13		FL-27A
81	Order on Petition for Relief of Duty for Parental Support	01/01/13		FL-27B
82	Request for Hearing	01/01/13		GN-01
83	Ex Parte Request to Continue Hearing; Declaration and Order	01/01/14		GN-02
84	Stipulation to Use Alternative Dispute Resolution Process	01/01/13		GN-03
85	Alternative Dispute Resolution Information	01/01/13		GN-04 INFO
86	Certification of Competency	01/01/13	Yes	JV-01
87	Declaration Regarding Notice of Ex Parte Application	01/01/13	Yes	JV-02
88	Guidelines for Juvenile Assessment and Collection of Costs for Court Related Services	01/01/13		JV-03
89	Declaration for Transfer of Small Estates without Probate	01/01/13		PR-01
90	Transferring Property When Someone Dies	01/01/17		PR-01 INFO
91	Declaration of Completion of Orientation & Training for Non-Professional Conservators	01/01/17		PR-02
92	Attachment 8c(1) - Indian Child Inquiry	01/01/17		PR-03
93	Declaration of Representative of Party for Small Claims Court	01/01/13		SC-01
94	Notice of Appeal; Notice of Filing of Appeal Small Claims	01/01/15		SC-02

FOR ALPHABETICAL LISTING OF FORMS SEE NEXT PAGE

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Alphabetical Order)

Description	Form #
Adoption Citation to Declare Minor Free	AD-04
Advisement of Rights, Waiver, and Plea Form (VC23152)	CR-07
Advisement of Rights, Waiver, and Plea Form (First Offense VC23152)	CR-06
Alternative Dispute Resolution Information	GN-04 INFO
Aplication to Serve Summons by Posting (Unlawful Detainer)	CV-04
Application and Order for Investigation	AD-01
Application for Ex Parte Request	FL-06B
Arbitrators Fee Statement	CV-01
Attachment 8c(1) - Indian Child Inquiry	PR-03
Authentication Request and Apostille Order Form	FL-18B
Bail Authorization	CR-04
Bail Review Request	CR-14
Cartas Rogatorias (Exhortos), Emplazamiento en México	FL-18 INFO SP
Case Management Questionnaire	FL-03
Certificado de Ejecución	FL-18C SP
Certificate of Execution	FL-18C
Certification of Competency	JV-01
Checklist for Divorce Case	FL-07
Checklist for Uniform Parentage Act Case	FL-12
Child Custody/Visitation Joinder Packet	FL-13 INFO
Citation Regarding Petition for Relief of Duty for Parental Support	FL-27A
Consent by Birth Parent	AD-02
Declaration for Transfer of Small Estates without Probate	PR-01
Declaration in Support of Modification of Child Support	FL-23
Declaration of Completion of Orientation & Training for Non-Professional Conservators	PR-02
Declaration of Representative of Party for Small Claims Court	SC-01
Declaration Regarding Ex Parte Notice	FL-06A
Declaration Regarding Notice of Ex Parte Application	JV-02
Defendant's Financial Statement and Notice to Defendant	CR-15
Ex Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico Order Thereon	FL-18
Ex Parte Application for Publication of Citation	AD-06
Ex Parte Applications Family Law	FL-06 INFO
Ex Parte Request and Order to Vacate Restraining Order	FL-19
Ex Parte Request to Continue Hearing; Declaration and Order	GN-02
Family Law Judgment After Trial: Instructions	FL-22
Family Law Judgment After Trial: Letter to Other Party	FL-22-1
Family Law Judgment After Trial: Request to the Court	FL-22-2
Findings and Order After Hearing Letter to the Court	FL-04A
Findings and Order After Hearing Letter to the Opposing Party	FL-04
Grandparent Visitation	FL-15 INFO
Guidelines for Juvenile Assessment and Collection of Costs for Court Related Services	JV-03
Instructions for Findings and Order After Hearing Letter to the Opposing Party	FL-04 INFO
Letter Rogatory, Service In Mexico	FL-18 INFO
Marital Settlement Agreement	FL-11
Marital Settlement Agreement (Info)	FL-11 INFO
Mediation Process	FL-01
Misdemeanor Window Arraignment	CR-02
Notice of Appeal; Notice of Filing of Appeal Small Claims	SC-02
Notice of Telephone Appearance	CV-05
Order for Publication of Citation	AD-06A
Order on Petition for Relief of Duty for Parental Support	FL-27B
Order on Registration of Out-of-State/Support Order/Income Withholding Order	FL-17
Order to Serve Summons by Posting (Unlawful Detainer)	CV-04A
Petition and Proposed Order for Parental Support	FL-25

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Alphabetical Order)

Description	Form #
Petition for Grandparent Visitation	FL-15
Petition for Joinder (Custody/Visitation)	FL-13
Petition for Relief from Duty to Provide Parental Support	FL-27
Petition to Declare Minor Free	AD-03
Plea of Guilty Misdemeanors	CR-09
Plea of Guilty/No Contest-Felony	CR-08
Proceso de Mediación	FL-01SP
Proof of Service for Stepparent Adoption	AD-05
Request for Copy of Electronic Recording in a Misdemeanor/Infraction	CR-03
Request for Extension to Pay	CR-12
Request for Hearing	GN-01
Request for Increase/Decrease in Bail	CR-01
Request for International Judicial Assistance for Service of Process in Mexico	FL-18A
Request for Monthly Payments and Bail Forfeiture	CR-11
Request for Sentence Modification	CR-13
Request To Vacate Civil Assessment	CL-01
Response to Petition for Grandparent Visitation	FL-16
Response to Petition for Parental Support	FL-26
Service Matrix Attachment to Case Management Statement	CV-06
Solicitud de Autenticacion y Formulario de Orden de Apostilla	FL-18B SP
Solicitud de Auxilio Judicial Internacional Para Emplazamiento en México	FL-18A SP
Solicitud Ex Parta para la Emisión de Cartas Rogatorias para Emplazamiento en México y Orden de la Misma	FL-18 SP
Stipulation and Order to Modify Spousal Support	FL-20
Stipulation and Waivers Following Mediation; Order Thereon	FL-24
Stipulation for Continuance	FL-21
Stipulation for Mediation	FL-05
Stipulation to Use Alternative Dispute Resolution Process	GN-03
Telephone Appearance Instructions	CV-05 INFO
Transferring Property When Someone Dies	PR-01 INFO
Trial Brief	FL-08
Unlawful Detainer: Defendant	CV-03 INFO
Unlawful Detainer: Plaintiff	CV-02 INFO

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
APPLICATION AND ORDER FOR INVESTIGATION **(Stepparent Adoption, Family. Code Section 9001)**	CASE NUMBER:

Petitioner, _____, hereby requests an order directing the Court Mediator to conduct an investigation of this case, and file a report including recommendation with the court, on or before

_____.
(within 60 days)

ORDER

GOOD CAUSE APPEARING, THEREFORE, IT IS THE ORDER OF THE COURT

FOR COURT USE ONLY

The Court Mediator shall conduct an investigation, and timely file a report including recommendation with the court. The report ☐will ☐will not include a home study of petitioner's home (Family Code, Section 9001(c)).

Absent a waiver, petitioner shall bear the cost of the investigation report up to $700 (Family Code, Section 9002).

Dated: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
CONSENT BY BIRTH PARENT Consent to Adoption by Birth Parent Family Code 9003	CASE NUMBER:

I, _____, being the parent of _____, do hereby
(Print Name) (Name of Child)
give my full and free consent to the adoption of said child by_____.
(Name of Petitioner (Stepparent))

I fully understand that with the signing of this document my consent may not be withdrawn except with court approval, and that with the signing of the order of adoption by the court, I lose all my rights of custody, services, and earnings of said child, and that said child cannot be reclaimed by me.

Said child was born on _____ in _____ and is the child
(Date) (City and State)
of _____ and _____.
(Name of Birth Parent) (Name of Birth Parent)

Executed at _____ on Date _____ 20_____ .
(County and State/Country)

_____ _____
Signature of Parent Form of picture ID

SIGNED IN THE PRESENCE OF:

_____
Name

_____ _____
Signature Title*

*The consent of either or both birth parents shall be signed in the presence of a notary public, court clerk, probation officer, qualified court investigator, authorized representative of a licensed adoption agency, or county welfare department staff member of any county of this state.

NOTICE TO THE BIRTH PARENT WHO CONSENTS TO THE CHILD'S ADOPTION: If you or your child lived together at any time as parent and child, the adoption of your child by a stepparent does not affect the child's right to inherit your property or the property of blood relatives. For further information regarding this right of inheritance, you should consult an attorney.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER:	
PETITION TO DECLARE MINOR FREE FROM PARENTAL CUSTODY AND CONTROL OF PARENT FOR STEPPARENT ADOPTION	CASE NUMBER:

Petitioner alleges:

1. Petitioner _____, is the stepfather/stepmother of the subject minor child _____, and seeks an order freeing the minor from custody and control of the father/mother _____ _____, and termination of parental rights as to the minor.
2. Petitioner is seeking to adopt _____, and a Request for Adoption has been filed in the Superior Court of the County of Imperial.
3. _____, is an unmarried minor child and is a resident of _____, in Imperial County, California.
4. On or about _____, petitioner became the legal spouse of _____, the mother/father of the minor child.
5. Petitioner has known and now has physical custody of the minor _____ since _____, and resides in _____, in Imperial County, California, as the legal spouse of _____.
6. The minor child's father/mother _____ has not contacted the minor child nor the minor child's mother/father since _____. Based on the father's/mother's abandonment of the minor child, (Family Code 7882) petitioner requests the court terminate his/her parental rights to allow the minor child to be adopted by Petitioner:_____

WHEREFORE, Petitioner prays as follows:

1. For an order declaring the minor child, _____, free from custody and parental control of _____, and terminating all of his/her parental rights and responsibilities with respect to the minor child, _____.
2. For such other relief as the court may deem proper.

Dated:_____ _____

(Petitioner)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
IN THE MATTER OF: PETITIONER.	
ADOPTION CITATION TO DECLARE MINOR FREE FROM PARENTAL CUSTODY AND CONTROL OF PARENT FOR STEPPARENT ADOPTION	CASE NUMBER:

To (name): _____
(Parents Whose Rights May Be Terminated)

By order of the Court, you are hereby advised that you are requested to appear before the judge presiding in Department _____ of this Court on _____ (Date) at 8:30 a.m. to show cause, if any you have, why _____ (Child's Name), a minor, should not be declared free from custody and control of his/her parent_____.

TAMMY L. GRIMM,
CLERK OF THE COURT

Dated: _____ by _____,
Deputy Clerk

DO NOT use for conservatorships or for guardianships of adults.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PROOF OF SERVICE FOR STEPPARENT ADOPTION	CASE NUMBER:

1. I served the person cited (name): _____ with the citation and petition as follows:
   a. by serving Person cited.
   b. Delivery at: ☐ home ☐ business
      1. date: _____ 2. time: _____
      3. address: _____
2. Serviced:
   ☐ Adoption Citation ☐ Petition to declare free ☐ Request for Adoption ☐ Request for Order
   a. ☐ (Personal Service) by personally delivering copies
3. At the time of service I was at least 18 years of age and not a party to this action.
4. Fee for service: $
5. I am:
   a. ☐ Not a registered California process server
   b. ☐ A registered California process server
   c. ☐ Exempt from registration under Business and Professions Code §22350(b)
   d. ☐ California sheriff or marshal
6. Person Serving (name, address and telephone number):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: ▶ _____
(SIGNATURE OF PERSON SERVING)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER:	
EX PARTE APPLICATION FOR PUBLICATION OF CITATION (CCP §415.50)	CASE NUMBER:

Application is hereby made for an order directing that citation in this action be served on the minor's father/mother _____, by publication in _____, a newspaper of general circulation, pursuant to Code of Civil Procedure Section 415.50.

In support of this application the undersigned states:

1. Petition to Declare Minor Free from Parental Custody and Control was filed _____, and a citation was issued on that same date.

2. The father/mother cannot, with reasonable diligence, be located and served in any other manner specified in Code of Civil Procedure Section 415.10 through 415.50.

3. All prior attempts to serve the father/mother have been unsuccessful. Petitioner has made the following efforts to learn respondent's whereabouts:

   a. On _____, I went to the father's/mother's last known address at:

   _____

   in an effort to learn his/her whereabouts.

   ☐ At that address, I talked to:_____, who told me

   _____

   _____

   ☐ There was no one available to speak with.

PETITIONER: RESPONDENT:	CASE NUMBER:

b. On _____, I contacted the father's/mother's family members

(1)_____,

(2)_____, and

(3)_____, who told me (*be very specific*)

_____,

with regard to his/her whereabouts.

c. On _____, I contacted father's/mother's last known employer,

_____ at _____

who told me the following with regard to respondent's whereabouts:

_____

d. On _____, I checked the property tax rolls for _____ County and did not find the father's/mother's name.

e. On _____, I checked voter registration for _____ County and did not find the father's/mother's name.

f. On _____, I checked the public phone book in _____ County and there was no listing for the father/mother.

g. I also made the following additional attempts to locate respondent:

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:_____ Signed:_____

Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
IN THE MATTER OF: PETITIONER:	
ORDER FOR PUBLICATION OF CITATION	CASE NUMBER:

On reading petitioner's application for this order and satisfactorily appearing to me that the minor's father/mother _____ cannot with reasonable diligence be served in any other manner specified in Code of Civil Procedure Section 415.10 through 415.30,

IT IS ORDERED that the citation be served by publication in _____, a newspaper of general circulation in the County of _____, hereby designated as the newspaper most likely to give defendant actual notice of the action, and that publication be made once a week for four (4) successive weeks.

IT IS FURTHER ORDERED that a copy of the citation, a copy of the petition, a copy of the Request for Adoption, and a copy for this order be forthwith mailed to the father / mother if his/her address is ascertained before expiration of the time herein prescribed for publication of the citation.

Dated:_____ _____

Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Centro, CA 92243	FOR COURT USE ONLY
DEFENDANT:	
REQUEST TO VACATE CIVIL ASSESSMENT (PC1214.1(b))	CASE NUMBER:

You have failed to pay your fine. This Court will order you to pay a civil assessment of $300.00 in addition to your original fine unless good cause is shown for your failure to pay. If you have good cause to excuse your failure to pay, complete the information below. Written proof of any of the following must be attached and cover the time period in question.

[ ] Hospitalization [ ] Incarceration [ ] Overseas Military Duty [ ] Extenuating Circumstance

The following is an explanation for my failure to pay or appear:

_____

_____

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed at _____, on _____(date)
(city, state)

Name (print) _____ Area Code/Telephone # _____

Address, City, State, Zip _____

Signature of Defendant: _____

☐ Staff review: _____ Date: _____

☐ Documents Support Request ☐ Documents do not Support Request

ORDER RE: VACATING CIVIL ASSESSMENT (COURT USE ONLY)

FOR COURT USE ONLY

The Court having read and considered the Petition and evidence regarding vacating the Civil Assessment pursuant to PC 1214.1(b), hereby makes the following order. Judgment on the charge(s) will not be set aside.

Request to vacate is: [ ] Granted [ ] Denied

_____ _____
Date Judicial Officer

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
DEFENDANT:	
REQUEST FOR INCREASE/DECREASE IN BAIL Penal Code §1269c	CASE NUMBER/BOOKING NUMBER:

Date: _____ **Booking Charges:** _____

Bail Pursuant to Bail Schedule: $_____ **Bail Requested: $**_____

[ ] Pursuant to Penal Code Section 1275, arresting officer requests arrestee not to be released on bail until appearing in court to show the non-felonious source of any bail money.

I request an [ ] increase in bail [ ] decrease in bail [ ] O.R. for the following reasons:

_____

_____

Time of this Request: _____ Time of Booking: _____
Name and ID Number of Requesting Person _____ Agency: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ _____
Signature of Person Making Request

Request for Change in Bail: Approved: _____ Denied: _____

Request for PC1275: Approved: _____ Denied: _____

Bail Set At: $_____ Time: _____

Manner of Request: [ ] Phone [ ] In Person Name of Magistrate: _____

Name of Person Receiving Authorization from Magistrate: _____

_____
Signature of [ ] Magistrate or [ ] Person Receiving Authorization from Magistrate

I certify that the defendant referenced herein has been booked into the Imperial County Jail on the charges noted above.

Date: _____ Time: _____
(Name of Sheriff's Employee Receiving Request)

NAME AND ADDRESS OF ATTORNEY FOR PARTY: TELEPHONE NUMBER:	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	
People of the State of California, vs. Defendant(s):	
MISDEMEANOR WINDOW ARRAIGNMENT	CASE NUMBER:

1. The original copy of this form must be filed with the court no less than 24 hours before the scheduled arraignment event date.
2. Upon filing of this form, the clerk of the court will provide trial dates to counsel.
3. This form must be completed in ink or typewritten.
4. This form must be signed by defendant's attorney of record.
5. Defendant's attorney must inform the court if date selected by clerk, pursuant to calendar policy, is unacceptable.
6. Defendant's attorney must appear at all hearings, represent to the court that the case will go to trial, or that a disposition without trial will be made.

I hereby make a general appearance on behalf of the above-named defendant, waive formal arraignment, enter a plea of NOT GUILTY, and request that the case be set for trial:

☐ By Jury ☐ By Court

Release Status:

☐ Own Recognizance ☐ Bail Posted ☐ Bond Posted

Attorney for Defendant: _____ Bar #: _____
(TYPE OR PRINT NAME)

Signature of Attorney: _____ Date: _____

FOR COURT USE ONLY

Pre-trial is set for: _____ at _____ ☐ am ☐ pm, in Dept. _____

Readiness Hearing is set for: _____ at _____ ☐ am ☐ pm, in Dept. ____

Jury Trial is set for: _____ at _____ ☐ am ☐ pm, in Dept. _____
(within 40 days of this entry of plea)

Deputy Clerk _____ Date: _____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. MAIN STREET
EL CENTRO, CA. 92243

Request for Copy of Electronic Recording
in a Misdemeanor/Infraction

Today's Date: _____ Case No: _____

Dept/Courtroom: _____ Case Name: _____

Date(s) of Hearing(s): _____

Requested By: _____ Phone Number: _____
(Full Name)

Address: _____

Verify this matter was recorded
Cost is $15 per hearing for copies of compact discs
Fees must be paid before your request will be processed
Make checks payable to Superior Court of California, County of Imperial

The Court will notify you by phone when the request has been completed.

Delivery Method

Mailed to you:	Pickup:
Provide prepaid self-Addressed mailer	Superior Court of California Civil Department 939 W. Main Street El Centro, CA. 92243

Any electronic copy not picked up within 6 weeks of notification of completion will be destroyed.

(Clerk's Office Use Only)

DATE RECEIVED: _____ by: _____

☐ Number of hearings: _____ Total fee paid: _____ Receipt # _____

☐ Time sensitive reason _____

☐ Mailer provided

NAME AND ADDRESS OF PARTY: TELEPHONE NO.:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West. Main Street,. El Centro, CA. 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA. 92283	
People of the State of California, vs. Defendant(s):	
BAIL AUTHORIZATION	CASE NUMBER:

I, _____, hereby authorize Superior Court of California,
(Name of Depositor)

County of Imperial to apply bail posted for _____, as payment of the fine
(Defendant)

in the case.

☐ All bail posted by Depositor

☐ Limit of $_____ _____
(Depositor Signature)

BAIL POSTED $ _____

FINE $ _____

REFUND $ _____

Tammy L. Grimm, Court Executive Officer

By _____
(Deputy Clerk)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
Advisement of Rights, Waiver, and Plea Form First Offense Only – Vehicle Code §23152	CASE NUMBER:

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item only if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐

2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer) ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s):

3. **23152(a)** – Driving under the influence of alcohol or drugs, or both ☐

4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐

5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions. ☐

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

6. **RIGHT TO A JURY TRIAL** – I understand that I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. ☐

7. I give up my right to a jury trial. ☐

8. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ☐

9. I give up my right to confront and cross-examine witnesses. ☐

10. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ☐

11. I give up my right to remain silent and to not incriminate myself. ☐

12. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. ☐

13. I give up my right to produce evidence and witnesses in my own behalf. ☐

See Reverse Side

Case No._____

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

14. I understand that if I am not a citizen, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal benefits. ☐

15. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit. ☐

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)		
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years	Two options, both requiring attendance at an alcohol/drug program, a fine of $390 to $1,000, plus either: **(A)** 48 hours to 6 months in jail; *or* **(B)** A 90-day license restriction allowing driving for work and alcohol/drug program only. Under either option, the Court *may* also suspend my license for 6 months.	96 hours to 6 month in jail; $390 to $1,000 fine, and a 6-month license suspension.
Second offense within 10 years	Two options, both carrying a fine of $390 to $1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; *or* (B) 48 continuous hours to 1 year in jail. an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, $390 to $1,000 fine, and an 18-month license suspension.

Sentences for Reckless Driving (§23103 under §23103.5)		
Nature of offense	Minimum and maximum sentences	Other
Reckless driving reduced from driving under the influence	If probation is *not* granted: 5 days to 90 days in jail, *or* 45 to $1,000, or both. If probation *is* granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.

16. I have read and understood the above chart which lists the minimum and maximum sentences for the offense(s) I am charged with. ☐

17. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** which will **significantly increase the amount I must pay.** I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency which responded to any incident caused by my vehicle at the time of my arrest. ☐

18. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on **a freeway,** or **20** or more miles above the speed limit on any other **street or highway,** the Court may impose an **additional consecutive term of 60 days in the county jail.** If this is my **first** offense, the Court may also order me to complete an alcohol/drug counseling program. ☐

19. **If applicable** – I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended** for **one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive. ☐

20. **If applicable** – I understand that if I am convicted of a first violation of Vehicle Code §23152, and the offense occurred in a vehicle which requires a **class 1** or **class 2** (or **class A** or **class B**) driver's license, my license shall be **suspended** for **six months** even if probation is granted. ☐

21. **If applicable** – I understand that if my blood-alcohol content was **.20 percent or above,** or if I **refused** to submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, whether to grant probation, or whether to impose additional terms and conditions of probation ☐

22. I understand that if I am convicted of a first violation of Vehicle Code §23152, the Court may order my vehicle **impounded** at my expense for up to **30 days.** ☐

23. I understand that the Department of Motor Vehicles (DMV) may restrict, suspend, or revoke my license under an administrative procedure which is separate from this criminal action. If such a procedure is used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be in **addition** to the Court's sentence and that I must obey it. ☐

24. I understand that the DMV will not issue a restricted license or restore my driving privilege following a restriction suspension, or revocation unless I have **proof of successful completion of a licensed driving-under-the-influence program, proof of valid insurance** and maintain it for **three years.** The DMV will **suspend** my license: **(1)** until proof of insurance is provided by my insurance company to the DMV, **(2)** upon my failure to maintain such proof during the three-year period and **(3)** the DUI program provide the completion certificate to DMV. ☐

See Next Page

25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving which are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

26. I understand that any plea entered in this case may be grounds for **revoking probation** or **parole** which has been previously imposed on me in any other case. ☐

27. I understand the charge(s) against me, and the possible plea(s) and defenses. ☐

28. I am advised and understand that being under the **influence of alcohol** or **drugs, or both,** impairs your ability to safely operate a motor vehicle. Therefore, it is **extremely dangerous** to human life to **drive** while under the **influence of alcohol** or **drugs,** or both. If I **continue** to drive while under the influence of alcohol or drugs, or both and, as a result of that driving, someone is killed, I can be charged with **murder**. ☐

PLEA(S)

29. I hereby freely and voluntarily plead (guilty or no contest):_____

    to (list charge(s)):_____ ☐

30. I understand that I have the right to wait from **six hours** to **five days** prior to being sentenced. I give up this right and agree to be sentenced at this time ☐

31. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____ ☐
    Temporary Judge

_____ **Date** _____ **Defendant's Signature**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, *including immigration consequences*, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____
Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____
Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____
Judge of the Superior Court

SIGNED: _____
Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
Advisement of Rights, Waiver, and Plea Form Vehicle Code §23152	CASE NUMBER:

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial each applicable item **only** if you understand it. If you have any questions about your case, the possible sentence, or the information on this form, ask your lawyer or the judge.

RIGHT TO A LAWYER

1. I understand that I have the right to be represented by a lawyer throughout the proceedings. I understand that the Court will appoint a free lawyer for me if I cannot afford to hire a lawyer, but at the end of the case I may be asked to pay all or part of the cost of that lawyer, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to a lawyer and that it is almost always unwise to represent myself ☐

2. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer) ☐

NATURE OF THE CHARGES (Initial all sections you are charged with.)

I understand that I am **charged** with a violation of **Vehicle Code** section(s): ☐

3. **23152(a)** – Driving under the influence of alcohol or drugs, or both ☐

4. **23152(b)** – Driving when my blood-alcohol level was .08 percent or higher ☐

5. **23103 under 23103.5** – Reckless driving involving alcohol or drugs, or both. I understand that this means that if, in the next ten years, I am arrested for driving under the influence or driving when my blood-alcohol level was .08 percent or higher, and I am convicted of that charge, I will be sentenced under the increased penalties the law provides for subsequent convictions. ☐

6. **Check if applicable – 14601**_____ *or* **14601.1**_____ *or* **14601.2** ☐
   Driving in knowing violation of a license suspension, revocation, or restriction.

7. **If applicable – Other charges** (including non-Vehicle Code sections) – I understand that I am also charged with the following other offense(s): ☐

   _____
   Type of offense(s) and Section Number(s)

8. **If applicable** – I am also charged with having the following **other conviction(s)** ☐

   _____
   List Offense(s), Case Number(s) and Date(s)

9. **If applicable** – I am also charged with violating the **probation** imposed on me in the following case(s): ☐

   _____
   Case Number(s) and Date(s)

10. I understand the charge(s) against me, and the possible pleas and defenses. ☐

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS

11. **RIGHT TO A JURY TRIAL** – I understand that I have a right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt. ☐

12. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine all witnesses testifying against me. ☐

13. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and not incriminate myself, and the right to testify in my own behalf. I understand that by pleading guilty or no contest, I am incriminating myself. ☐

See Reverse Side

14. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. ☐

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

15. **If applicable** – I understand that I have the right to a lawyer, the right to a jury trial, the right to confront witnesses, the right to against self-incrimination, and the right to produce evidence and witnesses for all of the charges against me, including any other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial although I do have the right to a hearing before a judge. ☐

WAIVER OF RIGHTS

16. I give up my right to a lawyer, and I choose to represent myself. (Does not apply if you have a lawyer. ☐

17. I give up my right to a jury trial. ☐

18. I give up my right to confront and cross-examine witnesses. ☐

19. I give up my right to remain silent and to not incriminate myself. ☐

20. I give up my right to produce evidence and witnesses in my own behalf. ☐

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

21. I understand that if I am **not a citizen**, of the United States, I have the right to seek the advice and assistance of the consulate of the country of my citizenship. I am further advised that conviction of any crime may adversely affect my immigration status, and could result in deportation or exclusion from the United States, denial of admission to the United States, or denial of naturalization, amnesty, or certain federal appeals. ☐

21.a I understand that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, I can be charged with murder. ☐

22. I understand that a plea of **no contest** (nolo contendere) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony. ☐

23. I understand that my plea entered in this case may be grounds for **revoking probation** or **parole** that has been previously imposed on me in any other case. ☐

24. I understand that in addition to the fine imposed, the law requires the Court to add **assessments** that will **significantly increase the amount I must pay.** I understand that I may also be ordered (1) to make **restitution** to the victim, if the offense involved a victim, or to a Restitution Fund, and (2) to pay the **expenses** incurred by a public agency that responded to any incident caused by my vehicle at the time of my arrest. ☐

25. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

26 **If applicable** – I understand that if my blood-alcohol content was.**20 percent** or above, or if I **refused** to submit to a chemical test, the Court shall consider this in determining whether to enhance the penalties imposed on me, to grant probation, or to impose additional terms and conditions of probation. ☐

27 **If applicable**- I understand that if I am convicted of Vehicle Code **§23152**, and I am the **registered owner** of the vehicle used in the offense: ☐

A. The Court shall **impound** my vehicle at my expense for up to 90 days, unless it determines that it is in the interests of justice not to do so; and

B. The Court may declare my vehicle to be a **nuisance** and order it **sold** following a hearing if I have **two or more** other convictions of driving under the influence (Vehicle Codes §§23152 or 23153), or vehicular manslaughter (Penal Code §§191.5 or 192(c)(3)), or any combination thereof, in the past ten years. ☐

See Next Page

Case No._____

Sentences for Driving Under the Influence of Alcohol and/or Drugs (Section 23152)		
Offense	Minimum and maximum sentences when probation is granted (3 to 5 year probation term)	Minimum and maximum sentences without probation
First offense within 10 years	Two options, both requiring attendance at an alcohol/drug program, a fine of $390 to $1,000, plus either: **(A)** 48 hours to 6 months in jail; *or* **(B)** A 90-day license restriction allowing driving for work and alcohol/drug program only. Under either option, the Court *may* also suspend my license for 6 months.	96 hours to 6 month in jail; $390 to $1,000 fine, and a 6-month license suspension.
Second offense within 10 years	Two options, both carrying a fine of $390 to $1,000, plus either; (A) 10 days to 1 year in jail and an 18-month license suspension; *or* (B) 48 continuous hours to 1 year in jail. an 18-month or 30-month alcohol/drug program, and a 1-year license restriction allowing driving for work and alcohol/drug program only.	90 days to 1 year in jail, $390 to $1,000 fine, and an 18-month license suspension.
Sentences for Reckless Driving (§23103 under §23103.5)		
Nature of offense	Minimum and maximum sentences	Other
Reckless driving reduced from driving under the influence	If probation is *not* granted: 5 days to 90 days in jail, *or* 45 to $1,000, or both. If probation *is* granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years.

