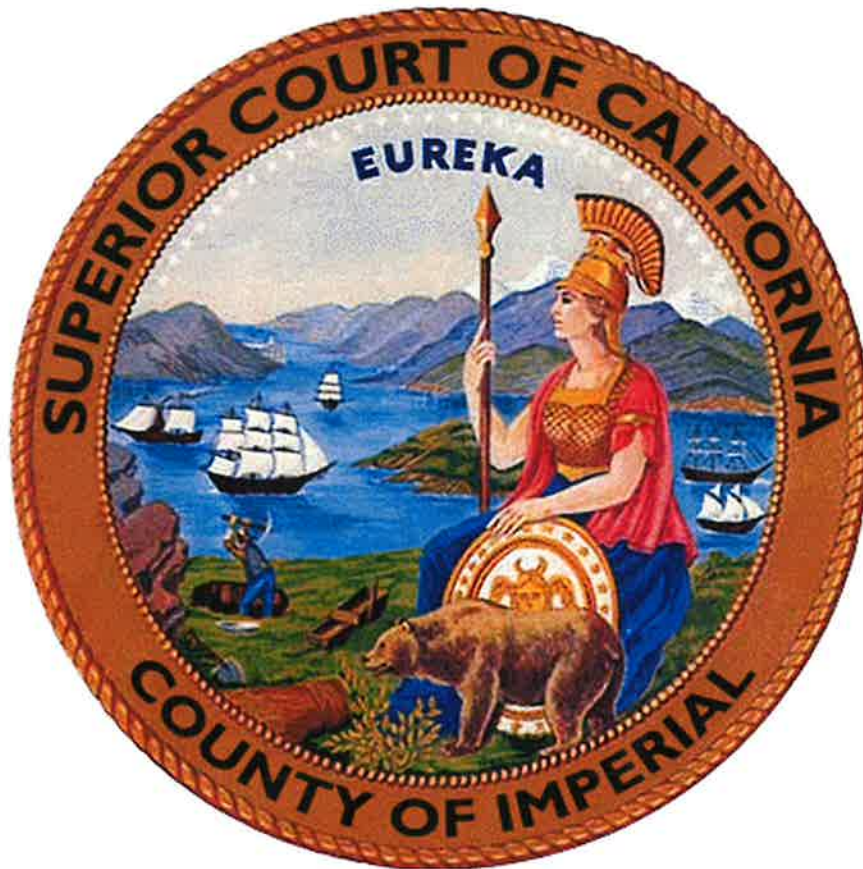


Superior Court of California
County of Imperial

Local Rules

Adopted, Effective July 1, 2025



The following Rules of Court for the Superior Court, County of Imperial, are proposed to be adopted July 1, 2025, by the Superior Court, County of Imperial.

These proposed Rules of Court are subject to a 45-day comment period which begins on March 26, 2025, and ends on May 9, 2025.

To submit your written comment, please e-mail Laura Velazquez at lvelazquez@imperial.courts.ca.gov.

For questions, please dial 760-482-2247.

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Chapter 1

Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on 07/01/25.

[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, 01/01/18, 07/01/18, 07/01/19, 01/01/20, 07/01/20, 01/01/22, 01/01/24, 07/01/24, 07/01/25]

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 El Centro Wake or El Centro Main Courthouses.
- (b) In custody misdemeanor complaints are filed in the El Centro Wake Court or the El Centro Main Court.
- (c) Felony complaints are filed at the El Centro Wake Court or the El Centro Main Court. The cases are heard at the El Centro Wake 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 El Centro Wake 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 El Centro Wake or El Centro Main Courthouse, as required by law, unless the ~~district attorney elects to deem parties stipulate 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 Wake or El Centro Main.

