SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA

LOCAL RULES OF COURT

EFFECTIVE JULY 1, 2026

Contra Costa Superior Court
July 1, 2026 Local Rules
Rule Effective Dates

Rule Number	*New/Revised/Effective Date*
1.1	1/1/24
1.2	1/1/24
1.3	1/1/15
1.4	1/1/26
1.5	1/1/15
1.6	7/1/20
1.20	1/1/15
1.21	1/1/15
1.22	7/1/26
1.23	1/1/15
1.24	1/1/16
1.25	1/1/16
1.26	1/1/15
1.27	1/1/18
2.1	1/1/24
2.2	1/1/24
2.3	1/1/16
2.4	1/1/16
2.5	1/1/24
2.6	1/1/24
2.7	1/1/24
2.8	1/1/24
2.9	1/1/24
2.30	1/1/24
2.31	1/1/24
2.32	1/1/24
2.33	1/1/24
2.34	1/1/24
2.35	1/1/15
2.36	1/1/26
2.40	1/1/15
2.41	1/1/16
2.42	1/1/15
2.43	1/1/15
2.44	1/1/16
2.50	1/1/26
2.51	1/1/19
2.52	1/1/20
2.53	1/1/20
2.54	1/1/19

Rule Number	*New/Revised/Effective Date*
2.60	1/1/16
2.70	1/1/15
2.71	1/1/16
2.72	7/1/18
2.73	1/1/19
2.90	1/1/15
2.91	1/1/15
2.120	1/1/16
2.121	1/1/15
2.122	1/1/15
2.123	1/1/16
2.124	1/1/16
2.150	7/1/21
2.160	7/1/23
2.170	1/1/22
2.180	1/1/25
3.1	1/1/15
3.2	1/1/15
3.3	1/1/15
3.4	1/1/16
3.5	1/1/16
3.6	1/1/15
3.7	1/1/26
3.8	1/1/17
3.9	1/1/16
3.10	1/1/15
3.11	1/1/17
3.12	1/1/18
3.13	1/1/19
3.14	1/1/20
3.15	1/1/18
3.16	1/1/25
3.17	1/1/18
3.18	1/1/18
3.19	1/1/24
3.40	1/1/24
3.41	1/1/24
3.42	1/1/24
3.43	1/1/22
3.44	1/1/16

Rule Number	*New/Revised/Effective Date*
3.45	1/1/19
3.46	7/1/25
3.47	7/1/25
3.48	7/1/25
3.49	7/1/25
3.50	7/1/25
3.51	7/1/25
3.52	7/1/25
3.53	7/1/25
3.54	7/1/25
3.80	1/1/16
3.90	1/1/18
3.100	7/1/23
3.101	1/1/16
3.102	1/1/15
3.103	1/1/15
3.200	1/1/25
3.201	1/1/25
3.202	1/1/25
3.203	1/1/17
3.204	1/1/25
3.205	1/1/19
3.206	1/1/16
3.300	1/1/24
3.301	1/1/24
4.01	1/1/26
4.1	1/1/26
4.2	1/1/24
4.3	1/1/24
4.4	1/1/24
4.5	REPEALED
4.6	1/1/18
4.7	1/1/15
4.8	1/1/20
4.10	1/1/21
4.11	1/1/24
4.12	1/1/24
4.40	1/1/15
4.41	1/1/15
4.42	1/1/24
4.43	1/1/24
4.44	1/1/24

Rule Number	*New/Revised/Effective Date*
4.45	1/1/24
4.46	1/1/24
4.60	1/1/24
4.61	1/1/24
4.62	1/1/24
4.63	1/1/24
4.64	1/1/24
4.80	1/1/24
4.81	1/1/15
5.0	1/1/23
5.1	7/1/25
5.2	7/1/25
5.3	1/1/23
5.4	7/1/23
5.5	1/1/23
5.6	1/1/23
5.7	1/1/23
5.8	1/1/23
5.9	1/1/23
5.10	1/1/23
5.11	1/1/18
5.12	1/1/23
5.13	1/1/23
5.14	1/1/18
5.15	1/1/18
5.16	1/1/19
5.17	1/1/23
5.18	7/1/25
5.19	1/1/23
5.20	1/1/22
5.21	1/1/23
5.50	1/1/21
5.51	1/1/21
5.52	1/1/21
5.53	1/1/18
5.54	1/1/21
5.55	1/1/21
5.56	REPEALED
5.57	1/1/15
5.58	1/1/21
5.59	1/1/26
5.60	REPEALED
5.61	1/1/21

Rule Number	*New/Revised/Effective Date*
5.62	REPEALED
5.63	1/1/21
5.64	1/1/21
5.65	1/1/21
5.66	1/1/21
5.67	REPEALED
5.68	1/1/21
5.69	1/1/21
5.70	1/1/21
5.71	1/1/19
5.72	1/1/19
5/73	7/1/20
5.74	7/1/20
5.75	7/1/20
7.1	1/1/25
7.2	7/1/26
7.3	1/1/15
7.4	7/1/26
7.5	1/1/19
7.50	1/1/16
7.51	1/1/17
7.52	1/1/16
7.53	1/1/15
7.54	1/1/15
7.55	1/1/16
7.56	1/1/15
7.57	REPEALED
7.58	1/1/15
7.59	1/1/23
7.60	1/1/15
7.61	1/1/16
7.62	1/1/16
7.63	1/1/15
7.64	1/1/15
7.65	1/1/16
7.100	REPEALED
7.101	1/1/15
7.102	1/1/15
7.103	REPEALED
7.104	1/1/23
7.105	1/1/15
7.106	1/1/15
7.107	1/1/16

Rule Number	*New/Revised/Effective Date*
7.108	1/1/15
7.109	1/1/15
7.110	1/1/15
7.111	1/1/16
7.112	1/1/15
7.113	REPEALED
7.114	REPEALED
7.150	1/1/15
7.151	1/1/15
7.152	1/1/16
7.153	1/1/16
7.154	1/1/15
7.155	1/1/15
7.156	1/1/15
7.200	1/1/15
7.201	REPEALED
7.202	1/1/15
7.203	1/1/15
7.250	1/1/15
7.251	1/1/15
7.252	1/1/15
7.253	1/1/16
7.254	REPEALED
7.255	1/1/15
7.256	1/1/15
7.257	1/1/15
7.300	1/1/16
7.301	1/1/15
7.302	1/1/15
7.303	1/1/15
7.304	REPEALED
7.305	1/1/15
7.306	1/1/16
7.307	1/1/15
7.308	1/1/15
7.309	1/1/16
7.310	1/1/15
7.311	1/1/15
7.312	1/1/15
7.313	1/1/15
7.314	1/1/15
7.315	1/1/15
7.316	1/1/18
7.317	1/1/15

Rule Number	*New/Revised/Effective Date*
7.350	1/1/23
7.351	1/1/15
7.400	1/1/15
7.401	1/1/15
7.402	1/1/15
7.403	1/1/15
7.404	1/1/15
7.405	1/1/16
7.406	1/1/17
7.411	1/1/17
7.412	1/1/23
7.413	1/1/16
7.414	1/1/15
7.415	1/1/15
7.416	1/1/23
7.417	1/1/21
7.419	REPEALED
7.420	REPEALED
7.421	REPEALED
7.422	1/1/15
7.423	1/1/15
7.424	1/1/15
7.425	1/1/15
7.426	7/1/21
7.427	1/1/15
7.428	1/1/15
7.429	1/1/15
7.450	1/1/16
7.451	1/1/16
7.452	1/1/23
7.501	1/1/15
7.502	REPEALED

Rule Number	*New/Revised/Effective Date*
7.520	1/1/18
8.1	7/1/21
Guideline Attachment 1	7/1/06
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Title One. General Governance of Judicial and Non-Judicial Court Operations

Chapter 1. Administrative Rules

Rule 1.1. Adoption and Amendment of Rules

(a) Rules

(1) These rules shall be known and cited as the Local Rules for the Superior Court of California, County of Contra Costa.

(2) These rules may be amended in accordance with the California Rules of Court.

(b) Good cause

The Court, for good cause, may waive the application of these rules in an individual case.

(Rule 1.1(b) revised effective 7/1/02)

(Rule 1.1 revised effective 1/1/24)

Rule 1.2. Department Designations

Certain departments shall operate under the following designations: Presiding Judge, Probate, Civil Litigation, Criminal, Juvenile, and Family Law, and they shall exercise the particular functions provided herein. There may be other departments as designated by the Presiding Judge.

(Rule 1.2 revised effective 1/1/24)

Rule 1.3. Presiding Judge

The Presiding Judge and Assistant Presiding Judge shall be selected and have the authority as provided in the California Rules of Court and shall serve for a term of two calendar years.

(Rule 1.3 revised effective 1/1/15)

Rule 1.4. Executive Committee

(a) The Executive Committee

The Executive Committee shall consist of: the Presiding Judge, the Assistant Presiding Judge, the Supervising Judge of the Civil, Criminal, Juvenile, Family Law, and Probate Divisions; the Supervising Judges in branch court locations, and the immediate past Presiding Judge. The Presiding Judge shall preside over the proceedings of the Executive Committee, but shall not be entitled to vote except to break ties.

(Rule 1.4(a) revised effective 1/1/24)

(b) Duties of the Executive Committee

(1) The Executive Committee shall review, in its discretion, the decisions and actions of the Presiding Judge and the Executive Officer and, where appropriate, recommend Court policy and procedures for implementation by the Presiding Judge and assist the Presiding Judge on all matters related to court administration.

(2) With the assistance of the Executive Officer, the Executive Committee shall adopt an annual budget and salary schedule for submission to the Judicial Council.

(3) The Executive Committee shall review and approve the organizational structure for the administration of the Court under the Court's Executive Officer.

(4) The Executive Committee shall review and recommend major personnel and administrative policies. Adoption of these policies shall be subject to the approval of a majority of the judges of the Superior Court.

(Rule 1.4(b) revised effective 1/1/26)

(Rule 1.4 revised effective 1/1/26)

Rule 1.5. Definition of Vacation for Judge

"A day of vacation" for a judge of the Contra Costa Superior Court is an approved absence of one full business day. Other absences from the court listed in California Rules of Court, Rule 10.603(c)(2) are excluded from this definition.

(Rule 1.5 revised effective 1/1/15)

Rule 1.6. Activities Prohibited on Courthouse Grounds

(1) Commercial solicitation and distribution, posting, and displaying of commercial circulars and handbills inside any courthouse or court walkway is prohibited.

(2) No non-judicial foreclosure sale may be conducted on courthouse grounds. Courthouse grounds includes a courthouse itself, the steps of a courthouse, the sidewalk leading to an entrance to a courthouse on the same block as the courthouse, and any other path of pedestrian movement to a courthouse from a roadway or parking lot adjacent to that courthouse. Violations of this rule subject the offending party to sanctions in an amount up to $1,500 per violation pursuant to Code of Civil Procedure section 177.5.

(Rule 1.6 new effective 7/1/20)

Chapter 2. Media Coverage

Rule 1.20. Media Coverage

These procedures are adopted by the Court for the protection of all parties to ensure the secure and efficient handling of cases and events in all courtrooms of the Superior Court for Contra Costa

County and related facilities including all buildings containing courtrooms. No filming, photography or electronic recording is permitted in the courthouses except as permitted in the courthouse or the courtroom consistent with California Rules of Court, Rule 1.150 and this Local Court Rule. Violation of this rule may result in termination of media coverage, removal of equipment, contempt of court proceedings, or monetary sanctions as provided by law.

(Rule 1.20 revised effective 1/1/15)

Rule 1.21. Requests for Coverage

Requests for any type of video, still photography, or audio coverage, including pool cameras, must be made in compliance with California Rules of Court, Rule 1.150(e)(1), and submitted to the judicial officer assigned to hear the case on the, "Media Request to Photograph, Record, or Broadcast," (Judicial Council Form MC-500) accompanied by the, "Order on Media Request to Permit Coverage" (Judicial Council Form MC-510). For such requests that do not involve a courtroom, they must be submitted to the Presiding Judge on the same forms.

(Rule 1.21 revised effective 1/1/15)

Rule 1.22. Limitation on Coverage

The following limitations apply, unless an exception is expressly permitted by statute, written judicial order, or as permitted by rule 1.25.

(1) Videotaping, photographing, or electronic recording by the media and/or the general public is not permitted in any part of the courthouse, including but not limited to, lobby areas, halls, stairs, elevators, clerks' windows, or meeting rooms.

(2) Videotaping, photographic equipment, and electronic recording devices must be turned off while transporting them in any area of the Court.

(3) All audible electronic devices must be turned off when they are in courtrooms.

(4) Any photography of the interior of a courtroom through glass door windows or from between the two sets of doors to a courtroom is prohibited, even if an exception is granted for courthouse areas outside of the courtroom.

(5) When audio and/or video recording is not permitted by the judicial officer assigned to hear a case, electronic recording devices may be taken into the courtroom, only if they are not turned on and remain inside an enclosed case, bag or other container, unless otherwise prohibited by the judicial officer assigned to the case.

(Rule 1.22 revised effective 1/1/15)

Rule 1.23. Prohibited Coverage

In no event will coverage be allowed as to any of the following: [see California Rule or Court 1.150(e)(6)]

(1) A proceeding closed to the public (e.g., juvenile cases);

(2) Jurors or spectators;

(3) Jury selection;

(4) Conferences between an attorney and client, witness, or aide;

(5) Conferences between attorneys;

(6) Conferences between counsel and a judicial officer at the bench ("sidebars"); or

(7) Proceedings held in chambers.

(Rule 1.23 revised effective 1/1/15)

Rule 1.24. Parking Limitations for Media Vehicles

No media vehicles may be parked in an unauthorized place surrounding the courthouse except with permission from the Presiding Judge. If at any time any vehicle is parked improperly, without such permission, the order permitting photographic and/or electronic coverage, in regard to the operator of that vehicle, may be revoked without further hearing.

(Rule 1.24 revised effective 1/1/16)

Rule 1.25. Areas in Court Facilities Where Media Activities are Authorized

Photos, news conferences, and on-camera statements to members of the media or the general public are allowed only in areas specified for that purpose. The following areas are allowed unless otherwise ordered by the Presiding Judge. Requests for exceptions must be made to the Presiding Judge.

(1) Wakefield Taylor Courthouse [725 Court Street, Martinez]. Front steps and sidewalk area as long as entering or exiting through the related doorways is not blocked in any way.

(2) A. F. Bray Courthouse [1020 Ward Street, Martinez]. Northwest end of the courthouse near the flag pole and the southeast end of the courthouse near the wooden bench.

(3) A. F. Bray Courthouse - Court Annex [entrance southeast of entry to courthouse]. Exterior entry to courtrooms or jail as long as access to the exterior entrance to the courthouse is not blocked in any way.

(4) Peter L. Spinetta Family Law Center [751 Pine Street, Martinez]. Front plaza and outside stairs as long as access to the exterior entrance to the courthouse is not blocked in any way.

(5) Richard E. Arnason Justice Center [1000 Center Drive, Pittsburg]. Area outside front foyer as long as the entrance is not blocked in any way.

(6) George D. Carroll Courthouse [100 37th Street, Richmond]. Courtyard in front of entrance to the courthouse as long as the entrance is not blocked in any way. [Access to adjacent County Health Building also may not be blocked or impacted in any way.]

(7) Walnut Creek Superior Court [640 Ygnacio Valley Road, Walnut Creek]. Southside sidewalk area to the west of the entry doors as long as the entrance is not blocked in any way.

Access to the courthouse means that a person or persons entering or leaving the building can pass by easily maintaining a distance of at least five feet between himself or herself and the media, interviewee, and any spectators to the media interview or conference.

(Rule 1.25 revised effective 1/1/16)

Rule 1.26. Video Recording and Still Photography

Unless otherwise specifically prohibited by a judicial officer, video recording and still photography are allowed for non-adversarial proceedings such as weddings or adoptions.

(Rule 1.26 revised effective 1/1/15)

Rule 1.27. Body Worn Cameras

Police officers with body worn cameras shall not activate the recording function of the camera in the courthouse unless involved in a law enforcement activity that involves conducting or assisting in an arrest.

(Rule 1.27 new effective 1/1/18)

Title Two. General and Administrative Rules

Chapter 1. Jurors

Rule 2.1. Selection of Prospective Jurors

Jury service, unless expressly excused by law, is a responsibility of citizenship. It is the court's obligation to employ all necessary and appropriate means to assure that citizens fulfill this vital civic function. Persons qualified to perform the public duty of jury service shall not be excused from such service except for the causes specified by Code of Civil Procedure Section 204.

In accordance with Code of Civil Procedure §190, et seq., there is hereby established one county-wide geographical selection area for the purpose of producing juror summons lists for the court.

The Jury Commissioner shall be fair and impartial in the selection of prospective jurors, using the methods and processes under the supervision and control of the Court, best suited for these purposes. No prospective juror shall be rejected because of political affiliation, religious faith, disability, race, ethnicity, national origin, social or economic status, occupation, gender, sexual orientation, or gender identity.

(Rule 2.1 revised effective 1/1/24)

Rule 2.2. Juror Source Lists

The names of prospective trial jurors shall be taken from the last published and available registered voters list of Contra Costa County, the Franchise Tax Board, and the Department of Motor Vehicles list (see California Code of Civil Procedure §197(b)). The name of each prospective trial juror shall be taken by random selection from the merged source lists. The program for random selection may be designed and maintained by a third-party vendor, with approval of the Jury Commissioner (Code of Civ. Proc. §195(a)), to ensure the random selection of a fair cross section of the persons residing in Contra Costa County.

(Rule 2.2 revised effective 1/1/24)

Rule 2.3. Determining Juror Qualifications, Excluding Prospective Jurors

The Jury Commissioner shall determine the statutory qualifications of each prospective juror and the existence of any illness or ailments which would impair due performance of jury duty. The Jury Commissioner shall exclude from service those who are not competent to serve by law.

(Rule 2.3 revised effective 1/1/16)

Rule 2.4. Statutory Excusals of Jurors

The Jury Commissioner may grant an excuse from jury service prospective jurors who qualify for excusal pursuant to statute and the California Rules of Court. Before granting or refusing any excuse from jury service, the Jury Commissioner shall fairly weigh and consider all pertinent data, documents and information submitted by or on behalf of the prospective juror and may require

any person to answer under oath, orally or in written form, questions necessary to determine the person's qualifications and ability to serve as a prospective trial juror.

(Rule 2.4 revised effective 1/1/16)

Rule 2.5. Temporary Deferment of Service

It is the intent of these rules and the policy of the court that, if a juror is excused for a reason that is temporary in nature, jury service must be deferred to future date when the excuse no longer applies.

(Rule 2.5 new effective 1/1/24)

Rule 2.6. Employment While Serving as Juror

The Court, counsel and litigants are entitled to the full attention of jurors and therefore jurors are not permitted to engage in any employment or occupation that would affect their ability to properly serve as jurors. Jurors should attend work on days that court is not in session. The Court is unable to pay or provide a work certificate on days jurors were not ordered to be present.

(Rule 2.6 revised and renumbered effective 1/1/24)

Rule 2.7. Period of Juror Service

Jurors and prospective jurors shall be excused from further service or further call after they have appeared for one day or served upon a jury, unless otherwise directed by the Court, until summoned again.

(Rule 2.6 revised and renumbered effective 1/1/24)

Rule 2.8. Juror Telephone Standby

The Jury Commissioner shall utilize telephone standby for prospective jurors whenever practicable. Prospective jurors placed on telephone standby shall be given credit for service. Telephone standby jurors will not receive compensation. Jurors placed on telephone standby will not receive a work certificate unless a request is received from the juror's employer stating they would like documentation the juror was on phone standby.

(Rule 2.7 revised effective 1/1/24)

Rule 2.9. Jury Assembly Room

A jury assembly room has been provided for prospective jurors. Attorneys, litigants or witnesses are not permitted in the jury assembly room.

(Rule 2.8) revised effective 1/1/24)

Chapter 2. Grand Jury

Rule 2.30. Grand Jury Impanelment

A Grand Jury shall be drawn and impaneled once each fiscal year by the appointed Grand Jury Supervising Judge.

(Rule 2.30 revised effective 1/1/24)

Rule 2.31. Solicitation for Grand Jury Applications

(1) On or before the first court day in March, the Jury Commissioner shall seek applications for appointment to the Grand Jury as follows:

(A) Mail or email notices to all relevant media outlets and public agencies;

(B) Post the application and information about grand jury service on the court's website at: https://contracosta.courts.ca.gov/divisions/civil/civil-grand-jury

(C) Solicit referrals from social, community and political groups; and

(D) Solicit referrals from Judges and former Grand Jurors.

(2) All persons who submit an application are to receive a formal questionnaire which must be returned no later than April 15 of that year. This questionnaire will be available to anyone upon request from the Superior Court's Executive Office.

(Rule 2.31(2) revised effective 1/1/24)

(Rule 2.31 revised effective 1/1/24)

Rule 2.32. Grand Jury Qualifications

The Grand Jury Supervising Judge will assess the qualifications of each application according to the criteria specified under Part 2, Title 4, Chapter 2, Articles 1 and 2 of the Penal Code, and the referenced sections of the Code of Civil Procedure. The Grand Jury Supervising Judge shall make such preliminary investigation of the applicants as may be directed by the Grand Jury Selection Committee.

(Rule 2.32 revised effective 1/1/24)

Rule 2.33. Grand Jury Selection Committee

The Grand Jury shall be selected in accordance with the standards and requirements of law. Accordingly, the Presiding Judge will appoint a Grand Jury Selection Committee of at least four (4) Judges. The selection process will be administered as follows:

(1) The Selection Committee will oversee the process by which applications are selected, making every reasonable effort to ensure proportional representation from supervisorial districts and sociological group representation.

(2) The Selection Committee Judges will interview applicants, allotting fifteen (15) minutes to each applicant. After all interviews are conducted, the Grand Jury Supervising Judge will prepare a final list of thirty (30) nominees.

(3) The thirty (30) nominees will be invited to an Impanelment ceremony where their names will be randomly drawn by the Court. The nineteen (19) Civil Grand Jurors selected, and alternates, will be sworn on the same day. The names shall constitute the Grand Jury list which shall be filed with the County Clerk and made a public record.

(Rule 2.33 revised effective 1/1/24)

Rule 2.34. Additional Grand Jury

The Grand Jury Supervising Judge may order and direct the impanelment, at any time, of one additional Grand Juror (see Penal Code Section 904.6).

(Rule 2.34 revised effective 1/1/24)

Rule 2.35. Sealing of Grand Jury Transcript

The filing party must serve all Motions to Seal a Grand Jury Transcript on all parties and the court reporter(s). When an Order is issued by the Court to seal a Grand Jury transcript, in whole or in part, the prevailing party must serve the Order on all parties and the court reporter(s).

(Rule 2.35 revised effective 1/1/15)

Rule 2.36. Recruitment for Alternates

In the event that no alternate grand jurors are available or the number of alternates is insufficient to ensure the continued function of the Civil Grand Jury, the Court shall initiate efforts to recruit and select additional qualified individuals to serve as alternates. Alternates must meet all eligibility requirements set forth for regular grand jurors and shall be selected in accordance with applicable statutes and local procedures. Alternate grand jurors may be impaneled to serve in place of regular jurors who are unable to complete their term due to disqualification, recusal, resignation, or other cause.

(*Rule 2.36 new effective 1/1/2026)*

Chapter 3. Attorney’s Fees and Appointment of Counsel

Rule 2.40. Attorney's Fee Schedule

The following fee schedule is established for all cases where the obligation sued provides for attorney's fees, EXCEPT in Unlawful Detainer actions. This schedule will be used by the Clerk

and the Court respectively to fix attorney's fees in default judgments entered pursuant to Code of Civil Procedure Section 585 or judgment by the Court pursuant to Code of Civil Procedure Section 437c.

In Unlawful Detainer actions, and Judgments pursuant to Section 437c, the attorney's fee shall be fixed at the sum of $375.00 or at a fee set pursuant to the schedule, whichever is greater.

FEE SCHEDULE

MINIMUM AMOUNT		MAXIMUM AMOUNT	FEE
$1.00	TO	$500.00	$150.00
501.00	TO	1,000.00	$150 plus 30% on amount over $500
1,001.00	TO	2,000.00	$300 plus 25% on amount over $1,000
2,001.00	TO	5,000.00	$550 plus 10% on amount over $2,000
5,001.00	TO	10,000.00	$850 plus 6% on amount over $5,000
10,001.00	TO	50,000.00	$1,150 plus 3% on amount over $10,000
50,001.00	TO	100,000.00	$2,350 plus 2% on amount over $50,000
100,001.00 and over			$3,350 plus 1% on amount over $100,000

(Rule 2.40 revised effective 1/1/15)

Rule 2.41. Schedule for Use Entering Default Judgment

When the Clerk is authorized by statute to enter judgment in an action upon a contract providing for an attorney's fee, the foregoing schedule of attorney's fees in default cases shall be used by the Clerk in determining the amount to be included in the judgment, but in no event shall the amount included by the Clerk exceed the amount of attorney's fees requested.

(Rule 2.41 revised effective 1/1/16)

Rule 2.42. Setting Attorney Fees in Contested Case

The judge shall have complete discretion in setting attorney's fees contingent upon all the attendant circumstances.

(Rule 2.42 revised effective 1/1/15)

Rule 2.43. Attorney Fees in Foreclosure Cases

When an attorney's fee is allowed on the foreclosure of a mortgage or trust deed, a reasonable attorney's fee shall be deemed to be that computed as provided in Local Court Rule 2.40, increased by ten (10) percent.

(Rule 2.43 revised effective 1/1/15)

Rule 2.44. Itemization of Extraordinary Services

Every application for compensation for extraordinary services rendered by an attorney in any case mentioned in this rule and every application in any other case, as authorized by law, for allowance, fixing or recovery of attorney's fees, shall be accompanied by an itemized statement of the services rendered.