ADDITIONAL PENALTIES FOR A VIOLATION OF §23152

28. I understand that the DMV may restrict, suspend, or revoke my license under an administrative procedure that is separate from this criminal action. If such a procedure used, the DMV may also require me to attend an alcohol/drug program before my license will be restored. I understand that the DMV's action, if any, will be **in addition** to the Court's sentence and that I must obey it. ☐

29. I understand that the DMV may consider any of my **prior convictions** for driving under the influence or reckless driving that are **not charged** in this proceeding and impose a more severe license restriction, suspension, or revocation as a result of my uncharged conviction(s). ☐

30. I understand that if it is alleged that I recklessly drove **30** or more miles above the speed limit on a **freeway**, or **20** or more miles above the limit on any other **street or highway**, the Court may impose an **additional consecutive term of 60 days in the county jail.** If this is my **first** offense, the Court may also order me to complete an alcohol/drug and counseling program. ☐

31. **If applicable-** I understand that if I was **under** the age of **21** at the time of my arrest, in addition to the penalties in the above chart, my driver's license shall be **suspended** for **one year** and I must **surrender** my license to the Court. If I do not have a valid license at the time of my conviction, the Court shall order the DMV to **delay** issuing a license to me for **one year** after I become eligible to drive. ☐

FIRST OR SECOND VIOLATON OF §23152

32. **If applicable** – I understand that if the offense occurred in a vehicle that requires a **class 1 or class 2** (or **Class A** or **Class B**) driver's license, my license **shall be suspended** for **six months** upon a first conviction, or for **18 months** upon a second conviction, even if probation is granted. ☐

THIRD OR SUBSEQUENT VIOLATIONS OF §23152

33. **If applicable** – I understand that if I am convicted of a **third or subsequent** violation of Vehicle Code §23152:

    A. I must surrender my license to the Court. I will also be designated as a **habitual traffic offender** for a period of **three years** after my conviction, and I will receive an enhanced jail term and fine if I drive in violation of my license revocation. ☐

    B. I must successfully complete an alcohol/drug program in order to be eligible for a driver's license following my license revocation. ☐

    C. **If probation** is granted, I may request to participate in a **30-month treatment program.** This program includes a total of between 120 and 300 hours of community service. If the Court grants my request, I will be sentenced to the county jail for **at least 30 days but not more than one year** as a condition of probation instead of the jail term specified in the above chart. ☐

See reverse side

Case No._____

Sentences for Reckless Driving (Section 23103 under Section 23105.5)

Nature of offense	*Minimum and maximum sentences*	*Other*
Reckless driving reduced from driving under the influence	If probation is not granted: 5 days to 90 days in jail, or$145 to $1,000 fine, or both. If probation is granted: a maximum of 90 days in jail, or $1,000 fine, or both.	If alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within ten years

Sentences for Driving with a Suspended, Revoked, or Restricted License (Sections 14601.1, or 14601.2)

Offense	*First offense within 5 years*	Second *or subsequent offense:* Prior conviction(s) in past 5 years of Sections 14601, 14601.1, 14601.2
Vehicle Code Section 14601	5 days to 6 months in jail, and a fine of $300 to $1,000	10 days to 1 year in jail, and a fine of $500 to $2,000.
Vehicle Code Section **14601.1**	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000
Vehicle Code Section **14601.2**	10 days to 6 month in jail, or a fine of $300 to $1,000	If probation is *not* granted: 30 days to 1 year in jail, and a fine of $500 to $2,000. If probation *is* granted: a minimum of 10 to 30 days in jail, and $500 to $2,000 fine, depending on whether prior conviction was in past 7 or 5 years. (Note: a previous conviction under **§14601.1** constitutes a prior conviction under this section only if that conviction occurred between 5 and 7 years ago.)

*If I have been designated as an **habitual traffic offender** within three years of this conviction, I will in addition be sentenced to serve **180 days in jail and pay a $2,000 fine.**

34. I have read and understood the applicable charts on pages 3 and 4 which list the minimum and maximum sentences for the offense(s) I am charged with. (See No. 35 for the offenses not listed in the charts) ☐

PENALTIES FOR OTHER CHARGES

35. **If applicable** – I understand that the **possible consequences** for the offense(s) charged that are **not listed** on the penalty charts on pages 3 and 4 include the following:

_____ Jail_____ Fine_____
Section Number Max. Min. Max. Min.

Other Consequences_____

_____ Jail_____ Fine_____
Section Number Max. Min. Max. Min. ☐

Other Consequences_____

PLEA(S)

36. I hereby freely and voluntarily plead (guilty or no contest):_____ ☐

to (list charge(s)):_____

37. **If applicable** - I freely and voluntarily admit the **other conviction(s)** I listed on this form. I understand that this admission will increase the penalties that are imposed on me. ☐

38. **If applicable** - I freely and voluntarily admit the **probation violation(s)** listed on this form and give up my right to a hearing before a judge regarding the probation violation(s). ☐

39. I understand that I have the right to wait from **six hours** to **five days** prior to being sentenced. I give up this right and agree to be sentenced at this time. ☐

40. **If applicable** - I understand that I have the right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by _____ ☐
Temporary Judge

_____ _____
Date **Defendant's Signature**

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have gone over the form with my client. I have explained each of the defendant's rights to the defendant, and answered all of the defendant's questions with regard to this plea. I have discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, *including immigration consequences*, the elements of the offense(s), and the possible defenses. I concur in this plea and the defendant's decision to waive constitutional rights.

DATE: _____ **SIGNED:** _____
Attorney for Defendant

INTERPRETER'S STATEMENT (IF APPLICABLE)

I, _____, having been duly sworn, truly translated this form to the defendant in the _____ language. The defendant indicated that (s)he understood the contents of the form, and (s)he then initialed the form.

DATE: _____ **SIGNED:** _____
Court Interpreter

COURT FINDINGS AND ORDER

The Court, having reviewed this form and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and the defendant is convicted on his or her plea.

The Court orders this form filed and incorporated in the docket by reference as though fully set forth therein.

DATE: _____ **SIGNED:** _____
Judge of the Superior Court

SIGNED: _____
Temporary Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
People of the State of California, vs. Defendant(s):	
PLEA OF GUILTY/NO CONTEST – FELONY (PC 1016, 1016.5, 1017)	CASE NUMBER:

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following offenses and admit the enhancements, allegations and prior convictions as follows: ☐

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: *(State any agreement with the District Attorney.)* ☐

_____

_____

_____

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me. ☐

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes. ☐

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours. ☐

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one. ☐

<u>I understand</u> that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the <u>following constitutional rights, which I now give up</u> to enter my plea of guilty/no contest:

6b. I have the right to a **<u>speedy and public trial by jury</u>**. **I now give up this right.** ☐

6c. I have the right to **<u>confront and cross-examine all the witnesses</u>** against me. **I now give up this right.** ☐

6d. I have the right to **<u>remain silent</u>** (unless I choose to testify on my own behalf). **I now give up this right.** ☐

6e. I have the right to **<u>present evidence in my behalf</u>** and to have the court subpoena my witnesses at no cost to me. **I now give up this right.** ☐

DEFENDANT:	CASE NUMBER:

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; $ _____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation for a period up to 5 years or the maximum term of imprisonment, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sentenced to imprisonment for the maximum term as stated above. ☐

7b. I understand that I must pay a restitution fine ($300 - $10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. ☐

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case. ☐

7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and/or denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" then I will be deported, excluded from admission to the U.S., and denied naturalization. ☐

7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences. ☐

7f. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.) ☐

(1) Consecutive sentences
(2) Loss of driving privileges
(3) Lifetime registration as an arson / sex offender
(4) Registration as a narcotic / gang offender
(5) Cannot possess firearms or ammunition
(6) Blood test and saliva sample
(7) Priorable (increased punishment for future offenses)
(8) Restitution, Attorney's fee's, Probation fee's
(9) Prison prior
(10) Mandatory imprisonment
(11) Mandatory State Prison
(12) Presumptive imprisonment
(13) Presumptive State Prison
(14) Sexually Violent Predator Law
(15) Possible/Mandatory hormone suppression treatment
(16) Reduced conduct/work credits
a. Limited local credits (290/serious/prior)
b. Violent Felony (No credit or max. 15%)
c. Prior Strike(s) (No credit to max. 20%)
d. Murder on/after 6/3/98 (No credit)
(17) Domestic Violence treatment program ☐
(18) Other:_____
_____
_____

8. **(Appeal Rights)** I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. ☐

9. **(*Harvey* Waiver)** The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. ☐

10. **(*Cruz* Waiver)** Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s). ☐

11. **(*Arbuckle* Waiver)** I give up my right to be sentenced by the judge who accepts this plea. ☐

12. **(Probation Report)** I give up my right to a full probation report before sentencing. ☐

13. Unless previously agreed to as indicated in paragraph two (2), I understand that the matter of probation and/or sentence will be determined solely by the court. ☐

14. **(Evidence Disposal Waiver)** I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire. ☐

DEFENDANT:	CASE NUMBER:

PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: *(Describe facts as to each charge and allegation)* ☐

_____
_____
_____
_____
_____

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct. ☐

Dated: _____ Defendant's Signature _____

Defendant's Address: _____
Street

_____
City State Zip

Telephone Number: ( ) _____

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: _____ _____

(Print Name) **Attorney for Defendant** (Signature)
(Circle one: PD / AC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____ _____

(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of Imperial, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: _____ _____

(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest andadmissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: _____ _____

Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	*FOR COURT USE ONLY*
People of the State of California, vs. Defendant(s):	
PLEA OF GUILTY – MISDEMEANOR	CASE NUMBER:

PLEASE READ AND INITIAL

_____ 1.(a) I personally appeared and entered a plea of (guilty)(no contest) to the charges of _____

_____

(b) (IF APPLICABLE:) I desire to admit the truth of any alleged prior convictions(s) _____

_____

_____ 2. (a) My lawyer is_____

_____ (b) I do not have a lawyer representing me in these proceedings. **If 2b is initialed, complete the reverse page.**

_____ 3. The Court/my attorney has explained the nature of the charges, elements of the offense(s), and pleas and defenses available to me.

_____ 4. I have been advised, understand, and, knowingly and intelligently GIVE UP (WAIVE), in relation to the present charges as well as any prior convictions which may have been alleged and admitted, each of my following trial rights:

_____ (a) My right to be TRIED BY JURY or COURT TRIAL;

_____ (b) My right to be confronted by witnesses against me, that is, to SEE, HEAR, AND QUESTION ALL WITNESSES AGAINST ME; the right to CONFRONT WITNESSES.

_____ (c) My right not to incriminate myself, that is, NOT TO BE REQUIRED TO PLEAD GUILTY OR TESTIFY AGAINST MYSELF. My right to remain silent.

_____ (d) I AM ADVISED THAT IF I AM NOT A CITIZEN, CONVICTION OF THE OFFENSE(S) WITH WHICH I HAVE BEEN CHARGED, MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

_____ 5. (a) Maximum Penalty: _____

_____ (b) Subsequent arrest for petty theft may be filed as a felony.

_____ (c) My plea of guilty/no contest in this case could result in revocation of my probation or violation of parole in other cases.

_____ (d) Other consequences of my plea_____

_____ 6. My decision to enter this plea has been made freely and voluntarily, without fear of threat to me or to anyone closely related to or associated with me. No promises or inducements have been made to me in connection with this plea, except (specify):_____

_____ 7. I UNDERSTAND THAT A PLEA OF NO CONTEST IS THE SAME AS A PLEA OF GUILTY IN THIS CASE FOR PURPOSES OF SENTENCING.

_____ I HAVE READ AND UNDERSTAND EACH OF THE ABOVE ITEMS.

Dated: _____ _____Signature

Defendant

STATEMENT OF ATTORNEY

I am defendant's attorney of record. I have explained to the defendant each of his rights relating to his plea, *including immigration consequences*, and I am satisfied that he understands them. I concur with his plea and waivers.

Dated_____ _____Signature

FINDINGS AND ORDER

The Court finds that:

1. Defendant has appeared in open court and entered his plea(s).
2. Defendant has knowingly, intelligently, and understandingly waived his rights, including his right to jury trial, his right to confront witnesses against him, and his right against self-incrimination as they relate to the charged offense and any prior convictions.
3. There is a factual/legal basis for the plea(s).
4. Defendant has been advised of the consequences of his plea, the effect of which any prior conviction(s) will have on the punishment, and other sanctions to be imposed upon his conviction.
5. Defendant's waivers of his rights and his plea(s) are free and voluntary.

IT IS ORDERED:

Defendant's plea(s) of (guilty)(no contest) be entered and filed.

The Court accepts defendant's admission of his prior(s).

Dated: _____ _____Signature

Judge of the Superior Court

DEFENDANT	CASE NUMBER:

WAIVER OF RIGHT TO HAVE LAWYER
PLEASE READ AND INTIAL

_____ 1. I understand that I am charged in this case with having violated section _____, a misdemeanor.
2. I understand that the possible consequences of a conviction of this include the following:
_____ (a) Jail and/or fine: the judge may sentence me to serve a maximum of _____ in jail and pay a _____ fine plus penalty.
_____ (b) I will be required to register as a _____ offender pursuant to section _____.
_____ (c) Other possible consequences:_____.
_____ (d) Probation: The judge may require me to participate in educational and treatment programs. The judge may place me on probation for up to three years, requiring me to comply with various terms and conditions during that time.

_____

_____

_____

_____ 3. The court has explained the nature and elements of the offense(s) charged against me and the pleas and defenses available to me.
_____ 4. I UNDERSTAND MY CONSTITUTIONAL RIGHT TO HAVE A LAWYER DEFEND ME AT ALL STAGES OF THE PROCEEDINGS AND THAT IF I AM UNABLE TO AFFORD A LAWYER, THE COURT WILL APPOINT ONE FOR ME.
_____ 5. Having in mind each of the above items, I knowingly and intelligently GIVE UP (WAIVE) my right to have a LAWYER defend me in these proceedings and request that I be permitted to represent myself.

Dated:_____ _____Signature
Defendant

FINDINGS AND ORDER

The Court finds that:

Defendant understands the nature of the charge(s) against him, the elements of the offense(s), the pleas and defenses available thereto, and the consequences of conviction thereof.

Defendant's waiver of his right to counsel is intelligently and understandingly made.

IT IS ORDERED THAT:

Defendant's waiver of his right to counsel be accepted and filed, and the defendant be permitted to represent himself.

Dated: _____ _____Signature
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
DEFENDANT:	
REQUEST FOR MONTHLY PAYMENTS & BAIL FORFEITURE	CASE NUMBER:

PLEASE DATE, SIGN, AND MAIL ORIGINAL DOCUMENT TO COURT

Advisement of Rights

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena and present witnesses and physical evidence using the power of the court at no cost to you and testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

Initial each line below that you are agreeing to:

____ I have read and give up those rights listed on the advisement above.

____ I wish to forfeit the bail amount by paying in monthly installments which is the equivalent of a plea of guilty and a conviction that will

be placed on my driving record.

I, the undersigned, agree to make payments on this case (standard amount is $50.00 per month). I promise to pay the fine of $_____ (including a $30.00 administrative fee). Payments are due on or before the _____ day of each month, starting, _____. Thereafter, I promise to pay the monthly payment on or before the due date until the remaining balance is paid in full.

Failure to pay the fine as indicated above may result in the following:

- A Civil Assessment in the amount of $300.00 pursuant to Penal Code 1214.1
- VC40508.5 Civil Assessment is enforced as a civil judgment, including but not limited to wage garnishments, tax intercepts and liens on property.
- DMV will be notified pursuant to VC40509.5 immediately to suspend your driving privilege pursuant to VC13365(a)(2). This suspension will not be lifted until all fines/fees are paid in full.

Date: _____ Signature: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
DEFENDANT:	
REQUEST FOR EXTENSION TO PAY	CASE NUMBER:

PLEASE DATE, SIGN, AND MAIL ORIGINAL DOCUMENT TO COURT

Advisement of Rights

By choosing to pay and forfeit bail in installments and not go into court, you will be giving up these rights:

- To appear in court for formal arraignment, plea and sentencing;
- To have a court trial and challenge the charges;
- To have a speedy court trial and have the charges dismissed if a speedy trial is requested but not provided;
- To be represented by an attorney at your expense;
- To subpoena and present witnesses and physical evidence using the power of the court at no cost to you and testify on your own behalf;
- To confront and cross-examine all witnesses under oath testifying against you; and
- To remain silent and not testify.

Initial each line below that you are agreeing to:

____ I have read and give up those rights listed on the advisement above.

____ I wish to forfeit the bail amount by paying within **90 days of this agreement,** which is the equivalent of a plea of guilty and a conviction that will be placed on my driving record.

I, the undersigned, agree to make payments on this case and I promise to pay the FULL fine amount of $_____ by _____.
Amount due Date

If not paid timely, a $30.00 administrative fee will be added to the fine balance.

Failure to pay the fine as indicated above may result in the following:

- A Civil Assessment in the amount of $300.00 pursuant to Penal Code 1214.1
- VC40508.5 Civil Assessment is enforced as a civil judgment, including but not limited to wage garnishments, tax intercepts and liens on property.
- DMV will be notified pursuant to VC40509.5 immediately to suspend your driving privilege pursuant to VC13365(a)(2). This suspension will not be lifted until all fines/fees are paid in full.

Date: _____ Signature: _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	*FOR COURT USE ONLY*
People of the State of California vs. Defendant(s):	
REQUEST FOR SENTENCE MODIFICATION	CASE NUMBER:

Instructions: This form may be submitted to the Court and must be filed with the ***"Defendant's Financial Statement and Notice to Defendant"*** (Judicial Council Form MC-210) if requesting community service at the time it is submitted to the Court.

Action requested:

☐ Modify my sentence to allow me to attend Traffic School even though it was not initially ordered. **(If approved, I will be required to pay a $57.00 administration fee to the Court before attending the school)**

☐ Modify my sentence to convert my fine to community service.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and that written proof is attached to this form as required.

_____
Defendant's Signature

FOR COURT USE ONLY

Modification Hearing is set for: _____ at _____ ☐ a.m. ☐ p.m. in Dept. ____.

_____ _____
Deputy Clerk Date

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
DEFENDANT:	
BAIL REVIEW REQUEST	CASE NUMBER/BOOKING NUMBER:

Name _____ DOB _____

Address _____

Height _____ Weight _____ Hair _____ Eyes _____ Race _____ DL _____

Date Arrested _____ Arresting Agency _____

Violation(s) _____

MARITAL STATUS:

(a) ☐Married ☐Single ☐Separated ☐Common-Law ☐Divorced

(b) If Separated, Spouse's Address: _____

(c) Number of Children: _____ Live With: _____

Name(s) & Age(s): _____

EDUCATION:

(a) Last School Attended: _____

(b) Highest Grade Completed: _____

(c) Diplomas or Degrees: _____

EMPLOYMENT:

(a) Currently Employed ☐Yes ☐No

(b) Occupation: _____

(c) Name of ☐Current or ☐Last Employer: _____
Duration of Prior or Current Employment: _____ to _____

(d) Income: $_____ Approx. Income Last Year: $_____

(e) Supervisor: _____

(f) Employment Status: ☐Full-time (Permanent) ☐Part-time

☐Full-time (Temporary or Seasonal) ☐Unemployed

(g) Spouse: ☐Employed ☐Unemployed ☐ N/A

Length of Employment: _____ to _____

Name of Employer: _____

Spouse's Income: $_____ Approx. Income Last Year: $_____

FINANCIAL:

(a) Other Family Income: _____

(b) Real Property Owned: _____

Amount Owed: $_____ Payments: $_____

Approx. Value: $_____ Equity: $_____

(c) Automobile(s):

Year: _____ Model: _____ Equity: $_____

COURT USE ONLY:

TIES TO THE COMMUNITY/ABILITY TO POST BOND:

_____

_____

_____

MAXIMUM POTENTIAL SENTENCE THAT COULD BE IMPOSED:

_____

_____

_____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL

☐ 220 Main Street, Brawley, CA 92227
☐ 939 West Main Street, El Centro, CA 92243
☐ 1625 West Main Street, El Centro, CA 92243
☐ 2124 Winterhaven Drive, Winterhaven, CA 92283

FOR COURT USE ONLY

People of the State of California,

vs.

Defendant (*Acusado*):

CASE NUMBER:

DEFENDANT'S FINANCIAL STATEMENT AND NOTICE TO DEFENDANT
(DECLARACIÓN FINANCIERA Y AVISO AL ACUSADO)

CHECK ALL THAT APPLY *(MARQUE LAS OPCIONES QUE APLICAN)*:

☐ ELIGIBILITY FOR APPOINTMENT OF COUNSEL
(ELIGIBILIDAD PARA UN ABOGADO DE OFICIO)

☐ REIMBURSEMENT FOR COST OF COURT-APPOINTED COUNSEL
(REEMBOLSO DEL COSTO DEL ABOGADO DE OFICIO)

☐ ELIGIBILITY FOR RECORD ON APPEAL AT PUBLIC EXPENSE
(ELIGIBILIDAD DE LOS AUTOS PARA LA APELACIÓN COMO GASTO PÚBLICO)

1. a. Defendant's name: _____
(*Nombre del acusado*)
b. Other names used: _____
(*Otros nombres que ha usado*)
c. Address (*Domicilio*): _____
d. Date of birth: _____
(*Fecha de nacimiento*)
e. Telephone number: _____
(*Número telefónico*)
f. Driver's license number: _____
(*Número de licencia*)

2. Defendant's present employment (*Empleo actual del acusado*):
a. Occupation (*Ocupación*):
b. Name of employer (*Nombre del empleador*):
c. Address (*Dirección*):
d. Gross pay per (*Ingreso bruto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
e. Take-home pay per (*Ingreso neto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
f. Name of union (*Nombre del sindicato*): _____
g. Name of credit union (*Nombre de la cooperativa de crédito y ahorros*): _____

3. If defendant is not now working, state the name and address of defendant's last employer and the last date defendant was employed.
(*Si el acusado no está trabajando, indique el nombre y la dirección de su último empleador y la fecha en que dejó de trabajar.*)
a. Name (*Nombre*): _____
b. Address (*Dirección*): _____
c. Last date of employment (*Última fecha de empleo*): _____

4. Defendant (*El acusado*)
is (*es*) ☐ ☐ is not (*no está*) married (*casado*).

5. a. Spouse's name (*Nombre del cónyuge*): _____
b. Other names used (*Otros nombres que ha usado*): _____
c. Address (*Domicilio*): _____
d. Date of birth: _____
(*Fecha de nacimiento*)
e. Telephone number: _____
(*Número telefónico*)

6. Spouse's present employment (*Empleo actual del cónyuge*):
a. Occupation (*Ocupación*):
b. Name of employer (*Nombre del empleador*):
c. Address (*Dirección*):
d. Gross pay per (*Ingreso bruto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
e. Take-home pay per (*Ingreso neto*) month (*mensual*): $ week (*semanal*): $ day (*diario*): $
f. Name of union (*Nombre del sindicato*): _____
g. Name of credit union (*Nombre de la cooperativa de crédito y ahorros*): _____

7. *If spouse is not now working, state the name and address of spouse's last employer and the last date spouse was employed.*
(*Si el cónyuge no está trabajando, indique el nombre y la dirección de su último empleador y la fecha en que dejó de trabajar.*)
a. Name (*Nombre*): _____
b. Address (*Dirección*): _____
c. Last date of employment (*Última fecha de empleo*): _____

8. Dependents
(*Dependientes*)

Name (Nombre)	Address (Domicilio)	Relationship (*Parentezco*)	Age (*Edad*)

PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	CASE NUMBER:

OTHER MONTHLY INCOME (*INGRESOS MENSUALES ADICIONALES*)

9.

Defendant (*Acusado*)

a. Unemployment and disability (*Desempleo e incapacidad*) $ _____
b. Social Security (*Seguro Social*) ..... $ _____
c. Welfare, TANF (*Beneficiencia pública, TANF*) ..... $ _____
d. Veteran's benefits (*Prestaciones de veterano*) ..... $ _____
e. Worker's compensation (*Indemnización laboral*) ..... $ _____
f. Child support payments (*Pensión alimenticia*) ..... $ _____
g. Spousal support payments (*Pensión conyugal*) ..... $ _____
h. All other income not elsewhere listed (*Otros ingresos*) ... $ _____

Total:$ _____

Spouse (*Cónyuge*)

a. Unemployment and disability (*Desempleo e incapacidad*) $ _____
b. Social Security (*Seguro Social*) ..... $ _____
c. Welfare, TANF (*Beneficiencia pública, TANF*) ..... $ _____
d. Veteran's benefits (*Prestaciones de veterano*) ..... $ _____
e. Worker's compensation (*Indemnización laboral*) ..... $ _____
f. Child support payments (*Pensión alimenticia*) ..... $ _____
g. Spousal support payments (*Pensión conyugal*) ..... $ _____
h. All other income not elsewhere listed (*Otros ingresos*) ... $ _____

Total:$ _____

EXPENSES (*GASTOS*)

10. Monthly expenses being paid by defendant alone or by defendant and spouse (*Gastos mensuales pagados por el acusado o cónyuge*):

a. Rent or house payments (*Renta o hipoteca*) ..... $ _____
b. Car payments (*Pagos del auto*) ..... $ _____
c. Transportation payments (*Gastos por transporte*) ..... $ _____
d. Medical and dental payments (*Pagos medicos o dentales*) ..... $ _____
e. Loan payments (*Pagos por préstamos*) ..... $ _____
f. Clothing and laundry (*Ropa y lavanderia*) ..... $ _____
g. Food (*Alimentos*) ..... $ _____
h. Support payments (*Pagos de manutención o pension alimenticia*) ..... $ _____
i. Insurance payments (*Pagos por seguros*) ..... $ _____
j. Other payments (union, taxes, utilities) (*Otros pagos: sindicato, impuestos, servicios públicos*) ... $ _____

Total (a-j): $ _____

11. Installment payments other than those listed in item 10.
(*Pagos mensuales adicionales a los del No. 10*)

Name of Creditor (*Nombre del Acreedor*)	Monthly Payment (*Pago mensual*)	Balance Owed (*Saldo a deber*)
a. _____	$ _____	$ _____
b. _____	$ _____	$ _____
c. _____	$ _____	$ _____
d. _____	$ _____	$ _____
e. _____	$ _____	$ _____
	Total:$ _____	**Total:$** _____

ASSETS
(*BIENES*)

12. What do you own? *(State value):*
(*¿Qué bienes tiene? Indicar su valor:*)

a. Cash (*Efectivo*) ..... $ _____
b. House equity (*Plusvalía de su casa*) $ _____
c. Cars, other vehicles and boat equity *(List make, year, and license number of each)* $ _____
(*Plusvalía de su carro, otros vehículos, barco. Enumere el modelo, año y número de licencia de cada uno*)
d. Checking, savings, and credit union accounts ..... $ _____
(List name and account number of each)
(*Cuentas de cheques, ahorros y cooperative de créditos y ahorros. Enumere el nombre y el número de cuenta de cada uno*)
e. Other real estate equity (*Plusvalía en otros bienes raíces*) ..... $ _____
f. Income tax refunds due (*Reembolsos fiscales por recibir*) ..... $ _____
g. Life insurance policies (ordinary life, face value) ..... $ _____ Length of ownership_____
(*Pólizas de seguro de vida; ordinario, su valor neto*) (*Tiempo con la póliza*)
h. Other personal property (jewelry, furniture, furs, stocks and bonds, etc.) ..... $ _____
(*Otros biene: joyería, muebles, pieles, acciones y bonos, etc.*)

Total:$ _____

13. **ELIGIBILITY FOR APPOINTMENT OF COUNSEL AND NOTICE TO DEFENDANT**: If an attorney is appointed to represent you, the court will, at the conclusion of the criminal proceedings, after a hearing, make a determination of your ability to pay all or a portion of the cost of the attorney. If the court determines that you are at that time able to pay, the court will order you to pay all or part of such cost. Such an order will have the same force and effect as a judgment in a civil action and will be subject to execution.

(***ELEGIBILIDAD PARA EL NOMBRAMIENTO DE UN ABOGADO DE OFICIO Y AVISO AL ACUSADO:*** *Si se le nombra un abogado de oficio, al finalizar su causa penal y después de celebrar una audiencia, el juzgado determinará su capacidad de pago por todo o un porcentaje del costo del abogado. Si el juzgado determina que en ese momento usted tiene la capacidad de pagar, se le ordenará que pague dicho costo total o parcial. Dicha orden tiene la misma vigencia que un fallo de lo civil y será sujeto a ejecución.*)

Declaration of Defendant

I declare under penalty of perjury that the foregoing is true and correct, and that I understand the notice contained in item 13, under the laws of the state of California.

Declaración del Acusado

(Declaro bajo pena de perjurio de acuerdo a las leyes del Estado de California que lo presente es fiel y exacto y que comprendo el aviso contenido en el Número 13.)

Date *(Fecha)*:

_____

Signature of Defendant
(Firma del Acusado)

NAME AND ADDRESS OF ATTORNEY:	FOR COURT USE ONLY
TELEPHONE NUMBER:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
ARBITRATOR'S FEE STATEMENT	CASE NUMBER:

Pursuant to California Rules of Court, rule 3.819 and Local Rules – Superior Court of California, County of Imperial, rule 3.5.6, the following fee(s) are requested for conducting arbitration proceedings in the above named case.

Date session concluded: _____ Date Award/Settlement filed with Court: _____

Name of Arbitrator: _____ Length of Session: _____

Name of Payee: _____ **Fee(s) Requested:** _____

Address of Payee: _____

_____

_____

Social Security number or Taxpayer Identification number: _____

I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signature of Arbitrator: _____

FOR COURT USE ONLY

Amount authorized _____

Date: _____ _____
(ARBITRATION ADMINISTRATOR)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

GENERAL INFORMATION
UNLAWFUL DETAINER: PLAINTIFF

Often, the Plaintiff is the landlord but can be any person with a legal right to possession of the residence. The Defendant is often the tenant, but can be any person living in the residence whom the plaintiff wishes to evict. If the Landlord does not list all the adult occupants as defendants, then the eviction may not be used against any unnamed people. Please follow the basic instructions below. You may apply for a fee waiver if you cannot afford the filing fee. You may need more than the forms listed. You can get free forms on www.courts.ca.gov/forms

1	Start the case	Before starting this case, you must have already given proper notice to the tenant to pay, or perform, or to quit. To start the eviction case, the landlord normally must pay a filing fee and submit to the court an original and one copy of: Civil Case Cover Sheet (CM-010) Summons-Unlawful Detainer-Eviction (SUM-130) Complaint-Unlawful Detainer (UD-100) Prejudgment Claim of Right to Possession (CP10.5)
2	Serve a copy	The landlord must next give a copy to the tenant(s). This is called "service." To serve correctly, do not give a copy on your own. Correct service means that someone 18 years or older and not involved in the case hands the copy to the tenant. Use the following forms to prove that a copy was delivered to the tenant(s). Prepare a proof of service form for each tenant served. Proof of Service of Summons (POS-010)
3	Wait	The tenant has only 5 days from the time of service to file any "Answer."
4	Request Default	If the tenant does not file an "Answer," the landlord may request a "Default" by submitting the following forms and documents: Original Summons-Unlawful Detainer-Eviction (SUM-130) Proof of Service of Summons (POS-010) Request for Entry of Default (CIV-100) Writ of Possession (EJ -130) Judgment – Unlawful Detainer (UD-110)
or		
5	Request Trial	If the Tenant files an Answer, in order to end the case, you must request a trial. The court clerk will usually schedule a trial within 20 days of your request.

