

Butte County Superior Court Local Rules
Proposed Rule Changes
Effective July 1, 2016

LOCAL RULE 1 GENERAL RULES (Effective Date: 7/1/90, as amended 7-1-03, as amended 7-1-04, as amended 1-1-06, as amended 7-1-06, as amended 7-1-08, as amended 1-1-09, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13, as amended 7-1-13, as amended 1-1-14, as amended 7-1-14, **as amended 7-1-16**)

1.9 TRIAL READINESS (Effective 7/1/90, as amended 7-1-02, as amended 7-1-04, as amended 1-1-06, as amended 7-1-06, as amended 1-1-09, as amended 1-1-12, as amended 7-1-12, as amended 1-1-13, as amended 7-1-13, as amended 1-1-14, **as amended 7-1-16**)

(a) When a case is ready for trial (at-issue), a *Memorandum to Set Case for Trial* (form GR.010) shall be filed in the following cases only: Civil Harassment, Extraordinary Writs, and Asset Forfeiture cases under Health and Safety Code (H&S) §11470.

(b) The memorandum to set case for trial shall contain the information as set forth in *Memorandum to Set Case for Trial* (form GR.010).

(c) For any court trial which is to take in excess of two hours for presentation by all sides, the parties are required to file a trial memorandum setting forth their respective positions, together with citations to all legal authority upon which the parties intend to rely. Such trial memoranda, a list of exhibits, and a list of witnesses are to be filed no later than noon on the Wednesday immediately preceding the trial. A copy is to be submitted for the judge's use; three-hole punched on the left side and any attachments tabbed on the right side. The original, which is filed with the Court, shall be two-hole punched at the top **and tabbed on the bottom**. The Court will ordinarily set a TRC preceding the trial for all unlimited civil court trials with a time estimate greater than two (2) hours.

(d) For all jury trials, the court will conduct a Trial Ready Conference (TRC) in advance of the first day of trial. The *Trial Readiness Conference Statement* (form GR.020) is available on the court's website: www.buttecourt.ca.gov. The court will, at the time of setting the trial date, set a date for the TRC. At least five (5) full court days prior to the TRC, counsel are to file and provide copy to opposing counsel a *Trial Readiness Conference Statement* (form GR.020). A copy is to be submitted for the judge's use; three-hole punched on the left side and any attachments tabbed on the right side.

(e) Parties are encouraged to obtain a stipulation containing the information as set forth in *Procedural Stipulations for Jury Trial* (form GR.040). (Effective 7/1/90, as amended 7-1-02, as amended 7-1-04, as amended 1-1-06, as amended 7-1-06, as amended 1-1-09, as amended 7-1-12, as amended 1-1-13, as amended 7-1-13, as amended 1-1-14, **as amended 7-1-16**)

LOCAL RULE 2 LAW AND MOTION *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-04, as amended 7-1-05, as amended 7-1-10, as amended 7-1-12, as amended 7-1-13, as amended 7-1-16)*

2.3 JUDICIAL NOTICE *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12, as amended 7-1-16)*

Any request for judicial notice shall be made in a separately captioned document, listing the specific items of which notice is requested. Copies of those items shall be attached to the request as exhibits and shall be tabbed *at the bottom*, indexed, and paginated. When judicial notice of a Butte County court file is requested, the request shall be filed with the Clerk of the Court no less than seven (7) court days before the hearing. The request shall contain the title, case number and jurisdiction of the requested Butte County court file. Where the file sought to be noticed is that of an action outside of Butte County, certified copies of the file's contents will be acceptable in lieu of the original file. The certified copies shall be filed with the court no less than seven (7) court days before the hearing. *(Effective 7-1-89, as amended 7-1-02, as amended 7-1-12, as amended 7-1-16)*

LOCAL RULE 13 DOCUMENTS PRESENTED FOR FILING *(Effective 7/1/90, as amended 7/1/03, as amended 1/1/04, as amended 7/1/05, as amended 1-1-07, as amended 7-1-12, as amended 1-1-15, as amended 7-1-16)*

13.1 FAX FILING AND SERVICE *(Effective 7-1-89, as amended 7-1-03, as amended 7/1/05, as amended 1-1-07, as amended 7-1-12, as amended 1-1-15, as amended 7-1-16)*

Authority - these rules are adopted in accordance with the provisions of California Rules of Court (CRC), Rules 2.300 through 2.306, and apply to civil, and family law proceedings filed at the Butte County Courthouse and Chico Courthouse only **Superior Court.**

(a) A party may transmit a document by fax to a fax filing agency for filing with the Court. (CRC 2.303).