(Rule 2.44 revised effective 1/1/16)

Chapter 4. Court Reporting Services

Rule 2.50. Electronic Recording

Pursuant to Government Code section 69957, in limited civil actions and criminal misdemeanor and infraction proceedings, the court, at its sole discretion, may utilize electronic recording as a means of generating a verbatim record of proceedings. In those instances, court reporters will not be provided. Electronic recording may also be used as permitted by the General Order re: Use of Electronic Recording Equipment.

(Rule 2.50 revised effective 1/1/26)

Rule 2.51. Notice of Availability of Court Reporting Services

General information concerning the availability of court reporters is set forth in the Court's Notice of Availability of Court Reporting Services, which is posted in the Clerk's Office and on the Court's website.

(Rule 2.51 renumbered and revised effective 1/1/19)

Rule 2.52. Unavailability of Court-Provided Court Reporters and Procurement of Outside Private Reporters

(a) Rule 2.52, subsections (b), (c), and (d) shall not apply to any proceeding for which a timely request for a court-provided court reporter has been received from a litigant who has been granted a fee waiver under Government Code section 68631 et seq.

(b) Unavailability of court reporters by case type

Unless otherwise noted in the Court's Notice of Availability, pursuant to California Rules of Court, Rule 2.956, the Court does not provide court reporters for hearings in the following civil case types:

(1) Unlimited and Limited Civil

(2) Probate

(c) Procurement of private court reporter

For matters where the court does not provide a court reporter due to unavailability, any party who desires a verbatim record of a court proceeding from which a transcript can later be prepared, may procure the services of a private certified court reporter pro tempore to report any scheduled hearing or trial (see Government Code section 70044 and California Rules of Court, Rule 2.956). The Court does not provide referrals to private court reporting service providers and does not have any contractual or employment obligation related to pro tempore reporters hired by the parties for this purpose. It is the party's responsibility to arrange for and pay the outside reporter's fee for attendance at the proceedings but the expense may be recoverable as part of the costs, as provided by law. (See California Rules of Court, Rule 2.956(c).)

(d) Requirement to meet and confer to select court reporter

For contested matters, the parties must meet timely and confer as to the selection of a qualified court reporter and, at the time of the proceeding to be reported, the party procuring the qualified court reporter must provide a proposed order appointing the reporter on Form CV-311 for the Court's signature (see Government Code sections 68086 and 70044).

(1) The reporter must be licensed as a Certified Shorthand Reporter in California and comply with all California statutory and rule provisions for reporting court proceedings. The court reporter pro tempore must provide their name, CSR number, business address, phone number, and e-mail address to the courtroom clerk and all parties present on the day of the hearing in the event of an appeal or if a party wishes to procure a transcript from the reporter (see California Rules of Court, Rule 2.950).

(2) The court reporter pro tempore must execute the court's required written agreement as to the obligations of the court reporter in accepting the reporting assignment.

(3) If court reporters become available and at the court's discretion are provided by the court for any civil hearings (including family law and probate matters), the parties will be required to pay the applicable reporter attendance fee provided for in Government Code sections 68086(a)(1)(A) and (B) in a timely manner, except any party who has been granted a fee waiver under Government Code section 68631 et seq.

(Rule 2.52(d) revised effective 7/1/19)

Rule 2.53. Court-Provided Court Reporters in Cases Involving Fee Waiver Litigants

Upon receipt of a timely request from a litigant who has been granted a fee waiver under Government Code section 68631 et seq., the Court shall provide a court reporter as follows. In all such instances, parties who have not been granted a fee waiver will be required to pay any applicable court reporter attendance fee, pursuant to Government Code section 68086.

(a) Unlimited Civil Cases

(1) Case Management Conferences. A request for a court-provided court reporter is timely if it is made three or more calendar days before the case management conference is to be held. The request must be made by filing Local Court Form MC-30.

(2) Law and Motion Hearings. A request for a court-provided court reporter is timely if it is made at or before 4:00 p.m. on the court day preceding the hearing. The request may be made by e-mail, fax, or telephone to the department holding the hearing. The Court will not provide a court reporter for any law and motion hearing where the tentative ruling has not been contested.

(3) Issue Conferences. A request for a court-provided court reporter is timely if it is made three or more calendar days before the issue conference is to be held. The request must be made by filing Local Court Form MC-30.

(4) Trials. A request for a court-provided court reporter should be made at the issue conference. A request for a court-provided court reporter otherwise is timely if it is made on Local Court Form MC-30 three calendar days before trial is scheduled to begin.

(5) All Other Proceedings. A request for a court-provided court reporter is timely if filed on Local Court Form MC-30 at least three calendar days before the scheduled date of the proceeding.

(6) Continuances. Failure to timely request a court reporter pursuant to these rules shall not, standing alone, constitute grounds to continue any proceeding, absent good cause shown.

(b) Probate Cases

(1) Requests. A request for a court-provided court reporter is timely if received by 4:00 p.m. on the court day preceding the hearing. The request must be made on Local Court Form MC-30, and can be sent to the department hearing the matter by fax or e-mail.

(2) Continuances. If, in the exercise of due diligence, a litigant would not have been able to ascertain that a proceeding would be contested in time to make a timely request under Local Rule 2.53(c)(1), and that litigant has been granted a fee waiver under Government Code section 68631 et seq., the court may grant a continuance so that a court-provided court reporter may be provided.

(c) Enlargement of Time During Staff Shortages

During periods of staff shortages when the Clerk's Office may be unable to meet all of the court reporting requests and requirements that are pending, the Clerk of the Court may enlarge the periods during which a request for a court-provided court reporter may be deemed timely. Any such change to the periods will be posted in the Notice of Availability of Court Reporting Services (referenced in Rule 2.51) at least three calendar days before the effective date of any modifications to Rule 2.53, subdivisions (a), (b), and (c). The change may be effective for no more than five calendar days, after which the time periods specified under Rule 2.53, subdivisions (a), (b), and (c) will be restored.

(Rule 2.53 revised 1/1/20)

Rule 2.54. Transcripts and Electronic Recording

Whenever a party requests a court reporter to furnish a transcript of all or a part of a trial or proceedings, the reporter shall immediately inform all other parties of such request and inquire whether any party desires a copy of the transcript.

Parties shall be responsible for all transcript costs listed in Government Code section 69953.

If a proceeding has been electronically recorded pursuant to Government Code section 69957 and Local Rule 2.50, the parties to such proceeding may obtain a copy of the recording at Court Records. Parties will be responsible for all associated fees and costs.

(Rule 2.54 revised and renumbered effective 1/1/19)

Chapter 5. Sanctions

Rule 2.60. Sanctions

A violation of any of these rules may result in sanctions and penalties including, but not limited to, dropping a matter from the calendar, vacating a trial date, dismissal for lack of prosecution, imposition of a fine or imposition of costs payable to the Court, actual expenses and counsel fees, witness fees and jury fees arising as a result of such violation payable to opposing counsel.

(Rule 2.60 revised effective 1/1/16)

Chapter 6. Information and Forms

Rule 2.70. Form of Documents Filed with the Court

All documents filed with the Court must comply with California Rules of Court, Rules 2.100 et seq., and 3.1110.

(Rule 2.70 revised effective 1/1/15)

Rule 2.71. Identifying Information on Filed Documents

(a) Every pleading or paper filed by the Clerk of the Court must include the name, address and phone number of the attorney or party on the first page (see California Rules of Court, Rule 2.100).

(b) No substitution of a party appearing in person in place of an attorney shall be filed unless the mailing address and phone number of such party is contained in such substitution.

(Rule 2.71 revised effective 1/1/16)

Rule 2.72. Retention of Completed Copy Requests

All copy orders completed by the Court Records Division for Civil and/or Family law matters will be retained for sixty (60) days from the date when the customer is notified that the copy request has been completed. If the order is not claimed and any outstanding fee is not paid by the end of the 60-day period, the copied records may be destroyed.

(Rule 2.72 new effective 7/1/18)

Rule 2.73. Access/View a Court File

The public may request and view a file by filling out the required form and providing a valid state or federally issued photo identification that the clerk will retain during the review process. Upon return of the court file to the clerk, the clerk will return the tendered identification.

All files must be reviewed within the Court Clerk's Office and/or Court Records Department. Files cannot be removed from the Court. Any person who willfully removes, destroys or alters any court record is subject to the penalties imposed by Government Code Sections 6200 and 6201.

(Rule 2.73 new effective 1/1/19)

Chapter 7. Mandatory Electronic Filing and Service

Rule 2.87. Adoption of Mandatory Electronic Filing and Service; Exceptions.

(a) Mandatory Electronic Filing and Service.

Pursuant to Code of Civil Procedure section 1010.6(d) and Rules 2.252 and 2.253 of the California Rules of Court, the Court adopts mandatory electronic filing and service in Designated Cases. Designated Cases will be announced on the Court's website at www.cc-courts.org. The Court anticipates initially listing Designated Cases in approximately March 2022, to include the majority of case types excluding Criminal and Juvenile matters. Represented parties in Designated Cases must file documents and allow for service electronically.

At the time the Court includes a case type among Designated Cases, this Rule shall supersede any other rules herein which may refer to filing by other-than-electronic

means, except that those other rules shall apply to parties excepted from this rule as set forth below.

(b) Exceptions

(1) Self-Represented Litigants.

This rule shall not apply to self-represented litigants, but self-represented litigants are permitted and encouraged to electronically file and serve documents if they so elect.

(2) Motion for Exemption from Mandatory Electronic Filing and Service

Any party may move the Court for an order exempting it from the provisions of this Rule. The motion shall be made on Judicial Council form EFS-007, Request for Exemption from Mandatory Electronic Filing and Service, on which the applicant shall state facts supporting the request under penalty of perjury, and shall by accompanied by EFS-008, Order of Exemption from Electronic Filing and Service.

(c) Designated Vendors

A list of approved vendors for electronic filing and service will be published to the Court's website.

(d) Electronic Service Address; Obligation to Update

Each represented party – and self-represented party upon election to participate in electronic filing and service – must provide an electronic address for service on the first occasion that party files any paper electronically. A party whose electronic service address changes while their case is pending must promptly notify the Court and all parties by electronically filing a notice of change of electronic service address or Judicial Council form EFS-010, Notice to Change Electronic Service Address.

(e) Format of Electronically-Filed Documents; Electronic Signatures

Electronically-filed documents must comply with the format requirements of Rule 2.100 *et seq.* of the California Rules of Court. Signatures on electronic documents must comply with Rule 2.257 of the California Rules of Court.

(f) Parties Responsible for Redaction

Rule 1.201 of the California Rules of Court applies to redaction of electronically-filed documents other than documents which are filed in their entirety either confidentially or under seal. Parties and their counsel are solely responsible for redacting personally-identifiable, confidential, or privileged information from documents filed electronically where redaction is required. The Clerk will not review electronically-filed documents for compliance with redaction requirements of any kind. The Court may impose sanctions for violations of this rule.

(g) Documents That Cannot Be Electronically Filed

Upon announcing any Designated Cases, the Court will also list any documents that cannot be electronically filed in the respective case type(s). Such documents shall be filed as otherwise provided in these Rules.

(Rule 2.87, new effective 1/1/22)

Chapter 8. Standards of Professional Courtesy

Rule 2.90. Consideration of History of Breaches in Professional Courtesy

The Court acknowledges that the Contra Costa County Bar Association has adopted "Standards of Professional Courtesy," which are incorporated in these Local Court Rules.

In any motion filed pursuant to Code of Civil Procedure Sections 128, 128.7, 177 and 177.5 and various local rules, the Court may take into consideration counsel's history of breaches of these standards in deciding what, if any, sanctions to impose.

(Rule 2.90 revised effective 1/1/15)

Rule 2.91. Standards of Professional Courtesy

(a) Purpose of these standards

Attorneys are most often retained to represent their clients in disputes. The practice of law is largely an adversarial process. Attorneys are ethically bound to zealously represent and advocate their clients' interest. Nonetheless, there exist certain standards of professional courtesy that are observed, and certain duties of professionalism are owed by attorneys to their clients, opposing parties and their counsel, the Courts and other tribunals, and the public as a whole. Members of the Contra Costa County Bar Association have practiced law with a level of professionalism that goes well beyond the requirements of the State Bar mandated Code of Professional Conduct. The following standards of professional courtesy describe the conduct preferred and expected by a majority of attorneys practicing in Contra Costa County in performing their duties of civility, professional integrity, personal dignity, candor, diligence, respect, courtesy, cooperation and competence. These standards are not meant to be exhaustive. They should, however, set a tone or guide for conduct not specifically mentioned in these standards.

(b) Professional courtesy standards

These standards have been codified to make the level of professionalism reflected in them the standard for practice within Contra Costa County, with the hope that their

dissemination will educate new attorneys and others who may be unfamiliar with the customary local practices. These Standards have received the approval of the Board of Directors of the Contra Costa County Bar Association. They have also been endorsed by the Judges of the Superior Court of Contra Costa County, who expect professional conduct by all attorneys who appear and practice before them. They will be considered by those judges in their rulings pursuant to California Code of Civil Procedure Sections 128, 128.7, 177, and 177.5, as provided for in Local Court Rule 2.90.

All attorneys conducting any practice of law in Contra Costa County are encouraged to comply with the spirit of these standards and not simply blindly adhere to the strict letter of them. The goals stated and inherent herein are equally applicable to all attorneys regardless of area of practice.

(c) Conformity with other statutes or rules

This Code is not a substitute for the statutes and rules, and no provision of this Code is intended to be a method to extend time limitations of statutes and rules, including fast track time limitations, without appropriate court order.

(Rule 2.91 revised effective 1/1/15)

Rule 2.120. Scheduling

(a) Advance notice of scheduling activities

(1) Attorneys should communicate with opposing counsel before scheduling depositions, hearings, meetings and other proceedings and make reasonable efforts to schedule such meetings, hearings, depositions, and other proceedings by agreement whenever possible, at all times attempting to provide opposing counsel, parties, witnesses and other affected persons, sufficient notice.

(2) Where such advanced efforts at scheduling are not feasible (for example, in an emergency, or in other circumstances compelling more expedited scheduling, or upon agreement of counsel) an attorney should not arbitrarily or unreasonably withhold consent to a request for scheduling accommodations that do not prejudice their clients or unduly delay a proceeding.

(b) Sufficient time to complete proceedings

In all cases an attorney should attempt to reserve sufficient time for the completion of the proceeding to permit a complete presentation by counsel for all parties.

(c) Avoid continuances or undue delays in scheduling

An attorney should not engage in delay tactics in scheduling meetings, hearings and discovery. An attorney should not seek extensions or continuances for the purpose of harassment or solely to extend litigation.

(d) Notice of scheduling conflicts

Attorneys should notify opposing counsel, the Court and others affected, of scheduling conflicts as soon as they become apparent and shall cooperate in canceling or rescheduling. An attorney should notify opposing counsel and, if appropriate, the Court or other tribunal, as early as possible of any resolutions between the parties that renders a scheduled hearing, position or meeting unnecessary or otherwise moot.

(e) Requests for time extensions

Consistent with existing law and court orders, attorneys should grant reasonable requests by opposing counsel for extensions of time within which to respond to pleadings, Discovery and other matters when such an extension will not prejudice their client or unduly delay a proceeding.

(f) Disclosure of identity of witnesses

Attorneys should cooperate with opposing counsel during trials and evidentiary hearings by disclosing the identities of all witnesses reasonably expected to be called and the length of time needed to present their entire case, except when a client's material rights would be adversely affected. They should also cooperate with the calling of witnesses out of turn when the circumstances justify it.

(g) Time and manner of service of papers

The timing and manner of service of papers should not be calculated to disadvantage, overwhelm or embarrass the party receiving the papers. An attorney should not serve papers simply to take advantage of an opponent's known absence from the office or at a time or in a manner designed to inconvenience the adversary, such as late in the day (after normal business hours), or so close to a court appearance that it inhibits the ability of opposing counsel to prepare for that appearance or to respond to the papers (if permitted by law), or in such other way as would unfairly limit the other party's opportunity to respond to those papers or other matters pending in the action.

(Rule 2.120 revised effective 1/1/16)

Rule 2.121. Discovery

(a) Purpose of Discovery

Attorneys should pursue discovery requests that are reasonably related to the matter at issue. Attorneys should not use Discovery for the purpose of harassing, embarrassing or causing the adversary to incur unnecessary expenses, as a means of delaying the timely, efficient and cost-effective resolution of a dispute, or to obtain unfair advantage.

(b) Response to requests for discovery

Attorneys should ensure that responses to reasonable discovery requests are timely, organized, complete and consistent with the obvious intent of the request. Attorneys responding to document demands and interrogatories should not do so in an artificial manner designed to assure that answers and responses are not truly responsive or solely to attempt to avoid disclosure.

(c) Discovery questions

Attorneys should avoid repetitive or argumentative questions, questions asked solely for purposes of harassment, or questions which are known to the questioner to be an invasion of the rights of privacy of third parties not present or represented at the deposition.

(d) Conduct of deposition proceedings

Attorneys should bear in mind that depositions are to be taken as if the testimony was being given in court, and they should therefore not engage in any conduct during the deposition that would not be allowed in the presence of a judicial officer. An attorney should avoid, through objections or otherwise, improper coaching of the deponent or suggesting answers.

(e) Requirement to meet and confer on discovery

Attorneys should meet and confer on Discovery requests in a timely manner and make good faith attempts to actually resolve as many issues as can possibly be resolved before proceeding with motions concerning the discovery. Before filing a motion concerning discovery, or otherwise, an attorney should engage in more than a mere pro forma effort to resolve the issue(s).

(Rule 2.121 revised effective 1/1/15)

Rule 2.122. Conduct Towards Other Attorneys, the Court and Participants

(a) Professional conduct

Attorneys must remember that conflicts with opposing counsel are professional and not personal, that vigorous advocacy is not inconsistent with professional courtesy, and that they should not be influenced by ill feelings or anger between clients in their conduct, attitude, or demeanor toward opposing attorneys.

(b) Service of papers

An attorney should never use the mode, timing or place of serving papers primarily to embarrass a party or witness.

(c) Filing of motions

Motions should be filed sparingly, in good faith and when the issue(s) cannot be otherwise resolved. An attorney should not engage in conduct which forces opposing counsel to file a motion and then not oppose the motion, or provide information called for in the motion only after the motion is filed.

(d) Professional demeanor

Attorneys should refrain from disparaging or denigrating the Court, opposing counsel, parties or witnesses before their clients, the public or the media.

(e) Conduct of clients and witnesses

Attorneys should be, and should impress upon their clients and witnesses the need to be, courteous and respectful and not rude or disruptive with the Court, court personnel, opposing counsel, parties and witnesses.

(f) Instructions to attorneys on witnesses

Attorneys should make an effort to explain to witnesses the purpose of their required attendance at depositions, hearing or trial. They should further attempt to accommodate the schedules of witnesses when setting or resetting their appearance, and promptly notify them of any cancellations. Dealings with nonparty witnesses should always be courteous and designed to leave them with an appropriately good impression of the legal system. Attorneys should instruct their clients and witnesses that they are not to communicate with the Court on the pending case except with all counsel or parties present in a reported proceeding.

(g) Notification to opposing party regarding ex parte

Where applicable laws or rules permit an ex parte application or communication to the Court, before making such an application or communication, an attorney should make diligent efforts to notify opposing party or opposing counsel known to represent or likely to represent the opposing party, should make reasonable efforts to accommodate the schedule of such attorney or party to permit the opposing party to be represented, and should avoid taking advantage of an opponent's known absence from the office.

(h) Drafting court documents

Attorneys should draft agreements and other documents promptly and so as to fairly reflect the true intent of the parties.

(i) Prohibiting bias

No attorney shall engage in any act of age, gender, sexual orientation, physical or mental impairment, religion, or race bias while engaging in the practice of law in Contra Costa County.

(Rule 2.122 revised effective 1/1/15)

Rule 2.123. Candor to the Court and Opposing Counsel

(a) Accuracy of written and oral statements

Attorneys should not knowingly misstate, misrepresent or distort any fact or legal authority to the Court or to the opposing counsel, and shall not mislead by inaction or silence.

Written materials and oral argument to the Court should accurately state current law and fairly represent the party's position without unfairly attacking the opposing counsel or opposing party.

(b) Manner to present new information

If, after all briefing allowed by law or the Court has been submitted, an attorney locates new authority that s/he desires to bring to the Court's attention at a hearing on the matter, a copy of such new authority shall be provided to both the Court and to all opposing counsel in the case at or before the hearing.

(c) Proposed orders

Attorneys should draft proposed orders promptly, and the orders should fairly and adequately represent the ruling of the Court. When proposed orders are submitted to counsel for approval, attorneys should promptly communicate any objections to the party preparing the proposed order so that good faith discussions can be had concerning the language of the proposed order.

(d) Court rulings

Attorneys should respect and abide by the spirit and letter of all rulings of the Court.

(e) Opposing letters to counsel

An attorney should not draft letters assigning to an opposing party or opposing counsel a position that party or counsel has not taken or to create a "record" of events that have not occurred.

(Rule 2.123 revised effective 1/1/16)

Rule 2.124. Efficient Administration

(a) Avoid unnecessary action

Attorneys should refrain from actions which cause unnecessary expense, or delay the efficient and cost-effective resolution of a dispute.

(b) Stipulate to facts and legal authority

Attorneys should, whenever appropriate, stipulate to all facts and legal authority not reasonably in dispute.

(c) Encourage negotiation and resolution

Attorneys should encourage principled negotiations and efficient resolution of disputes on their merits.

(d) Punctuality and preparedness

Attorneys should be punctual in communications with others, and punctual and prepared for all scheduled appearances.

(e) Consider Alternative Dispute Resolution (ADR)

In every case, and as soon as the case can be reasonably evaluated, an attorney should consider whether the client's interest could be adequately served and the case more expeditiously and economically disposed of by settlement, arbitration, mediation or other form of alternative dispute resolution.

(f) Make legitimate objections during deposition or trial

An attorney in making objections during a deposition, trial or hearing should do so for legitimate and good faith reasons and should not make such objections only for the purpose of making a speech, harassment or delay. All remarks, argument, objections and requests by counsel during trial shall be addressed to the Court rather than directly to adversaries. Objections should be in legal form and without argument, unless directed to make argument by the Court.

(g) Arrange witness appearance to eliminate delay

An attorney shall arrange for the appearance of witnesses during presentation of their case so as to eliminate delay caused by waiting for witnesses who have been placed on call.

APPROVED BY THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY BAR ASSOCIATION JUNE 1993.

(Rule 2.124 revised effective 1/1/16)

Rule 2.150. Committee on Bias

The Superior Court, in cooperation with the Contra County Bar Association, re-establishes a Committee on Bias, and adopts the procedures and stated purpose that are in these Local Rules of Court (see Title 10, Standard 10.20, Standards of Judicial Administration).

(a) Informal complaint process defined

The Judges of the Superior Court and the Contra Costa County Bar Association have agreed upon an informal complaint procedure addressing issues of age, gender, sexual orientation, disability, socioeconomic status, religion, national origin and race bias in the Courts (see Title 10, Standard 10.20, Standards of Judicial Administration).

(b) Intent of procedure

The intent of this procedure is not to discipline, but to educate with the purpose of improving the problem and preserving the integrity and impartiality of the judicial system.

(c) Education

The Committee on Bias shall sponsor or support educational programs designed to eliminate bias within the court and legal communities, including, but not limited to, bias based on disability, gender, race, religion, ethnicity, and sexual orientation.

(d) Complaint procedure

(1) Notify Committee on Bias. If a participant (participant includes, but is not limited to counsel, witnesses, parties or jurors) believes a bench officer has engaged in an act of bias or otherwise failed to ensure that proceedings are conducted in a manner that is fair and impartial to all participants, such person may send a written complaint to the Committee on bias either: 1) via letter addressed to the Committee on Bias, 2300 Clayton Rd., Suite 520, Concord, CA 94520; or 2) by email to bias@cccba.org.

i. Form of Complaint. Anonymous complaints will not be considered. Complaints are limited to behavior or conduct occurring in courtroom proceedings. Complainants submitting non-conforming complaints shall be advised of the parameter of the complaints considered by the Committee as well as the confidentiality of the complainant's identity.

ii. Disclosure of Identity of Complainant. The Committee shall keep the identity of the complainant confidential and shall not disclose it to individuals outside the Committee unless the conditions under subsection (d)(5) of this rule have been met.

(2) Review of Committee on Bias. The Committee on Bias will hold a meeting to review the complaint within 30 days of receipt of a written complaint. If the complaint pertains to a judicial officer who is a member of the bias committee, that judicial officer shall be disqualified from all proceedings involving the complaint. The Committee's focus will be on incidents that do not warrant discipline but that should be corrected. The Committee's responsibility is to evaluate and investigate written complaints against judicial officer. The committee will strive to complete the investigation within 90 days of receipt of a complaint. If additional time is required, appropriate notice will be provided to all concerned with that complaint. If the Committee substantiates a written complaint by determining it raises the appearance of bias, the Committee will refer the matter to the Presiding Judge, who will meet with the judicial officer who is the subject of the complaint and take appropriate corrective action.

(3) Conduct of Committee on Bias. In determining whether a complaint raises an appearance of bias, the Committee may conduct its own investigation which may include contacting the complainant for additional information.

(4) Investigation of Committee on Bias. Any investigation conducted shall be undertaken with the utmost care not to violate the confidentiality of the complainant.

(5) Resolution of Complaint. It is hoped that making the bench officer aware of the complaint will resolve the issue if one exists. If both the bench officer and the complainant wish to confer about the matter, or try to further resolve any outstanding problems, they may do so. However, this would be subject to the agreement of both and to the complainant's decision to waive any confidentiality.

(6) Allegation of Retaliation. Any allegation of retaliation against an individual making a claim to the Committee will be taken seriously, and is subject to investigation by the Committee under these provisions.

(7) Return of Complaint to Committee. After the Presiding Judge informs the Committee that the bench officer who is the source of the complaint has been contacted, the complaint will be returned to the Committee for destruction. However, for educational purposes, the Committee may maintain data as to the types of complaints received.