Remember to avoid these common mistakes:

- Spell everyone's name correctly or else your judgment may not be enforceable.
- If you do not know the names of all the adult occupants, you must serve them with a copy of the Summons and Complaint as well as a blank Prejudgment Claim of Right to Possession.
- If you do not serve unnamed occupants in the way described above, even if you have an order to evict the named tenants, the unnamed occupants can delay their own eviction by filing a Claim of Possession (Form CP 10).

DISCLAIMER: These instructions are designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney see http://www.courts.ca.gov/1084.htm

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

GENERAL INFORMATION
UNLAWFUL DETAINER: DEFENDANT

If your landlord served you with an Unlawful Detainer case, you must decide if you want to answer. You may state defenses in a written "Answer" and file it at court within 5 days after you receive the Summons and Complaint. If you do not answer or if your answer is late, you might lose the case, be evicted, and have money and property taken without warning. Thus you may wish to still file an "Answer" even if you leave the property. You may apply for a fee waiver if you cannot afford the filing fee. You may need more than the forms listed. You can get free forms on www.courts.ca.gov/forms .

1	Answer the case	If you are a named defendant, fill out the "Answer" to explain your defenses: **Answer-Unlawful Detainer** (UD-105) file within 5 days. Or, If you are an un-named adult occupant and you were served a Prejudgment Claim of Right to Possession fill out the following to explain your defenses: **Prejudgment Claim of Right to Possession** (CP10.5) file within 10 days **Answer-Unlawful Detainer** (Form UD-105) file within 5 days thereafter
2	Serve a copy	After you fill out the forms, you must give a full copy of it to the landlord or the landlord's attorney. This is called "service." To serve correctly, do not give a copy on your own. Correct service means that someone 18 years or older and not involved in the case sends the copy through first class mail. After the server mails the copy, fill out the following form after prove that the landlord was mailed a copy: **Proof of Service of Summons** (POS-010)
3	Wait	Take the original Answer and original Proof of Service to the court to file with the clerk. There may be a filing fee, and you may qualify for a fee waiver. Be ready for your hearing.

Remember to avoid these common mistakes:

- Watch deadlines, you have only 5 days from service to take your answer to court. If the 5th day falls on a weekend or holiday, you can file your written response on the following Monday or non-holiday.
- If you are not named on the Summons and Complaint and you **were** served with a Prejudgment Claim of Right to Possession, you may follow step 2 above. If you stay silent, you can be evicted.
- If you are not named on the Summons and Complaint and you **were not** served with a Prejudgment Claim of Right to Possession, the judgment will not necessarily be binding on you. This means that when the eviction notice is posted, you have the chance to file a Claim of Possession (Form CP 10). You must pay the Court's filing fee or complete a fee waiver within 2 court days. You must also deliver to the court 15 days' rent to receive a hearing in 15 days. If you do not pay the deposit, the court will hold the hearing within 5 days.

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ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	
PLAINTIFF: DEFENDANT:	
APPLICATION TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)	CASE NUMBER:

1. I am the ☐ plaintiff ☐ plaintiff's attorney.
2. I hereby apply for an order pursuant to Code of Civil Procedure § 415.45 to permit service by posting of the summons and complaint on defendant(s) (specify names):

   _____

   _____

3. The complaint seeks possession of the property located at: _____

   _____

   County of Imperial. The property is ☐ residential ☐ commercial.
4. Attempts to serve the summons and complaint in a manner specified by Code of Civil Procedure § 415.10 (other than posting and publication) were made as follows:

	DATE	TIME	REASON SERVICE COULD NOT BE MADE/REMARKS
a.			
b.			
c.			

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ _____
(SIGNATURE OF APPLICANT OR ATTORNEY)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
PLAINTIFF: DEFENDANT:	
ORDER TO SERVE SUMMONS BY POSTING (UNLAWFUL DETAINER)	CASE NUMBER:

FINDINGS AND ORDER FOR POSTING OF SUMMONS

THE COURT FINDS that a cause of action exists against the defendant(s) named in the application and that the defendant(s) named in the application cannot with reasonable diligence be served in any manner specified in Civil Code § 415.10 et seq., other than posting or publication.

THE COURT ORDERS that the defendant(s) named in the application be served by posting a copy of the summons and complaint on the premises in the manner most likely to give actual notice to the defendant(s), and by immediately mailing, by certified mail, a copy of the summons and complaint to each of the defendant(s) at his or her last known address.

Date: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 West Main Street** **El Centro, CA 92243**	
Petitioner/Plaintiff: Respondent/Defendant: Other Parent/Party:	
NOTICE OF TELEPHONE APPEARANCE	Case Number:

1. I am the ☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other Party in this case. I hereby notify the court and all parties that I will make an appearance by telephone.

2. A hearing in this matter is scheduled for

   Date: _____

   Time: _____ am/pm

   Dept: _____

3. I will make an appearance by telephone because:

   _____

   _____.

4. The parties listed below have been served with a copy of this *Notice of Telephone Appearance* at least five (5) court days before the hearing:

   a) _____, who lives in _____, was served on: _____.
   Name *County* *date*

   b) _____, who lives in _____, was served on: _____.
   Name *County* *date*

   c) _____, who lives in _____, was served on: _____.
   Name *County* *date*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

_____ _____
Type or print your name *Signature*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS: TELEPHONE APPEARANCES

You may participate in a court hearing by telephone through a private company named "CourtCall." The calls are not free, but if you are granted a court waiver, they can be placed free of charge. Follow this instruction sheet if you have a civil or a family law case. Please note that some court proceedings do not permit telephone appearances.

Note: If you have a Family Support Title IV-D Hearing which involves the Department of Child Support Services, **do not follow these steps.** Instead, follow California Rule of Court number 5.324 and Local Court Rule 5.1.3(b).

1	Telephone and Fax machine	You will need a telephone or ability to fax CourtCall to make payment arrangements before your hearing date.
2	Cost	You will need to pay a fee to CourtCall to use their service unless you have valid fee waiver from the court. If you do not have a valid fee waiver, you may fill out the Blank Fee Waiver Application and Fee Waiver Order enclosed, and file it with a self-addressed stamped envelope.
3	Request and Notification	You need to notify the court and all parties of your intent to make a telephone appearance by serving them a copy of your notice before filing it with the court. Use the form attached to give notice at least 5 court business days before the hearing. Follow Local Court Rule 3.8.6 carefully.
4	File Fee Waiver and Request	To file your fee waiver application, the notice for a telephone appearance, or other documents in your case, mail the original and a copy with a self addressed stamped envelope to: If you have a Civil Case: Civil Filing Clerk, Imperial County Superior Court, 939 W. Main Street, El Centro, CA 92243 If you have a Family Law Case: Family Law Filing Clerk, Imperial County Superior Court, 939 W. Main Street, El Centro, CA 92243
5	Gather Information About Your Case	Make sure you have the following information ready when you contact CourtCall: 1. Judge's Name 2. Hearing Date 3. Department Number 4. Case Number 5. Nature of Case (*divorce trial, status conference, etc.*)
6	Contact CourtCall	Make arrangements at least 5 court business days before the hearing. DO NOT wait until the last minute. Call CourtCall and follow their instructions: (888) 88-COURT [*888- 882-6878*]

If you have any questions or concerns and are not represented by an attorney in this case, you may contact the Access Center at accesscenter@imperial.courts.ca.gov.

This instructional page is designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with an attorney see http://www.courts.ca.gov/1084.htm.

SHORT TITLE:	CASE NUMBER:

SERVICE MATRIX ATTACHMENT TO CASE MANAGEMENT STATEMENT

Party Served *If the party served is an attorney, the party or parties represented should also be stated*	**Date Served** *Date party was served with complaint or cross-complaint*	**Party Status** *Appeared, defaulted or dismissed and date of such*	**Counsel of Record** *Firm name and address*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Proceso de Mediación

1. **CUSTODIA DE MENORES O VISITA DISPUTADAS**
   Si usted y la otra parte no logran acordar sobre la cantidad de tiempo que su hijo pasará con cada uno de ustedes, La Ley de California requiere que las partes participen en *mediación* respecto a los temas en disputa. La Mediación es un procedimiento informal durante el cual las partes comparecen ya sea de forma separada ó conjuntamente con un mediador capacitado para resolver disputas de custodia o visita.

2. **MEJOR INTERES DEL MENOR O MENORES**
   El Mediador esta obligado a desempeñar su mejor esfuerzo para ayudar a las partes a que alcancen un acuerdo conforme al *mejor interés del menor o menores. El mejor interés del menor* esta basado en factores tales como salud, seguridad y bienestar del menor, existencia de algún antecedente de abuso por de las partes hacia con el menor, así como el tiempo de convivencia del menor con ambas partes, y el uso habitual de alcohol o drogas ilegales por cualquiera de las partes.

3. **ANTECEDENTES DE VIOLENCIA DOMESTICA**
   En caso de existir antecedentes de violencia domestica entre las partes, el mediador esta obligado a reunirse con las partes de forma separada.

4. **REFERENTE A LA MEDIACION / CUESTIONES A DISCUTIR.**
   La referencia a la mediación requiere de un mandato judicial hecho por un juez. La orden se puede hacer ya sea antes de una audiencia ante el tribunal o después. Los asuntos mediados serán limitados estrictamente a asuntos de custodia y visita que han sido presentados ante el tribunal.

5. **SI USTED LLEGA A UN ACUERDO**
   Si las partes llegan a un acuerdo, éste quedará asentado por escrito y podrá ser firmado por las partes antes de retirarse de la reunión.
   El acuerdo puede hacerse una orden de la Corte en la siguiente audiencia ante la presencia del juez.

6. **TERMINOS LEGALES QUE USTED NECESITARA ENTENDER**
   - *Custodia Legal Conjunta:* Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.
   - *Custodia Legal Única:* Una de las partes tiene el derecho y la responsabilidad para tomar las decisiones relacionadas con la salud, la educación y el bienestar del niño.
   - *Custodia Física Conjunta:* Ambas partes tienen períodos significativos de custodia física, y el niño es asegurado del contacto frecuente y continuo de ambas partes.
   - *Custodia Física Única*: El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal.

POSIBLES ACUERDOS SOBRE CUSTODIA

	CUSTODIA LEGAL CONJUNTA: Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA FÍSICA CONJUNTA:** Ambas partes tienen períodos significativos de custodia física, y el niño es asegurado del contacto frecuente y continuo de ambas partes.
Ó	**CUSTODIA LEGAL CONJUNTA:** Ambas partes comparten el derecho y la responsabilidad para tomar las decisiones relacionadas a la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA FÍSICA ÚNICA:** El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal
Ó	**CUSTODIA LEGAL ÚNICA:** Una de las partes tiene el derecho y la responsabilidad para tomar las decisiones relacionadas con la salud, la educación y el bienestar del niño.	**Y**	**CUSTODIA LEGAL UNICA PARA UNA DE LAS PARTES:** El niño reside y está bajo la supervisión de una de las partes, sujeto al derecho de visitas ordenado por el tribunal.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Mediation Process

1. **DISPUTED CHILD CUSTODY OR VISITATION**
   If you and the other party cannot agree upon the amount of time that the child will spend with each of you, California law requires you and the other party to participate in *mediation* concerning the disputed issues. Mediation is an informal process during which parties meet separately and together with a mediator trained to resolve custody and visitation disputes.

2. **BEST INTERESTS OF THE CHILD**
   The Mediator is required to use his or her best efforts to help the parties reach an agreement that is in the *best interests of the child*. The *best interests of the child* are based on factors including the health, safety, and welfare of the child, the nature and amount of contact with each party, and history of abuse, habitual use of alcohol, or illegal drugs by either party.

3. **HISTORY OF DOMESTIC VIOLENCE**
   Whenever there is a *history of domestic violence* between the parties, the mediator is required to meet with the parties separately.

4. **SCHEDULING MEDIATION/ISSUES TO BE DISCUSSED**
   Mediation scheduling may be made by a judge, or stipulated by the parties to advance mediation.
   Issues mediated will be *strictly limited* to custody and visitation issues.

5. **IF YOU REACH AN AGREEMENT**
   If the parties reach an agreement, the agreement will be put in writing and may be signed by the parties before they leave the meeting. The agreement can be made a court order at the next hearing before a judge.

6. **LEGAL TERMS YOU WILL NEED TO UNDERSTAND**
   - *Joint Legal Custody:* Both parties share the right and the responsibility to make the decisions relating to the health, education, and welfare of the child.
   - *Sole Legal Custody:* One party has the right and responsibility to make decisions relating to the health, education, and welfare of the child.
   - *Joint Physical Custody:* Each of the parties has significant periods of physical custody, and the child is assured of frequent and continuing contact with both parties.
   - *Sole Physical Custody:* A child resides with and is under the supervision of one party, subject to the power of the Court to order visitation.

Possible Custody Arrangements

	JOINT LEGAL CUSTODY: Parties share right/responsibility to make decisions relating to health, education and welfare of child	**AND**	**JOINT PHYSICAL CUSTODY:** Parties have significant periods of physical custody; child has frequent and continuing contact with both parties
OR	**JOINT LEGAL CUSTODY:** Parties share right/responsibility to make decisions relating to health, education and welfare of child	**AND**	**SOLE PHYSICAL CUSTODY TO ONE PARTY:** Child resides with and is under supervision of one party, subject to other's visits.
OR	**SOLE LEGAL CUSTODY TO ONE PARTY:** One party has right/responsibility to make decisions	**AND**	**SOLE PHYSICAL CUSTODY TO ONE PARTY:** Child resides with and is under supervision of one party, subject to other's visits.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
CASE MANAGEMENT QUESTIONNAIRE	CASE NUMBER:

INSTRUCTIONS:

This form must be filed and served at least 20 calendar days before the Case Management Conference. If you are representing yourself, you must have someone over the age of 18, other than yourself; mail a completed copy of this form to the opposing attorney or party at least 20 days before the Case Management Conference. A Proof of Service form should be attached to the original form that is filed with the court. PLEASE BE SURE TO BRING A COPY OF THE COMPLETED FORM AND PROOF OF SERVICE WITH YOU TO THE CASE MANAGEMENT CONFERENCE.

1. PARTIES AND ATIORNEYS. I am ☐ Petitioner ☐ Respondent ☐ Other: _____

   a. I ☐ am ☐ am not represented by an attorney.

   b. The other party ☐ is ☐ is not represented by an attorney.

   c. The address of the other party/party's attorney is:

   Name: _____

   Address: _____

   City/State/Zip Code: _____

   Telephone Number: _____

2. NATURE OF CASE.

   a. Have the parties reconciled ..... ☐ Yes ☐ No

   b. Has the Respondent been served with the Summons and Petition ..... ☐ Yes ☐ No

   c. Do the parties expect to make an agreement ..... ☐ Yes ☐ No

   d. Has this case settled..... ☐ Yes ☐ No Judgment will be filed on/before: _____

   e. Parties working on an agreement and request the CMC be continued..... ☐ Yes ☐ No

   f. Has the Petitioner served Respondent with Disclosure Documents ..... ☐ Yes ☐ No

   g. Has the Respondent served Petitioner with Disclosure Documents ..... ☐ Yes ☐ No

   h. Have the parties had a meeting to try and settle all issues ..... ☐ Yes ☐ No

   i. Are the parties involved in any private mediation ..... ☐ Yes ☐ No

Petitioner: Respondent:	Case Number:

3. ISSUES. This case involves the following issues (*check all that apply*).

a. CHILD CUSTODY/VISITATION has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

b. CHILD SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

c. SPOUSAL SUPPORT has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

d. DIVISION OF ASSETS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

e. DIVISION OF DEBTS has been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

f. ATTORNEY'S FEES & COSTS have been ☐ resolved by agreement ☐ resolved by Court Order

☐ still pending and the next hearing date is _____ ☐ still pending and there is no hearing date set.

4. TRIAL READINESS. I ☐ am ☐ am not ready for trial.

a. If not ready for trial, when will you be ready (*date*): _____

b. If ready for trial, this case will take _____ ☐ days ☐ hours to complete.

c. If ready for trial, what dates are you unavailable for trial: _____

_____

_____

_____

5. ADDITIONAL INFORMATION:

_____

_____

_____

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

_____

☐ Petitioner ☐ Respondent

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS

Findings and Orders After Hearing

A minute order from the hearing may contain the decisions in your case, but it is not the order because it is not signed by the judge. A moving party filing a motion or a Request for Order shall provide a Proposed Findings and Order After Hearing at the time of filing or in open court. Otherwise, prepare the Order after the hearing, according to the instructions below.

1	Prepare the Orders	Get a copy of the Court's minute order of the hearing. Fill out the Findings and Order After Hearing according to the minute order. You can buy the forms in the clerk's office or download them for free at http://www.courts.ca.gov/forms.htm Start with FL-340, and enter the date and courtroom where the case was heard, the name of the judge, the people who attended, and what type of orders the judge made. Do not sign this page. Add additional pages as needed to accurately reflect the orders.
2	Serve a copy	After you finish the proposed orders, you must send it within 10 days of the hearing date to the other party for approval. Make a copy. Send it with the "Letter to the Other Party" attached to this packet that explains time limits and options, as required in Section CRC 5.125.
3	Wait	The other party has 20 days from the hearing date to review the proposed orders. If the other party receives the proposed orders, they should obtain a copy of the minute order and compare for accuracy. If there are mistakes, the other party must notify you within 20 days from the hearing date. If the proposed orders are correctly prepared, the other party should sign the first page to approve the order within 20 days from the hearing date and return it to you to be submitted for review and signature by the Court. If the other party does nothing during the twenty-day period, you may submit the proposed orders for review and signature by the Court within 25 days of the hearing.
4	File	After the 20 days have passed, you may now take the approved orders signed by the other party, or the unsigned proposed orders with the "Letter to the Court," to the Family Law Department. Be sure to file your original with at least two copies. Include a self addressed and stamped envelope for the clerk to mail back your copies signed by the judge. This must be done within 25 days of the hearing.
5	Serve a Copy	After the judge signs the orders, the clerk will use your stamped envelope to mail your copies back to you. Keep one copy. Serve the second copy to the other party by mail, sign the proof of service, and file with the court.
6	For Child Support Orders	If there are any child support orders, both parties must complete a **Child Support Case Registry** (FL-191). You may also fill out an **Income Withholding for Support** (FL-195) and an **Ex Parte Application for Earnings Assignment Order** (FL-430) for payments to be processed through the State Disbursement Unit. To find out more about wage assignments, call the State Disbursement Unit at 866-325-1010, or the California Department of Child Support Services at 866-901-3212. You may also contact the Court's Access Center at accesscenter@imperial.courts.ca.gov.

This instructional packet is designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney see http://www.courts.ca.gov/1084.htm

Findings and Orders After Hearing
Letter to the Opposing Party

Date: _____

To:
Opposing Party Name and Address

_____

_____

_____

RE: Findings and Order After Hearing

Case Number: _____

Case Name: _____

Dear (other party name) _____:
Enclosed, you will find a Findings and Order After Hearing containing the orders from our Court hearing which occurred on date: _____. Please review the document. If it is correctly prepared, and reflects the Court's order, please review, sign, and return it to me within twenty days of the hearing date listed above. If it does not reflect the Court's order, then you must state the reasons for disapproval to me within twenty days. Failure to notify me within the time limit will be considered an approval of the proposed order. These instructions are according to the California Rules of the Court, Rule number 5.125.

Sincerely,

_____
(Signature)

_____
(Print Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY **RECEIVED**
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
FINDINGS AND ORDERS AFTER HEARING **LETTER TO THE COURT**	CASE NUMBER:

A proposed Findings and Order After Hearing for the hearing held on date: _____ was mailed to the other party named _____ on date: _____, as required in the California Rules of the Court, Rule 5.125.

I also included a letter to the other party explaining the steps they may take.

☐ I have not received any response.

☐ I have received the following response(s) from the other party:

_____

_____

_____

I ask the Court to please sign the attached Findings and Order after Hearing.

Sincerely,

_____
(Signature)

_____
(Print Name)

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION FOR MEDIATION	CASE NUMBER:

1. Provide any of the following case numbers:
   ☐ Family Law: _____ ☐ Family Support: _____
   ☐ Domestic Violence: _____ ☐ Uniform Parentage Action: _____

2. A dispute exists between the above named parties concerning (check all that apply and provide a brief explanation): ☐ Custody ☐ Visitation ☐ Other

3. Date of last Mediation Report: _____/_____/_____.

4. Do you have a current Domestic Violence Restraining Order?
   ☐ Yes (If yes, attach copy)
   ☐ No

Please provide the following information. (Post Office Box if Domestic Violence is an issue.)

_____

_____

PETITIONER'S INFORMATION:		RESPONDENT'S INFORMATION:	
Name:		Name:	
Mailing Address:		Mailing Address:	
City State/Zip:		City State/Zip:	
Home Phone:	Work Phone:	Home Phone:	Work Phone:
Relationship to child:		Relationship to child:	
Language:		Language:	
Attorney:		Attorney:	

5. Any information I have provided above and any attachment to this request is furnished in good faith in the hope of settling the dispute. I declare under penalty of perjury that the foregoing is true and correct.

_____ PETITIONER SIGNATURE AND DATE

_____ RESPONDENT- SIGNATURE AND DATE

6. **Notice of Mediation Appointment:**
   Superior Court, Family Law, Clerk's Office
   939 Main Street, Lower Level, El Centro, CA

   Date: _____ Time: _____

_____ CLERK SIGNATURE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

EX PARTE APPLICATIONS – FAMILY LAW

1. **WHAT IS AN EX PARTE APPLICATION?** A request for an "ex parte" order is made by submitting papers asking the judge to make orders without giving the other party the usual amount of notice. For example, applications for court orders are made by giving the other party at least 16 court days' notice. However, if you need to have your hearing earlier than 16 court days before the hearing, you may ask the court for an ex parte order to shorten the time for service and filing.

2. **IS AN EX PARTE APPLICATION REQUIRED FOR MY ISSUE?** There is no need for an ex parte application for written stipulations; Default judgments; Joint requests for advanced stipulation for mediation-Local Form (FL-05); Wage and earnings assignment order-Judicial Council Form (FL-435); Restoration of former name after judgment or Order for Publication or posting. Submit these documents to the family law filing clerk for judicial officer signature.

3. **EX PARTE APPLICATIONS FOR CHILD CUSTODY AND CHILD VISITATION ARE STRONGLY DISFAVORED**

   - Ex parte applications regarding child custody and visitation will be granted only upon a clear showing of immediate harm to the child or immediate risk that the child will be removed from California. Family Code § 3064(a).
   - "Immediate harm to the child" includes, but is not limited to, having a parent who has committed recent domestic violence, or domestic violence that is part of a continuing pattern, and sexual abuse of the child, where the acts of sexual abuse are recent, or are part of a continuing pattern of sexual abuse. Family Code § 3064(b)
   - Ex parte applications to change a child's vacation, school or holiday schedule are disfavored. If you have a need for the court to hear such a matter, the court may make an order shortening time and notice for the matter to be heard.

4. **IF I WANT TO MAKE AN EX PARTE APPLICATION, WHAT PAPERS DO I NEED TO FILE?** Fill out and file: a) Local Form FL-06(A) Declaration re: Ex Parte Notice, and b) Local Form FL-06(B) Application in Support of Ex Parte Request, and c) Local Form GN-01 Request for Hearing, d) Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Local Form FL-06(A) Declaration re: Ex Parte Notice tells the court that you have given the other party the required notice of the fact that you are seeking an ex parte application, or the reasons you are excused from doing so.

5. **HOW DO I GIVE NOTICE?** Before 10:00 a.m. on the court day before the hearing, the party asking for an ex parte order must:

   - Notify all other parties or attorneys of the nature of the relief sought, and the date, time and place for the presentation of the application, and
   - Try to determine whether the opposing party will appear to oppose the application. (CRC 3.1202)
   - Notice can only be waived if it would cancel out the benefit of the requested relief or frustrate the purpose of the proposed order, or if the applicant would suffer immediate and irreparable injury before notice could be given. Notice may be excused if following a good faith attempt, the giving of notice is not possible.
   - Even if you have not given notice by 10:00 a.m. the court day before the ex parte appearance, the clerk must not reject the ex parte application for filing and must present it to the appropriate judicial officer for consideration. (CRC 3.1205)

6. **HOW DO I TELL THE COURT WHAT I WANT?** Use Local Form FL-06(B) Application in Support of Ex Parte Request to state the facts that support your request for relief. Include:

   - Whether the order you are seeking will result in a change of the status quo. If you do not tell the court this information, you could be ordered to pay attorney's fees or costs incurred to return to the status quo.
   - Facts within your own personal knowledge, rather than your personal feelings and fears.
   - The reason the request cannot be heard on the court's regular law and motion calendar.

7. **WHAT HAPPENS NEXT?** Make an extra copy of your forms and take them to the family law filing clerk with your Request for Order FL-300 and include Temporary Order FL-305 if temporary order is being requested. Ex parte hearings are held at 1:30 p.m. in Department 3. The clerk will take your papers and the file to the judicial officer to review prior to the date and time of your previously scheduled ex parte hearing. At the ex parte hearing, the court may decide whether or not to grant relief based only on the pleadings, without listening to oral argument or testimony. Take a proposed order to Court.

8. **GIVE A COPY OF YOUR PAPERS TO THE OTHER PARTY.** Parties appearing at the ex parte hearing must serve the application or written opposition on all parties appearing at the first reasonable opportunity.

9. **COME TO THE EX PARTE HEARING.** You must appear in person at the ex parte hearing unless you have a stipulation for an order or other circumstances set forth in CRC 3.1207.

10. **ORDER AFTER HEARING:** If the court signs the order, a copy of it must be served on the other party within 24 hours.

For help, contact or visit the
Superior Court, Access Center
Courthouse Lower Level, 939 W. Main Street, El Centro, CA
accesscenter@imperial.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
DECLARATION REGARDING EX PARTE NOTICE	CASE NUMBER:

Other party (or attorney if represented):

a. Name: _____

b. Address: _____

c. Phone Number: _____

DECLARATION REGARDING NOTICE

1. The undersigned ☐ **has** ☐ **has not** made any prior applications on the same issue in this case or another case.

2. If there has been another case, fill in the County in which the case is pending:
County: _____ Case number: _____.

3. This order ☐ **will** ☐ **will not** result in a change of the status quo.

4. I have given notice of the ex parte application to the other party/attorney by the following method before 10:00 a.m. on the Court day before the hearing:

By: ☐ Personal Delivery ☐ Fax with confirmation of receipt

☐ First Class Mail ☐ Telephone

☐ Other (explain): _____

Date and time I gave notice _____
(Date) (Time)

PETITIONER: RESPONDENT:	CASE NUMBER:

5. The other party or their attorney ☐ has or ☐ has not confirmed receipt of the motion (state details)

_____

_____

_____

_____

_____

6. ☐ I have given notice that I would present this application for these orders on_____ at _____ am/pm in Department _____ of the Superior Court, 939 Main Street, El Centro, CA.

7. ☐ I anticipate the other party will oppose this application. ☐ I do not anticipate the opposing party will oppose this application.

8. The Domestic Violence Protection Act. **I have not given notice** to the other party or attorney for the following reasons:
   ☐ This is a DVP (The Domestic Violence Protection Act

   ☐ Other-Local Rule 5.1.1(e) Explain:

_____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____ _____
Signature of Declarant

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER: ATTORNEY FOR(NAME):	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: **RESPONDENT:**	
APPLICATION FOR EX PARTE REQUEST	CASE NUMBER:

REASONS FOR EX PARTE RELIEF

You must specify why this request cannot be heard on the court's regular motion calendar. Only include factual information within your personal knowledge, and not conclusions, feelings or fears. **(IF CUSTODY OR VISITION IS AT ISSUE, YOU MUST CLEARLY SHOW WHY THERE IS A RISK OF IMMEDIATE HARM TO YOUR CHILD OR CHILDREN, OR WHY THERE IS AN IMMEDIATE RISK THAT YOUR CHILDREN WILL BE REMOVED FROM CALIFORNIA.)**

_____

_____

_____

_____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ Signature: _____

Print Name: _____

Please submit your **proposed order** as an attachment to this declaration in clear handwritten or typewritten form.

INTERPRETER'S DECLARATION

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the declarant above this Declaration for Ex Parte Hearing. The declarant above has expressly indicated that he or she understood this document before signing it.

Date: _____ Signature: _____

Print Name:_____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro, CA 92243

Your name:_____
Are you the ☐ Petitioner (P) or ☐ Respondent (R)?

Your case number:_____
Always bring a complete copy of your court case and this check list when you come to court to discuss your case.

CHECKLIST FOR YOUR DIVORCE CASE

Please use this checklist to keep track of the many documents in your case. Court forms are available for purchase at the clerk's window or you may print them for free from the internet at www.courts.ca.gov/forms. Instructions: Find the item and fill in the date of filing. *

START YOUR CASE:

BEGIN YOUR FILE

Form name	Form #	Date filed by P	Date filed by R
Summons	FL-110		N/A
Petition and any attachments	FL-100		
Declaration under Uniform Child Custody and Jurisdiction Enforcement Act**	FL-105		

DISCUSS PROPERTY

Form Name	Form#	Date filed by P	Date filed by R
Declaration of Disclosure - Preliminary	FL-140		
Schedule of Assets and Debts	FL-142		
Income & Expense Declaration	FL-150		
Property Declaration - Separate**	FL-160		
Property Declaration - Community**	FL-160		

SERVE THE OTHER PARTY

Form Name	Form#	Date filed by P	Date filed by R
Proof of Service of Summons	FL-115		N/A
Declaration Regarding Service of Declaration of Disclosure - Preliminary	FL-141		

AFTER SERVICE

Form Name	Form #	Date filed by P	Date filed by R
Request to Enter Default (If no Response within 30 days)	FL-165		N/A
Response and any attachments, forms for children and property as above.	FL-120	N/A	
Case Management Questionnaire & attendance at Conference	Local Form		

FINISH YOUR CASE:

PREPARE YOUR JUDGMENT

Form Name	Form #	Date filed by P	Date filed by R
Declaration of Disclosure – Final	FL-140		
Declaration for Default or Uncontested Judgment	FL-170		
Judgment and any attachments or Marital Settlement Agreement**	FL-180		
Notice of Entry	FL-190		
Child Support Case Registry **	FL-191		
Notice of Rights and Responsibilities**	FL-192		

OR PREPARE FOR TRIAL

Form Name	Form #	Date filed by P	Date filed by R
Trial Brief (and pay court reporter fees)	FL-08		
Declaration of Disclosure – Final	FL-140		
Declaration Regarding Service of Declaration of Disclosure, Final	FL-141		
Schedule of Assets and Debts	FL-142		
Income & Expense Declaration	FL-150		
Property Declaration - Separate**	FL-160		
Property Declaration - Community**	FL-160		

* You must serve the other party a copy of any document you file and complete a proof of service. This list is basic, you may need more forms and more steps. If you need support, visitation, or other orders while your case is open, you may file a Request for Order.
** If applicable.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
TRIAL BRIEF	CASE NUMBER:

Date:_____ Time:_____ Dept.:_____ Judge:_____

TRIAL BRIEF MUST BE FILED AND SERVED AT LEAST **TEN** DAYS BEFORE TRIAL DATE

1. I have filed and served a **Preliminary** Declaration of Disclosure-Judicial Council Form (FL-141).

2. ☐ I have completed and served on the other party the **Final** Declaration of Disclosure-Judicial Council Form (FL-141).