(b) A party may file by fax directly with the Court "informational letters" only. "Informational letters" are one page letters providing the Court with information regarding the status of the case (i.e. settlement status, trial readiness status, and letters requested per LR 16.1(~~e~~**b**)).

(c) The fax filing telephone number for the Butte County Courthouse is (530) 532-7041 and for the Chico Courthouse is (530) 532-7042.

(d) No fee will be required for faxed documents received pursuant to LR 13.1(b). *(Effective 7-1-89, as amended 7-1-03, as amended 7-1-05, as amended 1-1-07, as amended 7-1-12, as amended 1-1-15, as amended 7-1-16)*

13.2 FORM OF DOCUMENTS, GENERALLY *(Effective 7-1-89, as amended 1-1-03, as amended 1-1-07, as amended 7-1-16)*

(a) The word "documents" as used in this rule includes all documents including "papers," as that term is defined in CRC ~~2.100(a)~~ **2.3**, which are offered for filing in any case in the Butte County Superior Court, ~~including printed forms of the type furnished by the Clerk of the Court.~~

(b) All documents presented for filing must comply with CRC Rules 2.100 **through 2.119** and 3.1110 through 3.111**56**.

(c) The Clerk of the Court shall not accept for filing or file any document which does not comply with this rule; provided however, that for good cause shown, the Court may permit the filing of a document which does not comply herewith. *(Effective 7-1-89, as amended 1-1-03, as amended 1-1-07, as amended 7-1-16)*

Local Rule 18 **COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)**
(Effective 1-1-01, as amended 1-1-02, as amended 7-1-11, as amended 7-1-16)

18.1 ADOPTION OF COURT APPOINTED SPECIAL ADVOCATE PROGRAM (Effective date 1-1-01, as amended 7-1-16)

The Court hereby adopts the guidelines for court appointed special advocate programs (CASAs) set forth in Welfare and Institutions Code Sections 100-109 **110** and California Rule of Court ~~4.24~~ **5.655**, as well as the policy and procedures manual of the Butte County Court Appointed Special Advocate Program (hereinafter “the CASA”), as a Local Rule of Court applicable to the CASA and the guidelines are incorporated herein by this reference.

(a) THE CASA. The Court may appoint ~~child~~ **special** advocates to represent the interests of dependent children, **nonminor dependents, or wards who are subject to the jurisdiction of the juvenile court**. In order to qualify for appointment, the Special Advocate must be trained by and function under the auspices of a CASA, formed and operating under the guidelines established by the National Court Appointed Special Advocate Association (Welfare and Institutions Code Section 1356.5).

The CASA shall report regularly to the Presiding Judge of the Juvenile Court with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocate Association and the California State Guidelines for child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** advocates. (Effective date 1-1-01, as amended 7-1-16)

18.2 SPECIAL ADVOCATES (Effective date 1-1-01, as amended 7-1-16)

Special Advocates serve at the ~~pleasure~~ **discretion** of the Court having jurisdiction over the proceeding in which the Advocate has been appointed.

1. **FUNCTIONS.** In general, an Advocate’s functions are as follows:
 - A. To support the child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** throughout the court proceedings;
 - B. To establish a relationship with the child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** to better understand his or her particular needs and desires;
 - C. To communicate the child’s, **nonminor dependent’s, or ward’s** needs and desires to the Court in written reports and recommendations.
 - D. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
 - E. To provide continuous attention to the child’s, **nonminor dependent’s, or ward’s** situation to ensure that the Court’s plans for the child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** are being implemented;

F. To the fullest extent possible, to communicate and coordinate efforts with the case manager (probation officer or social worker);

G. To the fullest extent possible, to communicate and coordinate efforts with the ~~child's~~ attorney ***for the child, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court***; and

H. To represent the interests of the child, ***nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court*** in other judicial or administrative proceedings.

2. SWORN OFFICER OF THE COURT. A Special Advocate is an officer of the Court and is bound by these rules. Each Advocate shall be sworn in by a Judge or Court Commissioner before beginning his or her duties, and shall subscribe to a written oath.