(8) No Referral to Commission on Judicial Performance. Matters referred to the Committee will not be used as a basis for a referral by the Committee of a judicial officer to the Commission on Judicial Performance.

(9) Notification to Complainant. With respect to those incidents that, if substantiated, would warrant discipline, the Committee will advise the complainant of the appropriate disciplinary authority.

(e) Committee membership and length of service

(1) Composition of Committee. The Committee on Bias is to be composed of representative members of the court community, including but not limited to, judges, lawyers, court administrators, representatives and individuals from minority, women's and gay and lesbian bar associations, representatives from the County's District Attorney and Public Defender offices, and from organizations that represent persons with disabilities.

(2) Number of Members on Committee. The total number of members on the Committee shall not exceed 15. The Committee on Bias will consist of 5 members appointed by the President of the Contra Costa County Bar Association. The remaining members shall include: 1) at least one judge appointed by the Presiding Judge; 2) one administration officer appointed by the Presiding Judge; and 3) up to 8 representatives from Contra Costa legal organizations representing people of color, the LGBTQ community, and the disabled, appointed by the Presiding Judge or her/his designee. If a judge appointed to the committee is the subject of a complaint, or a member of the Committee is a witness or the complainant in a pending complaint, said judge or member shall be precluded from participating in the review of that complaint.

(3) Term of Committee members. Committee members will serve for staggered terms. A quorum will be necessary for meetings and a majority vote of those in attendance will be required before any action can be taken.

(Rule 2.150, revised effective 7/1/21)

Chapter 9. Setting of Local Court Fees

Rule 2.160. Authorized Local Fees

Pursuant to Government Code section 70631 and California Rule of Court 10.815, the Court charges the following local fees:

Court forms	$0.50 per page
Packet of Court forms	$1.25
Recording of court proceedings where applicable on a media determined by the Court	$25.00
Envelopes and postage	$0.60
Non-professional supervised visitation training	$25.00 – Parent $10.00 – Supervisor
Child Custody Counseling Appointment No Show Fee	$100.00
Postage and mailing of CDs	$4.65

(Rule 2.160, revised effective 7/1/23)

Chapter 10. Communication of Concerns

Rule 2.170. Concerns

(a) Judges and Subordinate Judicial Officers

Concerns regarding judges and subordinate judicial officers must be submitted in writing, except where oral submissions may be permitted by Rule 10.703 of the California Rules of Court. Each concern will be considered carefully, and a written response will be issued. Written concerns must be signed, include an address where the court's response can be sent, and addressed to the Presiding Judge, P.O. Box 431, Martinez, CA 94553. Concerns about judges and subordinate judicial officers may not be submitted via email.

(b) Court Employees and Services

Concerns regarding court services or personnel, other than those related to a particular court case, must be submitted in writing. Each concern will be considered carefully, and a written response will be issued. Written concerns must be signed, include an address where the court's response can be sent, and addressed to the Court Executive Officer at:

Email: mediainfo@contracosta.courts.ca.gov

Or

Mail: P.O. Box 431, Martinez, CA 94553

(Rule 2.170 revised effective 1/1/22)

Chapter 11. Remote Appearances

Rule 2.180. Remote Appearances

(a) This Local Rule is adopted pursuant to Code of Civil Procedure section 367.75 and California Rule of Court, rule 3.672. Requirements for notice are set forth in Rule 3.672 and below. The subsection concerning remote hearings in domestic violence and gun violence restraining order matters is adopted pursuant to Family Code §6308(b) and Penal Code § 18123(b). Where they conflict, these rules supersede other previously-enacted rules, emergency rules, or directives concerning remote appearances. This rule does not apply to remote appearances covered by Code of Civil Procedure section 367.76.

(b) General Provisions Regarding Remote Appearances

(1) The Court has uses Zoom (audio and video) as its sole remote appearance platform.

(2) Remote appearances in contested hearings, excluding those described in subsection (c), shall be by video. Audio-only appearances shall not be permitted for such hearings unless specifically permitted by the judicial officer.

(3) A remote hearing is subject to all laws governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

(4) A judicial officer may order that a specific hearing be conducted by remote appearance. If that hearing is an evidentiary hearing or trial, parties objecting to the remote hearing shall file their objection as provided in Rule 3.672(h).

(5) In any hearing not specifically set by the court to be conducted by remote appearance, a party who has failed to provide a notice of remote appearance may appear remotely upon a judicial officer's finding under Rule 3.672(j)(2) of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.

(6) A judicial officer may elect to terminate a remote hearing and continue the matter to a later in-person appearance should the judicial officer find that any of the criteria of Code of Civil Procedure section 367.75(b) and/or Rule of Court 3.672(d) are met.

(c) Civil Case Management, Law & Motion, and Ex Parte Hearings; Short-Cause Family Matters

(1) Parties in civil case management, civil law and motion, civil ex parte (not including domestic violence restraining orders), and short-cause family law

matters may stipulate either orally or in writing to waive notice of other parties' remote appearance.

(2) The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance, but must serve the notice as set forth in Rule 3.672 unless the parties have stipulated to waive notice.

(d) Civil Evidentiary Hearings, Settlement Conferences, and Trials

(1) For evidentiary hearings, settlement conferences, and bench or jury trials, parties must appear in person unless the Court has granted prior express written authorization for a remote appearance.

(2) The time frames and procedures for remote appearance requests and oppositions are set forth in Rule 3.672(h).

(3) Courtesy copies of any requests or oppositions shall be filed with the department.

(4) Nothing in this section shall be interpreted to require personal appearance of an expert witness unless the judicial officer has previously found good cause for the expert witness to appear in person.

(e) Probate Matters

(1) For probate hearings other than evidentiary hearings, settlement conferences, and trials, parties may stipulate either orally or in writing to waive notice of other parties' remote appearance.

(2) The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance, but must serve the notice as set forth in Rule 3.672 unless the parties have stipulated to waive notice.

(3) For evidentiary hearings, settlement conferences, and trials, the provisions of subsection (d) shall apply.

(f) Juvenile Dependency Matters.

(1) The provisions of Rule 3.672(i) shall apply to Juvenile Dependency matters.

(2) All confidentiality requirements applicable to in-person Juvenile Dependency proceedings shall apply equally to remote hearings. In the event the Court cannot ensure that a remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding, the judicial officer may order any person to appear in-person, and may elect to terminate a remote hearing and continue the matter for a later in-person appearance.

(g) Special Rules for Domestic Violence and Gun Violence Restraining Orders

(1) Instructions for remote appearances in domestic violence and gun violence restraining order hearings will be posted to the Court's restraining order webpage: https://www.cc-courts.org/restraining-orders/restraining-orders.aspx.

(2) The Court designates the departmental phone number for the department hearing each respective order as the phone number for the public to call to obtain assistance regarding a remote appearance. The designated departmental phone numbers will be posted on the restraining order webpage above. These phone numbers will be staffed from 30 minutes prior to the start of the court session at which the hearing will take place and during that court session.

(Rule 2.180 revised effective 1/1/25)

Title Three. Civil Rules

Chapter 1. Administration of Civil Litigation

Rule 3.1. Applicability

Unless otherwise specified, this rule applies to all civil cases except Juvenile, Probate and Family Law cases, extraordinary writs, Asset Forfeiture cases under Health and Safety Code Section 11470 et seq., and Limited Jurisdiction Collections Cases under provisions of California Rules of Court, Rule 3.740. Special provisions are made for expediting Unlawful Detainer cases (see Rule 3.12).

(Rule 3.1 revised effective 1/1/15)

Rule 3.2. Definitions as Used in Title Three

As used in Title 3:

(1) The term "counsel" includes parties representing themselves.

(2) The term "plaintiff" also includes cross-complainant.

(3) The term "defendant" also includes cross-defendant.

(Rule 3.2 revised effective 1/1/15)

Rule 3.3. Transferred Cases

Unless excluded under Rule 3.8(c), all cases transferred from another jurisdiction are subject to this Rule.

(Rule 3.3 revised effective 1/1/15)

Rule 3.4. Policy

(a) Civil case management

It is the policy of the Superior Court of Contra Costa County to track and manage all cases from the moment the complaint is filed until disposition and to conclude all civil cases as expeditiously as possible within the limits of available funding and staffing.

(Rule 3.4(a) revised effective 1/1/13)

(b) Disposition goals

(1) It is the goal of the Court to conclude 75% of all Unlimited Jurisdiction Civil cases and 90% of Limited Jurisdiction Civil cases filed within 12 months of the filing of the complaint, 85% of all Unlimited Jurisdiction Civil cases and 98% of all Limited Jurisdiction Civil cases filed within 18 months of the filing of the complaint, and 100% of all civil litigation cases within 24 months of the filing of the complaint.

(Rule 3.4(b)(1) revised effective 1/1/13)

(2) It is the policy of the Court that all civil cases, not court-designated as "complex," are presumed to be appropriate for a disposition goal of 12 months. The Court may modify this disposition goal at any time upon the showing of good cause or insufficient staffing due to lack of funding.

(Rule 3.4(b)(2) revised effective 1/1/13)

(c) Hearings

It is the policy of the Court that unnecessary hearings, which tend to delay the progress of litigation, be avoided. The Court urges counsel to meet and confer on disputed issues before motions are filed.

(Rule 3.4(c) revised effective 1/1/01)

(d) Assignment of Unlimited Jurisdiction Civil cases

All Unlimited Jurisdiction Civil cases subject to this rule will be assigned to one judge for all purposes unless otherwise determined by the Presiding Judge for good cause.

(Rule 3.4(d) revised effective 1/1/13)

(e) Uninsured motorists

The following policy applies to uninsured motorist cases:

(1) Promptly upon learning that an action is to proceed as an uninsured motorist case, plaintiff's counsel shall file a declaration setting forth the information upon which such a determination has been made. The declaration shall include: A statement that coverage exists under an uninsured motorist's insurance policy; the name of the carrier and limits of coverage. It shall also include a statement that counsel believes that the limits of coverage are adequate to compensate for known loss or damage; that plaintiff(s) will promptly pursue such remedy and that it is counsel's present intention to assign the claim or dismiss the pending action upon receipt of a recovery by settlement or award.

(2) The declaration shall be captioned "Request for Temporary Exemption - Uninsured Motorist Case."

(3) Upon review of the declaration, the Court may designate the action as an uninsured motorist case in which event the time requirements under this Rule will be suspended for up to 270 days from the date the complaint was filed or from such other date the Court, in its discretion, shall fix. The case will be monitored by the setting of a review hearing at the end of the suspension period. If a dismissal has not been filed, plaintiff's counsel must file a further declaration five (5) court days before the review hearing date and provide a status report and, if necessary, a request with supporting justification for additional time to conclude the case.

(Rule 3.4(e) revised effective 1/1/16)

(f) Dismissal of "DOES" upon disposition

It is the policy of the Court that each case be completely disposed. At the time of adjudication of the case, by request for dismissal or request for entry of judgment, all remaining parties including DOES, will be dismissed by the Court unless otherwise specified.

(Rule 3.4(f) revised effective 1/1/16)

(g) Exception order

Nothing in this Rule shall be interpreted to prevent the Court in an individual case from issuing an Exception Order based on a specific finding that the interest of justice requires a modification of the routine procedures as prescribed by this Local Court Rule.

(Rule 3.4(g) revised effective 1/1/13)

(h) Alternative Dispute Resolution (ADR)

It is the policy of the Court to encourage the parties in all cases to consider the use of appropriate alternative dispute resolution options as a means of resolving their disputes without trial. The Court encourages parties who can agree to use ADR before the first Case Management Conference to use the appropriate local court form:

(1) CV-655b – ADR Case Management Stipulation and Order (Unlimited Jurisdiction Civil Cases)

(2) CV-659d – ADR Case Management Stipulation (Limited Jurisdiction Civil Cases)

(Rule 3.4(h) revised effective 1/1/13)

(i) Notice to court upon disposition

It is the policy of the Court that proper notice be given to the Court of the disposition of cases. (Refer to Rule 3.100 for settlements)

(Rule 3.4(i) revised effective 1/1/13)

(Rule 3.4 revised effective 1/1/16)

Rule 3.5. Venue, Filing and Form of Papers

(a) Unlimited and Limited Jurisdiction Civil cases:

All new Unlimited and Limited Jurisdiction Civil cases (excluding Limited Jurisdiction Unlawful Detainer and Small Claims cases), and any subsequent papers shall be filed in Martinez (see California Rules of Court, Rule 2.100 for form of papers).

(Rule 3.5(a) revised effective 1/1/16)

(b) Limited Jurisdiction Civil cases filed before January 1, 2006:

(1) All Limited Jurisdiction Civil cases filed before January 1, 2006, in Richmond or Pittsburg Branch Courts shall remain in the branch court where the complaint was filed and any subsequent papers filed in such matters shall only be filed in the originating branch court.

(2) All Limited Jurisdiction Civil cases filed before January 1, 2006 in Concord or Walnut Creek are transferred to Martinez effective January 1, 2013, and any subsequent papers filed in such matters shall only be filed in Martinez. All hearings that are scheduled to occur in Limited Jurisdiction cases after January 1, 2006, will be held in Martinez.

(Rule 3.5(b) revised effective 1/1/16)

(c) Limited Jurisdiction Unlawful Detainer cases

(1) All Limited Jurisdiction Unlawful Detainer cases, and all subsequent filings in these cases, must be filed in the appropriate court location based upon the location of the property in question with the exception of those that currently fall under the jurisdiction of the Concord/Mt. Diablo and Walnut Creek branch courts.

(2) Effective January 1, 2013, Limited Jurisdiction Unlawful Detainer cases where the property is located in the following cities and adjacent unincorporated areas must be filed in the Martinez Clerk's Office at 725 Court Street, Martinez, CA:

Avon, Alamo, Blackhawk, Camino Tassajara, Canyon, Clayton, Clyde, Concord, Danville, Lafayette, Martinez, Moraga, Orinda, Pacheco, Pleasant Hill, Rheem, Rossmoor, San Ramon, St. Mary's College, Walnut Creek, Ygnacio Valley and adjacent unincorporated areas.

(Rule 3.5(c)(2) revised effective 1/1/13)

(d) Small Claims cases

(1) All Small Claims cases must be filed in one of the following locations. All subsequent filings must be filed in that same location.

(A) The locality where one or more of the defendants resides; or

(B) If the action arises from operation of a business by one or more defendants, the location where such a defendant has his, her, or its principal place of business; or

(C) The locality where a substantial part of the events in question occurred; or

(D) If there is no appropriate locality under any of the preceding provisions, in any locality.

(2) The geographic territory for filing in the appropriate court location effective January 1, 2013 is as follows

(A) **Martinez:** Avon, Alamo, Blackhawk, Camino Tassajara, Canyon, Clayton, Clyde, Concord, Danville, Lafayette, Martinez, Moraga, Orinda, Pacheco, Pleasant Hill, Rheem, Rossmoor, San Ramon, St. Mary's College, Walnut Creek, Ygnacio Valley and adjacent unincorporated areas.

(B) **Pittsburg:** Antioch, Bay Point, Bethel Island, Brentwood, Byron, Discovery Bay, Knightsen, Oakley, Pittsburg and adjacent unincorporated areas.

(C) **Richmond:** Crockett, El Cerrito, El Sobrante, Hercules, Kensington, North Richmond, Pinole, Point Richmond, Port Costa, Richmond, Rodeo, Rollingwood, San Pablo, Tilden Park North and adjacent unincorporated areas.

(Rule 3.5(d)(2) revised effective 1/1/13)

(Rule 3.5 revised effective 1/1/16)

Rule 3.6. Challenge to Assigned Judge

In both Unlimited and Limited Jurisdiction Civil cases (which are assigned to one judge for all purposes), a challenge to the assigned judge pursuant to Code of Civil Procedure Section 170.6 must be made in accordance with the time requirements set forth in that section. Upon acceptance of a proper challenge under Code of Civil Procedure Section 170.6, the case will be reassigned.

(Rule 3.6 revised effective 1/1/15)

Rule 3.7. Service of Summons, Complaint, Cross-Complaint, Responsive Pleadings and Default Judgments

(1) Counsel are to be familiar with and follow with particularity the rules set forth in California Rules of Court, Rule 3.110 as to service and filing of pleadings and proofs of service and the notice of default judgments.

(2) Upon failure to serve the complaint and file a proof of service as required, an Order to Show Cause shall issue as to why counsel shall not be sanctioned for failure to comply with California Rules of Court, Rule 3.110.

(3) Responsive papers to the Order to Show Cause must be filed and served no less than five (5) court days in advance of the hearing.

(4) For purposes of Code of Civil Procedure section 415.20(b), a party shows reasonable diligence in attempting personal service by attempting personal delivery in good faith on at least three occasions. The party's attempts at personal service must occur on at least two different days of the week, and if service is at a dwelling, at least one attempt must occur on a Saturday or Sunday. If a party meets these requirements, a court clerk will find that the reasonable diligence requirement is met. Litigants with approved fee waivers who rely on a sheriff's office for service may seek an exception to the weekend service requirement from the judicial officer if the sheriff's office does not serve process on weekends. Nothing in this section shall be interpreted to prevent a judicial officer from exercising discretion to find reasonable diligence based on the facts of a case.

(Rule 3.7 revised effective 1/1/26)

Rule 3.8. Case Management Conference Procedure (Formerly Referred to as Status Conference)

(a) Filing of complaint

Upon filing a complaint, which includes a completed Civil Case Cover Sheet (Judicial Council Form CM-010), the plaintiff will receive the following from the Clerk or Court support staff:

(1) Summons and Complaint and notification of the assigned department for Superior Court cases;

(2) Notice and date of the First Case Management Conference (This court-generated notice includes the assigned date, time, and department);

(3) Notice to Defendants (Local Court Form CV-655(d) for Unlimited Civil Jurisdiction cases and Form CV-659(b) for Limited Jurisdiction Civil cases);

(4) A blank Case Management Statement (Judicial Council Form CM-110) and an Alternative Dispute Resolution Information Sheet (Local Court Form CV-655(c) for Unlimited Civil Jurisdiction cases and Form CV-659(e) for Limited Jurisdiction Civil cases);

(5) In Limited Jurisdiction Civil cases only, the Case Questionnaire for Limited Civil Cases (Judicial Council Form DISC-010) and a blank Issue Conference Statement (Local Court Form CV-659(c));

(6) Plaintiffs in unlimited civil jurisdiction cases will also receive an ADR Case Management Stipulation and Order (Local Court Form CV-655(b) for Unlimited Jurisdiction Civil cases and plaintiffs in Limited Jurisdiction Civil cases will receive an ADR Case Management Stipulation (Local Court Form CV-659(d)).

(Rule 3.8(a) revised effective 1/1/17)

(b) Case questionnaire for Limited Jurisdiction Civil cases

Any cross-complainant naming any new party in a limited jurisdiction civil case will also be served with a blank Case Questionnaire for Limited Civil Cases (Judicial Council Form DISC-010).

(c) Setting the Case Management Conference for transfer-ins

If a case is transferred from another jurisdiction after a responsive pleading has been filed, the First Case Management Conference will be set within forty-five (45) calendar days from the Order of Transfer. If no responsive pleading has been filed, the First Case Management Conference will be set within ninety (90) calendar days from the Order of Transfer. In all other particulars, the plaintiff in a transfer case will receive the same information and items as described above.

(d) Notice of first CMC

At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of the First Case Management Conference and an ADR Case Management Stipulation and Order (Local Court Form CV-655(b)) for unlimited jurisdiction civil cases, and the ADR Case Management Stipulation. The responding party in unlimited jurisdiction civil cases and plaintiffs in limited jurisdiction civil cases will receive an ADR Case Management Stipulation (Local Court Form CV-659(d)) for Limited Jurisdiction Civil cases. The responding party in limited jurisdiction civil cases will also receive a blank Case Questionnaire for Limited Civil Cases (Judicial Council form DISC-010).

(e) File and serve Case Management Statement

Each appearing party shall file and serve the completed Case Management Statement, (Judicial Council Form CM-110), at least fifteen (15) calendar days before the First Case Management Conference as provided by California Rules of Court, Rule 3.725.

Rule 3.8(e) revised effective 7/1/02)

(f) Request for early Case Management Conference

One or more parties to a civil action may request that the assigned department advance the date of the first case management conference in the action, subject to the following:

(Rule 3.8(f) revised effective 1/1/09)

(1) Requests must be in writing, but may be informal, such as in letter format. They should be lodged (rather than filed) with the department assigned the matter.

(2) Such requests must be served upon all parties that have appeared in the action.

(3) The request shall either recite that all parties join in the request or, if not, must provide a brief but clear explanation of the benefits of advancing the conference date.

(4) Any party opposing a request shall lodge and serve an informal statement of opposition, with reasons, within five (5) calendar days of receiving the request.

(5) The Court reserves the discretion to determine whether such an early conference would be beneficial and whether the department's calendar can accommodate the request.

(g) First Case Management Conference

The First Case Management Conference shall be conducted in accordance with California Rules of Court, Rule 3.721. Counsel are required to be thoroughly familiar with and abide by that Rule.

(Rule 3.8(g) revised effective 7/1/02)

(h) Subsequent Case Management Conference

Unless otherwise ordered by the Court, a party need not file a Case Management Statement (Judicial Council Form CM-110) for subsequent conferences unless that party has not previously filed that form. Parties are welcome to file narrative status conference statements with proper material that they believe would be helpful to the Court.

(Rule 3.8(h) revised effective 9/1/04)

(Rule 3.8 revised effective 1/1/17)

Rule 3.9. Telephone Appearances

The Unlimited Jurisdiction Civil Departments (fast track departments) generally use Zoom for remote appearances, whether video and audio or audio only. The Court reserves the right in any matter to require a personal appearance as permitted by law.

(Rule 3.9 revised effective 7/1/23)

Rule 3.10. Sanctions

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply with this Rule, sanctions may be imposed.

(Rule 3.10 revised effective 1/1/15)

Rule 3.11. Issue Conference

(a) Time and purpose of Issue Conference

Within fourteen (14) calendar days before the trial date, unless otherwise ordered, an Issue Conference will be held during which all matters necessary to be resolved before trial will be before the Court. All trial counsel must be present, along with all principals or clients and claims representatives with settlement authority.

(Rule 3.11(a) revised effective 1/1/16)

(b) Motions in limine

All motions in limine must be in writing and are to be filed and served at least ten (10) calendar days before the conference. Motions in limine should be numbered consecutively and if a party files more than five (5) motions, an index must be provided. Any objections to motions in limine must be filed and served five (5) calendar days before the conference, with a copy lodged with the chambers of the department to which the case is assigned. Parties should not submit motions in limine upon the following topics as each fast track trial department will issue orders sua sponte as follows:

(Rule 3.11(b) revised effective 1/1/16)

(1) No witness may be called, except with Court permission in exceptional circumstances, unless notice has been given to all parties of the date when the witness will testify. Such notice shall be given no later than at the end of the court day preceding the court day when the witness is to testify.

(2) All witnesses will be excluded from the courtroom, unless otherwise ordered, excepting those for whom an exception exists at law (e.g., parties and corporate representatives).

(3) Evidence of, or reference to, settlement negotiations, mediation, and materials which are privileged under the evidence code or by agreement of the parties shall not be allowed.

(Rule 3.11(b)(3) revised effective 1/1/16)

(4) Evidence of, or reference to, insurance, or the fact that an attorney is employed by, or has been compensated by, an insurance company, shall not be allowed.

(5) Evidence of, or reference to, other claims or actions against any party to the litigation shall not be allowed without permission from the Court.

(6) Evidence of, or reference to, the financial position or wealth, or lack thereof, of any party to the litigation, shall not be allowed without permission from the Court.

(Rule 3.11(b)(6) revised effective 9/1/04)

(c) Issue Conference Statement

Parties must file with the court and serve all parties an Issue Conference Statement (Local Court Form CV-659(c)) of not more than ten (10) pages at least five (5) court days before the Issue Conference. In limited civil cases only, use of the local Issue Conference Statement form (Local Court Form CV-659(c)) is mandatory. The following shall be included in the Issue Conference Statement and will be considered at the Issue Conference:

(1) A statement of the facts, law and respective contentions of the parties regarding liability, damages (with specific dollar details), nature and extent of injuries, any unusual evidentiary or legal issues anticipated at trial, and all matters of fact believed by any party to be appropriate for stipulation;

(2) A witness list, including only those witnesses that each party actually expects to have testify, with a brief statement of anticipated testimony, and exhibit list;

(3) A trial length estimate and a proposed statement of the case to be read to the jury, and proposed voir dire questions; and

(4) A list (index) of proposed CACI jury instructions, as required by California Rules of Court, 2.1055, and copies of any proposed special instructions [note: copies of CACI instructions should not be submitted with the Issue Conference Statement.

(Rule 3.11(c) revised effective 1/1/17)

(d) Settlement statement

Each party shall lodge with the assigned department, at the time of filing of the Issue Conference Statement, a settlement statement in the form and content described in Local Rule 3.101.

(Rule 3.11(d) revised effective 1/1/08)

(e) Jury questionnaires

(1) If any party intends to request that a specific written questionnaire be submitted to the jury, said party shall, no later than twenty (20) court days before the Issue Conference, serve a proposed questionnaire on the other parties;

(2) Any party objecting to any question or proposing additional questions, shall serve said objections or proposals on all other parties no later than fifteen (15) court days before the Issue Conference;

(3) All parties shall meet and confer to attempt resolution of objections and proposals no later than ten (10) court days before the Issue Conference;

(4) The questionnaire shall be submitted with the Issue Conference Statement with any unresolved questions requiring a ruling by the Court clearly identified;

(5) If the Court approves a questionnaire, it shall be the responsibility of the party submitting a questionnaire to have an adequate number of copies delivered to the office of the Jury Commissioner no later than two (2) court days before the scheduled commencement of trial, and to arrange and pay for prompt copying and distribution of the completed questionnaire to the Court and other parties in the order in which jurors will be called; and

(6) Failure to comply with the requirements of Local Rule 3.11(e)(4) and (5) may result in an order that the case be tried without the use of a written questionnaire.