OR

☐ The parties have executed and filed a Stipulation and Waiver of Final Declaration of Disclosure-Judicial Council Form (FL-144).

3. The following issues have been resolved by ☐ oral or ☐ written agreement. (Attach copy of written agreement if applicable.)

_____

_____

_____

☐ Continued on attachment

4. The following issues have not been resolved, and I propose the following resolutions:

Issue: _____ Resolution: _____

Issue: _____ Resolution: _____

☐ Continued on attachment

5. I have attached the following completed forms:
   - ☐ Income & Expense Declaration-Judicial Council Form (FL– 150) (with required pay or benefit stubs)
   - ☐ Schedule of Assets & Debts-Judicial Council Form (FL–142)
   - ☐ Property Declaration-Judicial Council Form (FL–160)

6. I request that custody and visitation be awarded as set forth on Child Custody and Visitation Application Attachment-Judicial Council Form (FL-311 and attachments) for the following reasons:

_____

_____

_____

☐ Continued on attachment

PETITIONER: RESPONDENT:	CASE NUMBER:

7. I request that child support be ordered as follows: $_____ payable per month from _____ to _____. A Guideline Calculation must be attached and is available online at www.childsup.gov or at the Court Access Center.

8. I request the following spousal support order: $_____ payable per month from _____ to _____, based on the following facts. State length of marriage, lifestyle during marriage, education levels, work skills, health and age, hardships and efforts to find work.

_____

_____

_____

_____

☐ Continued on attachment

9. I request the following orders for attorney's fees and court costs: $_____ payable from _____ to _____ for _____.

10. I ask that the community and separate property assets and debts be allocated in the manner listed on the attached Property Declaration(s) (FL – 160), the values are based on:

Property_____ Basis of Value_____

Property_____ Basis of Value_____

☐ Continued on attachment.

11. I intend to call the following witnesses to testify. Attach curriculum vitae for experts.

Witness	Address/Phone	Subject Matter

☐ Continued on attachment

12. I intend to introduce the following documents at trial:

_____

_____

☐ Continued on attachment

13. A proof of service on the other party is attached hereto.

Dated: _____

_____
Print Your Name

_____
Your Signature

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Settlement Agreements

In order to finish a case for parentage, dissolution of marriage, legal separation or nullity, there must be a judgment entered. A judgment can be obtained following a court trial, a default of one party by the other, or by mutual agreement of the parties.

If the parties to a parentage case, dissolution, legal separation or nullity both agree to settle the case, complete the Settlement Agreement-Local Form (FL-11), with the following attached Judicial Council forms if applicable:

- Child Custody and Visitation Order Attachment (FL-341)
- Child Support Information and Order Attachment (FL-342)
- Spousal, Partner or Family Support Attachment (FL-343)
- Property Order Attachment to Judgment (FL-345)

Note: In a default case, the signature of the respondent on the settlement agreement must be notarized.

Attach the completed and signed Settlement Agreement and applicable attachments to the Judgment (FL-180). Submit the Judgment with the other documents required to complete the case.

For help, contact or visit the
Superior Court, Access Center
939 West Main Street, Courthouse Lower Level, El Centro, CA.
accesscenter@imperial.courts.ca.gov

Petitioner: Respondent:	Case Number:

SETTLEMENT AGREEMENT

SELECT ONE: ☐ MARITAL ☐ UNIFORM PARENTAGE AGREEMENT

1. ☐ The Parties agree

   Name: _____ ☐ Mother ☐ Father and

   Name: _____ ☐ Mother ☐ Father

   are the parents of the following minor child or children:
   (To list additional children, attach form MC-025 or a sheet of paper and write Additional Minor Children with name and date of birth for each child. Check box if attaching another page. ☐)

   Name:_____DOB:_____

   Name:_____DOB:_____

   Name:_____DOB:_____

   Name:_____DOB:_____

2. ☐ Custody of and visitation with the children shall be awarded as set forth on the attached Child Custody and Visitation (Parenting Time) Order Attachment (FL-341).

3. Child support orders:
   a. ☐ Child support for the minor children shall be ordered as set forth on the attached Child Support Information and Order Attachment (FL-342); or
   b. ☐ Child support is payable through the Department of Child Support Services as shown on attachment from DCSS or conformed copy of the most recent court order.

4. ☐ The parties stipulate this cause may be tried as an uncontested matter.

Items #5 -7 apply if the parties are married:

5. Spousal support orders (choose only one):
   a. ☐ Each party waives the right to receive spousal support, and requests that the court terminate jurisdiction to award future spousal support to the other party.
   b. ☐ Spousal support is ordered as set forth in the attached Spousal, Partner, or Family Support Order Attachment (FL-343).
   c. ☐Petitioner ☐Respondent shall pay ☐Petitioner ☐Respondent as and for spousal support the sum of $_____ per month, commencing _____and continuing until_____.
   If no termination date specified, said support shall continue until the death of either party, remarriage of the supported party, or further order of the court.

6. Property division orders (choose only one):
   a. ☐There are no assets or debts to be disposed of by this Court.
   b. ☐Division of assets and debts is ordered as set forth in the attached Property Order Attachment to Judgment (FL-345).

7. ☐ Each party declares that they have completed and served on the other party a Preliminary Declaration of Disclosure (FL-140) in compliance with Family Code Section 2104.

SETTLEMENT AGREEMENT

8. ☐ Each party waives receipt of the Final Declaration of Disclosure under Family Code Section 2105(d). Each of us declares under penalty of perjury under the laws of the State of California that:
   a) Both parties have complied with Section 2104 and the preliminary declarations of disclosure have been completed and exchanged.
   b) Both parties have completed and exchanged a current income and expense declaration, that includes all material facts and information regarding that party's earnings, accumulations, and expenses.
   c) Both parties have fully complied with Section 2102 and have fully augmented the preliminary declarations of disclosure, including disclosure of all material facts and information regarding the characterization of all assets and liabilities, the valuation of all assets that are contended to be community property or in which it is contended the community has an interest, and the amounts of all obligations that are contended to be community obligations or for which it is contended the community has liability.
   d) The waiver is knowingly, intelligently, and voluntarily entered into by each of the parties.
   e) Each party understands that this waiver does not limit the legal disclosure obligations of the parties, but rather is a statement under penalty of perjury that those obligations have been fulfilled. Each party further understands that noncompliance with those objections will result in the court setting aside the judgment.

9. Pursuant to Government Code § 70671, no filing fee shall be required because it is intended that this Settlement Agreement shall be incorporated into the judgment.

10. ☐ Other:_____

_____

The foregoing is agreed to by:

Date:_____ Signature of Petitioner:_____

Date:_____ Signature of Respondent:_____
(Notarization required if no response on file.)

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA, COUNTY OF (SPECIFY):_____. On (date):_____ before me (name and title): _____ personally appeared (name):_____, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(NOTARY SEAL)

_____

Signature of Notary Public

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro, CA 92243

Your name:_____
Are you the ☐ Petitioner (P) or ☐ Respondent (R)?

Your case number:_____
Always bring a complete copy of your court case and this check list when you come to court to discuss your case.

CHECKLIST FOR YOUR UNIFORM PARENTAGE ACT CASE

Please use this checklist to keep track of the many documents in your case. Court forms are available for purchase at the clerk's window or you may print them for free from the internet at www.courts.ca.gov/forms. Instructions: Find the item and fill in the date of filing. *

START YOUR CASE:

BEGIN YOUR FILE

Form name	Form #	Date filed by P	Date filed by R
Summons	FL-210		N/A
Petition and any attachments	FL-200		
Declaration under Uniform Child Custody and Jurisdiction Enforcement Act	FL-105		

SERVE THE OTHER PARTY

Form Name	Form#	Date filed by P	Date filed by R
Proof of Service of Summons	FL-115		N/A

AFTER SERVICE

Form Name	Form #	Date filed by P	Date filed by R
Request to Enter Default (If no Response within 30 days)	FL-165		N/A
Response and any attachments, forms for children as above.	FL-220	N/A	
Case Management Questionnaire & attendance at Conference	Local Form		

FINISH YOUR CASE:

PREPARE YOUR JUDGMENT

Form Name	Form #	Date filed by P	Date filed by R
Declaration for Default or Uncontested Judgment	FL-230		
Advisement and Waiver of Rights	FL-235		
Stipulation for Entry of Judgment**	FL-240		
Judgment and any attachments or Settlement Agreement**	FL-250		
Notice of Entry	FL-190		
Child Support Case Registry	FL-191		
Notice of Right and Responsibilities	FL-192		

OR PREPARE FOR TRIAL

Form Name	Form #	Date filed by P	Date filed by R
Trial Brief (and pay court reporter fees)	FL-08		
Income & Expense Declaration	FL-150		

* You must serve the other party a copy of any document you file and complete a proof of service. This list is basic, you may need more forms and more steps. If you need support, visitation, or other orders while your case is open, you may file a Request for Order.
** If applicable.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Child Custody/Visitation Joinder Packet
(California Rules of Court 5.16, 5.24)

A non-parent, including a grandparent, may ask for child custody or visitation in a pending dissolution or custody case. (If there is already a judgment, joinder is unavailable).

Joinder forms included are:

- Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
- Responsive Declaration to Motion for Joinder/Consent Order of Joinder - Judicial Council Form
  (FL-373)
- Proof of Service by Mail – Judicial Council Form (FL-335)
- Summons (Joinder) – Judicial Council Form (FL-375)
- Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
- Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
- Decl. Under Uniform Child Custody Jurisdiction & Enforcement Act – (FL-105)
- Proof of Personal Service – Judicial Council Form (FL-330).

This process involves several steps:

1. Complete the following forms:
   - Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

2. File the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a ***copy*** of these forms attached:
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

Child Custody/Visitation Joinder Packet
(California Rules of Court 5.16, 5.24)

Continued

3. Have someone else serve a copy of the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a ***copy*** of these forms attached:
   - Summons – Judicial Council Form (FL-375)
   - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
     AND a blank:
   - Responsive Declaration to Motion for Joinder – Judicial Council Form (FL-373)

   Have the person who served the documents complete and file either a **Proof of Service by Mail** Judicial Council Form (FL-335) or a **Proof of Personal Service** Judicial Council Form (FL-330).

4. Attend the hearing. If the motion for joinder is granted, file the following forms:
   - Petition for Joinder – Local Form(FL-13),
   - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
   - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act
     Ask the filing clerk to issue the Summons – Judicial Council Form (FL-105).

5. Have someone else serve a copy of the Summons, Petition for Joinder, Child Custody and Visitation Application Attachment, and Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act on each of the parties personally. The person who served these documents must complete and file a Proof of Personal Service (either page 2 of the Summons, or Proof of Personal Service FL-330) for each person served.

6. Once the proofs of service have been filed, the joinder process is complete. You may then file papers to obtain the child custody or visitation rights you are seeking by filing a Notice of Motion-Judicial Council Form (FL-310) and Application for Order and Supporting Declaration-Judicial Council Form (FL-310).

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PETITION FOR JOINDER (Custody/Visitation)	CASE NUMBER:

Claimant alleges as follows:

1. Claimant's relationship to the following minor child(ren) is: _____

	Child's Name	Birth Date	Age	Gender
a.				
b.				
c.				
d.				

To list any other minor child(ren), attach form MC-020 or attach a sheet of paper and write Additional Minor Child(ren). Check here if you attach another page ☐

2. Each child named above is currently living with:
   ☐ Petitioner
   ☐ Respondent
   ☐ Other (specify) _____ in _____County.

3. Claimant requests that the court grant the following orders:
   a. Reasonable visitation with the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
   b. Custody of the following children as set forth on Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311).
   c. Other:_____
   _____

4. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ Signature: _____

Print Name:_____

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Grandparent Visitation

A grandparent may request visitation with a grandchild by filing a petition for visitation. If the parents of the grandchild are married, the grandparent may file a petition for visitation ONLY IF:

- The parents are now living separately and apart on a permanent or indefinite basis;
- One parent has been absent for more than one month without the other parent knowing the whereabouts of the absent parent;
- One of the parents joins in the petition with the grandparent;
- The child is not residing with either parent; or,
- The child has been adopted by a stepparent.

The court may grant reasonable visitation rights with a grandchild ONLY IF both:

- The court finds that there is a prior relationship between the grandparent and the grandchild that created a bond such that visitation is in the best interest of the child, and
- In deciding the matter, the court balanced the interest of the child(ren) in having visitation with the grandparents against the right of the parent to exercise their parental authority.

The court's decision may depend upon whether the child's parent(s) object(s) to visitation by the grandparent, and upon whether the visitation would conflict with a right of custody or visitation of a parent who is not a party to the proceeding.

Starting a case:

- Petition for Grandparent Visitation – Local Form (FL-15)
- Summons – Judicial Council Form (FL-110)
- Proof of Personal Service – Judicial Council Form (FL-330)
- Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act Judicial council Form (FL-105)

The petitioner shall give notice of the petition by personal service under Code of Civil Procedure Section 415.10 to each of the parents of the child, any stepparent, and any person who has physical custody of the child.

Grandparents and Other Close Relatives Where One or More Parents is Deceased-California Family Code Section 3102

If either parent of a minor child is deceased, the children, siblings, parents and grandparents of the deceased parent may be granted reasonable visitation with the child upon a finding that the visitation would be in the best interest of the child. See California Family Code Section 3102 for more details.

For help, contact or visit the Superior Court Access Center
939 W. Main Street, El Centro, CA.
accesscenter@imperial.courts.ca.gov

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PETITION FOR GRANDPARENT VISITATION (Family Code Section 3104)	CASE NUMBER:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

2. Petitioner(s) are seeking reasonable visitation rights with the minor child(ren).

3. There is a preexisting relationship between the grandparent(s) and the grandchild(ren) that has created a bond such that visitation is in the best interest of the child(ren).

4. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist (mark all that apply):
   - ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
   - ☐ One of the parents has been absent for more than one month without the other spouse knowing the whereabouts of the absent spouse;
   - ☐ One of the parents joins in the petition with the grandparent;
   - ☐ The child is not residing with either parent.
   - ☐ The child has been adopted by a stepparent.

5. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____.

Petitioner: Respondent:	Case Number:

6. ☐ The parents of the child(ren) have never been married.

7. ☐ The mother of the minor child(ren) is deceased.

8. ☐ The father of the minor child(ren) is deceased.

9. Each child named above is currently living with, _____
(state name and relationship to child(ren)
in County:_____, State: _____.

10. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

11. PARENTAL CONSENT TO REQUEST FOR GRANDPARENT VISITATION: I consent to and join in this Petition for Grandparent Visitation.

Date: _____ _____
Print Name of Parent of Minor Child(ren)

_____
Signature of Parent of Minor Child(ren)

Petitioner(s) request(s) that the court grant reasonable visitation with the following children together with such other relief as the court deems just, pursuant to California Family Code Sections 3100, 3102, and 3104.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed

at_____, California.

Date: _____ Signature of Petitioner_____

Print Name: _____

Date: _____ Signature of Petitioner _____

Print Name: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION FOR GRANDPARENT VISITATION (Fam. Code Section 3104)	CASE NUMBER:

Respondent admits, denies and alleges as follows:

1. Petitioner(s) is/are a ☐ maternal ☐ paternal grandparent(s) and
2. Respondent is/are a ☐ maternal ☐ paternal grandparent(s) of the following minor child(ren):

	Child's Name	Birthdate	Age	Gender
a.				
b.				
c.				
d.				

3. ☐ The parents of the child(ren) are currently married, and one or more of the following circumstances exist(mark all that apply):

   ☐ The parents are currently living separately and apart on a permanent or indefinite basis;
   ☐ One of the parents has been absent for more than one month without the other parent knowing the whereabouts of the absent parent;
   ☐ One of the parents joins in the petition with the grandparent;
   ☐ The child is not residing with either parent;
   ☐ The child has been adopted by a stepparent.

4. ☐ The parents of the child(ren) are divorced. A Judgment of Dissolution of Marriage was entered on _____, in _____ County, case number _____, or other location _____, case number _____.

PETITIONER: RESPONDENT:	CASE NUMBER:

5. ☐ The parents of the child(ren) have never been married.
6. ☐ The mother of the minor child(ren) is deceased.
7. ☐ The father of the minor child(ren) is deceased.

8. Each child named above is currently living with _____ (name), _____ (relationship to child(ren), in _____ County, _____ (state), _____(country).

9. Respondent objects to Petitioner's request for visitation rights with the minor child(ren) because:

_____
_____
_____
_____

10. ☐ Visitation is not in the best interest of the children because there is not a preexisting relationship between the Petitioner and the grandchild(ren).

11. A completed Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105) is attached.

12. PARENTAL OBJECTION TO PETITIONER'S REQUEST FOR GRANDPARENT VISITATION: I object to the Petition for Grandparent Visitation.

Date: _____ _____
Signature of Parent of Minor Child(ren)

_____
Print Name of Parent of Minor Child(ren)

13. Respondent(s) request(s) that the court deny Petitioner's request for visitation and for such other relief as the court deems just.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at_____, California.

Date: _____ _____
Signature of Respondent

_____
Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
ORDER ON REGISTRATION OF OUT-OF-STATE **☐ SUPPORT ORDER ☐ INCOME WITHHOLDING ORDER**	CASE NUMBER:

1. Notice of Registration of Out of State Support Order-Judicial Council Form (FL-570). A copy of the registration statement with a copy of the out of state order was sent by the Clerk of the Court to _____ by first class mail on *(date)*:_____.

2. ☐ A Request for Hearing Regarding Registration of Support Order and/or Income Withholding Order-Judicial Council Form (FL-575) was NOT filed and this proceeding was heard by default.
   OR
   ☐ A Request for Hearing Regarding Registration of Support Order and/or Income Withholding Order-Judicial Council Form (FL-575) was filed on (date): _____ and this proceeding was heard as follows:

This proceeding was heard as a contested matter:
On (date):_____at (time)_____in Dept._____
by Judge (name): _____ ☐ Temporary Judge
☐ Petitioner present ☐ Attorney present (name):
☐ Respondent present ☐ Attorney present (name):
☐ Other present ☐ Attorney present (name):

THE COURT ORDERS:

3. ☐ Out of State Support Order is confirmed

4. ☐ Out of State Support Order is *not* confirmed

5. ☐ Out of State Income Withholding Order is confirmed

6. ☐ Out of State Income Withholding Order is *not* confirmed

7. ☐ Other:

Date:_____ _____
Judge of the Superior Court

TRIBUNAL SUPERIOR DE CALIFORNIA
CONDADO DE IMPERIAL
939 W. Main Street
El Centro CA 92243

CARTAS ROGATORIAS (EXHORTOS), EMPLAZAMIENTO EN MEXICO

Instrucciones para el Emplazamiento en Demandas Iniciales de Derecho en lo Familiar en México. Este formulario está disponible en ventanilla o por internet en http://www.imperial.courts.ca.gov/courtforms/courtsforms.html.

ETAPA UNO: Presentar su petición en el tribunal

1	Completar la Ex Parte	Llene el formulario titulado **Solicitud Ex-Parte para la Emisión de Cartas Rogatorias para el Emplazamiento en México; Orden de la Misma.**
2	Completar la Petición de Emplazamiento y resuma los Puntos Principales	Llene el formulario titulado **Petición de Asistencia Jurídica Internacional para el Emplazamiento en México (Cartas Rogatorias).** En el número Uno de la **Petición,** escriba los artículos correctos del código de procedimientos civiles correspondiente al estado Mexicano que recibirá la **Petición.** El paquete incluye una lista de artículos del código relevantes a cada estado Mexicano. Los artículos de código pueden cambiar, por favor verifique si están vigentes . Llene la página cuatro del formulario titulado **Información Esencial para el Demandado.**
3	Copiar su Causa	Anexe las copias conformadas destinadas al Demandado. Si usted ya no tiene ese set, compre una copia certificada de su emplazamiento y su demanda. Incluya formularios en blanco para el emplazamiento.
4	Presentar la Ex Parte y la Petición de Emplazamiento	Presente la **Solicitud Ex-Parte**, la **Petición** de cuatro páginas, la copia conformada del Demandado, y las copias en blanco en la oficina de trámites de Derecho en lo Familiar. Para información sobre las normas que conciernen asuntos ex-parte, consulte las normas locales del Tribunal Superior del Condado de Imperial.
5	Recibir la Orden Firmada y los Documentos	Una vez firmados los formularios por el funcionario judicial y el actuario, se le devolverá a usted el original y una copia. El tribunal se quedará con una segunda copia de los formularios para el expediente judicial.

ETAPA DOS: Autenticar las firmas del Juez y Actuario

6	Enviar por Correo o en Persona la Petición original de 3 páginas al Secretario de Estado	Llene el **Formulario de Autenticación y Apostilla**. Envíelo junto con la **Petición** original firmada al Secretario de Estado de California. Con ésto se solicita que las firmas del juez y actuario sean verificadas con una Apostilla, la cual será anexada a su solicitud y le será devuelta. **Entrega en Persona:** Los Angeles Regional Office, 300 S. Spring St., Rm. 12513, Los Angeles, CA 90013, (213) 897-3062 **Por Correo:** Sacramento Main Office, 1500 11th Street, Sacramento, CA 95814, (916) 657-5448 Se cobrará una cuota. Incluya un sobre con estampilla dirigdo a si mismo. Ver, www.sos.ca.gov/business/notary/authentication.htm.

Este instructivo fue diseñado como herramienta para ayudarle a que el emplazamiento en México de la otra parte en su causa de derecho en lo familiar sea válido. Puede que no incluya toda la información requerida conforme a derecho, no es asesoría legal, y no deberá sustituir la asesoría legal de un abogado acreditado por la Barra de Abogados del Estado de California. Para información sobre como contratar un abogado o consultar con un abogado de lo familiar, vea http://www.courts.ca.gov/1084.htm.

ETAPA TRES: Copie y traduzca los documentos

7	Traduzca al español todos los formularios	Cuando reciba la Apostilla del Secretario de Estado, debe traducir al español todos los formularios en su expediente judicial, incluyendo la **Petición e Información Esencial**. Podrá encontrar en español la mayoría de los formularios de lo familiar en http://www.courts.ca.gov/forms.htm. Copie la información que tiene en sus documentos en inglés a los formularios traducidos. Aquí encontrará un listado de intérpretes: www.courts.ca.gov/3796.htm. No requiere certificarse la traducción.

ETAPA CUATRO: Envíe al tribunal mexicano correspondiente para el emplazamiento

8	Envíe los Documentos al Tribunal Estatal Mexicano	Entregue los siguientes documentos al tribunal de lo familiar al estado mexicano en el cual reside el demandado: **Cartas Rogatorias** originales de 4 páginas **Apostilla del Secretario de Estado** **Copia conformada del caso** y los Formularios de Respuesta en blanco para el demandado **Certificado de Ejecución** en blanco 1. Traduzca al español todos los originales y los en blanco. 2. Saque 2 copias: el Original y 1 copia para el tribunal mexicano y 1 copia para Ud. Se incluye en este paquete el directorio mexicano de los tribunales estatales de derecho en lo familiar. Pueden haber cambiado los nombres o direcciones. Favor de verificar que la dirección sea la correcta. Puede hacerse entrega de los documentos al tribunal de derecho en lo familiar en México en persona, por correo o pidiéndole a alguien que lo haga por usted. Sáquele copia a los formularios si desea mantener un expediente propio.
9	Espere a que el Tribunal Estatal Mexicano Emplace al Demandado	Una vez que el tribunal de lo familiar en México reciba toda su documentación, se lo asignará al personal judicial correspondiente para que emplace al Demandado. Cuando se cumpla el proceso de emplazamiento conforme a derecho del estado mexicano, el notificador llenará el **Certificado de Ejecución** y se lo enviará al tribunal en California que solicitó su intervención.
10	El Tribunal Estatal Mexicano hace Entrega del Certificado de Ejecución	El tribunal mexicano enviará el Comprobante de Emplazamiento según como haya recibido la solicitud. Si las Cartas rogatorias fueron enviadas por correo, serán devueltas por correo. Si las Cartas Rogatorias se entregaron al tribunal mexicano en persona, entonces puede pasar por ellas en persona. AVISO: Puede que el tribunal mexicano le entregue todos los documentos relativos a las Cartas Rogatorias y que incluyan las anotaciones y la documentación del propio tribunal. Dichos documentos pueden conformar un expediente de 30 a 80 páginas de grosor. Con frecuencia, puede contenerse el Certificado de Ejecución dentro de ese expediente. Asimismo, puede que incluya una carátula del tribunal mexicano que indique si se ejecutó el emplazamiento. Presente el Certificado de Ejecución en el tribunal de California.

Reseña:

Formularios	Parte Firma	Juez Firma	Actuario Firma	Enviado al Secretario del Estado	Traducción Necesaria Después del Regreso del Secretario del Estado	Paquetes en inglés y español para mandar al Tribunal Mexicano	El Tribunal Mexicano se lo Regresará a Usted o al Funcionario del Tribunal De California
Solicitud Ex-Parte para la Emisión de Cartas Rogatorias para el Emplazamiento en México; Orden de la Misma	X	X					
Petición para Asistencia Jurídica Internacional para Emplazamiento en México y Autenticación Información Esencial para el Demandado		X	X	X	X	Original + Copia	
Copia Certificada o Conformada de su Expediente Judicial (debe obtener esto por separado)				X	X	Original + Copia	
Apostilla Formulario de la Orden	X			X			
Apostilla (Expedida por el Secretario del Estado)					X	Original + Copia	
Certificado de Ejecución en Blanco y Anexo					X	Mande Solo el Original	Original
Códigos de Procedimiento Civil de cada Estado Mexicano	*Se Proporciona como referencia solamente. Por favor recuerde que usted es responsible de verificar la fidelidad*						
Directorio de Tribunales de Derecho en lo Familiar de cada Estado Mexicano	*Se Proporciona como referencia solamente. Por favor recuerde que usted es responsible de verificar la fidelidad*						

Poder Judicial	Información de Contacto y Codigo de Procediemiento Civil para Cartas Rogatorias y Vinculo
AGUASCALIENTES	**PALACIO DE JUSTICIA CIVIL Y FAMILIAR** AV. HÉROE. DE NACOZARI ESQUINA AV. LÓPEZ MATOS S/N COL. SAN LUIS,C.P. 20250 AGUASCALIENTES, AGS (449) 910-35-50 **C. MAGISTRADO: FERNANDO GONZALEZ DE LUNA** www.poderjudicialags.gob.mx/ Artículos 97-102 http://www.aguascalientes.gob.mx/gobierno/leyes/leyes_PDF/31102007_100354.pdf
BAJA CALIFORNIA	**PRESIDENCIA DEL TRIBUNAL SUPERIOR DE JUSTICIA** CALZADA INDEPENDENCIA Y AV. PIONEROS S/N. EDIFICIO TRIBUNALES. CENTRO CÍVICO. 21000. MEXICALI, B.C. (686) 904-5000 EXT. 1001 FAX. EXT. 1002, DIRECT 557-21-13 FAX 554-28-94 **C. MAGISTRADA: MAGISTRADO JORGE ARMANDO VÁSQUEZ** www.poder-judicial-bc.gob.mx Artículos 104-109 http://www.ordenjuridico.gob.mx/Estatal/BAJA%20CALIFORNIA/Codigos/BCOD02.pdf
BAJA CALIFORNIA SUR	**H. TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE BAJA CALIFORNIA SUR** BLVD. LUIS DONALDO COLOSIO Y ANTONIO ALVAREZ RICO TEL:(612) 123 - 89 – 00 **C. MAGISTRADO: HUMBERTO MONTIEL PADILLA** http://www.tribunalbcs.gob.mx/ Artículos 103-108 http://www.cbcs.gob.mx/marco_juridico/D1124-3.doc
CAMPECHE	**PODER JUDICIAL DEL ESTADO** AVE. PATRICIO TRUEBA DE REGIL S/N SAN RAFAEL TEL:(981)813-1566 **C. MAGISTRADA: GUADALUPE EUGENIA QUIJANO VILLANUEVA** http://www.tribunalcampeche.gob.mx/ Artículos 83-87 http://www.ordenjuridico.gob.mx/Documentos/Estatal/Campeche/wo20302.pdf
CHIAPAS	**PALACIO DE JUSTICIA** LIBRAMIENTO NORTE ORIENTE NO. 2100 FRACC. EL BOSQUE C.P. 29047 TUXTLA GUTIÉRREZ, CHIAPAS. **C. MAGISTRADO: JUAN MANUEL COUTIO GOMEZ** http://www.poderjudicialchiapas.gob.mx/ Artículos 103-108 http://www.congresochiapas.gob.mx/images/legislacion/codigos/07.pdf
CHIHUAHUA	**SUPREMO TRIBUNAL DE JUSTICIA DE CHIHUAHUA** CALLE ALLENDE NO 901. C.P. 31000, ZONA CENTRO.CHIHUAHUA, CHIHUAHUA. MÉXICO TEL:+ 52 (614) 180-0700 **C. MAGISTRADO: JAVIER RAMÍREZ BENÍTEZ** http://www.stj.gob.mx/ Artículos 129-140 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc8.pdf
COAHUILA	**PODER JUDICIAL DEL ESTADO DE COAHUILA ZARAGOZA** BLVD. FRANCISCO COSS 945. ZONA CENTRO. SALTILLO, COAHUILA. TEL: 844-416-0120 **C. MAGISTRADO: GREGORIO ALBERTO PEREZ MATA** http://www.poderjudicialcoahuila.gob.mx Artículos 228-240 http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion_archivo/dir.codigos/gen.zip/index.coah
COLIMA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE COLIMA** CALZADA GALVÁN Y ALDAMA S/N, COLONIA CENTRO, C.P. 28000, COLIMA, COLIMA. TELS. 31 31301, 31 34643, **C. MAGISTRADO: RAFAEL GARCIA RINCON** http://stj.col.gob.mx/ Artículos104-109 http://www.congresocol.gob.mx/leyes/codigo_procedimiento_civiles.pdf