3. SPECIFIC DUTIES. In its initial order of appointment, and thereafter in subsequent orders as appropriate, the Court may specifically delineate the Advocate's duties in each case, including interviewing and observing the child, ***nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court*** and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the ~~child's~~ grandparents ***of the child, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court*** and other relatives, and reporting back directly to the Court as indicated. If no specific duties are outlined by the Court order, the Advocate shall discharge his or her obligation to the child, ***nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court*** and the Court in accordance with the functions set forth in Section (c) 1 herein. *(Effective date 1-1-01, as amended 7-1-16)*

18.3 RESERVED *(Effective date 1-1-01)*

18.4 RELEASE OF INFORMATION TO SPECIAL ADVOCATE *(Effective date 1-1-01, as amended 7-1-16)*

1. TO ACCOMPLISH APPOINTMENT. To accomplish the appointment of a Special Advocate, the Judge or Commissioner making the appointment shall sign an order granting the Advocate the authority to review specific relevant documents and interview parties involved in the case, as well as other persons having significant information relating to the child, ***nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court***, to the same extent as any other officer appointed to investigate proceedings on behalf of the Court.

2. ACCESS TO RECORDS. A Special 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 officer) with regard to records pertaining to the child 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 the child. ***This Access to Records section does not apply to the records of or pertaining to a nonminor dependent. The CASA may have access to those records only with the explicit written and informed consent of the nonminor dependent.***

3. ~~CHILD~~ REPORT OF CHILD ABUSE. A Special Advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed.

4. COMMUNICATION. There shall be ongoing, regular communication concerning the child's, **nonminor dependent's, or ward's** best interests, current status, and significant case developments, maintained among the Special Advocate, case manager, child's attorney **for the child, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court**, attorneys for parents, relatives, foster parents, and any therapist for the child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court**. (Effective date 1-1-01, as amended 7-1-16)

18.5 RIGHT TO TIMELY NOTICE (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

The moving party shall provide the Special Advocate timely notice of any motions concerning a child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** for whom a Special Advocate has been appointed. (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

18.6 CALENDAR PRIORITY (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

In light of the fact that Special Advocates are rendering a volunteer service to children, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible. (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

18.7 VISITATION THROUGH DEPENDENCY (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

A Special Advocate shall regularly visit the child, **nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court** to whose case he or she has been appointed. The Advocate shall monitor the case as appropriate until dependency is dismissed. (Effective date 1-1-01, renumbered 7-1-11, as amended 7-1-16)

18.8 FAMILY LAW ADVOCACY (Effective date 1-1-01, renumbered 7-1-11)

Should the Court dismiss dependency and create family law orders pursuant to Welfare and Institutions Code Section 362.4, the Special Advocate's appointment may be continued in the family law proceeding, in which case the Court order shall set forth the nature, extent and duration of the Advocate's duties in the family law proceeding. (Effective date 1-1-01, renumbered 7-1-11)

18.9 RIGHT TO APPEAR (Effective date 1-1-01, renumbered 7-1-11)

A Special Advocate shall have the right to be present and be heard at all court hearings, and 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. An Advocate shall not be deemed to be a “party” as described in Title 3 of Part II of the Code of Civil Procedure. However, the Court at its discretion, shall have the authority to grant the Advocate amicus curiae status, which includes the right to appear with counsel. *(Effective date 1-1-01, renumbered 7-1-11)*

18.10 DISTRIBUTION OF CASA REPORTS *(Effective date 1-1-02, renumbered 7-1-11, as amended 7-1-16)*

- (a) CASA reports shall be submitted to the Court at least (5) five court days prior to the hearing.
- (b) CASA shall serve a copy of the report on the parties to the case, including but not limited to: County Counsel, attending Case Social Worker, Child’s Attorney ***for child, nonminor dependent, or ward who is subject to the jurisdiction of the juvenile court***, Parents’ Attorney, Child (via Foster Family Agency), ***Nonminor Dependent, or Ward who is subject to the jurisdiction of the juvenile court***, ICWA Representative (if applicable) and Defacto Parents.
- (c) CASA shall serve a copy of the report on the parties entitled to receive a copy of the report at least (2) two court days prior to the hearing. *(Effective date 1-1-02, renumbered 7-1-11, as amended 7-1-16)*

LOCAL RULE 50

ADMINISTRATIVE RULES *(Effective 7-1-96 as amended 1-1-99, as amended 7-1-16)*

50.1 GENERAL RULES *(Effective 7-1-96, title amended 1-1-99)*

50.2 COURT EXECUTIVE OFFICER AND CLERK OF THE COURT *(Effective date 7-1-96, as amended 1-1-99, as amended 7-1-16)*

The Superior Court of California, County of Butte employs a Court Executive Officer pursuant to the authority in CRC 10.610(a) that also functions as the Clerk of the Court.