- (h) Juvenile infractions cited in Imperial County are filed in the El Centro Main 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, subd (h) amended 01/01/20, subd (a)(b)(c)(d)(g)(h) amended 01/01/24, ~~subd (d) amended 07/01/25]~~

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) A motion to suppress evidence must set forth the specific items of property or evidence that the moving party seeks to suppress. A general request to suppress “all items seized” or similar language is not sufficient.
- ~~(e)~~ (d) 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)~~ (e) 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, new subd (c) adopted and former subd (c), (d) renumbered to (d), (e) 07/01/25]

Rule 4.1.6.01 Discovery Motions

In accordance with Penal Code section 1054 et seq., discovery motions must include a declaration by counsel, under penalty of perjury, setting forth the previous oral and written efforts to obtain discovery by cooperative and informal means, and showing how the opposing party has failed to comply with Penal Code section 1054.1 or 1054.3. The motion must be limited to the disputed items, or class of items, listed in the declaration.

[Adopted July 1, 2025]

Rule 4.1.6.02 Trial Department Motions

Pretrial motions filed in any law and motion department may be deferred for consideration or evidentiary hearing by a later assigned trial judge in the sound discretion of the Court.

[Adopted July 1, 2025]

Rule 4.1.17 Insurance VC §16028 Fine Reduced by Clerk

Defendant must obtain insurance within 45 days of citation date, or by a date set by court order, and provide six months valid insurance for fine to be reduced.

[Adopted January 1, 2013, amended 07/01/25]

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 Wake 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 Wake 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, subd (a)(b) amended 01/01/24, subd (c) repealed 07/01/25]

Rule 4.1.20 Bail Review Request Repealed

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

[Adopted January 1, 2015, repealed 07/01/25]

Chapter 5
Family Law

Division 1
General Provisions

Rule 5.1.1.01 Non-Emergency Orders Not Requiring Notice

The following matters may be filed ex parte without notice and without request for a hearing:

- (a) 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.];
- (b) Signature of an order or judgment after a default proceeding;
- (c) Requests for advanced mediation;
- (d) Wage and earnings assignment order;
- (e) Restoration of former name after judgment; and
- (f) Order for publication or posting; and
- (g) Notice of matter to be taken off calendar

[Rule 5.1.1.01 adopted January 1, 2022, subd (g) adopted 07/01/25]

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. Once the parties come to an agreement, the agreement shall be filed within the court case file.~~
- (b) Except as provided in (c) below, if mediation yields no agreement on any issues, the mediator shall report only that mediation was unsuccessful.
- (c) The mediator will report the input and preference of children. ~~If the mediator interviews a child/children, the subsequent report of the minor's/minors' interview shall be filed within the case file and shall be confidential except to the parties to the case and/or to their attorneys.~~

[Rule 5.6 adopted July 1, 2007, amended 01/01/08, Rule 5.6 is renumbered to 5.1.7 01/01/12, amended subd (b) 01/01/19, subd (c) adopted July 1, 2019, ~~subd (a), (c) amended 07/01/25]~~

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

<u>Description</u>	<u>Revised</u>	<u>Mandatory?</u>	<u>Form#</u>
Bail Review Request.....	07/01/25	No	CR-14
Notice of Matter to be Taken Off Calendar.....	07/01/25	No	FL-28

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 <input type="checkbox"/> 650 Wake Avenue, El Centro, CA 92243 <input type="checkbox"/> 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:

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: _____	
NOTICE OF MATTER TO BE TAKEN OFF CALENDAR	CASE NUMBER: _____

1. Hearing / Request for Order

- ☐ Petitioner and/or ☐ Respondent requests the Court to take off calendar the ☐ Hearing/Motion filed on _____
☐ Request for Order filed on _____, scheduled for Date: _____
 Time: _____ Dept: _____. I am the moving party for this hearing.

2. Reason for Hearing or Request for Order to be taken off calendar

(you must check a or b):

- a. ☐ I did not serve the other party with the moving documents for this Hearing or Request for Order.
 b. ☐ The other party has filed a response and agrees to have the matter taken off calendar. (Both parties must sign below)

Date: _____

Date: _____

Signature of Petitioner or Attorney

Signature of Respondent or Attorney