DISTRITO FEDERAL	**TRIBUNAL SUPERIOR DE JUSTICIA DEL DISTRITO FEDERAL** NIÑOS HÉROES 132, COL. DOCTORES, C.P.06720, MÉXICO D.F. (TEL) 51-34-11-00 AL 51-34-14-00 **C. MAGISTRADO: EDGAR ELIAS AZAR** http://www.poderjudicialdf.gob.mx/ Artículos104-109 http://www.asambleadf.gob.mx/al/pdf/010805000002.pdf
DURANGO	**PODER JUDICIAL DEL ESTADO DE DURANGO** AV. ZARAGOZA ESQ. CON 5 DE FEBRERO S/N, ZONA CENTRO C.P. 34000, DURANGO, DURANGO TEL:(618) 811-4712 **C. MAGISTRADO: J. APOLONIO BETANCOURT RUIZ** www.tsjdgo.gob.mx/ Artículos104-109 http://www.congresodurango.gob.mx/Leyes/2.PDF
ESTADO DE MEXICO	**PODER JUDICIAL DEL ESTADO DE MÉXICO** NICOLAS BRAVO NORTE 201 COLONIA CENTRO, TOLUCA, MÉXICO. TEL. (722) 167-92-00 **C. MAGISTRADO: BARUCH F. DELGADO CARBAJAL** http://www.pjedomex.gob.mx/ Artículos1.141 to 1.147 http://www.ordenjuridico.gob.mx/Estatal/ESTADO%20DE%20MEXICO/Codigos/MEXCOD04.pdf
GUANAJUATO	**PODER JUDICIAL DEL ESTADO DE GUANAJUATO** AV. CIRCUITO SUP. POZUELOS NO. 1, CONJUNTO ADMVO.POZUELOS, C.P. 36050 GUANAJUATO, GTO. **C. MAGISTRADA: MARIA RAQUEL BARAJAS MONJARAS** www.poderjudicial-gto.gob.mx/ Artículos305-310 http://www.rppc.guanajuato.gob.mx/files/notarias/leyes/CPCEG.doc
GUERRERO	**PODER JUDICIAL DEL ESTADO DE GUERRERO** PALACIO DE JUSTICIA, PLAZA CÍVICA PRIMER CONGRESO DE ANÁHUAC S/N COL. CENTRO, CHILPANCINGO, GUERRERO, MÉXICO, C.P. 39000 TEL: (01)747-472-2137, (01)747-472-4191 **C. MAGISTRADO: EDMUNDO ROMAN PINZON** www.tsj-guerrero.gob.mx/ Artículos168-170 http://www.guerrero.gob.mx/pics/legislacion/182/CPCELSG364.pdf
HIDALGO	**PODER JUDICIAL DEL ESTADO DE HIDALGO** CARR. MÉXICO - PACHUCA KM. 84.5, SECTOR PRIMARIO, C.P. 42085, PACHUCA, HGO. TELS. 01 (771) 71 7 90 00 **C. MAGISTRADO: VALENTIN ECHAVARRIA ALMANZA** http://www.pjhidalgo.gob.mx/ Artículos 103-108 http://www.ordenjuridico.gob.mx/Estatal/HIDALGO/Codigos/HGOCOD02.pdf
JALISCO	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE JALISCO** AV. HIDALGO NO. 190 ZONA CENTRO. GUADALAJARA, JALISCO. C.P. 44100 TELÉFONOS (0133) 1200 1400 Y 1200, 1500 **C. MAGISTRADO: CELSO RODRIGUEZ GONZALEZ** Artículos 99-104 http://congresojal.gob.mx/Servicios/BibVirtual/busquedasleyes/archivos/C%C3%B3digo%20de%20 Procedimientos%20Civiles%20del%20Estado%20de%20Jalisco.doc
MICHOACAN	**PODER JUDICIAL DEL ESTADO DE MICHOACAN** CALZADA LA HUERTA # 400, COL. NUEVA VALLADOLID, MORELIA, MICHOACÁN C.P. 58190 443-313-2231 **C. MAGISTRADO: GONZÁLEZ GÓMEZ ALEJANDRO** http://www.tribunalmmm.gob.mx/ Artículos110-114 http://www.congresomich.gob.mx/Modulos/mod_Biblioteca/archivos/304_bib.pdf
MORELOS	**PODER JUDICIAL DEL ESTADO DE MORELOS** AV. FRANCISCO LEYVA NÚMERO 7,CENTRO CUERNAVACA, MORELOS C. P. 62000 (777) 362-1010 **C. MAGISTRADO:** www.tsjmorelos.gob.mx/ Artículos117-124 http://www.tsjmorelos.gob.mx/transparencia/leyes/la/ Código_Procesal_Civil_de_Morelos_Actualizado_al_01-Oct-2006%20x%20imprimir.pdf
NAYARIT	**PODER JUDICIAL DEL ESTADO DE NAYARIT**

	CALLE ZACATECAS 109 SUR, COLONIA CENTRO, TEPIC, NAYARIT. MÉXICO C.P. 63000. (52) (311) 216-09-00, 01, 03OR (52) (311) 215-47-00 **C. MAGISTRADO: PEDRO ANTONIO ENRIQUEZ SOTO** www.tsjnay.gob.mx/ Artículos76 - 80 http://www.tsjnay.gob.mx/Leyes/codigo_de_procedimientos_civiles.htm
NUEVO LEON	**PODER JUDICIAL DEL ESTADO DE NUEVO LEÓN** CALLE JUAN I. RAMÓN Y ZARAGOZA, ZONA CENTRO, MONTERREY NUEVO LEÓN, MÉXICO, CP.64000 **C. MAGISTRADO: JUAN CARLOS GUEVARA DE LEÓN** www.pjenl.gob.mx/ Artículos 45-50 http://www.nl.gob.mx/pics/pages/civil.base/codigoProcedi_Civiles_Edo.pdf
OAXACA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE OAXACA** MARTIRES DE TACUBAYA 400, IXCOTEL OAXACA DE JUAREZ, OAXACA **C. MAGISTRADO: HECTOR ANUAR MAFUD MAFUD** http://www.tribunaloax.gob.mx/ Artículos 100-105 http://www.bancosjuridicos.gob.mx/Documentos/ccivil/20codciv.pdf
PUEBLA	**TRIBUNAL SUPERIOR DE JUSTICIAL DEL ESTADO DE PUEBLA** CALLE 5 ORIENTE NÚMERO 9 COL. CENTRO, PUEBLA, PUEBLA (222)-229-66-38. **C. MAGISTRADO: LEON DUMIT ESPINAL** http://www.htsjpuebla.gob.mx/home.html Artículos 69-74 http://www.congresopuebla.gob.mx/old_site/web/prensa/tmp/cprcivil.pdf
QUERETARO	**PODER JUDICIAL DE QUERETARO** PASTEUR SUR # 4. CENTRO, QUERÉTARO, QRO 76000 TELS. (442) 214 0983, 212 8303 **C. MAGISTRADA: CELIA MAYA GARCIA** http://www.tribunalqro.gob.mx/ Artículos103-108 www.tribunalqro.gob.mx/biblio/leeDoc.php?cual=30494
QUINTANA ROO	**PODER JUDICIAL DEL ESTADO DE QUINTANA ROO** AV. INDEPENDENCIA NÚMERO 2, ESQUINA BOULEVARD BAHÍA. C.P. 77000, COLONIA CENTRO. CHETUMAL, QUINTANA ROO. MEXICO (983) 8321000 **C. MAGISTRADA: LIZBETH LOY SONG ENCALADA** Artículos99-104 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc23.pdf
SAN LUIS POTOSI	**PODER JUDICIAL DEL ESTADO DE SAN LUIS POTOSÍ** AV. LUIS DONALDO COLOSIO NO. 305, COL. ISSSTE C.P. 78350 SAN LUIS POTOSI, S.L.P. TEL: (444) 826-85-00 **C. MAGISTRADO: CARLOS ALEJANDRO ROBLEDO ZAPATA** http://www.stjslp.gob.mx/ Artículos 99-104 http://www.ordenjuridico.gob.mx/Documentos/Estatal/San%20Luis%20Potosi/wo29879.pdf
SINALOA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE SINALOA** AV. LAZARO CARDENAS 891 SUR, CENTRO SINALOA, C.P. 80129 CULIACAN, SINALOA. **C. MAGISTRADO: ENRIQUE INZUNZA CAZAREZ** http://www.stj-sin.gob.mx Artículos104-109 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
SONORA	**PODER JUDICIAL DEL ESTADO DE SONORA** CENTRO DE GOBIERNO, EDIFICIO HERMOSILLO, TERCER PISO, PASEO RÍO SONORA Y COMONFORT, COL. VILLA DEL SERIS, C. P. 83280, HERMOSILLO, SONORA. (662) 217-54-61 **C. MAGISTRADO: MAX GUTIÉRREZ COHEN** http://www.stjsonora.gob.mx/ Artículos 163-168 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html

TABASCO	**PODER JUDICIAL DE TABASCO** CALLE INDEPENDENCIA ESQUINA NICOLAS BRAVO S/N COLONIA CENTRO, C.P. 86070, VILLAHERMOSA TABASCO (993) 358-2000 **C. MAGISTRADO: RODOLFO CAMPOS MONTEJO** http://www.tsj-tabasco.gob.mx/ Artículos 143-145 http://saf.tabasco.gob.mx/marco_legal/leyes/leyes_estatales/codigos/codigo_procedimientos_civiles_tab.pdf
TAMAULIPAS	**PODER JUDICIAL DE TAMAULIPAS** BOULEVARD PRAXEDIS BALBOA # 2207 ENTRE LÓPEZ VELARDE Y DÍAZ MIRÓN, COL. MIGUEL HIDALGO, CD. VICTORIA, TAMAULIPAS C.P. 87090 (834) 31-8-71-05 **C. MAGISTRADO: ALEJANDRO ETIENNE LLANO** http://www.pjetam.gob.mx/ Artículos 92-99 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc28.pdf
TLAXCALA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE TLAXCALA** PLAZA DE LA CONSTITUCIÓN NO. 23, COL. CENTRO. TLAXCALA, TLAXCALA, C.P. 90000 **C. MAGISTRADO: JOSE AMADO JUSTINO HERNANDEZ HERNANDEZ** Artículos 102-104 http://www.congresotlaxcala.gob.mx/congreso/paginas/leyes/codigos/c-prociv2010.doc
VERACRUZ	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE VERACRUZ** AV. LÁZARO CÁRDENAS NO. 373, COLONIA EL MIRADOR. XALAPA, VERACRUZ. C.P. 91170 (228) 8422800 **C. MAGISTRADO: ALBERTO SOSA HERNANDEZ** http://www.pjeveracruz.gob.mx/ Artículos 68-72 http://www.csva.gob.mx/legal/codigos/CodProcCivilesVer.pdf
YUCATAN	**TRIBUNAL SUPERIOR DE JUSITICIA DEL ESTADO DE YUCATAN** AV. JACINTO CANEK S/N X 90 COL. INÁLAMBRICA, CP. 97069, RECINTO DEL PODER JUDICIAL, MÉRIDA, YUCATÁN. ( ) 930-06-50 **C. MAGISTRADO: ÁNGEL FRANCISCO PRIETO MÉNDEZ** http://www.tsjyuc.gob.mx/ Section 30 http://www.yucatan.gob.mx/gobierno/orden_juridico/Yucatan/Codigos/nr30rf3.pdf
ZACATECAS	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE ZACATECAS** BLVD. HÉROES DE CHAPULTEPEC NO. 2002, CIUDAD GOBIERNO, C.P. 98160, ZACATECAS, ZACATECAS. **C. MAGISTRADA: LEONOR VARELA** http://www.tsjzac.gob.mx/ Artículos163-168 http://www.congresozac.gob.mx/cgi-bin/coz/mods/secciones/index.cgi?action=elemento&cual=102

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

LETTERS ROGATORY, SERVICE IN MEXICO

Instructions for Service of Process of Initial Family Law Filings in Mexico. This form is available at the clerk's window or online at http://www.imperial.courts.ca.gov/courtforms/courtsforms.html.

STAGE ONE: File your request at Court

1	Complete the Ex Parte	Fill out the form entitled **Ex-Parte Application for Issuance of Letters Rogatory for Service of Process in Mexico; Order Thereon.**
2	Complete the Request for Service and Summarize Main Points	Fill out the form entitled **Request for International Judicial Assistance for Service of Process in Mexico (Letters Rogatory).** In Item One of the **Request**, write the correct code of civil procedure sections for the Mexican state receiving the **Request**. A list of relevant code sections for each Mexican state is included in the packet. Code sections may change, please verify that it is current. Fill out page four of the form entitled **Essential Information for the Respondent.**
3	Copy your Case	Attach the conformed copies intended for the Respondent. If you no longer have that set, buy a certified copy of your summons and petition. Include blank forms for service.
4	File the Ex Parte and the Request for Service	File the **Ex-Parte Application** and the four-page **Request**, and the Respondent's conformed copy and blanks at the family law filing desk. For applicable rules regarding ex-parte matters, review the local rules of the Imperial County Superior Court.
5	Receive the Signed Order & Documents	After the forms are signed by the judicial officer and the clerk of the court, the original and one copy are returned to you. The court will keep the second copy of the forms in the court file.

STAGE TWO: Authenticate the Judge's and Clerk's signatures

6	Mail or Walk in the original 3-page Request to the Secretary of State	Fill out the **Authentication & Apostille Order Form**. Send it with the original signed **Request** to the California Secretary of State. This asks that the judge's and clerk's signatures be verified with an Apostille which will be attached to your application and returned to you. **To drop off in person:** Los Angeles Regional Office, 300 S. Spring St., Rm. 12513, Los Angeles, CA 90013, (213) 897-3062 **To mail:** Sacramento Main Office, 1500 11th Street, Sacramento, CA 95814, (916) 657-5448 There is a fee. Include a self-addressed stamped envelope. See, www.sos.ca.gov/business/notary/authentication.htm.

This instruction packet is designed as a tool to assist you with the process of having the other party in your family law case validly served in Mexico. It may not include all of the information that is legally required, it is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney, see http://www.courts.ca.gov/1084.htm.

STAGE THREE: Copy and translate documents

7	Translate all the Forms into Spanish	After you receive the Apostille from the Secretary of State, you must translate all the forms in your court file into Spanish, including the **Request**, and **Essential Information**. You may find most of the family law forms available in Spanish at http://www.courts.ca.gov/forms.htm and on http://www.imperial.courts.ca.gov. Copy the information in your English paperwork to the translated forms. You may find an interpreter here www.courts.ca.gov/3796.htm. The translation does not have to be certified.

STAGE FOUR: Send to proper Mexican Court for service

8	Send Documents to Mexican State Court	Submit the following documents to the Mexican family court in the state where the respondent resides: Original four-page **Letters Rogatory** **Apostille from Secretary of State** Respondent's **conformed case copy** & Blank Response forms Blank **Certificate of Execution** 1. Translate all originals and blanks into Spanish. 2. Make 2 copies: Original and 1 copy for Mexican court, 1 copy for yourself A directory of Mexican family law courts in each state is included in the packet. Names and addresses may change; please verify that the address is current. You may take the forms personally to the Mexican family law court, mail them, or have someone else take them on your behalf. You may make a copy of the forms for your own records.
9	Wait for Mexican State Court to Serve Respondent	Once the Mexican family law court receives all your paperwork, it will assign it to the appropriate judicial staff to serve the Respondent. Once the service is complete according to the laws of the Mexican state, the server will complete the **Certificate of Execution** and return it to the California court requesting the assistance.
10	Mexican State Court Returns Certificate of Execution	There are three ways that the Mexican Court may return the Proof of service, and it will depend on how they received it. If the Letters Rogatory was mailed by the party, it will be mailed back to the party. If the party walked the Letters Rogatory directly to the Mexican Court, then the party can pick it up in person. NOTE: Often, the Mexican Court will return all documents associated with the Letters Rogatory, including the Mexican Court's own notes and documentation. The documents may be bound into a packet that can be 30-80 pages long. Often, the Certificate of Execution will be bound inside the Mexican Court's file. There can also be a cover letter from the Mexican Court indicating whether the service was successful. Bring the certificate of execution to the California Court.

Overview:

Forms	Party signs	Judge signs	Clerk signs	Sent to Secretary of State	Translation needed after Return from Secretary of State	English and Spanish sets to send to Mexican Court	Mexican Court will return to you or Clerk of CA Court
Ex-Parte Application for Issuance of Letter Rogatory for Service of Process in Mexico; Order Thereon	X	X					
Request for International Judicial Assistance for Service of Process in Mexico & Authentication Essential Information for Respondent		X	X	X	X	Original + Copy	
Certified or Conformed Copy of your Court File (you must obtain this separately)				X	X	Original + Copy	
Apostille Order Form	X			X			
Apostille (issued by Secretary of State)					X	Original + Copy	
Blank Certificate of Execution and Attachment					X	Send only Original	Original
Codes of Civil Procedure of each Mexican State	*Provided for reference only. Please remember that it is up to you to verify accuracy.*						
Directory of Family Courts of each Mexican State	*Provided for reference only. Please remember that it is up to you to verify accuracy.*						

Judicial Branch	Contact Information and Code of Civil Procedure for Letters Rogatory and link
AGUASCALIENTES	**PALACIO DE JUSTICIA CIVIL Y FAMILIAR** AV. HÉROE. DE NACOZARI ESQUINA AV. LÓPEZ MATOS S/N COL. SAN LUIS,C.P. 20250 AGUASCALIENTES, AGS (449) 910-35-50 **PRESIDING JUDGE: HON. FERNANDO GONZALEZ DE LUNA** www.poderjudicialags.gob.mx/ Sections 97-102 http://www.aguascalientes.gob.mx/gobierno/leyes/leyes_PDF/31102007_100354.pdf
BAJA CALIFORNIA	**PRESIDENCIA DEL TRIBUNAL SUPERIOR DE JUSTICIA** CALZADA INDEPENDENCIA Y AV. PIONEROS S/N. EDIFICIO TRIBUNALES. CENTRO CÍVICO. 21000. MEXICALI, B.C. (686) 904-5000 EXT. 1001 FAX. EXT. 1002, DIRECT 557-21-13 FAX 554-28-94 **PRESIDING JUDGE: MAGISTRADO JORGE ARMANDO VÁSQUEZ** www.poder-judicial-bc.gob.mx Sections 104-109 http://www.ordenjuridico.gob.mx/Estatal/BAJA%20CALIFORNIA/Codigos/BCOD02.pdf
BAJA CALIFORNIA SUR	**H. TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE BAJA CALIFORNIA SUR** BLVD. LUIS DONALDO COLOSIO Y ANTONIO ALVAREZ RICO TEL:(612) 123 - 89 – 00 **PRESIDING JUDGE: HON. HUMBERTO MONTIEL PADILLA** http://www.tribunalbcs.gob.mx/ Sections 103-108 http://www.cbcs.gob.mx/marco_juridico/D1124-3.doc
CAMPECHE	**PODER JUDICIAL DEL ESTADO** AVE. PATRICIO TRUEBA DE REGIL S/N SAN RAFAEL TEL:(981)813-1566 **PRESIDING JUDGE; HON. GUADALUPE EUGENIA QUIJANO VILLANUEVA** http://www.tribunalcampeche.gob.mx/ Sections 83-87 http://www.ordenjuridico.gob.mx/Documentos/Estatal/Campeche/wo20302.pdf
CHIAPAS	**PALACIO DE JUSTICIA** LIBRAMIENTO NORTE ORIENTE NO. 2100 FRACC. EL BOSQUE C.P. 29047 TUXTLA GUTIÉRREZ, CHIAPAS. **PRESIDING JUDGE: HON. JUAN MANUEL COUTIO GOMEZ** http://www.poderjudicialchiapas.gob.mx/ Sections 103-108 http://www.congresochiapas.gob.mx/images/legislacion/codigos/07.pdf
CHIHUAHUA	**SUPREMO TRIBUNAL DE JUSTICIA DE CHIHUAHUA** CALLE ALLENDE NO 901. C.P. 31000, ZONA CENTRO.CHIHUAHUA, CHIHUAHUA. MÉXICO TEL:+ 52 (614) 180-0700 **PRESIDING JUDGE: HON. JAVIER RAMÍREZ BENÍTEZ** http://www.stj.gob.mx/ Sections129-140 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc8.pdf
COAHUILA	**PODER JUDICIAL DEL ESTADO DE COAHUILA ZARAGOZA** BLVD. FRANCISCO COSS 945. ZONA CENTRO. SALTILLO, COAHUILA. TEL: 844-416-0120 **PRESIDING JUDGE: HON. GREGORIO ALBERTO PEREZ MATA** http://www.poderjudicialcoahuila.gob.mx Sections 228-240 http://www.congresocoahuila.gob.mx/index.cfm/mod.legislacion_archivo/dir.codigos/gen.zip/index.coah
COLIMA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE COLIMA** CALZADA GALVÁN Y ALDAMA S/N, COLONIA CENTRO, C.P. 28000, COLIMA, COLIMA. TELS. 31 31301, 31 34643, **PRESIDING JUDGE: HON. RAFAEL GARCIA RINCON** http://sti.col.gob.mx/ Sections104-109 http://www.congresocol.gob.mx/leyes/codigo_procedimiento_civiles.pdf
DISTRITO	**TRIBUNAL SUPERIOR DE JUSTICIA DEL DISTRITO FEDERAL**

FEDERAL	NIÑOS HÉROES 132, COL. DOCTORES, C.P.06720, MÉXICO D.F. (TEL) 51-34-11-00 AL 51-34-14-00 **PRESIDING JUDGE: HON. EDGAR ELIAS AZAR** http://www.poderjudicialdf.gob.mx/ Sections104-109 http://www.asambleadf.gob.mx/al/pdf/010805000002.pdf
DURANGO	**PODER JUDICIAL DEL ESTADO DE DURANGO** AV. ZARAGOZA ESQ. CON 5 DE FEBRERO S/N, ZONA CENTRO C.P. 34000, DURANGO, DURANGO TEL:(618) 811-4712 **PRESIDING JUDGE: HON. J. APOLONIO BETANCOURT RUIZ** www.tsjdgo.gob.mx/ Sections104-109 http://www.congresodurango.gob.mx/Leyes/2.PDF
ESTADO DE MEXICO	**PODER JUDICIAL DEL ESTADO DE MÉXICO** NICOLAS BRAVO NORTE 201 COLONIA CENTRO, TOLUCA, MÉXICO. TEL. (722) 167-92-00 **PRESIDING JUDGE: HON. BARUCH F. DELGADO CARBAJAL** http://www.pjedomex.gob.mx/ Sections1.141 to 1.147 http://www.ordenjuridico.gob.mx/Estatal/ESTADO%20DE%20MEXICO/Codigos/MEXCOD04.pdf
GUANAJUATO	**PODER JUDICIAL DEL ESTADO DE GUANAJUATO** AV. CIRCUITO SUP. POZUELOS NO. 1, CONJUNTO ADMVO.POZUELOS, C.P. 36050 GUANAJUATO, GTO. **PRESIDING JUDGE: HON. MARIA RAQUEL BARAJAS MONJARAS** www.poderjudicial-gto.gob.mx/ Sections305-310 http://www.rppc.guanajuato.gob.mx/files/notarias/leyes/CPCEG.doc
GUERRERO	**PODER JUDICIAL DEL ESTADO DE GUERRERO** PALACIO DE JUSTICIA, PLAZA CÍVICA PRIMER CONGRESO DE ANÁHUAC S/N COL. CENTRO, CHILPANCINGO, GUERRERO, MÉXICO, C.P. 39000 TEL: (01)747-472-2137, (01)747-472-4191 **PRESIDING JUDGE:HON. EDMUNDO ROMAN PINZON** www.tsj-guerrero.gob.mx/ Sections168-170 http://www.guerrero.gob.mx/pics/legislacion/182/CPCELSG364.pdf
HIDALGO	**PODER JUDICIAL DEL ESTADO DE HIDALGO** Carr. México - Pachuca Km. 84.5, Sector Primario, C.P. 42085, Pachuca, Hgo. Tels. 01 (771) 71 7 90 00 **PRESIDING JUDGE HON. VALENTIN ECHAVARRIA ALMANZA** http://www.pjhidalgo.gob.mx/ Sections 103-108 http://www.ordenjuridico.gob.mx/Estatal/HIDALGO/Codigos/HGOCOD02.pdf
JALISCO	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE JALISCO** Av. Hidalgo No. 190 Zona Centro. Guadalajara, Jalisco. C.P. 44100 Teléfonos (0133) 1200 1400 y 1200, 1500 **PRESIDING JUDGE: HON. CELSO RODRIGUEZ GONZALEZ** Sections 99-104 http://congresojal.gob.mx/Servicios/BibVirtual/busquedasleyes/archivos/C%C3%B3digo%20de%20Procedimientos%20Civiles%20del%20Estado%20de%20Jalisco.doc
MICHOACAN	**PODER JUDICIAL DEL ESTADO DE MICHOACAN** CALZADA LA HUERTA # 400, COL. NUEVA VALLADOLID, MORELIA, MICHOACÁN C.P. 58190 443-313-2231 **PRESIDING JUDGE GONZÁLEZ GÓMEZ ALEJANDRO** http://www.tribunalmmm.gob.mx/ Sections110-114 http://www.congresomich.gob.mx/Modulos/mod_Biblioteca/archivos/304_bib.pdf
MORELOS	**PODER JUDICIAL DEL ESTADO DE MORELOS** Av. Francisco Leyva Número 7,Centro Cuernavaca, Morelos C. P. 62000 (777) 362-1010 **PRESIDING JUDGE HON.** www.tsjmorelos.gob.mx/ Sections117-124 http://www.tsjmorelos.gob.mx/transparencia/leyes/la/Código_Procesal_Civil_de_Morelos_Actualizado_al_01-Oct-2006%20x%20imprimir.pdf
NAYARIT	**PODER JUDICIAL DEL ESTADO DE NAYARIT** Calle Zacatecas 109 sur, Colonia Centro, Tepic, Nayarit. MéxicoC.P. 63000.

	(52) (311) 216-09-00, 01, 03or (52) (311) 215-47-00 **PRESIDING JUDGE:. HON. PEDRO ANTONIO ENRIQUEZ SOTO** www.tsjnay.gob.mx/ Sections76 - 80 http://www.tsjnay.gob.mx/Leyes/codigo_de_procedimientos_civiles.htm
NUEVO LEON	**Poder Judicial del Estado de Nuevo León** Calle Juan I. Ramón y Zaragoza, Zona Centro. Monterrey Nuevo León, México, CP.64000 **Presiding Judge.JUAN CARLOS GUEVARA DE LEÓN** www.pjenl.gob.mx/ Sections 45-50 http://www.nl.gob.mx/pics/pages/civil.base/codigoProcedi_Civiles_Edo.pdf
OAXACA	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE OAXACA** Martires de Tacubaya 400, Ixcotel Oaxaca de Juarez, Oaxaca **PRESIDING JUDGE Hon. Hector Anuar Mafud Mafud** http://www.tribunaloax.gob.mx/ Sections 100-105 http://www.bancosjuridicos.gob.mx/Documentos/ccivil/20codciv.pdf
PUEBLA	**TRIBUNAL SUPERIOR DE JUSTICIAL DEL ESTADO DE PUEBLA** Calle 5 Oriente número 9 Col. Centro, Puebla, Puebla (222)- 229-66-38. **PRESIDING JUDGE: Hon. LEON DUMIT ESPINAL** http://www.htsjpuebla.gob.mx/home.html Sections 69-74 http://www.congresopuebla.gob.mx/old_site/web/prensa/tmp/cprcivil.pdf
QUERETARO	**PODER JUDICIAL DE QUERETARO** Pasteur sur # 4. Centro, Querétaro, Qro 76000 Tels. (442) 214 0983, 212 8303 **PRESIDING JUDGE: HON. CELIA MAYA GARCIA** http://www.tribunalqro.gob.mx/ Sections103-108 www.tribunalqro.gob.mx/biblio/leeDoc.php?cual=30494
QUINTANA ROO	**PODER JUDICIAL DEL ESTADO DE QUINTANA ROO** Av. Independencia Número 2, Esquina Boulevard Bahia. C.P. 77000, Colonia Centro. Chetumal, Quintana Roo. Mexico (983) 8321000 **PRESIDING JUDGE: HON. LIZBETH LOY SONG ENCALADA** Sections99-104 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc23.pdf
SAN LUIS POTOSI	**PODER JUDICIAL DEL ESTADO DE SAN LUIS POTOSÍ** Av. Luis Donaldo Colosio No. 305, Col. ISSSTE C.P. 78350 San Luis Potosi, S.L.P. Tel: (444) 826-85-00 **PRESIDING JUDGE: CARLOS ALEJANDRO ROBLEDO ZAPATA** http://www.stjslp.gob.mx/ Sections 99-104 http://www.ordenjuridico.gob.mx/Documentos/Estatal/San%20Luis%20Potosi/wo29879.pdf
SINALOA	**SUPREMO TRIBUNAL DE JUSTICIA DEL ESTADO DE SINALOA** Av. Lazaro Cardenas 891 Sur, Centro Sinaloa, C.P. 80129 Culiacan, Sinaloa. **PRESIDING JUDGE: ENRIQUE INZUNZA CAZAREZ** http://www.stj-sin.gob.mx Sections104-109 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
SONORA	**PODER JUDICIAL DEL ESTADO DE SONORA** Centro de Gobierno, Edificio Hermosillo, Tercer Piso, Paseo Rio Sonora y Comonfort, Col. Villa del Seris, C. P. 83280, Hermosillo, Sonora. (662) 217-54-61 **PRESIDING JUDGE: HON. MAX GUTIÉRREZ COHEN** http://www.stjsonora.gob.mx/ Sections 163-168 http://www.stj-sin.gob.mx/Leyes/CODPROCI.html
TABASCO	**PODER JUDICIAL DE TABASCO** Calle Independencia esquina Nicolas Bravo S/N Colonia Centro, C.P. 86070, Villahermosa Tabasco

	(993) 358-2000 **PRESIDING JUDGE: RODOLFO CAMPOS MONTEJO** http://www.tsj-tabasco.gob.mx/ Sections 143-145 http://saf.tabasco.gob.mx/marco_legal/leyes/leyes_estatales/codigos/codigo_procedimientos_civiles_tab.pdf
TAMAULIPAS	**PODER JUDICIAL DE TAMAULIPAS** Boulevard Praxedis Balboa # 2207 entre López Velarde y Díaz Mirón, Col. Miguel Hidalgo C.P. 87090 (834) 31-8-71-05 Cd. Victoria, Tamaulipas **PRESIDING JUDGE: HON. ALEJANDRO ETIENNE LLANO** http://www.pjetam.gob.mx/ Sections 92-99 http://bancosjuridicos.gob.mx/Documentos/cpc/cpc28.pdf
TLAXCALA	TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE TLAXCALA Plaza de la Constitución No. 23, Col. Centro. Tlaxcala, Tlaxcala, C.P. 90000 **PRESIDING JUDGE: HON. JOSE AMADO JUSTINO HERNANDEZ HERNANDEZ** Sections 102-104 http://www.congresotlaxcala.gob.mx/congreso/paginas/leyes/codigos/c-prociv2010.doc
VERACRUZ	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE VERACRUZ** Av. Lázaro Cárdenas No. 373, Colonia El Mirador. Xalapa, Veracruz. C.P. 91170 (228) 8422800 **PRESIDING JUDGE: HON. ALBERTO SOSA HERNANDEZ** http://www.pjeveracruz.gob.mx/ Sections 68-72 http://www.csva.gob.mx/legal/codigos/CodProcCivilesVer.pdf
YUCATAN	**TRIBUNAL SUPERIOR DE JUSITICIA DEL ESTADO DE YUCATAN** Av. Jacinto Canek s/n x 90 Col. Inálambrica, CP. 97069, Recinto del Poder Judicial, Mérida, Yucatán. ( ) 930-06-50 **PRESIDING JUDGE HON. ÁNGEL FRANCISCO PRIETO MÉNDEZ** http://www.tsjyuc.gob.mx/ Section 30 http://www.yucatan.gob.mx/gobierno/orden_juridico/Yucatan/Codigos/nr30rf3.pdf
ZACATECAS	**TRIBUNAL SUPERIOR DE JUSTICIA DEL ESTADO DE ZACATECAS** Blvd. Héroes de Chapultepec No. 2002, Ciudad Gobierno, C.P. 98160, Zacatecas, Zacatecas. **PRESIDING JUDGE: HON. LEONOR VARELA** http://www.tsjzac.gob.mx/ Sections163-168 http://www.congresozac.gob.mx/cgi-bin/coz/mods/secciones/index.cgi?action=elemento&cual=102

ABOGADO O PARTE AUTOREPRESENTADA (*Nombre, No. de BAR estatal, y dirección*):	PARA USO EXCLUSIVO DEL TRIBUNAL
TELÉFONO: FAX (*opcional*): CORREO ELECTRÓNICO (*opcional*): ABOGADO DE (*Nombre*):	
TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
DEMANDANTE: DEMANDADO:	
SOLICITUD EX PARTE PARA LA EMISIÓN DE CARTAS ROGATORIAS PARA EMPLAZAMIENTO EN MEXICO Y ORDEN DE LA MISMA	NO. DE CAUSA:

SOLICITUD

Por este medio se solicita una orden pidiendo emisión de cartas rogatorias para emplazamiento en México. El demandante pide que el emplazamiento, la demanda, y los documentos relacionados de esta acción sean entregados al demandado en México con el auxilio de las autoridades judiciales competentes conforme al acuerdo inter-americano sobre las cartas rogatorias. En apoyo de esta solicitud, el suscrito declara:

1. El (fecha) _____, se presentó la ☐ Demanda de Divorcio, ☐ Demanda de Separación Legal, ☐ Demanda de Nulidad, ☐ Demanda para el Establecimiento de Paternidad y se emitió el Emplazamiento en esa misma fecha; se presentó ☐ Otro_____ el (fecha) _____.