(Rule 3.11(e) revised effective 1/1/16)

(Rule 3.11 revised effective 1/1/17)

Rule 3.12. Jury Fees

Jury fees shall be deposited and may be refunded as provided in Code of Civil Procedure Sections 631 and 631.3. A nonrefundable jury fee of $150.00 is due on or before the date scheduled for the initial case management conference in the action or at such other time as permitted by statute. No refund of the jury fees deposited shall be made unless the party making the deposit has given the Jury Commissioner written notice of settlement, of the granting of a motion for continuance, or of the waiving of a jury, at least two (2) court days before the date set for trial, or by Order of Court.

(Rule 3.12 new effective 1/1/18)

Rule 3.13. Reporting of Court Proceedings in Civil Fast Track Departments

(1) Except as otherwise provided by Local Rule 2.53, official court reporters employed by the court are unavailable in the Unlimited/Limited Civil Fast Track Departments effective January 1, 2013 until further notice. Consult the Notice of Availability on the court's website for current status and any changes.

(Rule 3.13(1) revised effective 1/1/19)

(2) Except as otherwise provided by Local Rule 2.53, any party who desires a verbatim record of the proceedings from which a transcript can later be prepared, may procure the services of an outside private certified court reporter pro tempore to report any scheduled hearing or trial (see Government Code section 70044 and California Rules of Court, Rule 2.956).

(Rule 3.13(2) revised effective 1/1/19)

(3) Parties electing to procure the services of an outside reporter must comply with Local Rule 2.52.

(Rule 3.13(3) revised effective 1/1/19)

(4) Pursuant to California Rules of Court, Rule 2.956(d), if a party arranges and pays for the attendance of a certified shorthand reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties will be charged the reporter's attendance fee provided for in Government Code Sections 68086(a)(1)(A) or (B).

(5) If court reporters become available and in the court's discretion are provided by the court for any civil hearings, or if a court reporter is provided pursuant to Local Rule 2.53, any party who has not been granted a fee waiver under Government Code section 68631 et seq. will be required to pay the applicable reporter attendance fee provided for in Government Code sections 68086(a)(1)(A) or (B).

(Rule 3.13(5) revised effective 1/1/19)

(6) Parties shall be responsible for all transcript costs pursuant to Government Code Section 69953.

(Rule 3.13(6) revised effective 1/1/13)

(7) For all proceedings less than thirty minutes in length, the Appellate Division elects to authorize the use of an official electronic recording, where available, as the record of the oral proceeding instead of obtaining a corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate Division, pursuant to California Rules of Court, Rule 8.835(c).

(Rule 3.13(7) new effective 1/1/19)

(Rule 3.13 revised effective 1/1/19)

Rule 3.14. Unlawful Detainer Trial Setting

(1) Within forty-five (45) calendar days from the filing of the complaint, unlawful detainer cases entitled to expedited handling shall be either adjudicated, or a memo to set trial or conditional settlement shall have been filed. This time limit may be stayed or extended by a judicial officer or commissioner for good cause shown.

(2) If an unlawful detainer case entitled to expedited handling has not been adjudicated, or had a memo to set trial or conditional settlement filed within the 45-day period (or such

extended time as may be set by a judicial officer or commissioner), an order to show cause re: sanctions or dismissal directed to the plaintiff shall issue.

(3) In the event an order to show cause re: sanctions or dismissal is issued, any responsive papers to such order to show cause must be filed at least five (5) court days before the hearing date on the order to show cause.

(4) When an unlawful detainer case is ready for trial, the plaintiff shall file a memo to set the case for trial, and shall use Judicial Council Form UD-150 for this purpose.

(5) If the procedures set forth in this rule result in setting a trial date that is less than ten (10) court days after an answer is filed, the answering party may request a continuance of the trial date, and such a request may be granted.

(Rule 3.14 revised effective 1/1/20)

Rule 3.15. Relief Following Breach of a Settlement Agreement in Limited Jurisdiction Cases

(a) Unlawful Detainer cases

A settlement agreement may provide that, in the event of default, the non-defaulting party may seek additional relief from the Court by filing an ex parte application. If it does, then:

(1) An ex parte application filed pursuant to this provision must comply with California Rules of Court, Rules 3.1201 through 3.1207, unless otherwise stipulated by the parties.

(2) Such an application, except in emergency situations, will be heard in each department at times designated by the assigned judge or commissioner.

(3) If a settlement agreement does not contain a provision as described in paragraph (a), then the non-defaulting party seeking additional relief must file a motion to obtain that relief. Applications for Orders Shortening Time will be viewed with presumptive favor in unlawful detainer cases seeking possession and other cases in which time is of the essence.

(b) Non-Unlawful Detainer cases

(1) A settlement agreement may provide that, in the event of default, the non-defaulting party may seek additional relief from the Court. However, the non-defaulting party will not be granted additional relief without notice to the defaulting party.

(2) The proper form for seeking additional relief is a noticed motion. The parties may agree, in advance, to an Order Shortening Time for the hearing of such a motion, provided that (except in exceptional cases, for good cause shown) the time for noticing the motion shall not be less than ten (10) court days.

(3) If the settlement agreement does not provide for shortened time, as described in paragraph (b)(2), then a party may file an ex parte application to have the motion heard on shortened time. Any such application must comply with the California Rules of Court, Rule 3.1200 .

(4) If, at the time of the default, the defaulting party stipulates in writing to further relief, the Court will entertain an application for entry of an order upon stipulation without need for formal motion. Nothing in this rule shall preclude a party from seeking to enforce the terms of a settlement agreement (as opposed to seeking additional relief for breach) by an appropriate motion pursuant to Code of Civil Procedure Section 664.6 or other controlling authority.

(Rule 3.15(b)(4) revised effective 1/1/05)

(Rule 3.15 renumbered effective 1/1/18)

Rule 3.16. Complex Litigation Cases

(1) There shall be designated a Complex Civil Litigation Department to which cases covered by California Rules of Court, Rule 3.400 shall be assigned, unless otherwise ordered by the Court.

(2) Counsel for plaintiffs shall use the most current form of civil cover sheet to indicate whether a matter is or is not deemed complex. Other parties may counter-designate at or before the time for the filing of a first appearance (see California Rules of Court, Rule 3.402).

(Rule 3.16(2) revised effective 1/1/16)

(3) Complex cases are subject to the procedures outlined on the Court's website concerning Complex Litigation as well as the Court's Electronic Case Filing Standing Order. See http://www.cc-courts.org/civil/complex-litigation.aspx.

(Rule 3.16(3) new effective 7/1/20)

(4) In making any determination whether a case is complex or noncomplex under California Rules of Court, Rule 3.402 or Rule 3.403, the Department making the determination may consider any other related or other case pending in this court that it may think relevant to the designation as complex or noncomplex. Whether or not any such case is deemed complex, the Department may also make any other orders that it deems conducive to effective administration and determination of any or all such cases, such as consolidating some or all of them, transferring some or all of them to a common Department, or deeming some or all of them related.

(Rule 3.16(4) new effective 1/1/25)

(5) If any hearing concerning whether a case is complex or noncomplex is held pursuant to California Rules of Court, Rule 3.402 or Rule 3.403, notice of such hearing shall also be given in any other such cases under consideration under Rule 3.16(4), and the attorneys or parties in such cases may participate therein.

(Rule 3.16(5) new effective 1/1/25)

(6) The determination (with or without hearing) as to whether a case is complex or noncomplex will be made by the Complex Civil Litigation Department. If any such case is assigned for all purposes to a different Department, the Complex Civil Department's decision of such determination shall not constitute assignment of the case to that Department for all purposes. However, if the court determines that the case is complex, the case should forthwith be transferred for all purposes to the Complex Civil Litigation Department.

(Rule 3.16(6) new effective 1/1/25)

(7) In the event that the Judge assigned as the Complex Civil Litigation Department is disqualified from hearing a case for purposes of the determination called for in Rule 3.16(6), that determination shall be made by the Department to which the case is assigned for all purposes, as though no Complex Civil Department existed.

(Rule 3.16(7) new effective 1/1/25)

(Rule 3.16 revised effective 1/1/25)

Rule 3.17. CEQA Claims

The title of any pleading seeking relief under the California Environmental Quality Act, whether by petition or complaint, shall clearly identify that the matter is a CEQA action [e.g., "CEQA claim: Complaint for Damages"].

(Rule 3.17 renumbered effective 1/1/18)

Rule 3.18. Conforming Copies

The Superior Court Clerk will conform a maximum of two copies of any document at the time of filing. Additional copies will be provided by photocopying and the standard Superior Court Clerk fee for copies will be charged.

(Rule 3.18 renumbered effective 1/1/18)

Rule 3.19. Unlawful Detainer Process

Unlawful Detainer cases are heard by qualified court commissioners. In the event a party chooses not to stipulate to the hearing of an unlawful detainer matter by a commissioner, the hearing shall be referred to the Supervising Judge of the division in which the matter is pending (Pittsburg, Richmond, or Martinez).

The Supervising Judge may hear the matter or refer it to any other judge of this court. This does

not affect the court's authority, under Code of Civil Procedure section 259(b), to direct a commissioner to take proof and report findings therein as to any matter of fact upon which information is required by the court, where properly specified pursuant to section 259(b).

(*Rule 3.19, revised 1/1/24)*

Chapter 2. Civil Law and Motion

Rule 3.40. Law and Motion Calendar

There shall be a Civil Litigation Division (which includes a Discovery Commissioner when available funding permits) which will handle civil law and motion matters:

(1) Each judge in the Civil Litigation Division shall designate one day of the week for his or her Law and Motion matters.

(2) Each judge in the Civil Litigation Division shall designate the day(s) of the week and time(s) that discovery matters and ex parte applications will be heard in their department.

(3) Exceptions

a. All law and motion matters relating to Family Law shall be heard in the Family Law Departments.

b. Motions in Unlawful Detainer cases shall be heard in the appropriate court or department scheduled.

c. As provided in Local Rule 7.1, most law and motion regarding probate matters shall be heard in the Probate Department.

(Rule 3.40 revised effective 1/1/24)

Rule 3.41. Hearing Dates

With the exception of motions brought pursuant to Code of Civil Procedure section 128.7, all other motion hearing dates will be assigned by the Clerk's Office at the time the motion is filed unless otherwise ordered by the Court. Dates cannot be reserved or given over the telephone.

(Rule 3.41 revised effective 1/1/24)

Rule 3.42. Papers to Comply with State Rules

(1) Moving, opposing and reply papers must be filed and served with the Court and parties within the time prescribed by law. The Court will not consider late filed papers unless good cause is shown at the hearing.

(2) All memoranda and other papers filed in support of, and in opposition to, motions shall comply with the requirements of the California Rules of Court.

(3) Despite Rule 3.1110 of the California Rules of Court, subdivision (f), a large number of documents filed with the Court include exhibits that are not properly tabbed or ,where electronically filed, are not properly bookmarked. The purpose of this rule is to discourage such rule violations, which impose a substantial burden on judges and staff.

(A) If a particular attorney service repeatedly files documents lacking proper tabs or bookmarks where required, the matter will be referred to the Presiding Judge for appropriate action.

(B) Counsel of record should take note the Court has and will continue to impose monetary sanctions on attorneys who file documents lacking proper tabs or bookmarks where required, regardless of whether such documents were fax-filed through an attorney service, and in some instances will disregard those documents or drop a hearing from calendar based on the rule violation.

(Rule 3.42 revised effective 1/1/24)

Rule 3.43. Tentative Ruling

(1) The Civil Litigation Division shall operate a tentative ruling system for Unlimited Civil law and motion. The tentative rulings can be obtained beginning at 1:30 p.m. the court day preceding the hearing. Phone numbers and tentative rulings for Martinez are available on the court website www.cc-courts.org. If the website is down, or for some reason cannot be accessed by the litigant or counsel, the number to call, during business hours is (925) 608-1000. Tentative rulings will be posted on the Court's website for a minimum of 120 days, after which they may be removed.

(Rule 3.43(1) revised effective 1/1/22)

(2) The tentative ruling will become the Court's ruling unless by 4:00 p.m. of the court day preceding the hearing, counsel or self-represented parties call the department rendering the decision to request argument. If a judge so indicates in the instructions accompanying the tentative ruling, the parties may also be required to specify what issues are to be argued.

Calling counsel or self-represented parties requesting argument must advise all other affected counsel and self-represented parties by no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued. Failure to timely advise the Court and counsel or self-represented parties will preclude any party from arguing the matter.

(Rule 3.43(2) revised effective 7/1/23)

(3) The prevailing party must prepare an order after hearing in accordance with the requirements of California Rules of Court, Rule 3.1312.

(Rule 3.43(3) revised effective 1/1/01)

(Rule 3.43 revised effective 7/1/23)

Rule 3.44. Remote Appearances for Law and Motion

If the judge hearing a matter determines on an individual case that a personal appearance is necessary (i.e. that a remote appearance will not be allowed), the tentative ruling will so indicate unless the Court has previously been advised.

(Rule 3.44 revised effective 7/1/23)

Rule 3.45. Reporting of Law and Motion

Law and motion oral arguments are not reported in Civil Fast Track Departments until further notice, except as provided by Local Rule 2.53. Otherwise, parties may procure the services of an outside reporter as set forth in Local Rule 2.52.

(Rule 3.45 revised effective 1/1/19)

Rule 3.46. Civil Ex Parte Orders

Ex Parte applications for Orders to Shorten Time will be considered only when accompanied by the proposed moving papers. Orders to Shorten Time will be filed only when the motion has been previously filed or is simultaneously filed.

(1) Martinez Civil Fast Track ex parte motions, except in emergency situations, will be heard in each department at times designated by the assigned judge. Consult the court's website for designated times. Ex parte motions include applications for restraining orders, writs of mandate and prohibition (see ex parte process for writs of mandate below), other extraordinary writs, and appointment of receivers. Applications for such orders must comply with California Rules of Court, Rule 3.1203 (except temporary restraining orders under Code of Civil Procedure Section 527.6).

(Rule 3.46(1)renumbered effective 7/1/25)

(A) Ex Parte Applications for Orders to Shorten Time will be considered only when accompanied by the proposed moving papers, unless, in its discretion, the Court otherwise orders. Orders to Shorten Time will be filed and calendared for hearing only when the motion has been previously filed or is simultaneously filed (see signed order for compliance).

(Rule 3.46(1)(A) renumbered effective 7/1/25)

(B) Status Conference and Briefing Schedules for Writs of Mandate. The following rule applies to all writs of mandate except those in which the Department of Motor Vehicles is named as respondent. After the Petition is filed in the Clerk's Office and a department is assigned, the filing party shall take a copy of the petition along

with a proposed order to the assigned department during ex parte hours. A status conference for the establishment of a hearing date and briefing schedule for writs of mandate will be set by the assigned judge during the designated ex parte hours. The petitioner must comply with California Rules of Court, Rule 3.1203 concerning notice to opposing counsel or unrepresented party of the intent to present an ex parte application to the Court. The petitioning party need not notify the Court before presenting the application to set hearing date and briefing schedule. Once the order is signed and a briefing schedule assigned, the party shall present the order to the Clerk's Office for filing.

(Rule 3.46(1)(B) renumbered effective 7/1/25)

(C) A copy of the resulting order concerning the writ is to be delivered to the department in which the writ will be heard as well as to the Research Attorney's Office.

(Rule 3.46(1)(C) r renumbered effective 7/1/25

(2) Sufficient notice should be given to all parties in the time and manner provided by California Rules of Court, Rule 3.1203.

(3) Ex parte applications will be heard only after each party with papers to present has given them to the Court and other counsel who appear, and after both Court and counsel have had adequate time to review them. Therefore, whenever practicable, moving papers should be served on the affected party or that party's attorney by personal delivery, telecopy (fax), express mail, messenger, or similar means before the hearing.

(Rule 3.46(3) renumbered effective 7/1/25)

(4) Guardian ad litem. Requests in cases of Unlimited Jurisdiction, for appointment of a Guardian ad litem should normally not seek appointment of a person that has a claim arising from the same event or conduct. The proposed appointee normally should not be a person that has a possible adverse or conflicting interest with that of the minor.

(Rule 3.47(4) r renumbered effective 7/1/25)

(Rule 3.46 renumbered effective 7/1/25)

Rule 3.47. Original Orders to Show Cause

When an Order to Show Cause has been signed, the original shall be filed immediately in the Clerk's Office and service shall be effected by a certified copy, for which no charge shall be made.

(Rule 3.47 renumbered effective 7/1/25)

Rule 3.48. Continuances

Requests for continuance of Law and Motion matters may be by written motion or stipulation. Moving papers must be filed and submitted by 12:00 noon of the court day before the scheduled hearing.

(Rule 3.48 renumbered effective 7/1/25)

Rule 3.49. Calendar Matters Heard in Law and Motion Department

All motions to consolidate cases, bifurcate issues of liability or other issues, such as statute of limitations or other special defense, or sever consolidated cases or causes of action for trial may be heard in Law and Motion, or may be reserved for the trial department. Motions to consolidate must be noticed for hearing in the department which is assigned to the lowest numbered case of those cases proposed for consolidation.

(Rule 3.49 renumbered effective 7/1/25)

Rule 3.50. Name Change Applications

(1) Name change applications are submitted on the Petition for Change of Name (Judicial Council Form NC-100) and Attachment to Petition for Change of Name (Judicial Council Forms NC-110).

(2) The petition must be presented personally by the applicant to the clerk at the Probate window in the Civil Division's Clerk's Office and shall be accompanied by the following:

(Rule 3.50(2) renumbered effective 7/1/25)

(A) A completed Order to Show Cause for Change of Name (Judicial Council Form NC-120) that will be signed by the judge.

(B) Photographic proof of identification (California Driver's License or ID, or similar).

(C) Proof of residency in Contra Costa County (e.g. recent utility bill or tax bill); and

(D) For minors, a birth certificate.

(Rule 3.50 renumbered effective 7/1/25)

Rule 3.51. Motions

(a) Proof of Service

Unless otherwise ordered, all returns of Proof of Service of Notice of Motions and Orders to Show Cause shall be filed in the Clerk's Office not less than two (2) calendar days preceding the time set for hearings.

(Rule 3.51(a) renumbered effective 7/1/25)

(b) Failure to appear

Failure of counsel to appear at the time set in the department to which the matter is assigned, unless excused by the judge, shall be deemed cause for placing such matter off calendar, for proceeding to hear the matter in the absence of counsel, or for assessment of costs and sanctions as the Court in its discretion may determine.

(Rule 3.51(b) renumbered effective 7/1/25)

(c) Motions after trial

All motions after trial until judgment is final shall be heard before the judge who presided over the trial, unless such judge is absent, unavailable or unable to act, in which case the Presiding Judge shall assign an alternate judge; this includes such matters as motions to reopen, motions for new trial, motions for judgment notwithstanding a verdict and hearings on statements of decision.

(Rule 3.51(c) renumbered effective 7/1/25)

(d) Papers on file

All supporting affidavits, declarations, memoranda of points and authorities, and similar documents shall be attached to the notice of motion, or order to show cause, or other moving papers, when filed. Failure to comply with this requirement shall be deemed cause for taking the matter off calendar. All responsive and opposing documents shall be filed by respondents at least five (5) court days before the day set for hearing. Failure to comply with this requirement shall be deemed cause for acting on the matter without the consideration of documents not so filed. The application of this rule shall not apply to responsive and opposing documents where the moving party has obtained an order shortening time for hearing. This rule shall not be applicable where other time limits are required or provided by law, as in Code of Civil Procedure Section 659a.

(Rule 3.51(d) renumbered effective 7/1/25)

(Rule 3.51 renumbered effective 7/1/25)

Rule 3.52. Uncontested Calendars

(a) Request for hearing

Applications for Default Prove Up Hearings, Minor's Compromises, Adoptions and other uncontested matters requiring hearing shall be made in writing to the Clerk of the Court not less than five (5) calendar days before the hearing.

(Rule 3.52(a) renumbered effective 7/1/25)

(b) Completion of file

No hearing will be set on an uncontested matter until all requisite pleadings and documents have been filed and the clerk has entered the default, unless it is a matter

requiring court entry of default, in which case the Return of Service must be filed before the request for hearing.

(Rule 3.52(b) renumbered effective 7/1/25)

(Rule 3.52 renumbered effective 7/1/25)

Rule 3.53. Written Orders

(a) Preparation of order

Whenever a Judge rules upon a motion, order to show cause, or similar matter, and the matter is uncontested, within ten (10) calendar days, a written order shall be prepared, presented to the Judge for signature, and filed. In any contested matter, where opposing counsel appears, a written order shall be prepared and served by the prevailing party and reviewed by the opposing party, in accordance with California Rules of Court, Rule 3.1312. The order shall be prepared whether or not specifically requested by the Court.

(Rule 3.53(a) renumbered effective 7/1/25)

(b) Judge's signature

Counsel shall not approach the bench for the purpose of obtaining a Judge's signature, during a hearing or trial; documents requiring a Judge's signature shall be presented during recess or given to the Bailiff while the Judge is on the bench.

(Rule 3.53(b) renumbered effective 7/1/25)

(c) Subsequent applications for orders

When an application for an order has been made to the Court or a Judge and has been refused in whole or in part, any subsequent application for the same character of relief, although made upon an alleged different state of facts, shall be made before the Judge making the original order in the case, unless the Judge is absent or unable to act, or shall request the Judge of another department to entertain such application; in all such instances, a full disclosure shall be made to such Judge of any and all such prior applications. See Code of Civil Procedure Section 1008.

(Rule 3.53(c) renumbered effective 7/1/25)

(Rule 3.53 renumbered effective 7/1/25)

Rule 3.54. Number of Attorneys Examining a Witness

Except by stipulation of opposing counsel or by express permission of the Court, only one lawyer representing the same party may examine or cross-examine a witness.

(Rule 3.54 renumbered effective 7/1/25)

Chapter 3. Receivers

Rule 3.80. Receivers

Appointment of receivers:

(1) In proper cases for the appointment of a receiver or a commissioner, and the Court determines that the appointment of an independent third party is unnecessary and no active management is necessary, court clerks may be appointed to such a position.

(2) Court clerks may not be appointed as a receiver or commissioner by stipulation of counsel.

(3) Attention is invited to California Rules of Court, 3.1175-3.1184 for provisions relating to appointment of receivers.

(Rule 3.80 revised effective 1/1/16)

Chapter 4. Elisors

Rule 3.90. Elisors

For rules and procedure regarding the appointment of an elisor, please refer to Local Rule 5.12.

(Rule 3.90 new effective 1/1/18)

Chapter 5. Settlements and Settlement Conferences (Not Applicable To Family Law and Probate Matters)

Rule 3.100. Settlements

Whenever a civil case has settled, counsel shall immediately notify the Court in writing. If a hearing, conference, or trial is imminent, notice must be given orally to the assigned department followed by a confirmation in writing. The writing must specify when all closing papers will be filed with the Court. If a case settles within five (5) calendar days of the trial date, counsel shall have on file a dismissal, stipulated judgment, or conditional settlement or make an appearance at the time and place designated for trial to place the settlement terms on the record. If a case settles before that time, counsel shall:

(1) Immediately give written notice to the Court, and;

(2) File a request for dismissal, stipulated judgment, or conditional settlement within forty-five (45) calendar days of the written notice of settlement.

If a request for dismissal, stipulated judgment, or conditional settlement is not filed within forty-five (45) calendar days, an Order to Show Cause shall issue as to why sanctions should not be imposed. Responsive papers to the Order to Show Cause must be filed five (5) court days in advance of the hearing. See California Rules of Court, Rule 3.1385.

(Rule 3.100(2) revised effective 1/1/16)

(Rule 3.100 revised effective 1/1/16)

Rule 3.101. Settlement Conferences

On the Court's own motion, all cases, other than short causes, may be calendared for mandatory settlement conferences, upon written or oral notice to all parties involved. At this conference, all parties shall:

(1) Have endorsed by the Clerk of the Court and served on all parties five (5) court days before the conference, a written statement of the facts, law and respective contentions of the parties to prove or disprove the right of recovery, items and amount of special damages, nature and extent of injuries incurred and claimed residuals documented by medical report when possible, any wage loss claim showing methods of computation, and any claim for future medical expenses and earnings loss;

(2) Have in attendance all principals or clients. Claims representatives shall be in attendance, unless excused in writing, by the Presiding Judge before the Settlement Conference;

(3) Be prepared to make a bona fide offer of settlement; and

(4) Participate in good faith in the settlement conference. Failure by any such person or entity to file the required written statements, to prepare for, appear at, or participate in a settlement conference, unless good cause is shown for any such failure, may be considered as an unlawful interference with the proceedings of the court and the Court may impose appropriate sanctions including, but not limited to, costs, actual expenses and counsel fees; and further, the Court may vacate the trial date, or order the case to proceed to trial on the date assigned.

(Rule 3.101(4) revised effective 1/1/08)

(Rule 3.101 revised effective 1/1/16)

Rule 3.102. Special Needs Trusts

Proposed orders for the placing of the proceeds of a court judgment or settlement into a special needs trust must provide a place for the Court to assign a date in the Probate Department for the first annual review of the operation of the trust. A review date will be assigned in all cases of the approval of such a trust.

(Rule 3.102 revised effective 1/1/15)

Rule 3.103. Special Bench Bar Settlement Conferences (BBSC)

Specialized BBSC settlement proceedings may be held at such times as are designated by the Presiding Judge.

(Rule 3.103 revised effective 1/1/15)

Chapter 6. ADR

(Not Applicable to Family Law Matters and Probate Matters)

Rule 3.200. Alternative Dispute Resolution Programs

(a) Availability of Alternative Dispute Resolution (ADR) Programs

Judges in the Contra Costa County Superior Court encourage parties involved in lawsuits to use ADR to resolve their disputes without trial. The Court offers several ADR Programs in general civil and probate cases. The Court also provides mediation services in juvenile dependency and child custody and visitation cases and collaborates with community ADR providers to offer mediation in small claims, guardianship, civil harassment, and unlawful detainer cases.