(a) Under direction of the presiding judge, the Court Executive Officer is responsible for overseeing the management and administration of the nonjudicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public. Duties of the Court Executive Officer are pursuant to CRC 10.610(c). A majority of the Judges may appoint a Court Executive Officer pursuant to Government Code (GC) §68114.6 who shall act as the Clerk of the Court. The term "Court" in this rule shall refer to the Superior Court of California, County of Butte.

(a)(b) The Court Executive Officer is granted the power, duties, and responsibilities of the Clerk of the Court pursuant to the authority contained in Government Code (GC) §§68114.6 69840-69848. The Courts hereby transfer from the Clerk of the Court to the Court Executive Officer all of the powers, duties and responsibilities of the Clerk of the Court which are related to, serve or impact the functions of those Courts. The power, duties and responsibilities transferred pursuant to this rule shall include all of those performed by the Clerk of the Court pursuant to the authority contained in GC § 69840 with respect to actions, proceedings and records, including but not limited to:

1. The acceptance, processing and filing of papers in connection with any action or proceeding before the Court, including but not limited to those relating to the Court's original jurisdiction, appellate jurisdiction and appeals from the Court; the maintenance and management of court records; the microfilming of court records and the keeping and disposition of papers, documents, files and exhibits in accordance with law.

2. The maintenance of indexes of all court files; the keeping of a register of actions or its alternate.

3. The issuance of process and notices, including, without limitation, summons, writs of execution and other writs; subpoenas to witnesses; probate notices; citations in probate, guardianship and other matters; the acceptance of service on parties; the entry of defaults; the transmission of transcripts on change of venue.

4. The attendance at each session of Court and upon the judges in chambers when required; the administration of oaths; the keeping of minutes and other records of the court.

5. The entry of orders, findings, judgments, and decrees; the acceptance for filing of confessions of judgment; the authentication of records; certification of abstracts of judgment; the keeping of a judgment book or its equivalent.

6. The collection, receipt, deposit and accounting of fees for filing, for preparing or certifying copies and for other fees; the receipt of jury fees, bonds, undertakings, fines, forfeitures and

revenues; the keeping of money deposited in Court, including, but not limited to, funds received in connection with minors' compromises.

7. The maintenance of statistical financial records and the preparation of reports to the Judicial Council and other state and county offices as required by law or policy.

8. The preparation of the clerk's transcript on appeal and the transmission of the record and exhibits to the reviewing Court.

9. The receipt of wills of decedents.

10. The taking of bail and related matters as provided in the Penal Code.

11. The provision of calendar management, including the calendaring of cases and hearings and the maintenance of court calendars and schedules.

12. The printing and sale of court forms and rules of court; the procurement of supplies.

13. The keeping and affixing of the seal of the court to appropriate instruments.

14. The administrative functions related to the above, including, without limitation, hiring, training and supervision of personnel; accounting functions; mailing activities; and ordering and storing equipment and supplies.

~~(b) — Pursuant to the authority contained in GC §68114.6, the Court hereby transfers to the Court Executive Officer the powers, duties and responsibilities of the Clerk of the Court with respect to the employment and supervision of personnel whose principal activities are to serve the Courts in providing the functions outlined above in subsection (a).~~

(c) Pursuant to the authority contained in CCP §195(a), the Court hereby appoints the Court Executive Officer to serve as Jury Commissioner.

(d) Pursuant to the authority contained in ~~GC §68114.6~~ **69840(a)**, the ~~Clerk of the Court~~ **County Clerk** is hereby relieved of any obligation imposed on her by law with respect to the above powers, duties and responsibilities, effective January 1, 1996. *(Effective date 7-1-96, as amended 1-1-99, as amended 7-1-16)*

50.3 RESERVED *(Effective 7-1-96, as amended 1-1-99)*

50.4 JUDICIAL VACATION DAY DEFINED *(Effective date 1-1-02)*

Time away from the Court for more than one-half day for vacation purposes shall be deemed as a full day of vacation. *(Effective date 1-1-02)*