2. El demandado es una parte propia de esta acción.

3. La última dirección conocida del demandado es_____, México.

4. El demandado no puede ser emplazado de otra manera porque _____

_____

_____

Declaro so pena de perjurio conforme a las leyes del estado de California que lo anterior es verdadero y correcto.

Fecha:_____ _____

Firma del demandante o abogado del mismo

ORDEN

Al leer la solicitud para esta orden de la parte demandante, y pareciéndome de manera satisfactoria que el demandado no puede ser emplazado con la diligencia debida, y de ninguna otra manera especificada en los artículos 415.10 al 415.40 del código de procedimiento civil, y que el demandado es una parte propia de esta acción, **SE ORDENA** que se emita una carta rogatoria pidiendo auxilio judicial internacional para la entrega del emplazamiento, la demanda, y los documentos correspondientes, al demandado en México.

PARA USO EXCLUSIVO DEL TRIBUNAL

Fechado: _____ _____

Juez del Tribunal Superior

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
EX PARTE APPLICATION FOR ISSUANCE OF LETTERS ROGATORY FOR SERVICE OF PROCESS IN MEXICO ORDER THEREON	CASE NUMBER:

APPLICATION

Application is hereby made for an order requesting issuance of letters rogatory for service of process in Mexico. The Petitioner requests the Summons, Petition, and accompanying documents in this action be served on Respondent in Mexico with the assistance of the appropriate judicial authorities pursuant to the Inter-American Convention on Letters Rogatory. In support of this application, the undersigned states:

1. On (date) _____ the ☐ Petition for Dissolution of Marriage ☐ Petition for Legal Separation ☐ Petition for Nullity ☐ Petition to Establish Parental Relationship was filed and Summons was issued on that same date; ☐ Other _____ filed on (date)_____.

2. Respondent is a proper party to this action.

3. Respondent's last known address is _____, Mexico.

4. Respondent cannot be served by any other method because: _____

_____

_____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

_____
Signature of Petitioner or Petitioner's Attorney

ORDER

On reading petitioner's application for this order, and it satisfactorily appearing to me that respondent cannot with reasonable diligence be served in any other manner specified in Code of Civil Procedure § 415.10 through 415.40, and that respondent is a pro per party to this action, **IT IS ORDERED** that a letter rogatory issue requesting international judicial assistance in serving the summons, petition and accompanying documents on respondent in Mexico.

FOR COURT USE ONLY

Dated: _____ _____
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
PETITIONER: RESPONDENT:	
REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FOR SERVICE OF PROCESS IN MEXICO	CASE NUMBER:

FROM THE SUPERIOR COURT OF CALIFORNIA, IN AND FOR THE COUNTY OF IMPERIAL, UNITED STATES OF AMERICA, TO THE APPROPRIATE JUDICIAL AUTHORITY IN THE REPUBLIC OF MEXICO IN REGARD TO THE SERVICE OF PROCESS IN _____ (City and state), MEXICO:

This Court presents its compliments to the appropriate judicial authority of City: _____,State: _____ Mexico, (Name and Title of Presiding Judge) _____, and requests international judicial assistance for the Service of Process in a family law proceeding before this Court in the above-captioned matter, as necessary in the interests of justice.

This request is made under California Code of Civil Procedure Section 413.10(c), the Inter-American Convention on Letters Rogatory, Principles of International Reciprocity, the Mexican Federal Code of Civil Procedures, Sections 549–551, 568–571, and the Code of Civil Procedure Sections _____for the Mexican State of _____.

The facts of the case pending before the requesting court are as follows: On (date):_____, a

☐ Petition for Dissolution of Marriage ☐ Other: _____

☐ Petition for Legal Separation _____

☐ Petition for Nullity ☐ Other: _____

☐ Petition to Establish Parental Relationship _____

was filed by _____, Petitioner, against _____, Respondent, in case number _____, requesting

☐ dissolution of marriage based on _____ (Cite legal grounds)

☐ legal separation based on_____ (Cite legal grounds

☐ nullity of marriage based on_____ (Cite legal grounds)

☐ establishment of parental relationship

☐ The children include:

1._____ (name) _____ (date of birth)

2._____ (name) _____ (date of birth)

3._____ (name) _____ (date of birth)

4._____ (name) _____ (date of birth).

☐ The Petition requests ☐ joint legal custody, or ☐ sole legal custody of the minor child(ren) for the ☐ Petitioner ☐ Respondent
☐ joint physical custody, or ☐ sole physical custody of the minor child(ren) for the ☐Petitioner ☐Respondent
☐ visitation rights for the ☐Petitioner ☐ Respondent
☐ possible child support orders
☐ spousal support for ☐Petitioner ☐ Respondent
☐ termination of jurisdiction to award spousal support to ☐Petitioner ☐ Respondent
☐ property division
☐ other: _____.

The address of the Petitioner is: _____

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE FOR SERVICE OF PROCESS IN MEXICO	CASE NUMBER:

The undersigned judicial authority has the honor to transmit the documents listed below in duplicate, and requests prompt service of process of one copy thereof on Respondent (name) _____ at the address of _____. The undersigned judicial authority further requests that service be carried out in the following manner: (a) by personal service on the identified addressee, or (b) if personal service is not possible, then, in accordance with the law of the State of destination.

☐ If Respondent cannot be located for personal or substitute service, the undersigned judicial authority requests that service be accomplished by publication or posting in accordance with the law of the State of destination. A Declaration of Diligence Regarding Attempts to Locate Respondent in California and Mexico signed by Petitioner is included with the documents to be served.

The marriage dissolution documents marked to be served are authenticated copies of:	The Uniform Parentage Act documents marked to be served are authenticated copies of:
☐ Summons	☐ Summons
☐ Petition for Dissolution of Marriage	☐ Petition to Establish Parental Relationship
☐ Petition for Legal Separation	☐ Income and Expense Declaration
☐ Petition for Nullity	☐ Copy of this Letter Rogatory
☐ Property Declaration	☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration of Disclosure (Preliminary)	☐ Declaration of Diligence Regarding Attempts to Locate Respondent
☐ Income and Expense Declaration	☐ Notice of Family Law Case Management Conference
☐ Schedule of Assets and Debts	☐ Blank Response to Petition to Establish Parental Relationship
☐ Copy of this Letter Rogatory	☐ Blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)	☐ Blank Income and Expense Declaration
☐ Declaration of Diligence Regarding Attempts to Locate Respondent	☐ Blank Case Management Questionnaire
☐ Notice of Family Law Case Management Conference	☐ Other: _____
☐ Blank Response to Petition for Dissolution of Marriage, Legal Separation or Nullity	
☐ Blank Property Declaration	
☐ Blank Declaration of Disclosure	
☐ Blank Income and Expense Declaration	
☐ Blank Schedule of Assets and Debts	
☐ Blank Case Management Questionnaire	
☐ Other: _____	

This Court further requests that the judicial authority of the State of destination return to this Court an executed Certificate of Execution, as attached hereto, once service of process is complete. The requesting Court agrees to willingly provide similar assistance to the judicial authorities of the Receiving State, _____, Mexico.

Date: _____

_____

The Honorable:

Judge of the Superior Court of California, County of Imperial

AUTHENTICATION

As Clerk of the Court for the Superior Court of California, County of Imperial, I do hereby certify that the Honorable _____, whose signature is affixed to the Request for International Judicial Assistance for Service of Process Abroad, annexed hereto, was at the time and date thereof, Judge of the Superior Court of California, County of Imperial; that the official acts and doings of said Judge are entitled to full faith and credit; and that the attestation to said Request is in due form of law. I further certify that the seal attached to said Request is the official seal of the Court.

WITNESS my hand and seal of said Court in the County of Imperial, State of California, on this _____ day of_____, 20____.

_____

Tammy L. Grimm, Clerk of the Superior Court

[Seal]

AUTHENTICATION

As Judge of the Superior Court of California, County of Imperial, I do hereby certify that _____, whose signature is affixed hereto, was at the time and date thereof, Clerk of the Court for the Superior Court of California, County of Imperial; that the official acts and doings of said Clerk are entitled to full faith and credit; and that this authentication to said Request is in due form of law.

WITNESS my hand and seal of said Court in the County of Imperial, State of California, on this _____ day of _____, 20_____.

_____

The Honorable :

Judge of the Superior Court of California, County of Imperial

SHORT TITLE:	CASE NUMBER:

ESSENTIAL INFORMATION FOR RESPONDENT

You are hereby informed that on (date) _____ the Petitioner filed a ☐ Petition for Dissolution of Marriage ☐ Petition for Legal Separation ☐ Petition for Nullity ☐ Petition to Establish Parental Relationship ☐ Other _____ against you as Respondent, in case number _____. The Petition requests a ☐ dissolution of marriage ☐ legal separation ☐ nullity of marriage based on_____ ☐ other _____

☐ establishment of parental relationship.

☐ The minor children include:

☐ 1._____(name) _____(date of birth)

☐ 2._____(name) _____(date of birth)

☐ 3._____(name) _____(date of birth)

☐ 4._____(name) _____(date of birth)

☐ In addition, the Petition requests the following orders:

☐ joint legal custody or ☐ sole legal custody to the ☐ Petitioner ☐ Respondent,

☐ joint physical custody or ☐ sole physical custody of the minor child(ren) to the ☐ Petitioner ☐ Respondent,

☐ visitation rights for ☐ petitioner ☐ respondent, ☐ possible child support orders,

☐ spousal support to the ☐ Petitioner ☐ Respondent,

☐ termination of jurisdiction to award spousal support to ☐ petitioner ☐ respondent,

☐ property division,

☐ other:_____.

The address of the Petitioner is _____. This form is attached to the Letter Rogatory giving rise to the service of these documents.

Also attached are:

☐ Copies of the Petition initiating the action in which the Letter Rogatory was issued, copies of documents filed concurrently with the petition, and any rulings that ordered the issuance of the Letter Rogatory. The Summons grants you 30 calendar days from the date of service to file the Response, and warns that if you do not, the case may be determined by default (without your participation) and that the court may make orders affecting your marriage or domestic partnership, property, debts, custody of children, and may order you to pay support, attorney's fees and costs. You are required by the local rules of the Imperial County Superior Court to file a Case Management Questionnaire no later than fifteen calendar days before your Case Management Hearing.

☐ Other: _____.

The first paper fee to file the Response is $435.00 (U.S. Dollars). If you cannot afford to pay the filing fee, you may apply to the court for an order waiving the filing fee and other fees. Information about obtaining a fee waiver may be found at http://www.courts.ca.gov/documents/fw001info.pdf.

Legal information and assistance is available at the Family Law Facilitator's Office in the courthouse where your case was filed. For a list of all Family Law Facilitator's locations in the state of California, see http://www.courts.ca.gov/9497.htm. Assistance is also available at the Access Center, Superior Court of California, County of Imperial, 939 W. Main Street, El Centro, CA 92243, email accesscenter@imperial.courts.ca.gov.

Send this request :

☐ IN PERSON
Secretary of State
Los Angeles Regional Office
300 South Spring Street, Rm. 12513
Los Angeles, CA 90013
(213) 897-3062

OR

☐ BY MAIL
Secretary of State
Sacramento Main Office
1500 11th Street
Sacramento, CA 95814
(916) 657-5448

Authentication Request & Apostille Order Form

Please authenticate and attach an apostille to the enclosed documents.

Personal Information

Name: _____ E-mail: _____

Address: _____ City: _____ Region/State: _____

Postal Code: _____ Country: _____

Document Information

The legalized document(s) are being sent to (specify country): _____

Please return the documents to:

☐ personal address provided above.

☐ another address:

Organization/Company: _____

Name of Contact: _____ Telephone: _____

Address: _____ City: _____

Region/State: _____ Postal Code: _____ Country: _____

Fee Information

I am enclosing the required fee of $_____ for this service.

Date: _____ _____
(Signature)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
PETITIONER: RESPONDENT:	
CERTIFICATE OF EXECUTION	CASE NUMBER:

The undersigned authority has the honor to certify that the documents described below:

1. ☐ Were served on the Respondent (name) _____,

on (date) _____ at (time) _____a.m./p.m., at (address) _____

_____ by one of the following methods authorized by the Letter Rogatory:

(Please mark the appropriate box)

☐ By personal service on the identified address to Respondent;

☐ In the following method in accordance with the law of the State of Destination:

☐ Substitute service ☐ Publication

☐ Posting ☐ Other (describe)_____

2. ☐ Were not served, by reason of the following facts(state reasons): _____

_____

ANNEXES
Documents returned: _____

Executed at _____, this _____ day of _____, 20_____.
(City, State, and Country)

_____
Name, signature and/or stamp of the Receiving Authority of the State of Destination

Mark box next to documents served on the Respondent:

☐ Summons
☐ Petition for Dissolution of Marriage
☐ Petition for Legal Separation
☐ Petition for Nullity
☐ Petition to Establish Parental Relationship
☐ Property Declaration
☐ Declaration of Disclosure (Preliminary)
☐ Income and Expense Declaration
☐ Schedule of Assets and Debts
☐ Copy of this Letter Rogatory
☐ Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Declaration of Diligence Regarding Attempts to Locate Respondent
☐ Notice of Family Law Case Management Conference
☐ Blank Response to Petition for Dissolution of Marriage, Legal Separation or Nullity
☐ Blank Response to Petition to Establish Parental Relationship
☐ Blank Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)
☐ Blank Property Declaration
☐ Blank Declaration of Disclosure
☐ Blank Income and Expense Declaration
☐ Blank Schedule of Assets and Debts
☐ Blank Case Management Questionnaire
☐ Other: _____
_____

TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL 939 W. MAIN ST. EL CENTRO, CA 92243	PARA USO EXCLUSIVO DEL TRIBUNAL
DEMANDANTE: DEMANDADO:	
SOLICITUD DE AUXILIO JUDICIAL INTERNACIONAL PARA EMPLAZAMIENTO EN MÉXICO	NO. DE CAUSA:

DEL TRIBUNAL SUPERIOR DE CALIFORNIA, EN Y PARA EL CONDADO DE IMPERIAL, ESTADOS UNIDOS DE AMERICA, A LA AUTORIDAD COMPETENTE DE LA REPÚBLICA DE MÉXICO, REFERENTE AL PROCESO DE EMPLAZAMIENTO EN _____, MÉXICO:
(Ciudad y Estado)

Este Tribunal presenta sus saludos a la autoridad competente de la ciudad de _____, del Estado de _____, México, (Nombre y Título del Juez) _____ y solicita su atenta asistencia judicial internacional para efectuar emplazamiento en un procedimiento de lo familiar ante este tribunal en esta causa en aras de la justicia.

La presente solicitud se extiende según el Artículo 413.10(c) del Código del Procedimiento Civil de California, la Convención Interamericana sobre Exhortos o Cartas Rogatorias, el Principio de Reciprocidad en el Derecho Internacional, los Artículos 549 al 551, 568 al 571 del Código Federal de Procedimientos Civiles de México, y los Artículos _____ del Código de Procedimientos Civiles del Estado de _____.

Los hechos de la causa en proceso ante el tribunal solicitante son los siguientes: El (fecha):_____, un/a

☐ Demanda de Divorcio ☐ Otro: _____
☐ Demanda de Separación Legal _____
☐ Demanda de Nulidad ☐ Otro: _____
☐ Demanda para el Establecimiento de Paternidad _____

fue presentado por _____, Demandante, en contra de _____, Demandado, en la causa número _____, solicitando

☐ divorcio bajo la causal de _____(Fundamento Legal)
☐ separación Legal bajo la causal de_____(Fundamento Lagal
☐ nulidad de matrimonio bajo la causal de _____(Fundamento Legal)
☐ establecimiento de paternidad
☐ Los hijos de la presente causa incluyen a:

☐ 1. _____ (nombre) _____(fecha de nacimiento)
☐ 2. _____ (nombre) _____(fecha de nacimiento)
☐ 3. _____ (nombre) _____(fecha de nacimiento)
☐ 4. _____ (nombre) _____(fecha de nacimiento)

☐ En la petición se solicita:
☐ patria potestad única, ó ☐patria potestad compartida para el/la ☐ Demandante ☐ Demandado
☐ custodia física única, ó ☐ custodia física compartida del(os) menor(es) para el/la ☐ Demandante ☐ Demandado
☐ derecho a convivencia para el/la ☐ Demandante ☐ Demandado,
☐ posibles órdenes de pensión alimenticia,
☐ manutención conyugal para el/la ☐ Demandante ☐ Demandado,
☐ conclusión del derecho para otorgar o recibir manutención conyugal al ☐ Demandante ☐ Demandado,
☐ división de bienes
☐ otro _____.

El domicilio de el/la Demandante es: _____.

SOLICITUD DE AUXILIO JUDICIAL INTERNACIONAL PARA EMPLAZAMIENTO EN MÉXICO	NO. DE CAUSA:

La autoridad judicial que suscribe tiene el honor de transmitir por duplicado los documentos que a continuación se enumeran, y solicita el pronto emplazamiento a juicio al demandado _____

con domicilio en _____.

Asimismo, la autoridad judicial requirente solicita que el emplazamiento se desahogue de la siguiente forma: (a) Personalmente con el demandado en el domicilio señalado, o (b) en caso de no poder realizarse de forma personal, se diligenciará conforme a derecho del Estado Receptor.

☐ Si el Demandado no puede ser localizado para el emplazamiento personal o cedula, la autoridad judicial suscrita requiere que el emplazamiento se ejecute por edicto conforme a derecho del Estado Receptor. Se deberá incluir una Declaración de Debida Diligencia para la Ubicación del Demandado en California y México firmada por el Demandante, junto con los documentos del emplazamiento.

Los documentos de acción de divorcio a emplazarse son copias autenticadas de:	Los documentos de acuerdo a la Ley Uniforme de Paternidad a emplazarse son copias autenticadas de:
☐ Citatorio Judicial	☐ Citatorio Judicial
☐ Petición de Divorcio	☐ Petición para el Establecimiento de Paternidad
☐ Petición de Separación Legal	☐ Declaración de Ingresos y Gastos
☐ Petición de Nulidad	☐ Copia de esta Carta Rogatoria
☐ Declaración de Bienes	☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)
☐ Declaración de Revelación de Información (Preliminar)	☐ Declaración de Debida Diligencia para la ubicación del Demandado
☐ Declaración de Ingresos y Gastos	☐ Notificación de la Audiencia de Administración de Causa de Derecho Familiar
☐ Declaración de Bienes y Deudas	☐ Respuesta en blanco a Petición para el Establecimiento de Paternidad
☐ Copia de esta Carta Rogatoria	☐ Declaración en blanco, Declaración Uniforme de Custodia de Menores, Jurisdicción y Ejecución (UCCJEA)
☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)	☐ Declaración en blanco de Ingresos y Gastos
☐ Declaración de Debida Diligencia para la ubicación del Demandado	☐ Cuestionario en blanco de la Administración de Causa
☐ Notificación de la Audiencia de Administración de Causa de Derecho Familiar	☐ Otro:_____
☐ Respuesta en blanco a Petición de Divorcio, Separación Legal ó Nulidad	
☐ Declaración en blanco de Bienes Mancomunados	
☐ Declaración en blanco de Revelación de Información	
☐ Declaración en blanco de Ingresos y Gastos	
☐ Declaración en blanco de Bienes y Deudas	
☐ Cuestionario en blanco de la Administración de Causa	
☐ Otro:_____	

El Tribunal Requirente solicita a la autoridad judicial del Estado Receptor, regresar a este Tribunal el Certificado de Ejecución conforme al formulario que se anexa a la presente. El Tribunal Requirente se compromete a proporcionar la asistencia judicial similar a las autoridades receptoras del Estado de _____, México.

Fecha: _____

_____

Sr./a. Juez:
Juez del Tribunal Superior de California, Condado Imperial

AUTENTICACIÓN

En calidad de Directora Ejecutiva del Tribunal Superior de California en el Condado de Imperial, por medio de la presente certifico que el/la Sr./a. Juez _____, cuya firma aparece en la Solicitud de Asistencia Judicial Internacional para Emplazamiento de Demanda en el Extranjero que se anexa a la presente, en el día y fecha señalados, se encontraba en el ejercicio y desempeño de sus funciones como Juez del Tribunal Superior de California en el Condado Imperial; que los actos y el desempeño de dicho/a Juez ameritan plena fe y atribuciones; y que lo atestado a dicha Solicitud se hace conforme a derecho. Además certifico que el sello que aparece en la presente Solicitud es el sello oficial del Tribunal.

DOY FE con firma y sello de dicho Tribunal en el Condado de Imperial, Estado de California, este día _____ de _____ de 20_____.

_____

Tammy L. Grimm, Directora Ejecutiva del Tribunal Superior

[Sello]

AUTENTICACIÓN

En calidad de Juez del Tribunal Superior de California en el Condado de Imperial, por medio de la presente certificó que _____, cuya firma aparece en la presente, en el día y fecha señalados, se encontraba en ejercicio y desempeño de sus funciones como Director Ejecutivo del Tribunal Superior de California en el Condado Imperial; que los actos y el desempeño de dicha Dirección ameritan plena fe y atribuciones; y que esta autenticación a dicha Solicitud es conforme a derecho.

DOY FE con firma y sello de dicho Tribunal en el Condado de Imperial, Estado de California, este día _____ de _____ de 20_____.

_____

Sr./a. Juez:
Juez del Tribunal Superior de California, Condado de Imperial

NOMBRE DE LAS PARTES:	NO. DE CAUSA:

INFORMACIÓN ESENCIAL PARA EL DEMANDADO

Por medio del presente se hace de su conocimiento que el (fecha)_____ el Demandante presentó una ☐ Demanda de Divorcio ☐Demanda de Separación Legal ☐Petición de Nulidad ☐Petición de Establecimiento de Paternidad ☐Otro_ _____ en contra de usted como Demandado, en la causa número _____. La demanda solicita el/la ☐divorcio ☐separación legal ☐nulidad de matrimonio bajo la causal de _____ _____ ☐otro _____

☐ establecimiento de paternidad.

☐ Los menores de la presente causa incluyen a:

☐ 1. _____ (nombre) _____ (fecha de nacimiento)

☐ 2. _____ (nombre) _____ (fecha de nacimiento)

☐ 3. _____ (nombre) _____ (fecha de nacimiento)

☐ 4. _____ (nombre) _____ (fecha de nacimiento)

☐ Además la demanda requiere las siguientes órdenes:

☐ patria potestad única, ó ☐custodia legal compartida para el/la ☐ Demandante ☐ Demandado,

☐ custodia física única, ó ☐ compartida del menor (los menores) para el/la ☐ Demandante ☐ Demandado,

☐ derechos de convivencia para el/la ☐ Demandante ☐ Demandado,

☐ posibles órdenes de pensión alimenticia,

☐ manutención conyugal para el/la ☐ Demandante ☐ Demandado,

☐ terminación de jurisdicción para otorgar manutención conyugal al ☐ Demandante ☐ Demandado,

☐ división de bienes,

☐ otro:_____.

El domicilio del Demandante es el ubicado en:_____. El presente formulario se anexa a la Carta Rogatoria que da origen al emplazamiento de los documentos en cuestión.

Se anexan también:

☐ Copias de la demanda que da origen a la acción en la cual la Carta Rogatoria es emitida, los documentos que acompañan la demanda, y todo dictamen para la emisión de la Carta Rogatoria. El Citatorio le concede a usted el término de 30 días naturales siguientes a la fecha del emplazamiento para presentar su respuesta, advirtiéndole que en caso de no hacerlo dentro del término concedido para tal efecto, el presente juicio se tramitará en rebeldía –sin su participación– pudiendo el juez emitir órdenes que afecten su matrimonio o sociedad doméstica, bienes, deudas, guarda y custodia de menores, y puede ordenarle pago de alimentos, gastos y costos judiciales. Conforme a los lineamientos locales del Tribunal Superior de California para el Condado Imperial, se le requiere presentar un Cuestionario de Administración de Causa a más tardar quince días calendarios antes de la audiencia.

☐ Otros:_____.

Los derechos a cubrir por presentar la contestación de demanda son de $435.00 dólares. Si no se encuentra en posibilidad de cubrir el pago de derechos, usted puede solicitar una excepción de pago de derechos. Información de cómo obtener una excepción en el pago de derechos esta disponible para usted en http://www.courts.ca.gov/documents/fw001infos.pdf.

Información y asistencia legal esta disponible para usted por medio de la Oficina del Abogado Familiar de el Tribunal en la que su caso fue presentado. Para una lista de todas las Oficinas del Abogado Familiar ubicadas en el Estado de California, puede entrar a: http://www.courts.ca.gov/9497.htm. De igual forma, en caso de requerir asistencia legal, usted puede comunicarse al Centro de Ayuda Legal de el Tribunal Superior de California en el Condado Imperial, ubicado en, 939 Main Street, El Centro, CA 92243, con número de teléfono (760) 482-2232, correo electrónico accesscenter@imperial.courts.ca.gov.

Envíe esta solicitud:

☐ EN PERSONA
Secretary of State
Los Angeles Regional Office
300 South Spring Street, Rm. 12513
Los Angeles, CA 90013
(213) 897-3062

O

☐ POR CORREO
Secretary of State
Sacramento Main Office
1500 11th Street
Sacramento, CA 95814
(916) 657-5448

Solicitud de Autenticación y Formulario de Orden de Apostilla

Favor de autentificar y anexar una apostilla a los documentos incluidos.

Datos Personales

Nombre: _____ Correo electrónico: _____

Dirección (Calle): _____ Ciudad: _____

Región/Edo.: _____ Código Postal: _____ País: _____

Información documental

Especificar país al que se envían los documentos legalizados: _____

Favor de devolver los documentos a:

☐ la dirección personal que se especifica arriba.

☐ la siguiente dirección:

Organización/Empresa: _____

Nombre a quien se dirige: _____ No.Teléfono: _____

Dirección (Calle): _____ Ciudad: _____

Región/Edo.: _____ Código Postal: _____ País: _____

Información sobre la cuota

Incluyo la cuota requerida por este servicio en la cantidad de $_____.

Fecha: _____ _____

(Firma)

TRIBUNAL SUPERIOR DEL ESTADO DE CALIFORNIA, CONDADO DE IMPERIAL 939 W. MAIN ST. EL CENTRO, CA 92243	PARA USO EXCLUSIVO DEL TRIBUNAL
DEMANDANTE: DEMANDADO:	
CERTIFICADO DE EJECUCIÓN	NO. DE CAUSA:

La autoridad que suscribe tiene el honor de certificar que los presentes documentos:

1. ☐ Fueron emplazados al Demandado (nombre) _____,

en (fecha) _____ a la (hora) _____ a.m./p.m., en el (domicilio) _

_____ por alguno de los siguientes

métodos autorizados en la Carta Rogatoria:

(Favor de marcar la opción correcta)

☐ De forma personal con el demandado en su domicilio;

☐ De la siguiente forma, de conformidad con las leyes vigentes del Estado Receptor:

☐ Substitución o Cédula ☐ Edictos

☐ Publicación ☐ Otro (describir) _____

2. ☐ No fueron emplazados debido a los siguientes hechos: (describir motivo): _____

_____

ANEXOS

Documentos regresados: _____

Firmado en _____, el día _____ del _____ de 20_____.