(b) Application of these rules

These rules apply to all court–administered ADR Programs except Child Custody Recommending Counseling (mediation) sessions available from family court services (which is governed separately by the California Family Code, related rules of court, and case law), community mediation services (provided in some small claims, civil harassment, guardianship, juvenile dependency, and unlawful detainer cases), and assignment of temporary judges to hear regular court calendars.

(c) Duty to meet and confer

In the event parties to a civil action agree to use ADR before their first Case Management Conference, they are encouraged to use the appropriate local court form:

(1) CV-655b – Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Unlimited Jurisdiction Civil Cases)

(2) CV-659d – Stipulation to Attend ADR and Delay First Case Management Conference 90 Days (Limited Jurisdiction Civil Cases)

(d) Voluntary participation

Participation in any of the Court's ADR Programs is strongly encouraged and voluntary unless otherwise provided by law, Judge or Local Rule. Parties may choose an ADR option on the Case Management Form (Judicial Council Form CM-110), or by filing one of two local court forms included in the plaintiff's packet:

(1) (For Limited Jurisdiction cases) - a Stipulation to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-659d), or

(2) (For Unlimited Jurisdiction cases) – a Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b).

Parties may also agree (stipulate) orally or in writing to use ADR at any time.

(e) Opening an ADR case

To open a civil or probate ADR case, parties must contact the ADR Program's Office. Once a case is opened, the parties will receive a list of panel members with expertise in their type of case. The parties must make their own decision about whether a panel

member has the needed expertise, and can help the parties to complete ADR before the Court deadline. All parties must agree on the panel member who will handle the ADR portion of their court case. Parties with child custody and visitation, guardianship, juvenile dependency, small claims, civil harassment and unlawful detainer cases will get separate instructions from the judge assigned to hear their case.

(f) Standard ADR case management timelines

Unless the judge makes different arrangements to accommodate circumstances in individual cases, parties can expect that they must choose their mediator, arbitrator, or neutral case evaluator within fourteen (14) calendar days of the matter being referred to ADR. The Court and ADR Department will tell the parties how long they have to finish ADR.

ADR sessions may be scheduled at the parties' and panel members' convenience, as long as they meet the court–ordered ADR completion deadlines.

(g) Blending or changing ADR processes

The Court allows parties to engage in more than one ADR process over the life of their case, as well as to change between most ADR processes only if:

(1) All parties notify both the Judicial and ADR Department as soon as is practicable of their intent to change processes.

(2) All parties and the ADR panel member ensure there are clear distinctions made and an agreement signed regarding which ADR processes and associated rules apply to their discussions, court deadlines, and work product.

(h) Changing or abandoning ADR

Some ADR processes are confidential (private) and others are not. Once the Court has made an ADR order, the parties must have permission from the judge to change the ADR process, or to cancel ADR altogether.

(i) ADR panel member requirements

All ADR panel members must meet the training, education, and experience requirements for the mediation, arbitration, neutral case evaluation, and settlement mentor panels. People interested in serving on the Court's ADR panel must complete and update their panel member information as changes occur. If selected to serve on a particular case, panel members must complete and submit all forms and follow all of the Court's Ethical and Practice Standards listed in section seven of these rules.

(j) Complaints

ADR Program participants are encouraged to discuss any concerns they have about the ADR process or a panel member's conduct with the panel member first. Consistent with California Rules of Court, Rule 3.865, the Court will address party complaints as follows:

(1) The party must make a written complaint to the ADR Program Director.

(2) If the ADR Program Director cannot resolve the complaint informally, the written complaint will be forwarded to the Presiding Judge or, at the Presiding Judge's discretion the Supervising Civil Judge. The panel member must answer the complaint in writing, and a copy of that answer will be given to the person or people making the complaint.

(3) If the complaint remains unresolved,the Presiding Judge or Supervising Civil Judge and ADR Program Director will convene a review panel to consider the complaint. If the Supervising Judge finds the complaint to be valid, he/she may reprimand the panel member, suspend the panel member until he/she has completed additional training, or remove the panel member from one or all of the Court's ADR Program panels.

(k) Service of ADR member

Service as an ADR panel member, and the appearance of a panel member's name on panel lists is at the sole discretion of the Supervising Civil Judge and/or his or her designee. Panel members' services can be terminated without cause, reason, or notice at any time. The Court is under no obligation to use any panel member's services now or in the future.

(l) Panel member evaluation

The Court will periodically evaluate each panel member's performance. In the event performance issues are identified, the Court may:

(1) Contact the panel member informally or formally to address and resolve any identified issues;

(2) Suggest or require the panel member to attend additional training, or establish a mentoring relationship with an experienced practitioner;

(3) Issue a formal or information reprimand, suspend the panel member, or remove him or her from the panel.

(Rule 3.200 revised effective 1/1/25)

Rule 3.201. Mediation

(a) Mediation

Mediation allows people to focus on the issues at the heart of their dispute. Mediation conferences are informal. Most mediators start out talking with all the parties together. Later, the mediator may meet with each party separately. Mediators often ask each party to list the issues in dispute, and to offer their ideas for settlement. People often discuss and exchange documents or other information before or during mediation, but do not present evidence as they would in court. Mediators have different ways of handling the mediation process. For example, some mediators are more evaluative and are willing to tell the parties what they think a case is worth or how they think the case might turn out if it went to trial. Other mediators are more facilitative and tend to focus on helping the parties

to negotiate and reach agreements of their own design. Parties are free to decide which mediation style they prefer. No matter what approach a mediator takes, he or she is not the decision maker. Agreements can only be reached if all the mediating parties accept the proposed solution.

(b) Mediator selection

All mediating parties must agree on a mediator and complete a Selection of ADR Panel Member (Local Court Form ADR-201) by the selection deadline provided by the ADR Program Coordinator unless the judge sets a different selection deadline. Parties must forward the Selection form to the ADR Program's Office. If the parties cannot agree on a mediator, the Court or ADR Department may appoint one. Once a mediator has been chosen, the ADR Programs Office will then file and serve a Notice of Assignment on all parties and the Mediator.

(c) Mediator qualifications

Although most of the Court's mediators are also attorneys, some panel members are professionals and experts from other fields such as: accounting, business, construction, finance, psychology, and real estate.

(1) Mediators appointed to the panel after January 1, 2006 must:

(A) Have completed an initial 40-hour comprehensive mediation training program that encompasses commonly recognized mediation principles and practices including: confidentiality, voluntary participation, communicating clearly, listening effectively, facilitating communication among all participants, promoting exploration of mutually acceptable settlement options, and conducting oneself in a neutral manner;

(B) Have mediated five (5) cases or co-mediated at least ten (10) cases. Each mediation counted for this purpose must have lasted two or more hours; and

(C) Be familiar with ethical standards as adopted by state and national professional organizations, and with the Uniform Mediation Act.

(2) Alternative qualifications:

A person who does not meet all of the requirements of (c)(1)(a) and (c)(1)(b) may still qualify to be a mediator for the Court if he/she provides the Court ADR Committee or its designee with satisfactory evidence of sufficient alternative education, training, skills and experience. Acceptance of alternative qualifications is at the discretion of the Court ADR Committee and/or its designee. The Court is under no obligation to accept alternative qualifications.

(3) All mediation panel members must:

(A) Attend at least four (4) hours of continuing education or training related to the practice of mediation every three years. At least 2 hour(s) of education

or training must address ethics, fairness, and bias issues in the mediation context. At least 1 hour of that education or training must address practice and ethical issues that arise when parties are not represented by an attorney.

(B) Certify that they meet the requirements of this rule every three years following their appointment as a mediator to the Court ADR panel.

(C) Agree to abide by the ethical principles established by California Rules of Court, Rules 3.850 et seq. and comply with the competence standards established by California Rules of Court, Rule 3.856.

(d) Mediation fees

The Court's mediation panel members shall not charge fees for the first 30 minutes of case scheduling and preparation time, or for the first two hours of mediation conference time. If more time is needed, the parties must pay that mediator's hourly fee for the time used. Parties who have had their court filing fees waived (cancelled), may ask the ADR Programs Department to contact the mediator and find out if that party's mediation fees may also be waived. Parties are encouraged to have a written agreement with the panel member regarding fees and the management of their ADR case.

(e) Attendance at mediation

Unless excused by the assigned judge before mediation starts, all trial lawyers, principals, clients, claims representatives, and other appropriate decision–makers must attend mediation in person. Telephone standby is not allowed unless approved by the assigned judge before mediation starts.

(f) Confidentiality

Court–connected mediations are confidential (private) per California Evidence Code Sections 1115–1128. The mediator cannot be called to testify in court about what happened or what was said in mediation. Except as otherwise provided by law or these rules, court staff, the mediator, all parties, all attorneys, and any other people facilitating or participating in the mediation process must treat all written and oral communications made in or during mediation, as confidential. The only exceptions to confidentiality in mediation are:

(1) The law or any other mandate requires the information to be reported; or

(2) The ADR panel member thinks there might be a danger of serious physical harm either to a party or to another person.

(g) Mediation statements

Parties must prepare and give information about their case to the mediator and other parties at least five (5) court days before the mediation hearing. Mediation statements must not be longer than five (5) pages and must contain the following information:

(1) The name and title (or relationship to the case) of all people who will attend mediation;

(2) A list of people connected with other parties who, if present at mediation, might improve the chances of settlement;

(3) A brief statement of the important issues, and the party's views on liability and damages;

(4) A list of legal or factual issues that, if narrowed or resolved early, would promote settlement;

(5) A brief description of the history and status of any settlement negotiations; and

(6) Copies of any court or other documents that will help the mediator understand the issues in dispute.

(h) Mediator's report

The mediator must forward a copy of the completed Mediator's Report (Local Court Form ADR-305) to the ADR Program's Office, counsel, and all self-represented parties. This form is available online at https://www.cc-courts.org/civil/alternative-dispute-resolution.aspx.

(i) Blending or changing ADR processes

The Court allows parties to engage in more than one ADR process over the life of their case as well as to change between most ADR processes only if:

(1) All parties notify both the judicial and ADR Department as soon as is practicable of their intent to change processes, and

(2) The parties and the ADR panel member must ensure there are clear distinctions made and an agreement signed regarding which ADR processes and associated rules apply to their discussions, court deadlines, and work product.

(Rule 3.201 revised effective 1/1/25)

Rule 3.202. Judicial Arbitration

(a) Judicial Arbitration

Judicial Arbitration is less formal than a court hearing. It allows the parties under oath, to present their case, offer witness testimony, and get a decision. California Code of Civil Procedure section 1141.10 et seq. allows the Court to require all cases where the amount in dispute is $50,000 or less to be submitted either to judicial arbitration or to mediation if the judge finds it to be appropriate in a particular case. Cases may also go to judicial arbitration if the person who made the complaint agrees to limit his or her recovery to $50,000, or if the parties all agree to use arbitration. The award (arbitrator's decision) must be filed with the Court within ten (10) calendar days of the last hearing. If either party disagrees with the arbitration award, he or she may ask the Court to review the case by

filing a request for a new court hearing (called a Trial De Novo). The arbitration award becomes a court order unless one of the parties files for a Trial De Novo within sixty (60) calendar days or another time limit set by the judge.

(b) Arbitrator selection

All parties must agree on an arbitrator and complete a Selection of ADR Panel Member (Local Court Form ADR-201) by the selection deadline provided by the ADR Program Coordinator , unless the judge sets a different selection deadline. Parties must forward this form to the ADR Program's Office. If the parties cannot agree on an arbitrator, the assigned judge may appoint one. The ADR Program's Office will then file and serve on all parties and the Arbitrator a "Notice of Assignment."

(c) Arbitrator qualifications

Arbitrators must be licensed California attorneys and have an oath of office on file with the ADR Program's Office unless the parties jointly agree by stipulation to appoint an arbitrator with other qualifications.

(d) Arbitration fees

Under California Code of Civil Procedure Section 1141.18, arbitrators in judicial arbitration cases are paid $150 per case or $150 per day if the arbitration takes more than one day. All of the arbitrators on the Court's panel have agreed either to donate their services, or to be paid by the parties at the rate described in this section.

(e) Attendance at arbitration

As long as all trial attorneys, parties, and other people needed to present the case and answer the arbitrator's questions are included, the parties may choose who will attend arbitration.

(f) Arbitration statements

Parties must prepare and give information about their case to the judicial arbitrator and other parties at least five (5) court days before the arbitration hearing. This information must not be longer than five (5) pages and must include:

(1) The name and title (or relationship to the case) of all people who will attend arbitration;

(2) A brief statement of the legal and factual issues in the case, and the party's views on liability and damages; and

(3) Copies of any documents that will help the arbitrator understand the issues in dispute.

(g) Blending or changing ADR processes

The Court allows parties to engage in more than one ADR process over the life of their case, as well as to convert most ADR processes only if:

(1) All parties notify both the Judicial and ADR Department as soon as is practicable of their intent to change processes, and

(2) The parties and the ADR panel member ensure there are clear distinctions made and an agreement signed regarding which ADR processes and associated rules apply to their discussions, court deadlines, and work product.

(Rule 3.202 revised effective 1/1/25)

Rule 3.203. Settlement Mentors

(a) Settlement Mentor conferences

The assigned judge may refer, or the parties may ask for a conference with a settlement mentor either on the morning of trial, or earlier in the case. These informal conferences usually last about two hours. These processes are not the same as mediation, and are **not confidential** per Evidence Code Sections 1115-1128. Parties meet with an attorney who has significant litigation experience with similar cases (called a settlement mentor) to review the issues, analyze the case, and consider settlement recommendations. The parties do not present evidence, and witnesses are not called. Although information may be shared with the settlement mentor and not shared with the other party, **any information given to the settlement mentor may be shared with the judge**. When appropriate, the settlement mentor may involve the judge in the settlement discussions.

(b) Selection of Settlement Mentors

Settlement mentors are assigned by the ADR Program's Department based on their stated areas of expertise, and in consultation with the assigned judge.

(c) Settlement Mentor qualifications

Settlement mentors are attorneys who have background experience in the issues involved in the case.

(d) Settlement Mentor fees

Settlement mentors may not charge any fees for their services unless the parties agree to continue settlement discussions with the settlement mentor at his/her usual fee.

(Rule 3.203(d) revised effective 1/1/17)

(e) Attendance at the Settlement Mentor conference

All trial attorneys, principals, clients, claims representatives, and other decision makers must attend the settlement mentor conference. Telephone standby is not allowed unless approved by the assigned judge before the conference begins.

(f) Confidentiality

Although information given during the settlement mentor conference may be shared with the judge, everyone attending (including court staff, the settlement mentor, all parties and

all attorneys), must treat all written and oral communications made in or during the settlement conference as confidential.

When the judge will not be trier of fact, the mentor may report to the judge the settlement positions of the parties to help the parties reach an agreement.

(g) Blending, changing, or converting ADR processes

Although the Court allows parties to engage in more than one ADR process over the life of their case, they may not convert settlement mentor conferences into any other ADR process unless they have first asked for and received permission from the Judge scheduled to hear that case.

(Rule 3.203 revised effective 1/1/17)

Rule 3.204. Neutral Case Evaluation

(a) Neutral Case Evaluation

This program allows litigants and their lawyers to meet with an experienced trial attorney to get an independent opinion about their case, and about likely outcomes if their case were to go to trial (to the extent this is possible in a jury trial system). Evaluators can also help the parties develop a cost–effective plan for exchanging information (or managing discovery) and handling their cases. While commercial, business, real estate, personal injury, and contract matters often benefit from this program; any case might gain from this process if there are only two or three parties, and if there are more than just legal questions to resolve. Because this program does not involve negotiation or other settlement discussions, some parties use the evaluator's recommendations to negotiate their own agreement. Others choose another ADR Program (such as mediation or arbitration) to settle their cases.

(b) Selection and assignment of Neutral Case Evaluators

All parties must agree on an evaluator and complete a Selection of ADR Panel Member (Local Court Form ADR-201) by the selection deadline provided by the ADR Program Coordinator, unless the judge sets a different selection deadline. Parties must forward this form to the ADR Program's Office. If the parties cannot agree on an evaluator, the assigned judge may appoint one. The ADR Program's Office will then file and serve a Notice of Assignment on all parties and the evaluator.

(c) Neutral Case Evaluator qualifications

Evaluators are attorneys who have significant litigation experience and background in the issues involved in the case.

(d) Neutral Case Evaluation fees

The Court's neutral case evaluators shall not charge fees for the first 30 minutes of case scheduling and preparation time, or for the first two hours of evaluation conference time. If more time is needed, the parties must pay that evaluator's hourly fee for the time used.

Parties who have had their court filing fees cancelled (waived), may ask whether the neutral case evaluator is willing to waive that party's fees. Parties are encouraged to have a written agreement with the panel member regarding fees and the management of their ADR case.

(e) Attendance at the Neutral Case Evaluation Conference

All trial lawyers, principals, clients, claims representatives, and other decision–makers shall attend the evaluation conference. Telephone standby is not permitted unless approved in advance by the assigned judge.

(f) Admissibility of Neutral Case Evaluation findings

Neutral case evaluation is not confidential unless the parties and evaluator agree otherwise, and sign an agreement to that effect.

(g) Neutral Case Evaluation statements

Parties must prepare and give information about their case to the neutral case evaluator and other parties at least five (5) court days before the evaluation hearing. This information must not be longer than five (5) pages and must include:

(1) The name and title (or relationship to the case) of all people who will attend the neutral case evaluation conference;

(2) A brief statement of the important issues in the case, and the party's views on liability and damages;

(3) The legal or factual issues to be resolved; and,

(4) Copies of any court or other documents that will help the evaluator understand the issues in dispute.

(h) Blending or changing ADR processes

The Court allows parties to engage in more than one ADR process over the life of their case, as well as to convert most ADR processes only if:

(1) All parties notify both the judicial and ADR Department as soon as practicable of their intent to change processes, and

(2) The parties and the ADR panel member ensure there are clear distinctions made and an agreement signed regarding which ADR processes and associated rules apply to their discussions, court deadlines, and work product.

(Rule 3.204 revised effective 1/1/25)

Rule 3.205. Temporary Judge Trial - Civil Division

Applicable to Civil Cases
(not including juvenile or family law cases)

(a) Temporary Judge trials

Some parties with civil cases want to choose when their case will be tried, and so will agree to have the Court appoint a temporary judge to hear their case. (This is permitted by Article 6, Section 21 of the State Constitution and Rule 2.831 of the California Rules of Court.) Except for appeals in small claims cases (may also be heard by temporary judges), or court appearances where a temporary judge has been appointed to call a particular calendar, these trials are held at a time and location that is convenient for the parties and the temporary judge. Temporary judges have nearly the same authority as a superior court judge. Except for small claims appeal cases or times when the Court appoints a temporary judge to call a particular calendar, parties choose the temporary judge from a list maintained by the ADR Program's Office. Temporary judge trials are handled in the same way as other civil trials, except that the trial may not take more than five (5) court days, there is no option for a jury trial, and the temporary judge might not have assistance from a court clerk or other support staff. If the case involves a litigant who has been granted a fee waiver under Government Code section 68631 et seq. and is a limited civil matter, the Court will provide electronic recording of the trial, provided the parties stipulate that the trial is to occur in a courtroom equipped with the necessary equipment and at a time where the courtroom is otherwise available. If the case involves a litigant who has been granted a fee waiver under Government Code section 68631 et seq. and is an unlimited civil matter, the Court will provide a court reporter, provided the parties stipulate that the trial is to occur at a place and time convenient for the Court to provide a reporter. Any party or parties who have not been granted a fee waiver must pay the applicable court reporter's attendance fee pursuant to Government Code sections 68086(a)(1)(A) or (B). The parties in a temporary judge trial can appeal the temporary judge's decision in the same way as following a trial by an assigned sitting judge. Whenever possible, each party must also:

(1) Pre–mark all exhibits; and

(2) Give the temporary judge an exhibit list, witness list, and opening statement.

(Rule 3.205(a) revised effective 1/1/19)

(b) Qualification of Temporary Judges

Consistent with California Rules of Court, Rules 2.810 et seq. all attorneys who act as temporary judges must have been active members of the State Bar for a minimum of ten (10) years, must be active members of the State Bar at the time of appointment, must meet the initial and ongoing training requirements established by California Rules of Court, 2.812 – 15 and established court policy, and must not be the subject of any pending State Bar disciplinary proceeding. Further, all attorneys who act as temporary judges must certify that he/she has not pled guilty or no contest to a felony, or has not been convicted of a felony that has not been reversed. Retired judges need not be active members of the bar as long as they are in compliance with all requirements of the assigned judge's rules and obligations as established by the Judicial Council of California. Retired commissioners must be active members in good standing with the State Bar of California, but are exempt

from the requirement to have been active with the State Bar and free of any State Bar discipline for ten (10) years before their service as a temporary judge.

(Rule 3.205 revised effective 1/1/19)

Rule 3.206. Ethical and Practice Standards for ADR Panel Members

(a) General responsibilities

People serving on the Court's ADR Panel must be familiar with and follow all state or federal laws, California Rules of Court, Local Court Rules, and relevant professional or ADR–specific standards of practice. Further, panel members have a duty to the parties, the Court and themselves to be honest and diligent, to act in good faith, and to not advance their own interests at the parties' expense.

ADR panel members must be reasonably available to schedule ADR conferences, and must make an effort to expedite the ADR process.

(b) Neutrality

ADR panel members must be neutral and act fairly in dealing with the parties. In these rules, neutrality is defined as "freedom from favoritism or bias by appearance, word, or action, and a commitment to serve all parties as opposed to a single party." Further, the mediator may not have a personal interest in the case, and cannot show bias toward individuals and institutions involved in the dispute.

(c) Conflict of interest – definition

Conflicts of interest include (but are not limited to) personal or professional relationships with a party such as: legal representation by the panel member or his or her law firm; representation in business, real property, tax preparation, or other transactions; and, service as a consultant, advisor, therapist, or other expert. All parties should ask panel members whether there would be a conflict of interest if he or she accepted the case. All panel members must disclose any personal or professional relationships that might create a conflict of interest before accepting a case assignment. If there is an actual or perceived conflict of interest, the parties may jointly decide to continue working with that panel member, or contact the ADR Program's Office to choose another panel member.

(d) Conflict of interest – duty to disclose

Per California Rules of Court, Rule 3.855, panel members have an ongoing duty to disclose actual or potential conflicts of interest. Panel members must disclose personal or professional relationships with a party, including but not limited to, legal representation by the panel member or his or her law firm representation in business, real property, tax preparation, or other transactions and service as a consultant, advisor, therapist, or other expert. If there is an actual or perceived conflict of interest, the parties may jointly decide

to keep working with that panel member, or contact the ADR Program's Office to choose another panel member.

(e) Solicitation by panel members

Panel members must accurately state their qualifications, and must not make misleading claims about any ADR process, its costs and benefits, or its outcome. Panel members must not ask for or accept business from an ADR participant (either as a neutral, consultant, or representative in any other professional capacity) while that ADR proceeding is pending.

(f) Confidentiality

Except as otherwise provided, panel members must treat all written and oral communications made in or during an ADR process as confidential to the extent provided by the California Evidence Code and relevant case law.

(g) Role of the panel member in settlement

Panel members should help the parties to discuss the issues in dispute, and to carefully consider any proposed settlement options. Further, the panel member must try to identify and limit inappropriate pressures to settle the case. In order to protect the neutrality of his or her role, the panel member may find it advisable, for example, to encourage parties to seek independent advice from legal or other professionals.

(h) Unrepresented interests

Panel members must consider the possibility that people not attending an ADR conference may be affected by the results. The panel member has a duty to encourage the parties to fully consider such interests when in his or her judgment is appropriate to do so.

(i) Informed consent

Panel members have an ongoing duty to ensure that all parties understand the process and procedures associated with their ADR case. Further, the panel member must make every effort to ensure that the parties understand the panel member's role, and the limits to that role, in managing the ADR process, getting expert advice, and making decisions. Panel members should always have written agreements with the parties in a particular case regarding hourly fees and the management of the ADR case.

(j) Knowledge of ADR process

A panel member must only accept responsibility for delivering ADR services when reasonably certain that he or she has sufficient knowledge, training, or other expertise to administer that process appropriately, and in a way that helps the parties to participate effectively.

(k) Pro bono contributions and fees for service

Panel members must follow the Court's policies regarding ADR services that will be provided at no cost to the parties, and ADR services that may be compensated at the

panel member's normal rate. Panel members must prepare billing or invoice statements to the parties that clearly state the purpose for all fees, and reflect the required pro bono service contribution. Specifically:

(1) Panel members will provide their services at no cost to the parties or the Court when serving as a settlement mentor or as a temporary judge.

(2) Panel members will limit their fees for judicial arbitration to $150 per day or per case, and will look to the parties for payment of these fees.

(3) Panel members will provide the first thirty minutes of case preparation and scheduling, and the first two hours of mediation and neutral case evaluation conference time at no charge. If the parties request additional time, or additional time is required to provide the requested mediation or evaluation services, the panel member may, with the parties' agreement, charge their normal rates for actual time spent.

(l) Advance deposits for Mediation or Neutral Case Evaluation services

Mediators and evaluators may require the parties to pay a deposit against anticipated mediation or evaluation fees. If the panel member requests a deposit against anticipated fees, he or she may only charge the parties for actual time spent or services provided, and refund any balance due. Mediators and evaluators may not require parties to pay a non-refundable fee for a "minimum" number of mediation or evaluation hours.

(m) Complete and return all ADR forms

Panel members must complete and return, as appropriate, all local and state forms as directed by the Court or the ADR Program's Office.

(Rule 3.206 revised effective 1/1/16)

Chapter 7. Discovery Motions and the Optional Discovery Facilitator Program

Rule 3.300. Optional Discovery Facilitator Program

In an attempt to avoid protracted, costly and unnecessary discovery disputes, Civil and Probate Departments listed on the Court's website provide the option for parties to participate in the Discovery Facilitator Program ("Program") before filing motions in Court to compel discovery or motions for a discovery-related protective order, except as set forth below, or unless the Court specifically orders otherwise. This includes motions pursuant to CCP Section 1987.1.

Cases exempt from the Discovery Facilitator Program

The following discovery disputes are not subject to the Program:

(a) Cases in which there has been no response to discovery requests. Motions to compel under Code of Civil Procedure, Sections 2030.290(b) or 2031.300(b) shall be filed directly with the Court. .

(b) Cases in which trial is less than sixty (60) days away.

(c) Motions necessitated solely by a third party's refusal to comply with a subpoena.

(d) Those disputes specifically exempted by the trial judge.

(Rule 3.300 revised effective 1/1/24)

Rule 3.301. Discovery Motions and the Discovery Facilitator Program

(a) Optional referral to Discovery Facilitator Program

(1) Parties to a Discovery Motion who wish to use the Program must first complete: 1) a Stipulation to Participate in Discovery Facilitator Program and Toll Related Filing Deadlines (Local Court Form ADR-602); and 2) a Request for Assignment of Discovery Facilitator (Local Court Form ADR-610). Both forms must be submitted to the Alternative Dispute Resolution (ADR) Office of the Contra Costa County Superior Court, either by fax to 925-608-2109, or by email to ADRdiscoveryfacilitator@contracosta.courts.ca.gov.

A copy of the Request for Assignment of Discovery Facilitator shall also be served on all parties to the action.

The Request for Assignment of Discovery Facilitator (Local Court Form ADR-610) shall provide the name and the fax number and email address of the party who intends to file the Discovery Motion, of all other parties against whom the motion will be filed, and of all other parties in the action.

(2) Discovery Facilitators are experienced attorneys who are volunteering their time to assist the Court in resolving these disputes. There is no cost for participation in the Program. The Court does not expect any Discovery Facilitator to spend more than 4 hours on a case. If the Discovery Facilitator estimates that a case may take more than 4 hours, he or she may decline the case by sending a completed "Notice of Termination of Appointment of Discovery Facilitator" (Local Court Form ADR-615) stating that the matter is expected to take longer than 4 hours to the ADR Office.

(3) Cases that are not subject to the Discovery Facilitator Program pursuant to Local Rule 3.301(a)(3) will be set for OSC or a Discovery Conference within sixty (60) days. The Court will preview the issues with the parties, give guidance on alternatives, and encourage meaningful "meet and confer" sessions and discussion of the need to appoint a Discovery Referee. The Court may set a date for hearing on a discovery motion, or impose issue or monetary sanctions, as appropriate.

(b) Discovery Facilitators

(1) The Martinez Civil Clerk's Office shall maintain a list of Discovery Facilitators. Cases shall be assigned to Discovery Facilitators in the order in which they appear on the list.

(2) Before notifying the parties of the assignment of a Discovery Facilitator, the ADR Office shall contact the proposed Discovery Facilitator to confirm availability and willingness to serve.

(3) Within three (3) calendar days of being contacted, the proposed Discovery Facilitator shall perform a conflict of interest check. A Discovery Facilitator shall decline the assignment if he or she knows of facts that would serve as grounds for disqualification under CCP § 170.1 if the Discovery Facilitator were a Judicial Officer. The Discovery Facilitator shall also inform the ADR Office of any disclosures he or she deems appropriate to be forwarded to the parties.

(4) Discovery Facilitators shall have the following minimum requirements: 10 years of experience in Civil or Probate Litigation.

(c) Assignment of Discovery Facilitator

(1) The ADR Office shall serve a Notice of Assignment of Discovery Facilitator (Local Court Form ADR-612) within twenty (20) calendar days of receipt of a Request for Assignment of Discovery Facilitator.

(2) Rejection of Assigned Discovery Facilitator.

(A) Parties to the proposed motion shall have ten (10) calendar days after service of the Notice of Assignment to serve on the ADR Office and the parties in the action a Rejection of Assigned Discovery Facilitator (Local Court Form ADR-617). If the Discovery Facilitator is rejected, a second Discovery Facilitator will be appointed. If any party rejects the second Discovery Facilitator, the ADR Coordinator shall notify the parties that the matter will not proceed in the Program.

(B) If no Rejection of Assigned Discovery Facilitator is served within ten (10) calendar days of service of the original Notice of Assignment of Discovery Facilitator, the Notice of Assignment of Discovery Facilitator is confirmed.

(d) Hearing of discovery dispute

(1) The Discovery Facilitator shall hold a hearing on the discovery dispute no later than thirty (30) days after confirmation of the assignment of the Discovery Facilitator. Parties may stipulate in writing to extend the 30-day deadline or it may be extended by the Facilitator for good cause that supersedes the policy of the Program for expedited resolution.

(2) One of the purposes of this Discovery Facilitator Program is to narrow the number of discovery disputes, should a hearing ever be required before a judicial officer. Another purpose is to allow for informal resolution of discovery disputes at a lower cost to the parties than they would otherwise incur. Therefore, the format of briefing

done for a hearing before a Discovery Facilitator should be brief, practical, and informal. Within these guidelines, the Discovery Facilitator has the discretion to determine the format of briefing required or whether any briefing will be required, and the schedule for service of such briefing. The Discovery Facilitator shall also have discretion to determine the structure of the hearing, including appearances by telephone or video.

(3) If the Discovery Facilitator determines that the hearing cannot be scheduled or completed within thirty (30) days of the date of confirmation of the assignment of the Discovery Facilitator because of conduct of one of the parties, the Discovery Facilitator shall issue a Finding of Non-Compliance, specifying the party and/or attorney responsible. In the event a formal Discovery Motion is subsequently filed, the moving party shall attach a copy of the Finding of Noncompliance to its papers as an exhibit and may submit a brief, factual, non-argumentative recitation of the facts regarding the non-compliance.

(4) The Discovery Facilitator Program is not a mediation program. The Discovery Facilitators are not mediators, and the proceedings under this Program are not subject to mediation confidentiality rules. While the Facilitator may encourage compromises in discussion at or before the hearing in order to narrow or settle disputes, Discovery Facilitators should not simply try to produce a compromise at any cost. In making his or her recommendations, the Discovery Facilitator will give an opinion on the merits of the dispute in a manner that he or she believes is consistent with applicable law.

(5) If the discovery dispute is completely resolved at or before the hearing, the parties will confirm the terms of the resolution in writing, and the appointment of the Discovery Facilitator will terminate automatically, unless the Discovery Facilitator and the parties agree that the Facilitator will continue to serve.

(6) If the discovery dispute is not completely resolved at the hearing, the Discovery Facilitator shall, within ten (10) days of the completion of the hearing, serve a document on the parties entitled “Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator” (Local Court Form ADR-616). The Recommendation may be on the merits of the motion, may be a recommendation that the matter be referred to the assigned judge for decision, may be that the parties are ordered to meet and confer and to provide a report to the Court of the results of such meeting and the matters that remain in dispute, or that a formal Discovery Referee be appointed. The Discovery Facilitator may require the substantially prevailing party to do the initial draft of the recommendations. If so, this initial draft shall not be required to be sent to the opposing party for approval as to form, but rather will be sent directly to the Discovery Facilitator.

(7) The date the Discovery Facilitator serves the “Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator” (Local Court Form ADR-616) shall be the date of termination of the Program for purposes of the tolling agreement of the parties provided in Local Court Form ADR-602. The

motion filing deadline shall be per statute including any tolling period agreed to by the parties. Any moving papers shall include, as the first exhibit, a declaration that the parties have completed the Discovery Facilitator Program and shall attach the Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator as part of the exhibit. To the extent feasible, motions from parties who have completed the Discovery Facilitator process will receive calendar preference over other discovery motions.

(8) If for any reason the Discovery Facilitator fails to serve the Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator, the parties shall notify the ADR Coordinator at ADRdiscoveryfacilitator@contracosta.courts.ca.gov. The ADR Coordinator shall contact the Discovery Facilitator. If for any reason the ADR Coordinator is unable to obtain the Recommendations, the ADR Coordinator shall notify the parties and terminate participation in the Program.

(9) The court will consider the Recommendations of the Discovery Facilitator in deciding the merits of the motion. The purpose of this Discovery Facilitator Program is to facilitate discovery and the resolution of discovery disputes without, or with minimal, court supervision, given current budgetary restraints on the court.

(e) Urgent discovery motions

(1) Parties participating in the Program may present an ex parte application to the Court to shorten all time frames set forth in this Rule upon a showing of good cause.

(f) Compensation of Discovery Facilitators

(1) Recognizing the importance of the principle of maintaining access to justice, and the fact that there is only a nominal fee for filing a Discovery Motion to be heard before a judicial officer, Discovery Facilitators shall serve without any monetary compensation. The parties to the discovery dispute are counseled to bear in mind that the Discovery Facilitators are donating their time and grant them the courtesy and respect the parties would grant to a judicial officer, and minimize the paperwork that they serve on the Discovery Facilitators.

(2) If the parties choose to use the services of the Discovery Facilitator after completion of the assignment, compensation shall be pursuant to agreement of the Facilitator and the parties, which agreement should be confirmed in writing.

(3) The policy of the Program is that a Discovery Facilitator will handle only one assignment per case without compensation. If there is more than one Request for Assignment of Discovery Facilitator in a case, the parties may use the Facilitator for the second assignment if an agreement is reached for compensation of the Facilitator. Otherwise, the second Request for Assignment of Discovery Facilitator will be assigned to a different Discovery Facilitator.

(g) Forms used in Discovery Facilitator Program

Stipulation to Participate in Discovery Facilitator Program and Toll Related Filing Deadlines
Local Court Form ADR-602

Request for Assignment of Discovery Facilitator
Local Court Form ADR-610

Notice of Assignment of Discovery Facilitator
Local Court Form ADR-612

Finding of Non-Compliance
Local Court Form ADR-614

Notice of Termination of Appointment of Discovery Facilitator
Local Court Form ADR-615

Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator
Local Court Form ADR-616

Rejection of Assigned Discovery Facilitator
Local Court Form ADR-617

Notice to Deponent and Deposition Officer of Assignment to Discovery Facilitator Program and Stay of Records Production Date
Local Court Form ADR-618

(Rule 3.301 revised effective 1/1/25)

Title Four. Criminal Rules

Division 1. Criminal

Chapter 1. Criminal Department

Rule 4.01. Electronic Recording in Misdemeanor and Infraction Cases

Pursuant to Government Code section 69957, in misdemeanor and infraction proceedings, the court may, in its sole discretion, utilize electronic recording as a means of generating a verbatim record of proceedings. Court reporters are not ordinarily provided by the court in these cases. Electronic recording may also be used as permitted by the General Order re: Use of Electronic Recording Equipment.

(Rule 4.01 revised effective 1/1/26)

Rule 4.1. Motions

(a) Motions procedures

(1) Length

(A) A memorandum of points and authorities filed in support of or opposition to a motion and produced on a computer must not exceed 4,200 words, including footnotes. Such a memorandum must include a certificate by submitting counsel or an unrepresented party stating the number of words in the memorandum. The person certifying may rely on the word count of the program used to prepare the memorandum.

(B) A memorandum of points and authorities must not exceed 15 pages.

(C) The limitations above do not include the caption of the case, the signature block, the word count certification, or any exhibits.

(D) On application, a judge may authorize filing of a longer memorandum. Except as otherwise ordered, any memorandum submitted in violation of this rule will not be considered.

(2) Consequences for Failure to Comply with Motions rules

(A) The failure to comply with the rules governing motions may result in the imposition of monetary sanctions.

(B) If any motion subject to this rule is not made or heard within the time limits and pursuant to the requirements of this rule, failure to do so shall constitute a waiver of the right to make the motion. The Court, for good cause shown, may grant relief from the waiver.

(C) The failure to file any response within the time limits and pursuant to this rule shall constitute a waiver of the right to make a response, but the Court, for good cause shown, may grant relief from the waiver.

(b) Pre-trial motions.

(1) The following motions shall be filed and heard before trial:

(A) Demurrer to the complaint, indictment or information where the Court authorizes filing after the entry of plea or where a demurrer is filed before entry of plea;

(B) Motion to dismiss complaint, indictment or information (e.g. Penal Code Section 995 or non-statutory motions to dismiss);

(C) Motion under Penal Code Section 1538.5 and other motions to suppress evidence or for return of property unlawfully seized;

(D) Motion for discovery, including discovery relating to informants claimed to be material witnesses;

(E) Motion to compel lineup;

(F) Motion to sever or consolidate cases, counts or defendants, if the parties stipulate that the ruling shall be binding on the trial department;

(G) Any speedy trial motion where grounds exist at the time set herein for notice;

(H) Motion to challenge the jury selection system;

(I) Motion to reinstate complaint;

(J) Motion to strike or attack the constitutional validity of prior convictions, enhancements or probation;

(K) Motion to dismiss or for other relief for vindictive prosecution or outrageous government conduct;

(L) Motion to recuse;

(M) Faretta motion;

(N) Motion to appoint advisory counsel;

(O) Motion to appoint second counsel in capital case;

(P) Motion to disclose surveillance action; and

(Q) Any other motion that does not require for its resolution a ruling on admissibility of evidence at trial or is not otherwise a common law in limine trial motion.

(c) Time and place for notice and hearing of pre-trial motions, and rules for filing and service.

(1) Unless otherwise ordered, all motions and proofs of service shall be filed and served in accordance with the time limitations set forth in California Rules of Court, Rule 4.111 and Penal Code Section 1538.5, and shall be set for hearing in the Criminal Department of the appropriate court.

(2) The Court, for good cause or upon the stipulation of the parties with court approval, may permit motions to be heard at the time of trial.

(3) All pleadings filed in connection with pre-trial motions shall be filed in the courthouse where the case is pending at the time the motion is filed. All pleadings shall be served on opposing counsel in his or her regularly assigned office by the most expeditious means available. If the identity of opposing counsel is not known when the pleading is filed, the following service rules shall apply: (1) if the case is being handled by a special unit, the pleading shall be served on the office of the special unit assigned to the case; (2) in all other cases, the pleading shall be served on the office of the opposing party closest to the courthouse in which the case is pending.

(4) In felony cases, any party filing a pleading in connection with a substantive pre-trial motion shall simultaneously serve the Court's Research Attorneys in accordance with the timeframes set forth in Rule 4.111(a) of the California Rules of Court. Pleadings and exhibits in connection with felony motions shall be served on the Research Attorneys by email at the following address: ratts@contracosta.courts.ca.gov.

(5) If a felony motion is to be continued or dropped from calendar, counsel for the moving party shall promptly notify the Court's Research Attorneys by email and the Research Attorneys will notify the Judge. If the party opposing a motion is unable to file pleadings at least five (5) court days before the time scheduled for the hearing as required by California Rules of Court, Rule 4.111, or as otherwise required by law, counsel shall notify the Court's Research Attorneys by email.

(6) All papers shall contain in the upper right-hand corner of the first page, the filing party's estimate of the overall time required for the hearing of the matter, date and department number of the hearing, and a request for a removal order if a defendant or necessary witness is in custody outside the Contra Costa County Jail.

(d) General procedures for pre-trial motions:

(1) A failure of the moving party to appear when the matter is called may, in the Court's discretion, cause the matter to be ordered off calendar. In the event of an unavoidable schedule conflict, the attorney with the conflict can avoid having the matter dropped by calling the Court and also notifying opposing counsel before the scheduled hearing and reporting the conflict.

(2) A motion that has been duly filed may be dropped from calendar up to forty-eight (48) hours before the appearance date by notifying opposing counsel and the Court. Within forty-eight (48) hours of the date set for hearing, the moving party shall appear unless excused by the Court.

(3) No matters will be continued, even by stipulation of the parties, except with the approval of the Court for good cause shown. Compliance with Penal Code Section 1050 is required unless excused by the Court.

(4)(a) Motions and opposition to such motions shall specifically set forth any evidence, theories of law and authorities relied on in support or opposition to said motions. Checklist or "boilerplate" motions will not be considered and may, in the discretion of the court, cause the matter to be dropped from the calendar.

(4)(b) In addition to the provisions of Rule 4.1(d)(4)(a) motions and oppositions to motions to suppress evidence filed under Penal Code §1538.5 shall be governed by the following additional procedural requirements:

1. The defendant must specify the precise grounds for suppression of the evidence, including the identification both of the evidence for which suppression is sought and of any and all acts and omissions by law enforcement or others that are asserted to constitute a Fourth Amendment violation, briefly but with sufficient precision to put the People on notice regarding what they are called upon to prove and including any claimed inadequacy for any justification for the search and seizure;

2. If the defendant's motion alleges the lack of a warrant as the sole basis for suppression, the People's opposition shall specify the justification for the warrantless search;

3. The defendant may then file a reply specifying the inadequacies of the justification. Any such reply brief must be served (by email, facsimile or personal service) at least two court days before the hearing;

4. The raising of new issues in the reply may constitute good cause for continuance to permit the prosecution to prepare for the hearing; and

5. Available sanctions for noncompliance with Rule 4.1(d)(4)(a) and (4)(b) include granting the prosecution or defendant a continuance or imposing a fine or contempt citation on counsel who do not comply.

(e) Motions to be heard by the trial judge.

Except as otherwise ordered, motions not enumerated above as pre-trial motions shall be heard by the Trial Judge. Counsel in cases pre-assigned to a trial department shall submit to the Trial Judge all such motions within three (3) court days before the date is set for trial.

(f) Ex parte applications

(1) All ex parte applications for orders shortening or extending time shall be presented in the Criminal Department to which the motion has or will be assigned, with at least twenty-four (24) hours' notice to the opposing party or counsel. Such applications shall include a written or oral supporting declaration, stating whether that party has been contacted and has agreed to the requested order or why the ex parte order should be issued.

(2) Except by order of the Court, upon a showing of good cause, all ex parte applications seeking to set a matter on shortened time shall provide for moving papers to be filed and personally served at least five (5) calendar days and for opposing papers to be filed and served at least two (2) calendar days before the hearing date. All papers, including opposition and reply papers, filed in motions brought on an order shortening time, shall be accompanied by a copy of the proposed order.

(3) Any request for relief from operation of these rules shall be made to the Court, with a showing of good cause, before the papers are filed.

(g) Motion to withdraw as counsel

An attorney who is appointed or retained to represent a client in a criminal proceeding shall not withdraw from such representation except by filing a substitution of attorney bearing the written consent of the defendant or upon a timely motion and order of the court.

(h) Post-Conviction Motions, Petitions, and Writs of Habeas Corpus

(1) Post-conviction matters relate to pleadings filed by way of motion, petition, and, or writs of habeas corpus that seek post-conviction relief.

(2) Time and place for notice and hearing of post-trial motions and petitions, and rules for filing and service.

(A) Unless otherwise ordered, or provided for under the law, all post-trial motions and petitions and proofs of service shall be filed and served with the court in accordance with the time limitations set forth in California Rules of Court, Rule 4.111. All post-conviction writs of habeas corpus shall be filed with the court in accordance with the habeas corpus procedures set forth in Rule 4.551.

(B) In felony cases, any party filing a pleading or exhibit in connection with a substantive post-conviction motion and petition, including a post-conviction writ of habeas corpus, shall simultaneously serve the Court's Research Attorneys by email at: ratts@contracosta.courts.ca.gov

(Rule 4.1 revised effective 1/1/26)

Rule 4.2. Discovery

Any party asserting a work product or other privilege exception pursuant to Penal Code Section 1054.6 or asserting a discovery exception based upon a showing of good cause pursuant to Penal Code Section 1054.7 shall proceed by noticed motion which shall be heard before the first readiness conference.

(Rule 4.2 revised effective 1/1/24)

Rule 4.3. Applications on Behalf of Inmates

(a) Application to the Sheriff

Except as otherwise stated in this rule, applications by or on behalf of inmates confined in the county jail, for temporary release from custody, for medical, family emergency, education, employment, and related purposes (i.e. requests for "passes") shall be made to the Sheriff and not to the Court.

(b) Application to the assigned direct calendar judge

The following applications shall be made to the assigned direct calendar judge: those made pursuant to Sections 4011, 4011.6 and 4011.8 of the Penal Code.

(c) The Court's power to determine condition of confinement

Nothing in this rule shall affect the Court's power and duty to make proper determinations and orders with respect to allegedly unlawful conditions of confinement in the county jail in a justiciable controversy properly before the Court in connection with a proper petition for writ of habeas corpus, application for modification of probation, or other similar pleading.

(Rule 4.3 revised effective 1/1/24)

Rule 4.4. Violations of Probation.

(a) Notification by Probation Officer

In all cases involving persons on probation, the Probation Officer shall promptly notify the Criminal Calendar Department responsible for monitoring that probationer of every violation of law (other than minor traffic offenses) that the Probation Officer reasonably believes the probationer has committed.

(b) Where probation violations are heard

Probation violation hearings in felony cases shall be held in the Criminal Department that presides over the felony probation calendar. Probation violation hearings in misdemeanor cases that originally arose in the Richmond and Pittsburg Branch Courts shall be held in the branch court in which the underlying case arose, in a department designated by that branch court's Supervising Judge.

(Rule 4.4 revised effective 1/1/24)

Rule 4.5. Reserved [REPEALED 1/1/18]

Rule 4.6. Relief from Forfeiture of Bail in Misdemeanor and Felony Cases.

(a) Bench warrants upon forfeiture of bail

(1) When a bailed defendant fails to appear, unless personal appearance has been excused under Penal Code Section 977, or unless the Court grants a continuance under Penal Code Section 1305.1, bail shall immediately be forfeited and a bench warrant shall be issued. The bench warrant shall require bail in an amount not less than the amount of the forfeited bond, and not less than the minimum amount required for entry into automated warrant index systems. Each warrant shall contain a notice to the following effect: “Do Not Cite Release -- Bail in Forfeiture.”

(2) If counsel appears for a bailed defendant whose personal appearance is desired by the Court, and asserts that the defendant’s personal appearance is excused under Penal Code Section 977, the Court shall order the defendant to personally appear at a specific date, time and place, pursuant to Penal Code Section 978.5(a)(1). If the defendant does not then appear, bail forfeiture and bench warrant shall be ordered.

(3) If counsel or the defendant provides the Court with sufficient grounds for a finding that the non-appearance may be excused under Penal Code Section 1305.1, the Court shall enter in the record any such finding and may order a reasonable continuance without immediate forfeiture of bail.

(b) Setting aside forfeiture upon appearance of defendant

(1) An order of bail forfeiture shall be vacated on the Court‘s motion if the defendant personally appears before the end of the 180-day period defined in Penal Code Section 1305. Appearance may be by means of arrest on the bench warrant, “voluntary” or “add-on” appearance, surrender by the bail agent, or other means (e.g., a dismissal of the case).

(2) If the defendant appears on a new or separate matter and the defendant or bail agent advised the Court of the forfeited bond, the Court may, in its discretion, address the bail forfeiture issue on the case in which a bench warrant remains outstanding. The Court does not assume responsibility for identifying a defendant’s pending cases involving forfeiture or initiating service of warrants.

(3) Relief from bail forfeiture without the personal appearance of the defendant will be considered only upon a timely written motion by the bail agent or surety, stating the specific grounds upon which relief is sought, with not less than ten (10) calendar days’ notice to both the District Attorney and the County Counsel. A motion for exoneration of forfeited bail will be treated as a motion for a tolling of the 180-day period if the grounds asserted are those of temporary disability, as described in Penal Code Section 1305(e). Repetitive, groundless or otherwise frivolous motions may result in the imposition of sanctions.

(4) When the People request dismissal of a case in which bail is in forfeiture, the Court may, on its own motion, waive the defendant's personal appearance and may order forfeiture relief and bail exoneration.

(c) Reinstatement and continuance of bail

After Notice of Forfeiture has been mailed by the clerk, a defendant may be continued on a reinstated bond only with the consent of the bail agent. Consent to reinstatement and continuation of a forfeited bond may be given through personal appearance by the bail agent or in writing, or to a member of the court's staff by telephone. The Clerk's Minute Order shall identify the person giving consent to continuation of the bond, and the method of communicating it.

(d) Exoneration of bail after forfeiture

When an order of bail forfeiture has been vacated on a bond that is not to be continued, the Court may, on its own motion and in its discretion, order bail exoneration without the necessity of a motion or appearance by the bail agent.

(Rule 4.6 revised effective 1/1/18)

Rule 4.7. Submitting Sensitive Exhibits

All controlled substances, guns, money, valuables, and other sensitive exhibits shall be packaged and stored separately from other exhibits. Sharp objects such as knives, needles and glass shall be specially wrapped and labeled for the handler's protection. (For instance, a syringe shall be packaged by the police agency in a plastic tube.) Any party submitting such items, and anyone arranging transfer of such items, shall notify the exhibits clerk or the courtroom clerk of these objects and about any dangers associated with them.

(Rule 4.7 revised effective 1/1/15)

Rule 4.8. Withdrawal of Time Waivers in Misdemeanor Cases

A misdemeanor defendant who wishes to withdraw a previous general time waiver must give "proper notice" to the district attorney as required by Penal Code section 1382(a)(3)(A). Such proper notice shall be in writing, addressed and delivered in a manner reasonably calculated to come to the immediate attention of a prosecutor with responsibility for the case, and be given enough in advance to permit the district attorney to ascertain witness availability and the court to set an appropriate trial date accordingly. Two days' notice shall constitute proper notice. A judge may determine, however, based on the facts of the case, that a lesser time constitutes proper notice.

(Rule 4.8 new effective 1/1/20)

Chapter 2. Felony Direct Calendaring

Rule 4.10. Direct Calendaring in Felony Matters

Effective January 1, 2021, all felony matters will be subject to the direct calendaring system set forth in this Chapter.

(Rule 4.10 new effective 1/1/21)

Rule 4.11. Arraignments; Assignment for All Purposes

Pre-preliminary hearing arraignments for all in-custody defendants charged in felony matters will occur in the Martinez arraignment department. Out of custody felony arraignments will occur in the location where the case is venued. All felony matters shall be directly assigned to a criminal department judge for all purposes at the time of arraignment. The Presiding Judge may delegate to the judicial officer conducting arraignments the authority to make the assignment as determined by the assignment criteria, including consideration of court resources, or the direction of the Presiding Judge. The assigned judge will oversee the case for purposes through and including trial as resources permit pursuant to Rule 4.12.