(*Ciudad, Estado y País*)

_____

Nombre, firma y sello de la autoridad judicial del Estado requerido

Marque el/los cuadro(s) correspondiente(s) de los documentos que le fueron emplazados al Demandado:

- ☐ Citatorio Judicial
- ☐ Petición de Divorcio
- ☐ Petición de Separación Legal
- ☐ Petición de Nulidad
- ☐ Petición de Establecimiento de Paternidad
- ☐ Declaración de Bienes
- ☐ Declaración de Revelación de Información (Preliminar)
- ☐ Declaración de Ingresos y Gastos
- ☐ Declaración de Bienes y Deudas
- ☐ Copia de esta Carta Rogatoria
- ☐ Declaración Uniforme de Custodia de Hijos Menores, Jurisdicción y Ejecución (UCCJEA)
- ☐ Declaración de Debida Diligencia para la ubicación del Demandado
- ☐ Notificación de Audiencia Familiar
- ☐ Respuesta en blanco a Petición de Divorcio, Separación Legal ó Nulidad
- ☐ Respuesta en blanco a Petición para el Establecimiento de Paternidad
- ☐ Declaración en blanco, Declaración Uniforme de Custodia de Menores, Jurisdicción y Ejecución (UCCJEA)
- ☐ Declaración en blanco de Bienes Mancomunados
- ☐ Declaración en blanco de Revelación de Información
- ☐ Declaración en blanco de Ingresos y Gastos
- ☐ Declaración en blanco de Bienes y Deudas
- ☐ Cuestionario en blanco del Manejo Administrativo de Causa
- ☐ Otro _____

_____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
EX PARTE REQUEST AND ORDER TO VACATE RESTRAINING ORDER	CASE NUMBER:

1. Your name (protected person):_____
2. Name of restrained person:_____
3. The ☐ temporary restraining order (TRO) ☐ permanent restraining order (RO) was issued on :_____
   The order expires on:_____.
4. I ask the Court to vacate the **RESTRAINING ORDER** issued on my behalf in its entirety, and I understand this means additional protected parties will no longer be protected.
5. I ask the Court to vacate the restraining order indicated above for the following reasons:_____
   _____
   _____
6. The restrained person ☐ does ☐ does NOT have a cross-restraining order issued against me.
   The ☐ temporary restraining order (TRO) ☐ permanent restraining order (RO) was issued on:_____
   The order expires on:_____.

I make this request of my own free will. I have not been coerced or threatened in any way by the restrained person or anyone else to make this request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:_____

_____
Signature of Protected Party

ORDER

FOR COURT USE ONLY

Based on the above request, **IT IS SO ORDERED:**

☐ The request is **GRANTED**. The restraining order filed on behalf of the protected party issued on:_____ is hereby vacated in its entirety.

☐ Any custody and visitation orders shall remain in full force and effect.

☐ The request is **DENIED** and all orders remain in full force and effect.

☐ A Request for Order is required.

☐ Other:_____

Date: _____ _____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION AND ORDER TO ESTABLISH OR MODIFY SPOUSAL SUPPORT	CASE NUMBER:

1. ☐ The Court reserves jurisdiction to award spousal or partner support to the ☐Petitioner ☐Respondent.
2. ☐The Court terminates jurisdiction to award spousal or partner support for the ☐Petitioner ☐Respondent.
3. ☐The Court finds that the Petitioner's gross monthly income is _____. Respondent's gross monthly income is _____. The parties were married for (specify): _____ years, _____ months.
4. ☐This order shall modify a prior order for spousal or domestic partner support. The prior order was entered on: _____, ordering $_____, payable on the (specify): _____ day of each month or other (specify): _____, beginning (date): _____.
5. ☐Petitioner ☐Respondent must pay to the ☐Petitioner ☐Respondent as spousal/domestic partner support $_____ per month, beginning (date): _____, until (end date): _____, ☐payable on the (specify): _____ day of each month or ☐ other:_____. If no termination date is specified, said support shall continue until the death of either party, remarriage of the supported party or further order of the Court.
   ☐ Other:_____.
   a) ☐ Support must be paid by check, money order, or cash. The support payor's obligation to pay support will terminate on the death of either party, remarriage, or registration of a new domestic partnership of the support payee.
   b) ☐ An earnings assignment for the foregoing support will issue. (**Note**: the payor of spousal, family or partner support is responsible for the payment of support directly to the recipient until support payments are deducted from the payor's earnings, and for any support not paid by the assignment.)
   c) ☐ Service of the earnings assignment is stayed provided the payor is not more than (specify number): _____ days late in the payment of spousal, family or partner support.
6. ☐The ☐ Petitioner ☐ Respondent should make reasonable efforts to assist in providing for his or her support needs.
7. ☐The parties must promptly inform each other of any change of employment, including the employer's name, address, and telephone number.
8. ☐ Except as modified herein, all provisions of any previous orders made in this action will remain in effect.
9. ☐Other orders: _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. We agree that we are fully informed of our rights. We make this agreement freely without coercion or duress.

Date: Date:

_____ _____

Signature of Petitioner or Attorney Signature of Respondent or Attorney

ORDER

UPON GOOD CAUSE, **IT IS HEREBY ORDERED.**

FOR COURT USE ONLY

Date:_____

_____

Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION FOR CONTINUANCE	CASE NUMBER:

Stipulated Continuance: ☐ Hearing ☐ Trial

Original Date: Proposed Date:
Original Time: Proposed Time:
Dept:

By stipulated agreement, petitioner and respondent hereby apply for a court order continuing the hearing/trial. A hearing/trial in this matter is scheduled for _____. The original moving papers were filed by ☐ petitioner or ☐ respondent. I ask the court to continue my hearing/trial until (approximate date):_____ or ☐take hearing/trial off calendar. I am requesting a continuance due to the following:_____

_____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:
Signature: _____
Print Name:_____
Petitioner

Date:
Signature: _____
Print Name:_____
Petitioner's Attorney

Date:
Signature: _____
Print Name:_____
Respondent

Date:
Signature: _____
Print Name:_____
Respondent's Attorney

ORDER

UPON GOOD CAUSE, **IT IS HEREBY ORDERED** that the hearing/ trial presently scheduled for _____ at _____am/pm in Department ____ is rescheduled as follows:

Date:_____ Time:_____ Dept:_____

Name and address of court if different than address above:

_____

Or:

☐ the hearing/motion is taken off calendar.

☐ request is **DENIED.**

Date:_____ _____

Judge of the Superior Court

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS: FAMILY LAW JUDGMENT AFTER TRIAL

A minute order from the court trial may contain the decisions in your case, but it is not the order because it is not signed by the judge. You must prepare a Judgment for the judge to sign.

1	Prepare the Judgment	Get a copy of the Court's minute order of the trial. Fill out the proposed Judgment according to the minute order. You can buy forms in the clerk's office or download them for free at http://www.courts.ca.gov/forms.htm. Start with FL-180, and answer the date and courtroom where the case was heard, the name of the judge and the people who attended, and what kinds of decisions the judge made. Add additional pages as needed to accurately reflect the decision. Form FL-190 is also needed.
2	Serve a copy	After you finish the proposed judgment, you must send a copy to the other party for approval. Make a copy. Send it with the "Letter to the Other Party" attached to this packet that explains time limits and options.
3	Wait	The other party has 10 calendar days after service to review the proposed orders. If you receive the proposed judgment after trial, obtain a copy of the minute order and compare for accuracy. If there are mistakes, you must notify the other party within 10 calendar days. You may wish to consult with an attorney to see what else you can do. If the proposed judgment is correctly prepared, you may take no action and let your 10 days pass.
4	File	After waiting the 10 days, you may now take the proposed judgment with the "Letter to the Court," to the filing clerk. Be sure to file your original with at least two copies. Include two self addressed and stamped envelopes for the clerk to mail back each party's copies signed by the judge.
5	Court Serves signed Copies	After the judge signs the orders, the clerk will use your stamped envelopes to mail a copy to you and the other party.
6	For Child Support Orders	If there are any child support orders, both parties must complete a **Child Support Case Registry** (FL-191). You may also fill out an **Income Withholding for Support** (FL-195) for payments to be processed through the State Disbursement Unit. To find out more about wage assignments, call the State Disbursement Unit at 866-325-1010, or the California Department of Child Support Services at 866-901-3212.

If you have any questions or concerns and are not represented by an attorney in this case, you may contact the Access Center at accesscenter@imperial.courts.ca.gov.

This instructional packet is designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with a family law attorney see http://www.courts.ca.gov/1084.htm

JUDGMENT AFTER TRIAL

Letter to the Other Party

Date: _____

To (Other Party Name and Address):

_____

_____

_____

RE: Judgment after Trial

Case Number:_____

Case Name: _____

Dear (other party name)_____:

Enclosed, you will find a proposed Judgment containing the orders from our Court trial which occurred on date: _____. Please review the document. If it is correctly prepared, and reflects the Court's order, please sign and return it to me within ten calendar days. If it does not reflect the Court's order, then you must state the reasons for disapproval to me within ten calendar days. Failure to notify me within the time limit will be considered an approval. These instructions are according to Imperial County Superior Court Local Rule 5.1.28.

Sincerely,

Signature: _____

Name: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY RECEIVED
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
JUDGMENT AFTER TRIAL **Request to the Court**	CASE NUMBER:

A Proposed Judgment for the Trial held on date: _____ was mailed to the other party named _____ on date: _____, as required in Imperial County Superior Court Local Rule 5.1.28.

I also included a letter to the other party explaining the steps they may take. Ten calendar days have passed since service upon the other party and

☐ I have not received any response.

☐ I have received the following response(s) from the other party:

_____

_____

_____

I ask the Court to please sign the attached Proposed Judgment.

Sincerely,

Signature: _____

Name: _____

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER: RESPONDENT:	
ATTACHED DECLARATION IN SUPPORT OF CHILD SUPPORT MODIFICATION	CASE NUMBER:

I request a modification of child support based upon the following change of circumstance since the last order for child support was entered:

1. ☐ **Job loss and current unemployment:**
   I lost my job on _____. I was ☐laid off ☐ terminated ☐ other:_____.
   ☐ I have been looking for work since I lost my job. ☐ A list of my job contacts is attached or will be provided at the hearing. ☐ I am receiving unemployment benefits and ask that the court base my child support on my unemployment benefits. ☐ I am not eligible for unemployment benefits and I ask that the court reduce my child support to zero until I find employment.

2. ☐ **Change of employment and decrease in earnings:**
   a. ☐I am no longer working for the same employer as I was when the last order was made. I have not worked there since _____. I am not working there because _____. I currently work at _____. My occupation is _____. I earn $_____ per hour and usually work _____ hours per week. My average gross monthly income is $_____. This is a decrease in my gross monthly earnings of $_____ from the time of the last order.
   b. ☐ I tried but could not find work at my previous rate of pay. ☐I am still employed at the same place I was when the order was made, but my earnings have decreased. I now earn $_____ per hour and usually work _____ hours per week. This is a decrease in my gross monthly earnings of $_____. My earnings decreased because _____.

3. ☐ **Disability and decrease in earnings and/or loss of income:**
   I am currently disabled. My disability began on _____ and my medical/psychological problem is:_____. I will be disabled until _____.
   ☐ I have attached a Verification of Disability from my treating doctor. ***(Select one)***
   a. ☐ I do not receive disability benefits at this time but I have applied for benefits. I expect to receive disability benefits from the ☐ state government ☐ federal government ☐ private insurance ☐ other: _____ starting on _____ in the sum of $_____ monthly. Until I start to receive these benefits, I ask that the court reduce my child support to zero.
   b. ☐ I do not expect to receive disability benefits in the future because: _____ _____. I ask the court to reduce my child support to zero.
   c. ☐ I receive disability benefits from ☐ state government ☐ federal government ☐private insurance ☐ other: _____. I receive $ _____ monthly. ☐ From this disability income the sum of $ _____ is deducted for child support every month. I ask that child support be suspended and/or reduced during the period of my disability. ☐ I request any derivative benefits due to my child(ren) from social security as a result of my disability be offset against the child support order, pursuant to Family Code § 4504.
   d. ☐ I receive SSI/SSP benefits and have received SSI/SSP benefits since _____. Thus, child support should be set at zero for so long as I continue to receive these benefits.

SHORT TITLE:	CASE NUMBER:

4. ☐ **Change in income or ability to earn of the other parent:**
Since the last order for child support was made, the other parent:
a. ☐ has become employed, earning $ _____ per hour, working _____, hours per week.
b. ☐ has received an increase in earnings and now earns $_____, per month.
c. ☐ now has the ability to obtain employment and earn at least $_____, per month.
☐ Attached please find possible job openings for which the other parent is qualified to apply.

5. ☐ **Recent release from incarceration and decrease in earnings and/or current unemployment:**
I was incarcerated from: _____ to _____. ☐ I am currently unemployed as a result of my incarceration and am actively looking for work. A list of my job contacts is attached or will be provided at the hearing. I have no current income. I ask the court to reduce my child support to zero until I find a job.
☐ I am in a recovery program called: _____ and have been there since _____. The program requires_____. ☐ I am not allowed to work for the first _____ weeks/months. Thereafter, I can work as follows: _____. I have attached verification of my enrollment and participation in this program. I ask the court to reduce my child support to zero until I find a job.

6. ☐ **Change in child custody and/or timeshare with children in this case:**
a. ☐ I now have ☐ primary custody ☐ substantial increased timeshare with the children in this case. The children are now with me as follows: _____
_____.
b. ☐ My child, _____, is emancipated because of ☐ turning 18 and not in high school ☐ turning 19 ☐ getting married ☐ joining the military ☐ by judicial decree. I request support for that child be terminated.

7. ☐ **Financial hardship:**
Since the last order was made, I have sustained the following financial hardship(s):
a. ☐ **Statutory Hardship:**
1. ☐ Expenses of natural or adopted children in the home (Family Code §4071(a)(2)). I provide support for the following or adopted minor children who reside in my home: _____.
☐ Attached please find their birth certificates.
2. ☐ Extraordinary health expenses and uninsured catastrophic losses (Family Code § 4071(a)(1)): _____.
b. ☐ **Low income adjustment:** I request the court order a low income adjustment in this case because I net less than $1000 per month, taking into consideration all allowable deductions and hardships.
c. ☐ **Court discretion:** I request the court use its discretion and deviate from the guideline amount because application of the guideline formula would be unjust or inappropriate due to the special circumstances in my case. The facts supporting the special circumstances in my case are: _____.

8. ☐ **Other change of circumstance:** _____
_____
_____
_____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
DATE:

_____ _____
Print Name Signature of Declarant

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT: OTHER PARENT:	
STIPULATION AND WAIVERS FOLLOWING MEDIATION; ORDER THEREON	CASE NUMBER:

After attending mediation on (date) _____, the parties were able to reach a full agreement on contested custody and visitation issues, contained in the attached Mediation Agreement dated _____.

The parties declare and stipulate as follows:

1. We agree to comply with the terms set forth in the attached Mediation Agreement.

   Date: _____ Mediator: _____

2. Each of us has knowledge of the hearing currently scheduled in this matter and waive our right to proceed with that hearing based upon the attached custody/visitation agreement reached between us.
3. The court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400) as California is the child(ren)'s home state.
4. Each of us had notice of the custody/visitation proceeding and were both given an opportunity to be heard.
5. We agree the habitual place of residence of the child(ren) is the United States of America, County of Imperial.
6. We acknowledge being advised that a violation of our custody/visitation agreement and this court order may subject us to civil or criminal penalties, or both.

Date:_____ _____
Signature of Petitioner

Date:_____ _____
Signature of Respondent

Date:_____ _____
Signature of Other Parent/Claimant

ORDER

FOR COURT USE ONLY

Order to Show Cause/Notice of Motion hearing scheduled on _____ at _____ ☐a.m. ☐p.m. in Dept._____ is:

☐ VACATED. Custody and visitation are the only issues and have been resolved.

☐ REMAINS ON CALENDAR. There are additional issues to be resolved

Based upon the agreement of the parties, the Court adopts Mediation Agreement.

Date:_____ _____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. MAIN STREET** **EL CENTRO, CA 92243**	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	
PETITION AND FINDINGS AND ORDER FOR PARENTAL SUPPORT	CASE NUMBER:

I, _____, am the Petitioner in this action and I hereby apply for a court order of Parental Support and a Request for Order to issue based upon Family Code sections 4400-4405 which provide:

Except as otherwise provided by law, an adult child shall, to the extent of his or her ability, support a parent who is in need and unable to maintain himself or herself by work. (FC4400)

The promise of an adult child to pay for necessaries previously furnished to a parent described in Section 4400 is binding. (FC4401)

The duty of support under this part is cumulative and not in substitution for any other duty. (FC4402)

Subject to subdivision (b): (1) A parent, or the county on behalf of the parent, may bring an action against the child to enforce the duty of support under this part. (2) If the county furnishes support to a parent, the county has the same right as the parent to whom the support was furnished to secure reimbursement and obtain continuing support. (b) The right of the county to proceed on behalf of the parent or to obtain reimbursement is subject to any limitation otherwise imposed by the law of this state. (c) The court may order the child to pay the county reasonable attorney's fees and court costs in a proceeding by the county under this section. (FC4403)

In determining the amount to be ordered for support, the court shall consider the following circumstances of each party (FC4404):

(a) Earning capacity and needs.
(b) Obligations and assets.
(c) Age and health.
(d) Standard of living.
(e) Other factors the court deems just and equitable.

The court retains jurisdiction to modify or terminate an order for support where justice requires. (FC4405)

I concurrently file the Summons (FL-100), Request for Order (FL-300), and Income and Expense Declaration (FL-150). I will serve a blank Income and Expense Declaration and Response to Parental Support Petition upon the Respondent(s).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:_____ Signature:_____
Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. MAIN STREET EL CENTRO, CA 92243	FOR COURT USE ONLY
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:

1. THE COURT MAKES THE FOLLOWING FINDINGS:

	Parent	Adult child	Other Party
Gross monthly earnings	$	$	$
Earning capacity	$	$	$
Needs			
Obligations: minor children legally obligated to support, other support order, other expenses, etc:			
Assets			
Age			
Health			
Standard of Living			
Other Factors			

2. UPON GOOD CAUSE, THE PETITION FOR RELIEF OF DUTY FOR PARENTAL SUPPORT IS

a. ☐ **GRANTED:**

The Adult Child _____ shall pay as parental support to Parent :_____ the amount of $_____ per month, beginning (date) _____ until (end date)_____, payable on the (specify) _____ day of each month, or ☐ other_____.

If no termination date is specified, support shall continue until further court order. Support must be paid by check, money order, or cash.

b. ☐ **DENIED.**

c. ☐ **OTHER:** _____.

Date: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
RESPONSE TO PETITION FOR PARENTAL SUPPORT	CASE NUMBER:

I, _____, am the Respondent and I hereby respond to the Petition for Parental Support based on sections 4400-4405 of the Family Code which provide that in determining the amount to be ordered for support, the court shall consider the following circumstances of each party:

a) Earning capacity and needs.
b) Obligations and assets.
c) Age and health.
d) Standard of living.
e) Other factors the court deems just and equitable.

1. ☐ I consent to the order requested.

2. ☐ I do not consent to the order requested and ask for the following order instead:_____.

FACTS IN SUPPORT of my response are in my completed Income and Expense Declaration (FL-150) and (choose one):
☐ below or ☐ contained in an attached declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:_____ Signature:_____
Respondent

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
PETITION FOR RELIEF FROM DUTY OF PARENTAL SUPPORT	CASE NUMBER:

1. My name is _____ and I am the Adult Child in this matter. I apply for a court order to relieve me from the duty to provide parental support and for a hearing to issue. My request is based on Sections 4410-4414 of the family code that provides an Adult Child may file a petition requesting that the court make an order freeing the Adult Child from the obligation otherwise imposed by law to support the Parent. (Family Code 4410)

2. I file this Petition in this county because ☐the Parent of the Adult Child resides here; or ☐ the Parent does not reside in this state, and this county is where the adult child resides.

3. I ask the clerk of the court to set the matter for hearing and to issue a citation, stating the time and place of the hearing, directed to the parent and to the parent's conservator, if any, or, if the parent is deceased, the personal representative of the parent's estate. (Family Code 4412)

4. The Parent is a resident of the county of _____ in the state of _____. I shall serve a copy of this Petition and the citation on each person to whom it is directed, in the same manner as provided by law for the service of summons at least 5 days before the hearing. (Family Code 4412)
   Check if applicable
   ☐ The Parent is a resident of California. The court does not have jurisdiction to make an order under this chapter until 30 days after the county counsel, or the district attorney in a county not having a county counsel, of the county in which the parent resides has been served with notice of the pendency of the proceeding. I ask for a hearing to be set at least 40 days from today's date to serve county counsel 30 days before the hearing. (Family Code 4413)

5. I ask the court to grant my request because I meet all of the requirements established in Family Code 4411:
   (a) I was abandoned by the parent when I was a minor,
   (b) The abandonment continued for a period of two or more years before I turned 18 years old, and
   (c) During the period of abandonment the parent was physically and mentally able to provide me support, as described in the attached declaration.

6. I am also filing local Form GN-01, Request for Hearing Requesting Relief from the Duty of Parental Support.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:_____ Signature:_____
Adult child

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
CITATION REGARDING PETITION FOR RELIEF OF DUTY FOR PARENTAL SUPPORT	CASE NUMBER:

To: _____ , and all interested Parties.

(Name of supported Parent, Parent's conservator, or representative of Parent's estate)

You are notified that the court will set a hearing to terminate the current Parental Support order on Date:_____ Time:_____am/pm Department_____ at the Superior Court of California, County of Imperial, 939 W. Main Street, El Centro CA 92243.

If, upon hearing, the court determines that the requirements of Section 4411 are satisfied, the court shall make an order that the Adult Child is relieved from the obligation otherwise imposed by law to support the Parent.

An order under this section also releases the Adult child with respect to any state law under which a child is required to do any of the following:

(1) Pay for the support, care, maintenance, and the like of a Parent.

(2) Reimburse the state or a local public agency for furnishing the support, care, maintenance, or the like of a Parent.

Date:

BY:_____
Clerk of the Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
ORDER ON PETITION FOR RELIEF OF DUTY FOR PARENTAL SUPPORT	CASE NUMBER:

1. UPON GOOD CAUSE, THE PETITION FOR RELIEF OF DUTY FOR PARENTAL SUPPORT IS

a. ☐ **GRANTED**
b. ☐ **DENIED**
c. ☐ **OTHER:** _____.

Date: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
REQUEST FOR HEARING	CASE NUMBER:

HEARING DATE: _____

TIME: _____

DEPT: _____

Check one of the following:

☐ Default Dissolution

☐ Default Civil (Prove Up Hearing)

☐ Adoption Hearing

☐ Petition to Declare Free from Parental Control

☐ Petition for Minor's Compromise

☐ Petition for Grandparent Visitation

☐ Request for Recall of Bench Warrant Issued on: _____

☐ Ex Parte Hearing Re: _____

☐ Other: _____

Date:

_____ _____

Type or Print Name Signature of Party or Attorney

**** Note: This form must be served 16 Court Days before the hearing date set.***

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	
PETITIONER: RESPONDENT:	
EX PARTE REQUEST TO CONTINUE HEARING; DECLARATION AND ORDER	CASE NUMBER:

1. I, ☐ plaintiff/petitioner ☐ defendant/respondent hereby apply for a court order continuing the hearing/motion.

2. A hearing/motion in this matter is scheduled for *(date)*: _____.

3. The hearing/motion was filed by ☐ plaintiff/petitioner ☐ defendant/respondent ☐ court.

4. I ask the court to continue my hearing/motion until *(approximate date)*: _____ or ☐ take hearing/motion off calendar.

5. I am requesting a continuance due to the following: _____

   _____

   _____

6. The parties listed below have been served with a copy of this *Ex Parte Request to Continue Hearing; Declaration and Order*:

   1) _____ (*Name*), who lives in: _____ (*county*), was served on: _____ (*date*)

   2) _____ (*Name*), who lives in: _____ (*county*), was served on: _____ (*date*)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____ _____ (*Type or print your name*) _____ (*Sign here*)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
PETITIONER: RESPONDENT:	
ORDER	CASE NUMBER:

UPON GOOD CAUSE, IT IS HEREBY ORDERED that the hearing/motion presently scheduled for _____ at _____ am/pm in Department _____ is rescheduled as follows:

Date: _____ Time: _____ Department: _____

Name and address of court if different than address above:

_____

_____

Or

☐ the hearing/motion is taken off calendar.

☐ request is **DENIED.**

The clerk will mail a copy of this order to:

a. ☐ The party who requested the continuance.
b. ☐ All parties at the address listed in the court's records.

Date: _____

_____
Judge of the Superior Court

☐ Clerk mailed copy of this order to party(ies) indicated above.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Centro, CA 92243**	
PETITIONER: RESPONDENT:	
STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS (California Rules of Court 3.221)	CASE NUMBER:

The parties and/or their attorneys stipulate that the matter is at issue and that this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management timelines.

_____ Court Ordered Non-Binding Arbitration (Cases valued at $50,000 or less)

_____ Private Mediation

_____ Private Binding Arbitration

_____ Other (specify):_____

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral:

_____.

Date:_____ Date:_____

_____ _____
Name of Plaintiff/Petitioner Name of Defendant/Respondent

_____ _____
Signature of Plaintiff/Petitioner Signature of Defendant/Respondent

_____ _____
Name of Plaintiff's Attorney Name of Defendant's Attorney

_____ _____
Signature of Attorney Signature of Attorney

Superior Court of California
County of Imperial
Alternative Dispute Resolution Information

NOTICE: In all general civil cases, plaintiff and cross-complaints are required to serve this form on each defendant or new party to the action.

Alternative Dispute Resolution (ADR) may help resolve disputes without trial. ADR is usually less expensive, less formal and less time consuming than a trial. ADR can also be less adversarial and may provide parties with the opportunity for more creative and/or flexible outcomes than can be achieved in trial. Since various ADR methods may or may not be appropriate in any particular case, it is advisable to consult with an attorney about options available.

Mediation

An impartial person called a "mediator" helps the parties try to reach a mutually agreeable resolution of the dispute. The outcome is decided only by the parties. If the parties do not reach an agreement, the mediator does not make any decisions or recommendations to the court. Mediation is useful when the parties have a relationship they wish to preserve. Mediation may not be as useful if one of the parties is unwilling to compromise, or if one party has significant power over the other. The only court sponsored mediation service available in the Superior Court is for child custody and visitation.

Arbitration

An impartial person called an "arbitrator" listens to evidence and argument from both sides and then decides the outcome. Arbitration is less formal than a trial, and the rules of evidence may be relaxed. Pursuant to Imperial Superior Court Local Rules, Division 5 - Arbitration, Rule 3.5.0, all non-exempt unlimited civil cases where the amount in controversy does not exceed $50,000 as to any plaintiff, and all limited civil cases shall be submitted to arbitration under CCP 1141.10 et seq.

Settlement Conference

The parties and their attorneys meet with a judicial officer to discuss possible settlement of the dispute. The judicial officer assists the parties in evaluating the strengths and weaknesses of the case, but does not make any decision. Settlement conferences are scheduled upon request of the parties and order of the judge assigned to the case.

Additional Information

For information on Superior Court of California, County of Imperial's arbitration process see the Local Rules at www.imperial.courts.ca.gov and Stipulation to Use of Alternative Dispute Resolution Process, Local Form GN-02.

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* TELEPHONE NO.: FAX NO. *(Optional):* E-MAIL ADDRESS *(Optional):* ATTORNEY FOR *(Name):*	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **Juvenile Division** **939 W. Main Street** **El Centro, CA 92243**	
Name of Dependant Child:	
CERTIFICATION OF COMPETENCY	CASE NUMBER:

I, (firm or affiliation, address, phone number and State Bar Number) _____ _____, am an attorney at law licensed to practice in the State of California. I hereby certify that I meet the minimum standards for practice before a Juvenile Court set forth in California Rule of Court, 5.660, and Local Rule 6.1.2, and that I have completed the minimum requirements for training, education and/or experience as set forth below:

Training and Education

	Course Title	Date Completed	Hours	Provider
a.				
b.				

Juvenile Dependency Experience

	Case Number (s)	Contested Hearings	Date of last appearance	Party Represented
a.				
b.				

☐ (Attached are copies of MCLE certificates or other documentation of attendance.)

DATED: _____ _____
Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **Juvenile Division** **939 W. Main Street** **El Centro, CA 92243**	
Name of Dependant Child:	
CERTIFICATION OF COMPETENCY	CASE NUMBER:

I, the undersigned, declare:

1. I am [ ] counsel [ ] social worker [ ] mother [ ] father [ ] minor [ ] Department of Family and Children's Services or [ ] other (explain) _____ in this dependency action.

2. Pursuant to Juvenile Court Local Rules, I have given notice of, and a copy of this application for ex parte orders to, the following persons: _____

_____

Notice to the above named persons was given in the following manner:
[ ] telephone at _____ [ ] a.m. [ ] p.m.
[ ] letter [ ] mailed [ ] hand delivered to (insert name and address):

_____

_____, on _____, _____

3. I have received the following response: _____

_____

4. I have not given notice of this application for ex parte orders for the following reason(s):
[ ] a. Would frustrate the purpose of the orders requested.
[ ] b. Minor child would suffer immediate and irreparable harm before the orders could issue.
[ ] c. No significant burden or inconvenience to responding party will result from the orders requested.
[ ] d. I made reasonable, good faith efforts to give notice, as follows:

_____

_____

[ ] e. Other: _____

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. Executed at _____, California, on _____
(DATE)

_____
Declarant

GUIDELINES FOR JUVENILE ASSESSMENT AND COLLECTION OF COSTS FOR COURT-RELATED SERVICES

1. Policy and Authority. Based on ability to pay, it shall be the policy of the Superior Court System to assess sums representing costs for legal services, probation related services and court-appointed investigations, as hereinafter set forth. Specifically, assessments shall be made to individuals for services as follows:

   (a) adult defendants for costs of legal services provided by court-appointed counsel (Penal Code Section 987.8);

   (b) convicted defendants for services rendered by the Probation Department as referenced by Penal Code Section 1203.1b;

   (c) parents or other persons responsible for the support of minors for legal services provided in either juvenile delinquency or dependency proceedings (Welfare & Institutions Code Section 903.1)[1] ; and (d) parents (or other persons seeking custody or visitation) in family law matters where the Court directs the Probation Department (or other court-appointed investigator) to conduct custody/visitation evaluation or supervision (Family Code Section 3112).[2]

2. Costs for Services. In each case where the Court determines ability to pay, the Court shall make an order requiring the appropriate person or persons to pay for all or part of the costs incurred for services referenced under 1 above, as further discussed below. To assist the Court with respect to determination of amounts to be assessed, the Public Defender, other court-appointed counsel and Probation Department shall provide information as set forth below:

   (a) Public Defender and Other Court-Appointed Counsel. The Public Defender and other attorneys who provide criminal defense services, or services in Juvenile Court, by Court appointment, shall annually establish an hourly fee which shall represent the average hourly cost of providing such services. (Government Code Section 27712).[3] Said counsel shall keep a record of the time devoted on a case by case basis so as to be able to advise the Court and Probation Department of the amount of time devoted to a case as of the time of disposition.

   (b) Probation Department. As required by Penal Code Section 1203.1b, the Probation Department shall develop a payment schedule for reimbursement for the costs of

---

[1] In addition to assessments for costs incurred in providing legal services to minors in dependency proceedings, assessments shall be made for legal services provided in such proceedings to other family members as authorized by Section 903.1 of the Welfare & Institutions Code.