(Rule 4.11 revised 1/1/24)

Rule 4.12. Reassignment by Presiding Judge

Nothing in these rules shall be interpreted to prohibit the Presiding Judge, or Assistant Presiding Judge or Supervising Criminal Judge if so designated by the Presiding Judge, to reassign direct-calendared felony cases as permitted by the Rules of Court.

(Rule 4.12 new effective 1/1/24)

Division 2. Infractions

Chapter 1. Infraction Rules

Rule 4.40. Filing

The Clerk's Office of the Contra Costa County Superior Court, Traffic Division shall be responsible for processing all adult and juvenile traffic infractions and non-traffic infractions. No misdemeanors shall be filed in the Traffic Division in the Pittsburg, Richmond, and Walnut Creek Courthouses.

(Rule 4.40 revised effective 1/1/15)

Rule 4.41. Court Sessions

Regular court sessions for citations and complaints filed in the Traffic Division for both adult and juvenile matters shall be scheduled as required by the Presiding Judge and published by the Court Executive Officer.

(Rule 4.41 revised effective 1/1/15)

Rule 4.42. Arraignments; Remote Appearance for Arraignments

Except for offenses mandating a court appearance, a defendant may waive his/her right to be arraigned on the violation and enter a plea of not guilty at the court counter. The Clerk will only assign a trial date if the defendant waives their right to a speedy trial, on the form provided by the Clerk. If the defendant requests a trial date within the statutory time requirements of Penal Code §1382, the defendant must be arraigned in open court.

A defendant may request to appear remotely for an arraignment and/or trial. A defendant who requests to appear remotely for an arraignment and trial must fill out Local Court Form TR-128 and submit it to the court in person at least five (5) court days before the due date. If only a request to appear remotely for arraignment was filed, any subsequent request to appear remotely for trial shall be submitted on Local Court Form TR-128 at least five (5) court day before the trial date.

(Rule 4.42 revised effective 1/1/24)

Rule 4.43. Demurrers

All demurrers shall be made in writing and filed in accordance with the time limitations set forth in California Rules of Court, Rule 4.111. Demurrers shall be heard at the time of the arraignment prior to the entry of a plea.

(Rule 4.43 new effective 1/1/24)

Rule 4.44. Withdrawal of Time Waivers in Infraction Cases

A defendant in an infraction matter who wishes to withdraw a previous general time waiver, must give “proper notice” to the district attorney as required by Penal Code section 1382(a)(3)(A). The defendant shall also give notice to the citing officer. Such notice shall be in writing, addressed and delivered in a manner reasonably calculated to come to the immediate attention of the district attorney and the citing officer to permit the officer enough notice to ascertain availability and the court to set a trial date accordingly. Two days’ notice shall constitute proper notice. A judge may determine, however, based on the facts of the case, that lesser times constitute proper notice.

(Rule 4.44 new effective 1/1/24)

Rule 4.45. Continuances

Except for continuance of a trial date, on or before the date set or required in any matter, the Clerk shall have the authority to grant the defendant one extension of not more than thirty (30) calendar days.

(Rule 4.45 renumbered effective 1/1/24)

Rule 4.46. Juvenile Traffic Infraction Matters

All juvenile traffic citation matters will be required for a mandatory appearance pursuant to Penal Code §§ 853.6 and 853.6(a). These citations will not be subject to civil assessment pursuant to Penal Code § 1214.1.

(Rule 4.47 renumbered effective 1/1/24)

Chapter 2. Adjudication of Infraction Matters

Rule 4.60. Trial by Declaration for Traffic Infractions

(a) Trial by Declaration in traffic infractions

The Court adopts the trial by declaration process defined in Vehicle Code § 40902.

(b) Failure to appear or untimely request for action

Pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the vehicle code. If there is no timely request for action and the fines and fees are not paid by the due date, the case may proceed to civil assessment pursuant to Penal Code § 1214.1.

(c) Adjudication pursuant to CVC 40500

In eligible cases the Court will conduct the trial by declaration and it will be adjudicated on the basis of the notice to appear issued pursuant to Vehicle Code § 40500.

(d) Disposition with guilty finding or untimely request for a trial de novo

If there is a guilty finding, the conviction shall be reported to the DMV and the defendant notified of the disposition of the case, the amount of imposed fines and fees, and the defendant's right to request a trial de novo within a specified period of time. If there is no timely request for a trial de novo and the fines and fees are not paid by the due date, the case may proceed to civil assessment pursuant to Penal Code § 1214.1.

(Rule 4.60 revised effective 1/1/24)

Rule 4.61. Clerks' Authority in Infraction Cases.

For cases that have not been transferred to court collections, deputy clerks are granted the authority to take the following actions at the request of defendants charged with infraction violations:

(1) Accept not guilty plea and schedule court trial (also see Local Court Rule 4.80, below).

(2) Accept the posting and forfeiting of bail on infraction cases.

(3) Set trial de novo (must post full bail with cash or certified funds only).

(4) Accept cash, check, credit payment, certified fund if case is in court control.

(5) Schedule same day arraignment calendar.

(6) Accept proof of correction for correctable violations with a $25 proof fee.

(7) Give one time 30-day traffic school extension.

(8) Give one time 30-day first appearance extension.

(9) Issue subpoenas for cases that have a court trial set.

(Rule 4.61 revised effective 1/1/24)

Rule 4.62. Prohibited Requests in Traffic Matters

The Court will not grant or authorize deputy clerks to grant any of the following requests from defendants or their counsel:

(1) For the scheduling of a court arraignment or trial after the finding defined in Vehicle Code § 40902.

(2) Remand to county jail in lieu of payment of bail or fines and fees.

(3) To grant subsequent extension, following an initial 30-day extension, of time to pay or to provide proof of completion of community service work or traffic violator school or to provide proof of correction of correctable offense(s).

(4) To grant out-of-state community service work.

(Rule 4.62 revised effective 1/1/24)

Rule 4.63 Request for Ability to Pay Consideration and Civil Assessment Waiver

(a) Petition to Reduce or Vacate Civil Assessment

Defendants seeking to reduce or vacate a civil assessment must submit a written petition to the court requesting such relief. Defendants may use Form TR-320 for this purpose.

The petition must be filed in person or by mail to the court location listed on the traffic citation. The petition must include the relevant facts and circumstances leading to the defendant's failure to appear or pay. Supporting documentation should also be included with the petition.

A judicial officer will review the petition and make a determination as to whether there was good cause for the failure to pay and/or appear. Upon making a determination of good cause, the judicial officer may reduce or vacate the civil assessment. A written copy of the determination will be provided to the defendant.

A petition to reduce or vacate the civil assessment does not stay any order requiring payment of bail, fines, penalties, fees, or assessments unless specifically ordered by the Court.

(b) Ability-to-Pay Determination

A defendant in a traffic infraction matter may ask the court for an ability-to-pay determination at adjudication or any time while the assessed fines remain unpaid. Whether or not making the request at time of adjudication, the defendant will be instructed to complete Form TR-320.

If an ability-to-pay petition is granted, the court may order the defendant to:

(1) Make installment payments; and/or

(2) Complete community service to satisfy some or all of the assessed fines and fees.

The Court shall consider the burden of community service.

A written copy of the determination will be provided to the petitioner.

(Rule 4.63 revised effective 1/1/24)

Rule 4.64. Appeals

(a) The process for filing an appeal in an Infraction case

An appeal is taken by filing with the Clerk in the Traffic Division a written notice of appeal signed by appellant or appellant's attorney. The notice shall be filed within the timeframes provided in Rule 8.902 of the California Rules of Court. Any Notice filed after the expiration of the time prescribed shall be marked by the Clerk "received (date) but not filed," and the Clerk shall advise the filing party that it was not filed because it was late.

(b) The record on appeal for Infraction cases

The Appellate Division elects to authorize the use of the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to California Rules of Court, Rules 8.910(a)(1)(B) and 8.914.

(c) Authorization to use official electronic recording where available in Infraction cases

The Appellate Division elects to authorize the use of an official electronic recording, where available, as the record of the oral proceeding instead of obtaining a corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate Division, pursuant to California Rules of Court, Rule 8.916(d)(6)(A).

(Rule 4.64 revised effective 1/1/24)

Chapter 3. Collections Program for Traffic Infraction Cases

Rule 4.80. Court Collections Program

(a) Collection of Payment Plans

The Defendant may submit Local Court Form TR-123 *Written Plea Form and Request for Monthly Payments* to plead guilty or no contest to the citation and request a payment plan before the due date on the reminder notice. If the defendant would like to request a payment plan after conviction of the infraction charge(s), the defendant may submit Local Court Form TR-126 *Request for Payment Plan*. If the TR-123 or TR-126 form is approved, the defendant will be referred to the court's selected third-party collection agency to schedule a payment plan. If the defendant fails to make minimum monthly payments timely, the case may become delinquent, and the court's third-party collection agency may take enhanced collections efforts on the case as identified in rule 4.80(b) below.

(b) Collection efforts for delinquent cases

If the defendant fails to pay Court-ordered fines, fees, penalty assessments and surcharges, the Court will deem the case delinquent. Upon such determination, the Court will refer the case to the Court's selected third-party collection agency for enhanced collection efforts. The Court and the third-party collection agency may utilize all available collection methods to resolve these unpaid debts, including skip tracing, referral to the Franchise Tax Board Court-Ordered Debt Program for possible wage garnishment, and levy of personal property, and referral to the Franchise Tax Board Interagency Intercept Program for intercept of state tax refunds, unclaimed property, or lottery winnings.

(Rule 4.80 revised effective 1/1/24)

Rule 4.81. Application of Overpayment

Whenever the Court receives an overpayment for an infraction case and the Court determines that the defendant is delinquent on another felony, misdemeanor or infraction case, the Court will apply the overpayment to that case.

(Rule 4.81 revised effective 1/1/15)

Title Five. Family and Juvenile Rules

Division 1. Family Law Matters

Chapter 1. Family Law Department

Rule 5.0. Application of Rules and Definitions

(a) Application of Rules

These rules apply in all departments of the Contra Costa Superior Court hearing family law matters (Family Law Division). They shall be read and applied in conjunction with the applicable law, including federal and state statutes and the California Rules of Court.

(b) Definitions

(1) California Rules of Court may be referred to as "CRC's."

(2) Local Rules shall be referred to as "Local Rule."

(3) Department of Child Support Services shall be referred to as "DCSS."

(4) Family Court Services shall be referred to as "FCS."

(5) Income and Expense Declaration (Judicial Council Form FL-150) may be referred to as "I&E."

(c) Self-represented litigants

Attorneys and self-represented litigants (also known as pro per litigants) shall comply with all applicable statutes in addition to these local family law rules and the California Rules of Court.

Self-represented litigants shall be treated in the same manner as if represented by counsel and shall be held to the same standards. All references to counsel in these rules apply equally to self-represented litigants.

(Rule 5.0 revised effective 1/1/23)

Rule 5.1. Assignment of Departments and Matters

(a) Matters Assigned to Family Law Division

The following matters shall be heard in the Family Law Division:

(1) Unless otherwise assigned by the Presiding Judge, all matters filed under the Family Code except those actions filed under:

i. Family Code Division 11;

ii. Family Code Division 12, Parts 4, 5, and 6; and

iii. Family Code Division 13.

(2) All other matters assigned by the Presiding Judge.

(3) All other matters which are properly brought before a Family Law bench officer pursuant to an order of the Court.

(Rule 5.1(a) revised effective 1/1/23)

(b) Assignment of departments

(1) The Court designates four or more full-time departments and additional part-time departments (as resources allow) to serve as the Family Law Division of the Court. The Presiding Judge shall assign judicial officers to the Family Law Division and designate one of the judicial officers as the Supervising Judge of the division.

(2) One of the designated departments will operate under the authority of AB 1058 (Stat. 1996, ch. 957). This department will hear all issues described in Family Code Section 17400, whether or not the action was initially filed by the Department of Child Support Services (DCSS). Absent stipulation or other court order providing that this department will also hear any other issues arising in such case (whether or not filed by DCSS), such other issues shall be heard in the department to which such action would be assigned if DCSS were not involved in the case.

(3) The remaining departments will hear all matters filed pursuant to the California Family Code under a direct calendar system. Cases will be assigned to departments, utilizing a plan of assignment which the Supervising Judge of the Family Law Division devises from time to time. These case assignments are deemed "all-purpose" assignments under Code of Civil Procedure Section 170.6(a)(2).

All matters shall be initially calendared in the appropriate department based on the "all purpose" assignment. Except in the case of a matter that has shortened time, the initial hearing date shall be assigned by the Clerk's Office at the time the matter is filed.

(4) When there is more than one case filed with respect to a given family, the bench officer hearing a matter in one of those cases may order the cases consolidated or coordinated.

(5) Applications for Temporary Restraining Orders and for Restraining Orders After Hearing filed pursuant to the Domestic Violence Prevention Act (Family Code Division 10) may be heard in departments located in designated branch courts. Applications for Temporary Restraining Orders and for Restraining Orders After Hearing shall be filed as set forth in Local Rule 5.2.

(6) All "Custody Order-Juvenile-Final Judgment-Visitation Order-Juvenile" (Judicial Council Form JV-200/JV-205) containing custody and visitation orders, shall be filed in existing family law cases or, if no case exists, a new file will be opened. If a new file is opened and either parent files a Request for Order to modify custody or visitation, the initial moving party shall be designated the Petitioner and the responding party shall be designated the Respondent. If the "Custody Order-

Juvenile-Final Judgment/Visitation Order-Juvenile" of the Juvenile Court contains an order described in Local Rule 5.65(c), then any Request for Order to modify custody or visitation filed within one year of the Juvenile Court's "Custody Order-Juvenile-Final Judgment/Visitation Order-Juvenile" shall be heard as provided in Local Rule 5.65(c).

(Rule 5.1(b) revised effective 1/1/23)

(c) Collaborative law

(1) Collaborative Law Defined

(A) The Court recognizes the unique nature of family law disputes and the fact that family law issues are best resolved by the parties reaching an agreement or agreements over critical matters including child custody, support and property, without engaging in the traditional adversarial litigation process. The Contra Costa County Superior Court strongly supports the use of the collaborative law process as well as other alternate dispute resolution tools for the purpose of developing both short-term and long-term agreements that meet the best interests of the entire family, particularly the children.

(2) Standards of Collaborative Law Cases

(A) No case will be entitled to a designation as a "collaborative law" case unless the parties have signed and filed a collaborative law stipulation.

(B) When a case is designated as a "collaborative law" case, the Court shall vacate all matters previously set on the Court's calendar and shall set the matter for a Case Management Conference no later than one year from the date of the designation.

(C) The term "Collaborative Law Case" is to be included in the caption of any document filed with the Court from and after the filing of the collaborative law stipulation and order.

(D) As to any case designated as a collaborative law case:

(i) The Court will consider collaborative law counsel to be advisory and not attorneys of record.

(ii) The Court will not impose discovery deadlines or enter scheduling orders.

(E) The designation of a case as a collaborative law case is voluntary and requires the agreement of all parties. The collaborative law case designation will be removed by stipulation or upon the filing and service of a termination election as provided in the collaborative law stipulation and order. The filing by any party of a Request for Case Management, Request for Order, or other pleading requiring judicial adjudication shall

automatically terminate the collaborative law case designation and a Case Management Conference will be set.

(Rule 5.1(c)(2)(E) revised effective 1/1/17)

(F) Collaborative law cases are governed by the Family Code, the California Rules of Court and other applicable California law.

(d) Privately Compensated Temporary Judges

(1) **Appointment.** A "temporary judge" is an attorney appointed by the court upon stipulation of the parties to decide the case under Article IV, Section 21 of the California Constitution and in accordance with the California Rules of Court, rules 2.400 and 2.830 through 2.835. Parties must submit the stipulation and proposed order for appointment of a privately compensated temporary judge to the court.

(2) **Filing of Papers and Orders/Scheduling of Proceedings**. A party must file all original papers with the Clerk of the Court and all applicable fees must be paid within the same time and in the same manner as would be required if the court were trying the case. The party must provide a copy of all filed documents to the temporary judge. The scheduling of hearings before the temporary judge shall be arranged by the parties directly with the temporary judge. Signed orders of the temporary judge shall be filed with the court.

(3) **Termination of Appointment.** The temporary judge shall remain appointed until final determination of the case unless otherwise ordered by the court. Upon completion of the appointment, the temporary judge shall sign and submit a Notice of Termination of Privately Compensated Temporary Judge Appointment with the court.

(Rule 5.1(d) new effective 7/1/25)

(Rule 5.1 revised effective 7/1/25)

Rule 5.2. Obtaining Temporary Restraining Orders /Ex Parte Orders

(a) Application

Requests for Temporary Restraining Orders, Ex Parte Orders, and Emergency Orders shall be presented to the Family Law Legal Technician's Unit. The Legal Technician's Unit will assign the matter based on a plan of assignment as determined by the Supervising Judge of the Family Law Division.

With the exception of applications for restraining orders filed under the Domestic Violence Prevention Act (DVPA), all applications must be submitted with the appropriate fee or fee waiver, and the original and two (2) copies of the application. The Court will file all

applications submitted (including applications pertaining to domestic violence) whether or not temporary orders are issued.

Applications for a Domestic Violence Restraining Order and Responses to an Application for a Domestic Violence Restraining Order may be submitted either in person, by drop box, by mail, or through the court's e-file portal. Refer to the Court's Restraining Order webpage [https://www.cc-courts.org/restraining-orders/restraining-orders.aspx] for more information.

(Rule 5.2(a) revised effective 7/1/25)

(b) Notice

Except as provided in Family Code Section 6300, unless notice of the application for an ex parte order (including an application for an order shortening time) or a Temporary Restraining Order would result in great or irreparable injury to the applicant before the matter can be heard on notice, the applicant shall give the other party the notice required by law.

(Rule 5.2(b) revised effective 1/1/18)

(c) Requirements

Applications for ex parte orders shall comply with California Rules of Court (Family Law Rules).

(Rule 5.2(c) revised effective 1/1/23)

(d) Minor applicants

If the applicant for Temporary Restraining Orders is a minor under 12 years of age, an application for appointment of Guardian Ad Litem and order appointing a Guardian Ad Litem shall accompany the application.

(Rule 5.2(d) revised effective 1/1/14)

(Rule 5.2 revised effective 7/1/25)

Rule 5.3. Orders Shortening Time (OST)

All applications for Orders Shortening Time (OST) for service or for hearing shall be presented as ex parte applications to the Family Law Legal Technician's Unit. The Legal Technician's Unit will assign the matter based on a plan of assignment as determined by the Supervising Judge of the Family Law Division.

All ex parte applications for an OST shall be submitted in compliance with the application and notice requirements for ex parte applications as set forth in Local Court Rule 5.2. Before submitting an application for an OST, the applicant shall contact the opposing counsel or party and request a list of dates counsel or party is unavailable and include that information with the applicant's own unavailability on the declaration of notice.

(Rule 5.3 revised effective 1/1/18)

Rule 5.4. Hearings

(a) Duty to meet and confer

Except in cases involving domestic violence, and consistent with the California Rules of Court, **BEFORE** the date of the hearing relating to a Request for Order (Judicial Council Form FL-300), parties shall meet to discuss all issues raised and make a good faith attempt to settle all issues and exchange all relevant documents and information that will be presented at the hearing.

(Rule 5.4(a) revised effective 1/1/18)

(b) Initial hearing

When an initial hearing is set pursuant to a Request for Order or other pleading seeking relief, the initial hearing shall be set on the assigned judicial officer's short cause calendar. The clerk shall provide the date and time for all initial hearings. All matters set on a short cause calendar are limited to 20 minutes of hearing time.

(Rule 5.4(b) revised effective 1/1/17)

(c) Transfer of a matter in which a hearing will exceed 20 minutes

If, at any time after a Request for Order is filed, the Court determines that the hearing in the matter will exceed 20 minutes in length, the matter may be continued to another court date that is designed to accommodate long-cause hearings, trials and settlement conferences.

(Rule 5.4(c) revised effective 1/1/18)

(d) Substitution of Counsel

Counsel shall not appear on behalf of a party unless counsel has filed a Substitution of Attorney (Form MC-050) or a Notice of Limited Scope Representation (Form FL-950) before the hearing.

(Rule 5.4(d) revised effective 1/1/23)

(e) Continuances

(1) All requests for continuances shall be in writing, except as may be authorized by the bench officer hearing the case.

(2) Each written request for a continuance shall be accompanied by payment of the applicable fee or a fee waiver.

(Rule 5.4(e)(2) renumbered effective 1/1/18)

(3) A request for a continuance shall be made by ex parte application, written agreement or by stipulation and shall not be granted unless specifically authorized by the judicial officer to whom the case is assigned or (in that bench officer's absence) by the Supervising Judge. Any such stipulation or written agreement shall be signed by counsel for both sides or, if either side is unrepresented, by that party. Any request, written agreement or stipulation to continue shall contain facts showing good cause for the continuance.

(Rule 5.4(e)(3) revised and renumbered effective 1/1/18)

(f) Pleadings

(1) Unless the Court has granted prior leave for a different form or page limit, all pleadings in family law matters shall be in the form, and comply with the page limits, prescribed in the California Rules of Court and these Local Rules. Any optional Memorandum of Points and Authorities shall not exceed 15 pages. The Court may refuse to consider any pleading that does not comply with the form and page limits. Requests to extend the length of a declaration may be submitted in advance by ex parte application. Local form FamLaw-131 may be used for such requests."

(Rule 5.4(f)(1) revised effective 1/1/26)

(2) A fully completed, current Income and Expense Declaration (I&E) (or Simplified Financial Statement, when appropriate) shall be filed and served with moving and responsive papers in all hearings involving requests for support, attorney's fees, costs, or other financial relief, unless the party has filed an I&E within 90 calendar days of the date of the hearing and there have been no significant changes in the party's income, assets or expenses.

(Rule 5.4(f)(2) revised effective 1/1/23)

(3) On a Request for Order to modify a prior order, the moving party shall attach a copy of the prior order to the moving papers.

(Rule 5.4(f)(3) renumbered effective 1/1/18)

(4) Unless the Court has granted prior leave for different service time or method, all moving and responsive pleadings shall be timely filed and served in compliance with the provisions of Code of Civil Procedure section 1005 or any other applicable provision of law. The Court may not consider any moving or responsive pleading that was not timely filed and served.

(Rule 5.4(f)(4) renumbered and revised effective 1/1/18)

(5) Pursuant to Family Code section 217, a party seeking to present live testimony from all witnesses other than the parties shall file and serve all parties with their witness list with a brief description of the anticipated testimony. This list shall be filed and served no less than 14 calendar days before hearing.

(Rule 5.4(f)(5) revised effective 1/1/23)

(6) Evidentiary attachments submitted in support of a Request for Order or in response to a Request for Order shall not exceed 10 pages in length without prior leave of Court. The 10-page limit shall not include declarations under CRC 5.111 (a) or prior orders as required by Local Rule 5.4 (f) (3), or as necessary to support orders to show cause for contempt or applications for wage assignments or to determine arrears. Any request for leave to exceed this page limit shall state reasons why the additional attachments are relevant and necessary and may be submitted in advance by ex parte declaration. Local Form FamLaw-131 may be used for such requests.

(Rule 5.4(f)(6) revised effective 1/1/26)

(7) Whether filed electronically or otherwise, it is the responsibility of the filing party to identify any documents that are considered confidential. Confidential records, including but not limited to medical, psychological, or educational reports concerning a minor child, or reports from Children and Family Services or Family Court Services, must be marked confidential when submitting for filing.

(Rule 5.4(f)(7) revised effective 7/1/23)

(g) Motions to be relieved as counsel

Motions to be relieved as counsel shall be made in conformity with California Rules of Court, Rule 3.1362 using Judicial Council Forms MC-051, MC-052 and MC-053.

(Rule 5.4(g) renumbered and revised effective 1/1/18)

(h) Interpreter services

The Court provides interpreters to help non-English speaking parties in family law court proceedings. The Court's website explains the procedures for requesting a Court Interpreter at www.cc-courts.org/interpreter and parties may also seek assistance from a Clerk of the Court. A hearing may be delayed or continued to a different date if an interpreter was not requested sufficiently in advance of the hearing and/or no interpreter is available at the time of the hearing.

(Rule 5.4(h) renumbered and revised effective 1/1/18)

(i) Double Pro Per Hearing Days

Each department in the Family Law Division, with the exception of the department designated as the "AB 1058" Department, shall be assigned a "Double Pro Per" short-cause calendar to occur on the same morning each week. Hearings on a Double Pro Per day are reserved for matters where both parties are self-represented. The Court shall post each department's designated Double Pro Per day on the court's website and shall notify the Family Law Section of the Contra Costa County Bar Association of each department's Double Pro Per day no less than once per year.

Except for requests for Domestic Violence Restraining Orders and Orders Shortening Time, hearings where one or both parties are represented by counsel shall not be heard

on a department's Double Pro Per day, but shall be continued to the next available non-Double Pro Per calendar date. If counsel enters a case after a hearing is set on a Double Pro Per day or otherwise finds their matter is set on Double Pro Per day, counsel shall contact the department clerk to obtain a continuance before the scheduled hearing date. There will be no fee charged to continue a hearing from a Double Pro Per day to a non-Double Pro Per day.

(Rule 5.4(i) new effective 1/1/19)

(j) Assignment of Hearing Dates

With the exception of motions brought pursuant to Code of Civil Procedure section 128.7, all other motion hearing dates will be assigned by the Clerk's Office at the time the motion is filed unless otherwise ordered by the Court. Dates cannot be reserved or given over the telephone.

(Rule 5.4(j) new effective 1/1/19)

(k) Review Hearings

If any party wishes to update the Court for a review hearing, any such update shall be filed and served at least 2 weeks prior to the review hearing unless the Court specifies a different deadline. Any update shall not to exceed five pages in length.