[2] Assessments may be in addition to those made for costs of mediation.

[2] Hourly rates established for legal services provided in Juvenile Court proceedings shall be submitted to the Board of Supervisors for approval so as to comply with Section 904 of the Welfare & Institutions Code.

preplea or presentence investigations based on income. The Probation Department shall likewise submit information relating to the bases of its charges for other services referenced by Section 1203.1b and for civil custody and/or visitation related services as referenced in 1(d) above. Charges imposed for services rendered by the Probation Department shall not exceed the actual average cost thereof.

3. Determination of Ability to Pay; Recommendation by Probation. Every court order which requires a defendant (parent or other responsible person) to reimburse the County for all or a portion of costs for services incurred, shall be based on ability to pay. In determining ability to pay, the following procedures shall be followed:

(a) Financial Disclosure. Completion of financial disclosure forms shall be required as follows:

(1) Each adult defendant who requests appointment of either the Public Defender or other court-appointed counsel shall be required to complete a financial disclosure statement as authorized by Penal Code Section 987(c).[4]

(2) Parents (or other responsible persons) shall be required to complete financial disclosure statements in cases involving minors in juvenile delinquency or dependency cases in Juvenile Court.

(3) Parents (or other persons seeking custody or visitation) in family law disputes shall be required to provide income and expense statements as required by the Family Code. (Applications for fee waivers may also be submitted as authorized by law.)

(b) Interview and Evaluation By Probation. In every case where the Court intends to issue an order requiring a defendant (or parent or other responsible person) to pay costs incurred for services rendered as referenced under 1 above, the Court may require the defendant (parent or other responsible person) to be interviewed by a representative from the Probation Department concerning his or her ability to pay for costs of services. The Court may also direct the responsible person) to make payments.[5]

(c) Recommendation by Probation. Upon request by the Court, the Probation Department shall in writing recommend the amount of payment and the manner in which payments shall be made to the County, based upon the defendant's (or parent's or other responsible person's) ability to pay. The Probation Department's recommendation shall contain a summary of the facts upon which it is based; and, it shall take into account, without limitation, the amount of any fine imposed and the amount of any restitution ordered paid.

(d) Right to Hearing. A copy of the written recommendation of the Probation Department, if any, shall be provided to the defendant (or parent or other responsible person) and to

[4]A defendant who is bound-over after having been provided court-appointed counsel by the Municipal Court may be required to complete a new or supplemental financial disclosure statement on requesting court-appointed counsel by the Superior Court.

[5]So as to comply with Welfare & Institutions Code Section 903.45, request shall be made of the Board of Supervisors to designate the Chief Probation Officer as county financial evaluation officer pursuant to Section 27750 of the Government Code. (Refer also to Welfare & Institutions Code Section 903.45.)

court-appointed counsel. The defendant (or parent or other responsible person) shall be advised the recommendation is not final until ordered by the Court and that the defendant (or parent or other responsible person) is entitled to a hearing if in disagreement with the recommendation.

4. Order For Payment; Hearing.

(a) When a defendant (parent or other responsible person) agrees with the recommendation of the Probation Department, the Probation Department shall prepare a proposed order, containing the written consent of the defendant (or parent or other responsible person); and, shall submit the same to the Court for signature.[6]

(b) If the defendant (parent or other responsible person) does not agree with the recommendation of the Probation Department, a hearing shall be scheduled before the Court to determine the amount of payment, if any, and the manner in which payments shall be made. The following rules shall apply to the hearing:

(1) The defendant (parent or other responsible person) shall be entitled to the opportunity to be heard in person, to disclosure of evidence against him or her, to present witnesses and other documentary evidence and to confront and cross-examine the representative of the Probation Department, who prepared the recommendation, and any other adverse witnesses.

(2) At the hearing, if the Court determines the defendant (parent or other responsible person) has the ability to pay all or part of the costs, the Court shall set the amount to be reimbursed and order the defendant (or parent or other responsible person) to pay that sum to the County in the manner in which the Court believes reasonable and compatible with his or her financial ability.[7]

5. Collections. The Probation Department (with the assistance of the office of County Counsel) shall be responsible for collecting sums ordered paid pursuant to these guidelines. Subject to approval by the Board of Supervisors, collection procedures may be developed which involve utilization of outside collection agencies.

---

[6]It is the Court's intention the order when so signed and entered shall have the force and effect of a judgment.

[7]When the Court determines that the defendant's (parent's or other responsible person's) ability to pay is different from the recommendation of the Probation Department, the Court shall state on the record the reason for its order.

With the consent of the defendant (parent or other responsible person), the Court may at the hearing direct the Probation Officer and defendant (parent or other responsible person) to further meet to work out a schedule for making payments to satisfy the amount ordered for payment by the Court. (The order when signed and entered shall have the force of a judgment.)

Transferring property when someone dies...

Do I have to go to Court to inherit property from someone who dies?

Not always. If you have the legal right to inherit personal property, like money in a bank account or stocks, and the estate is worth $150,000 or less, you may not have to go to court.

There is a simplified process you can use to transfer the property to your name, but this process is not for real property, like a house.

How do I know if the estate is worth $150,000 or less?

To calculate the value of the estate:

Include:

- All real and personal property
- All life insurance or retirement benefits that will be paid to the estate

Do not include:

- Cars
- Real property outside of California
- Property held in trust, including a living trust.
- Real or personal property that the person who died owned with someone else (joint tenancy)
- Property (community, quasi-community or separate) that passed directly to the surviving spouse
- Life insurance, death benefits or other assets not subject to probate that pass directly to the beneficiaries
- Unpaid salary or other compensation up to $15,000 owed to the person who died.
- The debts or mortgages of the person who died

For a complete list, see Probate Code § 13050

Can I subtract the deceased person's debts to calculate the value of the estate?

No. You are not allowed to subtract the debts of the person who died.

What if the estate is in Probate?

You cannot use this process, unless the Personal Representative of the estate agrees in writing to let you do so.

Can anyone use this simplified Process?

You qualify if you have the legal right to inherit property from the person who died. You must be a beneficiary in the Will or an heir if the person died without a Will. Other people may qualify too, like the guardian or conservator of the estate. For a complete list, see Probate Code § 13051

NOT A COURT FILED FORM

DECLARATION FOR TRANSFER OF SMALL ESTATES WITHOUT PROBATE
(Probate Code § 13100 et seq.)

Heir(s) hereby declare:

1. I am the successor in interest of decedent _____ (name of decedent), who died in _____ (County), California on _____ (date).

2. At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this declaration. *California Probate Code § 13101(a)(3).*

3. No proceeding is now being or has been conducted in California for Administration of the decedent's estate, *California Probate Code § 13101(a)(4).*

4. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in *California Probate Code § 13050,* does not exceed one hundred and fifty thousand dollars ($150,000.00)

5. The property of the decedent that is to be paid, transferred or delivered to the declarant(s) is as follows: **(LIST THE PROPERTY, INCLUDING ACCOUNT NUMBERS FOR FINANCIAL ACCOUNTS, V.I.N. AND LICENSE NUMBERS FOR AUTOMOBILES.)**

_____

_____

_____

6. Heir(s) are the successor of the decedent as provided in *California Probate Code § 13006(a)(7) and 13101(a)(7).*

7. ☐ The declarant(s) are the successors of the decedent (as defined in *California Probate Code § 13006)* to the decedent's interest in the described property. *California Probate Code §13101(a)(3)(b).* The decedent died intestate, leaving no surviving, and the declarants are all of the children of the decedent.

   [OR]

   ☐ The declarants are all of the beneficiaries entitled to receive property under the decedent's Will, a copy of which is attached.

8. No person has a superior right to the interest of the decedent in the described property. California Probate § 13101(a)(9).

9. The declarant(s) request that the described property be paid, delivered or transferred to the declarants, *California Probate §13101(a)(10).*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on:

Date: _____, at _____ California. (*California Probate Code § 13101(a)(11).*

_____ _____
(Type or print your name) *(Signature of Heir 1)*

_____ _____
(Type or print your name) *(Signature of Heir 2)*

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA, COUNTY OF (specify): _____

On (date): _____ before me (name and title): _____

_____

Personally appeared name:

_____

Who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

(NOTARY SEAL)

_____
Signature of Notary Public

ATTORNEY OR PARTY WITHOUT ATTORNEY (*Name, State Bar number, and address*)	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL **939 W. Main Street** **El Cento, CA 92243**	
CONSERVATORSHIP OF: *(Name)*:_____ (PROPOSED) CONSERVATEE	
DECLARATION OF COMPLETION OF ORIENTATION AND TRAINING FOR NON-PROFESSIONAL CONSERVATORS	CASE NUMBER:

I, _____, declare as follows:

1. On _____ I successfully completed the orientation and training for non-professional conservators (*certificate of completion attached*).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____
Date

_____
Printed Name

_____
Signature

CHILD'S NAME:	CASE NUMBER:

ATTACHMENT 8c(1)-Indian Child Inquiry

1. Name of child:
   a. Person(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	
PETITIONER: RESPONDENT:	
DECLARATION OF REPRESENTATIVE OF PARTY FOR SMALL CLAIMS COURT (Code of Civil Proceeding § 116.540)	CASE NUMBER:

I declare under penalty of perjury that I am over the age of 18 years and if sworn as a witness would testify as follows:

I am authorized to appear for _____, a party herein, on the basis set forth below.

_____**Corporation**: I am a regular employee, or a duly appointed or elected officer or director, who is employed, appointed, or elected for purposes other than only to represent the corporation in small claims court.

_____**Partnership**: I am either a partner, a regular employee, or a duly appointed or elected officer or director, who is employed, appointed, or elected for purposes other than only to represent the party in small claims court.

_____**Sole Proprietorship**: (a) The claim can be proved or disputed by evidence of an account that constitutes a business record as defined in Evidence Code § 1271, and there is no other issue of fact in the case. (b) I am a regular employee of the party for purposes other than only to represent the party in small claims court, and I am qualified to testify to the identity and mode of preparation of the business record.

_____**Military Duty Out of State**: The plaintiff will not personally appear, has submitted declarations to serve as evidence supporting his or her claim, is serving on active duty in the United States Armed Forces outside of this state, was assigned to his or her duty station after his or her claim arose and the assignment is for more than 6 months. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____**Incarceration**: The party is incarcerated in a county jail, a Department of Corrections or Juvenile facility, will not personally appear and has submitted declarations to serve as evidence supporting his or her claim. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____**Nonresident Owner of Real Property**: Defendant owner of real property does not live in California and is defending against a claim relating to property located here. Defendant has submitted written declarations to serve as evidence supporting his or her defense, allowing me to appear and participate on his or her behalf. I am serving without compensation and I have not appeared in small claims actions more than 4 times this calendar year.

_____**Owner of Rental Real Property**: I am a property agent under contract with the owner of rental real property to manage the rental of real property involved herein, the owner has retained me principally to manage the rental of that property and not principally to represent the owner in small claims court, and the claim relates to the rental property.

_____**Association Created to Manage Common Interest Development (Civil Code § 1351)**: I am an agent, a management company representative, or a bookkeeper appearing on behalf of the association.

_____**Husband or Wife**: I am suing or being sued with my spouse, the claim is a joint claim, my spouse has given his or her consent, and the interests of justice would be served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, at _____.

_____
Signature of Representative

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*:	FOR COURT USE ONLY
TELEPHONE NO.: FAX NO. *(Optional)*: E-MAIL ADDRESS *(Optional)*: ATTORNEY FOR *(Name)*:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL ☐ 220 Main Street, Brawley, CA 92227 ☐ 939 West Main Street, El Centro, CA 92243 ☐ 1625 West Main Street, El Centro, CA 92243 ☐ 2124 Winterhaven Drive, Winterhaven, CA 92283	
PLAINTIFF: DEFENDANT(S)	
NOTICE OF APPEAL; NOTICE OF FILING OF APPEAL SMALL CLAIMS (Code of Civil Procedure § 116.710)	CASE NUMBER:

To: Plaintiff (Name and address):	To: Defendant (Name and address):
To: Plaintiff (Name and address):	To: Defendant (Name and address):

NOTICE OF APPEAL

I appeal to the superior court, as provided by law from ☐ the small claims judgment, or ☐ the denial of the motion to vacate the small claims judgment.

Date Appeal Filed (clerk to insert date):

(TYPE OR PRINT NAME OF APPELLANT) (SIGNATURE OF APPELLANT OR APPELLANT'S ATTORNEY)

☐ I am an insurer of defendant (name) _____ in this case. The judgment against defendant exceeds $2,500, and the policy of insurance with the defendant covers the matter to which the judgment applies.

(NAME OF INSURER) (SIGNATURE OF DECLARANT)

NOTICE OF FILING OF APPEAL

Your small claims case has been APPEALED to the superior court. Do not contact the small claims court about this appeal. The superior court will notify you of the date you should appear in court. The notice of appeal is set forth below.	La decisión hecha por la corte para reclamos judciales menores en su caso ha sido APELADA ante la corte superior. No se ponga en contacto con la corte para reclamos judiciales menores acerca de esta apelación. La corte superior le notificar las fecha en que usted debe presentarse ante ella. El aviso de la apelación aparece a continuación.

Date: _____ Tammy L. Grimm, Clerk by _____, Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this action. This Notice of Appeal and Notice of Filing of Notice of Appeal were mailed first class, postage prepaid, in a sealed envelope to ☐ plaintiff ☐ defendant at the address(es) stated above. The mailing and this certification occurred at (place) _____, California on (Date): _____.

Date: _____ Tammy L. Grimm, Clerk of the Court

by _____, Deputy Clerk

ALPHABETIC INDEX

A — Page

Abandonment (Appeal) 62
Access to Records 53
Administrative and General Matters 2-5
Administrative Recordings 5
Agreed Statement on Appeal 62
Amendments 1
Appeal and Grievance Procedures 53
Appearances (Probate) 60
Appellate Division and Appeals - Civil - Stay Orders in Pending Civil Appeals 66
Appellate Division and Appeals - General - Agreed Statement on Appeal 64
Appellate Division and Appeals - Small Claims - Calendaring 66
Appellate Division and Appeals - General - Abandonment 64
Appellate Division and Appeals - General - Applications and Motions 64
Appellate Division and Appeals - General - Content of Briefs 64
Appellate Division and Appeals - General - Oral Argument 64
Appellate Division and Appeals - General - Sessions 64
Applicability (Family Law) 31
Application for Modification of Court Orders 46
Applications and Motions 62
Arbitration Administrator 14
Arbitration, Cases Subject to 14
Arbitration Exemptions 14
Arbitration Statement and Evidence 15
Arbitrator's Fees 15
Assignment (Extraordinary Writs) 14
Assistant Presiding Judge 2
Attendance (Juvenile) 42
Attendance and Conduct at Court Proceedings 5
Attorney Competency 42
Attorney's Fees and Costs 38
Authorization for Travel, Medical and Dental Care 47
Availability of Probate Examiner's Notes and Clearing of Defects 63

B

Bail and Stay of Execution in Criminal Cases 66
Bail Review Request 28
Bail/Fine 25
Bankruptcy 20

C

Calendaring (Small Claims) 66
Calendaring Appeals 22
Caption of Petitions (Probate) 60
CASA Program Criteria for Referral 51
CASA Reports, Distribution of 54
Case Assignment and Direct Calendaring 6
Case Management (Civil) 6
Case Management (Family Law) 35
Child Support 38
Citation of Rules 1
Civil Rules 6-22
Civil - Arbitration - Settlement Conference 15
Civil - Arbitration - Withdrawal of Request for Trial Following Arbitration Award 15
Civil - Arbitration Administrator 14
Civil - Arbitration Statement and Evidence 15
Civil - Arbitrator's Fees 15
Civil - Case Assignment and Direct Calendaring 6
Civil - Cases Subject to Arbitration 14
Civil - Exemptions to Arbitration 14
Civil - Bankruptcy 20

ALPHABETIC INDEX

C Continued — Page

Civil - Case Management 6
Civil - Class Actions Rules 17
Civil - Confidentiality Agreements, Protective Orders, Sealed Documents 19
Civil - Court Reporters 8
Civil - Daily Transcript of Proceedings 20
Civil - Default Attorney Fee Schedule 21
Civil - Depositions 20
Civil - Ex Parte' Relief - Ex Parte Orders 13
Civil - Ex Parte' Relief - Filing Fees, Case Number, and Hearing Date 13
Civil - Ex Parte' Relief - Policy 13
Civil - Ex Parte' Relief - Scheduling of Ex Parte Hearings 13
Civil - Expert Witnesses and Fees 7
Civil - Extraordinary Writs - Assignment 14
Civil - Extraordinary Writs - Procedure 14
Civil - Failure to Appear at Pre-Voir Dire Conference 9
Civil - Fee Waivers 8
Civil - Fee Waivers from Inmates 8
Civil - Judgment Debtor Examinations 16
Civil - Judgment Pursuant to Stipulation 8
Civil - Jury Fees 7
Civil - Jury Instructions 7
Civil - Juror Questionnaires 7
Civil - Law and Motion 9-13
Civil - Law and Motion - Conduct of Hearing 13
Civil - Law and Motion - Evidentiary Objections 11
Civil - Law and Motion - Failure to File Proof of Service of Notice of Motion 9
Civil - Law and Motion - Joinders 10
Civil - Law and Motion - Opposing and Reply Papers 12
Civil - Law and Motion - Orders After Hearing 13
Civil - Law and Motion - Orders Shortening Time 9
Civil - Law and Motion - Particular Motions 11
Civil - Law and Motion - Scheduling Hearings and Tentative Rulings 9
Civil - Law and Motion - Separate Motion Requirement 10
Civil - Law and Motion - Taking Motions Off Calendar 10
Civil - Minors, Incompetents, Conservatees 17
Civil - Motions in Limine 7
Civil - Policy 6
Civil - Post Trial 8
Civil - Procedure Upon Death of Plaintiff 19
Civil - Receivers 19
Civil - Settlements 7
Civil - Small Claims - Calendaring Appeals 22
Civil - Small Claims - Hearing Officer 22
Civil - Small Claims - Required Personal Appearance 22
Civil - Stay of Execution Pending New Trial Motion 8
Civil - Taking Trial Off Calendar 8
Civil - Telephone Appearances 20
Civil - Uninsured/Underinsured Motorist Actions 17
Civil - Unlawful Detainer Proceedings 16
Civil Assessment 27
Class Action Rules 17
Clerk's Offices 3
Communication (Juvenile) 52
Complaints against Court Mediators, Evaluators and Investigators 35
Compliance with Rules 4
Conduct of Hearing 13
Confidentiality Agreements, Protective Orders and Sealed Documents 19
Confidentiality Of Mediation 34

ALPHABETIC INDEX

C Continued — Page

Conformed Pleadings 3
Construction of Rules 1
Content of Briefs 62
Continuance by Clerk (Infractions) 29
Continuance by Clerk (Non-Traffic) 30
Continuance Policy 25
Correctable (Infraction) 29
Court Administration 2
Court Appointed Special Advocate 49
Court Divisions 2
Court Executive Officer 2
Court Experts 34
Court Experts and Investigators 34
Court Reporters for Civil Trials 8
Court Security 4
Criminal - Bail and Stay of Execution in Criminal Cases 66
Criminal - Bail Review Request 28
Criminal - Bail/Fine 25
Criminal - Civil Assessment 27
Criminal - Continuance Policy 25
Criminal - Cost of Transcripts in Criminal Cases 65
Criminal - Disposition of Petition 65
Criminal - Evidence at Pretrial Motion 24
Criminal - Felony Warrant Procedure 28
Criminal - Filing Locations; Calendaring 23
Criminal - Filing Requirements 65
Criminal - Fine/Fee Payments 28
Criminal - Infractions 29-30
Criminal - Infractions - Continuance by Clerk 29
Criminal - Infractions - Correctable 29
Criminal - Infractions - Evidence 29
Criminal - Infractions - Evidence of Compliance - Non-Traffic 29
Criminal - Infractions - Extension for Pay or Appear Date 29
Criminal - Infractions - Trial by Declaration 29
Criminal - Insurance VC §16028 Fine Reduced by Clerk 30
Criminal - Juvenile Infractions - Continuance by Clerk 30
Criminal - Juvenile Infractions - Traffic 30
Criminal - Misdemeanor Warrant Procedure 26
Criminal - Misdemeanors and Felony - Telephone Appearances 27
Criminal - Motions to Suppress 25
Criminal - Official Electronic Recordings in Misdemeanor Criminal Cases 26
Criminal - Payment Extension 28
Criminal - Peremptory Challenges 24
Criminal - Pretrials 24
Criminal - Pre Trial Services, O.R. Release 26
Criminal - Purge of Active Felony Warrants with No Expiration Date 29
Criminal - Purge of Active Misdemeanor Warrants with No Expiration Date 27
Criminal - Request for Court Interpreter 27
Criminal - Time for Filing Complaints 24
Criminal - Victim Restitution Costs 27

D

DSS Reports, Production of 56
Daily Transcript Of Proceedings 20
Death of Plaintiff, Procedure Upon 19
Default Attorney Fee Schedule 21
Default or Uncontested Judgments 38
Departments of the Court 3
Depositions 20

ALPHABETIC INDEX

D Continued — Page

Discovery 45
Disposition of Petition 65
Disqualification of Court Expert 35
Distribution of Investigation Report 35
Domestic Violence and Child Custody Orders 39

E

Effective Date 1
Electronic and Photographic Equipment in Courthouses, Limitations on 5
Evidence (Infractions) 29
Evidence at Pretrial Motions 24
Evidence of Compliance Non-Traffic 29
Evidentiary Objections 11
Ex Parte Applications and Orders 45
Ex Parte Orders 14
Ex Parte Orders (Except Domestic Violence Protection Act Actions) (Family Law) 31
Ex Parte Policy 13
Exchange of Settlements Proposals 36
Exemptions to Arbitration 14
Expert Witness and Fees 7
Extension for Pay or Appear Date 29
Extraordinary Writs Procedure 14

F

Failure to Appear at Pre-Voir Dire Conference 9
Failure to File Proof of Service of Notice of Motion 9
Family Law 31-41
Family Law Advocate 51
Family Law - Applicability 31
Family Law - Attorney's Fees and Costs 38
Family Law - Case Management 35
Family Law - Child Support 38
Family Law - Complaints against Court Mediators, Evaluators, and Investigators 35
Family Law - Confidentiality of Mediation 34
Family Law - Court Experts 34
Family Law - Court Experts and Investigators 34
Family Law - Default or Uncontested Judgments 38
Family Law - Disqualification of Court Expert 35
Family Law - Distribution of Investigative Report 35
Family Law - Domestic Violence and Child Custody Orders 39
Family Law - Ex Parte Orders (Except Domestic Violence Protection Act Actions) 31
Family Law - Exchange of Settlement Proposals 36
Family Law - Family Law Facilitator 41
Family Law - Findings and Orders After Hearing 41
Family Law - Hearings 32
Family Law - Income and Expense Declarations 37
Family Law - Participation in Mediation 33
Family Law - Privilege Against Self Incrimination 39
Family Law - Preparation and Service of Proposed Judgment After Trial 40
Family Law - Referral to Counseling 34
Family Law - Referrals to Mediation 33
Family Law - Results of Mediation 34
Family Law - Spousal Support 38
Family Law - Stipulated Mediation 34
Family Law - Telephone Appearances 32
Family Law - Trial Brief 36
Family Law - Trial Conference 36
Fee Waivers 8
Fee Waivers From Inmates 9
Felony Warrant Procedure 28
Filing Fees, Case Number and Hearing Date 13

ALPHABETIC INDEX

F Continued — Page

Filing Locations; Calendaring 23
Filing Requirements 65
Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases 57
Financial Responsibility for Attorney Fees in Juvenile Dependency Cases 56
Findings and Orders After Hearing 41
Fine/Fee Payments 28
Form and Lodging of Exhibits 62
Function of Advocates 50

G

H

Hearing Officer 22
Hearings (Family Law) 32
Hearings (Probate) 60

I

Income & Expense Declarations 37
Independent Administration (Probate) 60
Infractions 29-30
Infractions - Continuance by Clerk 29
Infractions - Correctable 29
Infractions - Evidence 29
Infractions - Evidence of Compliance Non-Traffic 29
Infractions - Extension for Pay or Appearance Date 29
Infractions - Juvenile 30
Infractions - Request for Traffic School in Payments 30
Infractions - Trial by Declaration 29
Insurance VC §16028 Fine Reduced by Clerk (Criminal) 28
Insurance VC §16028 Fine Reduced by Clerk (Infractions) 30
Interpreter Request (Criminal) 27
Intra-County Venue and Filing 3

J

Joinders 10
Judgment Debtor Examinations 16
Judgment Pursuant to Stipulation 8
Juror Questionnaires 7
Jury Fees 7
Jury Instructions 7
Juvenile - Application for Modification of Court Orders 46
Juvenile - Attendance 42
Juvenile - Attorney Competency 42
Juvenile - Authorizations for Travel, Medical, and Dental Care 47
Juvenile - Court Appointed Special Advocate - Access to Records 53
Juvenile - Court Appointed Special Advocate - Appeal and Grievance Procedures 53
Juvenile - Court Appointed Special Advocate - Communication 52
Juvenile - Court Appointed Special Advocate - Criteria For Referral to CASA Program 51
Juvenile - Court Appointed Special Advocate - Distribution of CASA Reports 54
Juvenile - Court Appointed Special Advocate - Function of Advocates 50
Juvenile - Court Appointed Special Advocate - General 49
Juvenile - Court Appointed Special Advocate - Referral Procedures 51
Juvenile - Court Appointed Special Advocate - Release of Information to Advocates 52
Juvenile - Court Appointed Special Advocate - Report of Child Abuse 52
Juvenile - Court Appointed Special Advocate - Right to Timely Notice and Right to Timely Appear 53
Juvenile - Court Appointed Special Advocate - Specific Duties of Advocates 51
Juvenile - Delinquency - Financial Responsibility for Attorney Fees in Juvenile Dependency Cases 56
Juvenile - Dependency - Financial Responsibility for Attorney Fees in Juvenile Delinquency Cases 57
Juvenile Proceedings 42-59
Juvenile - Dependency - Procedures for Informing Court of the Interests of a Dependent child 54
Juvenile - Dependency - Production of DSS Reports 56
Juvenile - Dependency - Visitation 54

ALPHABETIC INDEX

J Continued — Page

Juvenile - Discovery 45
Juvenile - Ex Parte Applications and Orders 45
Juvenile - General Provisions - Minimum Standards of Attorney Education and Training 43
Juvenile - General Provisions - Procedures for Reviewing and Resolving Complaints Against Attorneys 48
Juvenile - Infraction 30
Juvenile - Presence of Minor 42
Juvenile - Standards of Representation 44
Juvenile- Court Appointed Special Advocate - Family Law Advocate 51

K

L

Late Filings 3
Limitations on Electronic and Photographic Equipment in Courthouses 5

M

Mediation Confidentiality 34
Minimum Standards of Attorney Education and Training (Juvenile) 43
Minors, Incompetents, Conservatees 17
Misdemeanor Warrant Procedure 26
Modification of Court Orders, Application for 46
Motions for State Prison Cases 28
Motions In Liminé 7
Motions to Suppress 25

N

Non-Statutory Fees and Commissions 61

O

Official Electronic Recordings in Misdemeanor Criminal Cases 26
Opposing and Reply Papers 12
Oral Argument 62
Order for Family Allowance (Probate) 60
Orders After Hearing 13
Orders Shortening Time 9

P

Participation In Mediation 33
Particular Motions 11
Payment Extension 28
Peremptory Challenges 24
Policy (Civil) 6
Post Trial 8
Pre Trial Services, O.R. Release 26
Preliminary Rules 1
Preliminary Rules - Amendments 1
Preliminary Rules - Citation of Rules 1
Preliminary Rules - Construction of Rules 1
Preliminary Rules - Effective Date 1
Presence of Minor 42
Presiding Judge and Assistant Presiding Judge 2
Pretrials 24
Privilege Against Self Incrimination 39
Probate - Caption of Petitions 60
Probate Rules 60-63
Probate Rules - Appearances 60
Probate Rules - Availability of Probate Examiner's Notes and Clearing of Defects 63
Probate Rules - Fees for Conservators and Attorneys 61
Probate Rules - Fees Stated When Account Waived 61
Probate Rules - Filing Location 60
Probate Rules - Form and Lodging of Exhibits 62
Probate Rules - Hearings 60
Probate Rules - Independent Administration 60
Probate Rules - Non-Statutory Fees and Commissions 61

ALPHABETIC INDEX

P Continued — Page

Probate Rules - Order For Family Allowance 60
Probate Rules - Probate Examiner 60
Probate Rules - Required Educational Program for Non-Professional Conservators 62
Procedures for Informing Court of the Interests of a Dependent Child 54
Procedures for Reviewing and Resolving Complaints Against Attorneys 48
Proof of Service Accompanying Case Management Statement 9
Proposed Judgment After Trial, Preparation and Service of 40
Purge of Active Felony Warrants with No Expiration Date 29
Purge of Active Misdemeanor Warrants with No Expiration Date 27

Q

R — Page

Recalendaring of Unserved Small Claims Matters 22
Receivers 19
Referral Procedures 51
Referral to Counseling 34
Referrals to Mediation 33
Release of Information to Advocates 52
Report of Child Abuse 52
Request for Traffic School in Payments 30
Required Educational Program for Non-Professional Conservators 62
Required Personal Appearance 22
Results of Mediation 34
Right to Timely Notice and Right to Timely Appear 53

S

Scheduling Hearings and Tentative Rulings 9
Scheduling Of Ex Parte Hearings 13
Separate Motion Requirement 10
Sessions (Appellate Division and Appeals) 64
Sessions of the Court 3
Settlement Conference (Arbitration) 15
Settlements 7
Small Claims - Calendaring Appeals 22
Specific Duties of Advocate (Juvenile) 51
Spousal Support 38
Standards of Representation 44
Stay of Execution Pending New Trial Motion 8
Stay Orders In Pending Civil Appeals 66
Stipulated Mediation (Family Law) 34
Subordinate Judicial Officer Complaints 4

T

Taking Motions Off Calendar 10
Taking Trial Off Calendar 8
Telephone Appearances (Civil) 20
Telephone Appearances (Criminal) 27
Telephone Appearances (Family Law) 32
Time for Filing Complaints 24
Traffic (Juvenile) 30
Transcript Costs in Criminal Cases 65
Trial Brief 36
Trial by Declaration 29
Trial Conference (Family Law) 36

U

Uninsured/Underinsured Motorist Actions 17
Unlawful Detainer Proceedings 16

V

Vacate Civil Assessment 27
Victim Restitution Costs 27
Visitation - Juvenile 54

ALPHABETIC INDEX

W

Withdrawal of Request for Trial Following Arbitration Award 15

X

Y

Z