If financial matters are at issue and there have been any significant changes since the last I&E was filed, or if more than 3 months will have passed between the filing of the last I&E and the review hearing date, each party shall file and serve an updated I&E and include the required attachments that demonstrate the party's income.

(Rule 5.4(k) new effective 1/1/23)

(l) Proof of Service

Unless the Court has granted an order shortening time, proof of service of the moving papers shall be filed no later than 5 court days before the hearing. (CRC 5.94 (b).) If a responding party fails to appear at a hearing and the moving party has not filed proof of timely service, the matter will be taken off calendar or continued to another date to allow for timely service or filing of the proof of service. If a hearing is continued, the moving party shall file proof of timely service of both the moving papers and notice of the continued hearing date.

(Rule 5.4(l) new effective 1/1/23)

(m) Removing Matter from Calendar

Any stipulation to vacate or continue a hearing shall be filed with the Court, with a courtesy copy provided to the department hearing the matter, at least 3 days before the hearing.

(Rule 5.4(m) new effective 1/1/23)

(Rule 5.4 revised effective 1/1/23)

Rule 5.5. Procedures to Complete Dissolution/Legal Separation

(a) Default or uncontested proceeding

Parties shall follow the checklist set forth by the Judicial Council in the Judgment Checklist – Dissolution/Legal Separation (Judicial Council Form FL-182) to complete the steps and pleadings necessary to submit a judgment.

(Rule 5.5(a) revised effective 1/1/18)

(b) Contested proceeding

After a response has been filed and both parties have served their Preliminary Declarations of Disclosure and filed a Declaration re: Service of Declaration of Disclosure (Judicial Council Form FL-141), either party may file and serve a Request for Case Management Conference (Local Court Form FamLaw-112) with the Court to set the matter for a Case Management Conference. The Request for Case Management Conference will not be accepted for filing until all parties have served their Preliminary Declarations of Disclosure and filed Declaration re: Service of Declaration of Disclosure, or obtained a court order waiving this requirement per Family Code Section 2107. The Court may also set a Case Management Conference at its own discretion.

(Rule 5.5(b) revised effective 1/1/18)

(c) Self-represented parties

Self-represented parties who need assistance in determining the next steps in their cases, including getting custody orders, support orders, finishing their divorce or other some other action, may speak with the Family Law Facilitator's Office during self-help desk or drop-in hours. Refer to the Family Law Facilitator's webpage [https://www.cc-courts.org/family/flf.aspx] for more information and to access LiveChat.

(Rule 5.5(c) revised effective 1/1/23)

(Rule 5.5 revised effective 1/1/18)

Rule 5.6. Case Management Conference / Family Centered Case Resolution Conference (FCCRC)

(a) Case Management Conference statement

No less than 7 calendar days before the date set for the Case Management Conference (CMC) each party shall file and serve a Case Management Conference Statement (Local Court Form FamLaw-113).

(Rule 5.6(a) revised effective 1/1/23)

(b) Attendance at conference

Parties shall be present at the Case Management Conference or Family Centered Case Resolution Conference (FCCRC) unless represented by counsel, in which case, counsel shall appear. Appearance may be in person or remote if timely arranged. The parties or

the attorneys shall be fully prepared to discuss identification of disputed issues, the timetable for disposition of the case by settlement or trial, and be sufficiently familiar with the facts of the case so that the Court may make necessary orders.

(Rule 5.6(b) revised effective 1/1/23)

(c) Orders at Case Management Conference/FCCRC

The parties shall address, if applicable, and the Court may take appropriate action with respect to the following:

(1) Whether any matters (e.g., the bankruptcy of a party, pending criminal matters impacting issues in the case, a pending juvenile action concerning a child, or custody orders from another jurisdiction) affect the Court's jurisdiction or processing of the case.

(2) Whether discovery has been completed and, if not, the date by which it will be completed.

(3) What discovery issues are anticipated.

(4) Whether an issue in the case should be bifurcated or a hearing should be set for a motion to bifurcate.

(5) A date or dates by which Final Declarations of Disclosure are to be exchanged and the Declaration of Service of Declaration of Disclosure and Income and Expense Declarations filed.

(6) Whether to refer the parties to Family Court Services (FCS) in cases in which custody or visitation (or both) is at issue and no evaluation or private mediation is pending.

(7) The need for selection and compensation of joint experts by stipulation or motion.

(8) The need for selection and compensation of a Special Master by stipulation or appointment pursuant to Code of Civil Procedure Sections 638 and 639.

(9) The need for an order for attorney fees and costs by stipulation or motion.

(10) A date for Mandatory Settlement Conference (MSC).

(11) Whether to set a Recommendation Conference in cases involving child custody and visitation in cases that have a child custody evaluation pending.

(12) If a trial date has not been previously set, the date by which the case will be ready for trial. Each side shall have available at the conference all necessary information as to unavailable dates as to the parties, their attorneys, and any retained experts.

(13) The estimated length of trial.

(14) Setting a trial date.

(15) Any other matters that should be considered by the Court or addressed in its case management order.

(16) Whether to set a further Case Management Conference.

(17) Whether to tailor or modify the requirements of Local Rule 5.7(b) as it relates to the case.

(18) The stipulation of the parties and consent of the Court to place the matter in further case management pursuant to Family Code sections 2450 and 2451.

(Rule 5.6(c) revised effective 1/1/18)

(Rule 5.6 revised effective 1/1/18)

Rule 5.7. Mandatory Settlement Conference

(a) Calendaring and attendance

The Court may require the parties to participate in a Mandatory Settlement Conference before a long-cause matter or trial is set or heard. Absent a written court order allowing a party to appear remotely, both parties and their counsel of record shall personally attend the Mandatory Settlement Conference. Failure to comply may result in monetary sanctions, issues sanctions, or both. A Mandatory Settlement Conference may be continued by the Court for good cause, either on its own motion, upon a timely, properly noticed motion, or upon a stipulated request.

(Rule 5.7(a) revised effective 1/1/23)

(b) Mandatory Settlement Conference requirements

Unless excused by the trial court, parties ordered to a Mandatory Settlement Conference with the Court shall comply with the following requirements. Self-represented parties who participate in the Volunteer Mediator Settlement Program are not required to comply with these requirements.

(1) At least 14 calendar days before the Mandatory Settlement Conference, the parties shall:

(A) Exchange written offers of settlement in sufficient specificity to be enforceable that, if accepted, would resolve all issues remaining in dispute. Each party shall bring a copy of that party's written proposal to the settlement conference.

(Rule 5.7(b)(2)(A) revised effective 1/1/23)

(B) Exchange Final Declarations of Disclosure (if not already done).

(2) At least 7 calendar days before the Mandatory Settlement conference, the parties shall:

(A) File with the Court a Declaration re: Service of Final Declarations of Disclosure, or alternatively, file a stipulation to waive service of final declarations of disclosure.

(Rule 5.7(b)(2)(A) revised effective 1/1/16)

(B) If support or attorney's fees and costs or other financial relief is at issue, the parties shall exchange and file updated I&Es, unless the party has filed an I&E within 90 calendar days of the date of the hearing and there have been no significant changes in the party's income, assets or expenses.

(Rule 5.7(b)(2)(B) revised effective 1/1/23)

(C) File a Joint Statement of Contested Issues describing all issues that remain in dispute. That statement shall include, where it is an issue, the parties' respective proposals for the division of property and debts. If late or missing payments are claimed, a calculation spreadsheet shall also be attached. If the parties are unable to agree upon a Joint Statement of Contested Issues, then each party shall file and serve a Separate Statement of Contested Issue which includes all of the information required for a Joint Statement of Contested Issues.

(Rule 5.7(b)(2)(C) revised effective 1/1/18)

(D) File a Mandatory Settlement Conference Statement or other such filings as may be required by the Court.

(Rule 5.7(b)(2)(D) revised effective 1/1/15)

(3) At least 5 calendar days before the date of the settlement conference, the parties and, if they are represented, their counsel, shall meet and confer either in person, by telephone or as ordered by the Court to attempt in good faith to resolve all issues. If a restraining order prohibits face-to-face contact between parties, the parties are not required to meet and confer. If one party is represented by counsel in a case involving a restraining or protective order that prohibits contact between the parties, then the attorney and the self-represented party shall comply with this requirement.

Rule 5.7(b)(3) new effective 1/1/23)

(4) If both parties fail to comply with this Order, then the Court may vacate any pending trial date. If only one party fails to comply and the other does, the Court may impose sanctions at the Mandatory Settlement Conference, including but not limited to issue sanctions and monetary sanctions.

(Rule 5.7(b)(4) renumbered and revised effective 1/1/18)

(c) Trial judge as settlement judge and Volunteer Mediator Settlement Program

(1) The Mandatory Settlement Conference may be conducted by the bench officer assigned to the matter, unless it is otherwise ordered. If any party objects to the assigned judge presiding over the settlement conference, the party shall file a written objection at least 30 calendar days before the Mandatory Settlement Conference so the Court can arrange for a different bench officer to handle the settlement conference or reschedule the settlement conference for a day when a different bench officer is available.

(Rule 5.7(c)(1) renumbered and revised effective 1/1/23)

(2) In cases where both parties are self-represented, the Court may suggest that the parties participate in the Volunteer Mediator Settlement Program. In that program, the settlement mediation is conducted by a neutral attorney who volunteers his/her time to assist the Court in conducting settlement conferences between self-represented litigants.

(Rule 5.7(c)(2) revised effective 1/1/23)

(d) Settlements

Any agreement reached in an MSC shall be reduced to writing, signed by the parties, and submitted to the Court within 10 days of the MSC.

(Rule 5.7 revised effective 1/1/23)

Rule 5.8. Recommendation Conference

(a) Purpose and attendance

The purpose of the Recommendation Conference is to receive the report of a custody evaluator and attempt to resolve custody and visitation issues without trial. Absent a written court order allowing a party to appear remotely, both parties and their counsel of record shall personally attend the Recommendation Conference and be prepared to discuss the recommendations of the Evaluator. Failure to comply may result in monetary sanctions, issues sanctions, or both. If the parties are unable to resolve custody and visitation issues without trial, the Court may, at the Recommendation Conference, make interim orders pending trial.

(Rule 5.8(a) revised effective 1/1/18)

(b) Timing

Recommendation Conferences are set based on the expectation that the evaluation will be prepared and submitted to the parties and counsel at least 10 calendar days before the Recommendation Conference. Should the Evaluator determine that it will not be possible to prepare the evaluation report by that time, said Evaluator shall forthwith notify both counsel, or party (if self-represented) and provide to counsel or the self-represented party a date by which the Evaluator expects the report will be done. Counsel or the self-represented party shall notify the Court promptly, either in writing or by telephone conference call. Based on the Evaluator's notice of inability to complete the report timely, the Court may re-set the date of the Recommendation Conference.

(Rule 5.8(b) revised effective 1/1/23)

(Rule 5.8 revised effective 1/1/23)

Rule 5.9. Trials

(a) Long cause matters

These rules apply to any trial set on the long cause trial calendar and, as determined by the Court, to any long cause hearings.

(Rule 5.9(a) revised effective 1/1/13)

(b) Trial setting

(1) Matters may be set for trial at a Case Management Conference/Family-Centered Case Resolution Conference, at a hearing on a Request for Order, at a Settlement Conference, or at a Recommendation Conference.

(Rule 5.9(b)(1) revised effective 1/1/18)

(2) If no hearings are scheduled, a party may initiate the trial setting process by filing a Request for Case Management Conference (Local Court Form FamLaw-112). The Request for Case Management Conference may only be filed after a response has been filed, and will not be accepted for filing until all parties have served their Preliminary Declarations of Disclosure and filed the Declaration Re Service of Declaration of Disclosure, or obtained a court order waiving this requirement per Family Code Section 2107. The filing of the Request for Case Management Conference will result in the setting of a Case Management Conference/Family-Centered Case Resolution Conference.

(Rule 5.9(b)(2) revised effective 1/1/17)

(c) Continuances

Trials may only be continued by the bench officer who will try the case. Any motion for a continuance shall be made in a timely manner, and for good cause.

(Rule 5.9(c) revised effective 1/1/18)

(d) Case Management Order / Family Centered Case Resolution Conference Order

The Court may issue and amend from time to time, an appropriate Case Management/Family-Centered Case Resolution Conference Order or Pre-Trial Order to regulate pre-trial and trial proceedings and to set forth a schedule for the submission of papers such as briefs, documents, forms, and exhibits.

(Rule 5.9(d) revised effective 1/1/18)

(e) Evidence Code section 730 experts

(1) The Court encourages mutually agreed upon experts, especially for such issues as custody evaluations, business valuations, business cash flow analyses (when relevant to support), real estate valuations, stock option calculations and tax consequences. In the absence of a mutually agreed upon expert, the Court may appoint its own expert under Evidence Code Section 730.

(2) If one or more written reports are issued by such an expert, copies of all such reports shall be transmitted to each counsel or unrepresented party at least 30 calendar days before trial.

(3) If a 730 expert's written report was prepared and will be offered at trial, and either counsel or an unrepresented party demands the right to cross-examine the expert

at trial with respect to the matters in the report, that party shall be responsible for arranging for the attendance of the expert at trial. The party shall make such arrangements at least 5 calendar days after being served with a copy of the report or 45 calendar days before trial, whichever occurs later. If there is no written report of the expert, the party intending to call the expert at trial shall be responsible for making the witness available on the day of trial.

(Rule 5.9(e) revised effective 1/1/23)

(f) Reporter's fees

(1) As of the effective date of these rules, court reporters shall be assigned in Family Law Departments. Consult the "Court Reporters: Notice of Availability" on the Court's website for the current status and any changes. There will be no official record of the proceedings unless a court reporter is provided pursuant to Local Rule 2.53 or a party who desires an official record makes arrangements for a private certified court reporter as set forth in Local Rule 2.52.

(2) Parties shall be responsible for all transcript costs pursuant to Government Code Section 69953.

(Rule 5.9(f) revised effective 1/1/20)

(g) Removing Matter from Calendar

Any stipulation to vacate or continue a trial shall be filed with the Court, with a courtesy copy provided to the department hearing the matter, at least 5 days before the trial.

(Rule 5.9(g) new effective 1/1/23)

(Rule 5.9 revised effective 1/1/23)

Rule 5.10. Preparation and Presentation of Orders

(a) Proposed orders entered at hearing

The Court may consider signing, at the time of hearing, proposed orders attached to the moving or responsive papers or those orders prepared by either party in court immediately following the hearing. Parties are therefore encouraged to submit proposed orders with their moving or responsive papers.

(Rule 5.10(a) revised effective 1/1/15)

(b) Orders submitted after hearing

Where feasible, attorneys directed to prepare an order after hearing shall prepare and submit the order to the Court on the day of the hearing. If that is not feasible, the parties shall comply with the timing requirements of California Rules of Court, Rule 5.125. If a court reporter was present at the hearing, and the parties cannot comply with the timing requirements of Rule 5.125 because they require a transcript of the proceedings to resolve

disputes over the form of order, the parties shall advise the bench officer that the transcript has been ordered and the expected date of availability of the transcript. Failure to submit Orders After Hearing in accordance with Rule 5.125 may result in the imposition of sanctions.

(Rule 5.10(b) revised effective 1/1/23)

(c) Stipulations

All agreements, stipulations, or agreed-upon orders reached before hearing shall be in writing, signed by all parties and counsel (where applicable) and submitted to the Court for signature before the hearing on the matter begins. Stipulations shall not be recited in open court, except at the discretion of the bench officer.

(Rule 5.10(c) revised effective 1/1/18)

(d) Submission of earning assignment orders and income withholding orders

A copy of the judgment or current order for child, partner, spousal or family support shall be submitted with any proposed earning assignment order or income withholding order. In addition, copies of proposed earnings assignment orders or income withholding orders that will be returned to the requesting party, or his/her attorney, after filing shall be provided.

(Rule 5.10(d) new effective 1/1/18)

(Rule 5.10 revised effective 1/1/18)

Rule 5.11. Judgments

(a) Judgment requirements

Pursuant to California Rules of Court, Rules 5.401(c) and 5.411(b), judgments shall include all matters subject to the court's jurisdiction for which a party seeks adjudication, or an explicit reservation of jurisdiction over any matter not proposed for disposition at that time.

(Rule 5.11(a) revised effective 1/1/18)

(b) Use of judgment checklist form

For Dissolution of Marriage and Legal Separation cases, parties shall use the Judgment Checklist-Dissolution/Legal Separation (Judicial Council Form FL-182). For Parentage cases, parties may refer to the Parentage Judgment Checklist (Local Court Form FamLaw-013b).

(Rule 5.11(b) revised effective 1/1/18)

(c) Notarized signatures of self-represented parties to judgment

If the parties submit a signed default judgment ("default with Agreement"), the signature of the defaulting party shall be notarized.

(Rule 5.11(c) revised effective 1/1/18)

(d) Approval of Department of Child Support Services (DCSS)

If DCSS is providing services in a case, a proposed judgment shall not be submitted without DCSS's written approval of the child support provisions of the judgment.

(Rule 5.11(d) revised effective 1/1/18)

(e) Relief Requested in True Default

In a True Default, relief may not exceed the relief requested in the operative petition.

(Rule 5.11(e) revised effective 1/1/18)

(f) Judgment Processing

All default and uncontested judgments for dissolution or legal separation will be processed in the order in which they are received. If there are emergency circumstances that necessitate a judgment be processed sooner, a party may file a declaration explaining the basis for their request to expedite processing, with proof substantiating the emergency attached, and submit along with their proposed judgment to the Legal Technicians at the Ex Parte Window. (Local Form FamLaw-34 may be used for this purpose.)

(Rule 5.11(f) new effective 1/1/24)

(Rule 5.11 revised effective 1/1/24)

Rule 5.12. Appointment of Elisor

Where one of the parties will not or cannot execute a document necessary to carry out a court order, the clerk of the court, or the clerk's authorized representative or designee may be appointed as an elisor to sign the document. An application for appointment of an elisor may be made ex parte. When applying for an appointment of an elisor, the application and proposed order must designate 'The Clerk of the Court or Clerk's Designee' as the elisor and indicate for whom the elisor is being appointed and in what capacity they are to sign the document. The application must not set forth a specific court employee.

The order must expressly identify the document being signed and a copy of the document must be attached to the proposed order. The original document, presented for signature by the elisor, must match the copy of the document attached to the proposed order. The declaration supporting the application must include specific facts establishing the necessity for the appointment of the elisor. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary public to be present when the elisor signs the document(s).

(Rule 5.12 revised effective 1/1/23)

Rule 5.13. Confidentiality

(a) Placement of confidential documents

Certain documents are required to be kept confidential. They shall be placed in the confidential portion of the court file and may not be disclosed to anyone except in accordance with law.

(Rule 5.13(a) revised effective 1/1/23)

(b) Substance abuse assessment reports

Substance abuse assessment reports shall be placed in the confidential portion of the court file.

(Rule 5.13(b) revised effective 1/1/15)

(c) Confidentiality of social security number

If any document filed with the Court or offered as evidence contains a social security number, that number shall be redacted by the party offering the document before it is filed with the Court or marked as an exhibit.

(Rule 5.13(c) revised effective 1/1/18)

(Rule 5.13 =revised effective 1/1/23)

Rule 5.14. Family Law Facilitator

(a) Facilitator services pursuant to Family Code Section 10004-10005

In addition to other services and duties, the Family Law Facilitator shall comply with the requirements of state law and perform the services set out in Family Code Section 10004, consistent with funding restrictions and priorities for service that are periodically set by the Court.

(Rule 5.14(a) revised effective 1/1/18)

(b) Additional duties

If the foregoing has been accomplished, the Family Law Facilitator may also perform additional duties as referenced in Family Code Section 10005.

(Rule 5.14(b) revised effective 1/1/18)

(Rule 5.14 renumbered and revised effective 1/1/18)

Rule 5.15. Temporary Spousal or Partner Support

(a) Discretionary guideline

The Court shall use the formula contained in the Local Rules of the Superior Court of Alameda County (Alameda Superior Court, Local Rule 5.70) as its discretionary guideline

for temporary spousal support or partner support in marital and domestic partnership dissolution cases.

(Rule 5.15(a) revised effective 1/1/18)

(b) Adjustment for tax consequences

In domestic partnership cases, the Court will adjust the formula to account for tax treatment under state and federal laws if necessary.

(Rule 5.15(b) revised effective 1/1/15)

(Rule 5.15 renumbered and revised effective 1/1/18)

Rule 5.16. Presence of Children in Courtroom

(1) Unless a child whose custody or visitation is at issue and has been given court permission to address the court or testify per Family Code section 3042 and California Rule of Court, rule 5.250, that child shall not be present in the assigned courtroom while the matter is being heard, unless the judicial officer has specifically given permission for the child to be present.

(Rule 5.16 renumbered effective 1/1/19)

Rule 5.17. Family Court Services Appointments (Mediation, Information Gathering and Child Custody Recommended Counseling)

(a) Good faith effort to reach agreement

Except in those cases where domestic violence or other restraining orders have been issued or are pending hearing, or where there are allegations of child abuse or neglect currently under investigation, all parties shall make a good faith effort to arrive at an agreement regarding child custody and visitation before contacting Family Court Services to schedule appointments and before the court hearing.

(Rule 5.17(a) revised effective 7/1/18)

(b) Types of Family Court Services Appointments.

Confidential Mediation (Tier I below) shall be made available in all cases in which child custody counseling/visitation is at issue; the remaining services, including any additional Tier I appointments, shall be scheduled at the discretion of and as directed by the family law judicial officer according to the needs of the case (Family Code section 3170).

(1) **Confidential Mediation (Tier I).** Tier I referrals provide confidential mediation for families who have been unable to reach an agreement regarding custody, parenting time, and/or visitation.

(a) In most cases, parties must attend Tier I confidential mediation before a judicial officer will consider a higher tier process. In an appropriate case, the judicial officer

may order a referral of the parties to expedited or emergency child custody recommending counseling (Tier III) without first attending confidential mediation (Tier I).

(b) Children shall not participate in Tier I unless directed by the court, the Family Court Services administrator, or the Family Court Services mediator (Family Code section 3180).

(c) Tier I is confidential except that the mediator shall report any suspected child abuse, elder abuse, if someone is a danger to themselves or others, and/or if the mediator receives information that a parent has committed or intends to commit a serious crime (Penal Code section 11166).

(Rule 5.17(b)(1) revised effective 1/1/23)

(2) **Information Gathering (Tier II).** Tier II referrals are for the purpose of gathering information. A judicial officer has the discretion to include any specific areas of inquiry in a Tier II referral including, but not limited to, contact with law enforcement, contact with Child Protective Services, and interviews with the child(ren) or other collateral contacts. A Tier II summary report shall be submitted to the court. The confidentiality of Tier II sessions is limited because a report is provided to the court.

(Rule 5.17(b)(2) revised effective 1/1/19)

(3) **Child Custody Recommending Counseling (Tier III).** Tier III referrals are child custody recommending counseling sessions. If an agreement is reached, the child custody recommending counselor will document the agreement. Otherwise, the child custody recommending counselor will prepare a summary report and submit a recommendation to the court, the litigants and the litigants' attorney(s). The confidentiality of Tier III sessions is limited because a report is provided to the court.

(4) If parties are later referred to Tier II or Tier III, the Tier I mediator will not be assigned to conduct Tier II or Tier III in the absence of unusual circumstances as determined by the Manager of Family Court Services or order of the court after a hearing before a judicial officer.

(Rule 5.17(b) revised effective 1/1/19)

(c) Arranging for a Family Court Services Appointment

(1) Upon the filing of the Request for Order or Domestic Violence Restraining Order involving a custody/visitation, the parties shall complete the family court services online orientation program located on the court's website and shall arrange for an appointment with Family Court Services. Parties are to complete the online Family Court Services orientation class at www.cc-courts.org/onlineorientation (English) or www.cc-courts.org/orientacionenlinea (Spanish). Parties shall complete the orientation at least 5 days prior to their Family Court Services appointment. The purpose of orientation is to provide the parties with information about the Court process, with knowledge of collaborative parenting plan development, child rearing

in multiple homes, the impacts of domestic violence, and children's developmental needs as related to post-separation parenting arrangements. If it is necessary for a party to complete orientation in a language other than English or Spanish, the party shall call the Family Court Services Office to make alternate arrangements. Sanctions and/or fees may be imposed for failure to complete the online orientation.

(2) If parties have participated in a Family Court Services appointment within the previous six months, Family Court Services shall direct the parties to first attend their court hearing before an appointment will be scheduled, unless Family Court Services is otherwise ordered by a judge to immediately schedule an appointment. In their discretion, judges may direct Family Court Services to not schedule an appointment if parties have completed an appointment within 12 months prior to a court hearing.

(3) If a party is requesting a "move-away" order, the moving party is strongly encouraged to specifically state that request in the moving papers. A Mediator's or Child Custody Recommending Counselor's ability to address a "move-away" request in custody counseling may be significantly limited unless a request for a "move-away" order is specifically stated in a party's moving papers.

(4) If the custody or visitation hearing is scheduled before the Family Court Services appointment, and the case does not involve current domestic violence, criminal or other protective order, the parties may agree to request a continuance of the hearing by completing and filing a Stipulation and Order Re: Continuance of Court Hearing to a Date After the Family Court Services Appointment (Local Court Form FamLaw-230). No fee is due with the filing of this form.

(5) **Meeting separately**. A party who has a restraining order or alleges under penalty of perjury that they have been a victim of domestic violence, even though there is no current restraining order, may request to meet separately.

(6) **Support Persons.** Protected parties or parties who allege domestic violence may have a support person in the session. The support person must be at least 18 years of age and cannot be the attorney of record for either party. The support person must sign a Family Court Services form agreeing to keep the session confidential. The support person is for emotional support and is not present to speak or offer comments during the session, nor to offer advice to the parent. If the support person is disruptive to the session, the counselor will exclude the support person.

(7) **Appearances.** Mediation appointments may be set in-person or remotely via telephone or video at the discretion of Family Court Services and the Court. Parties shall appear as ordered. If the party appears remotely, the party shall join the remote video session and/or place the telephone call to Family Court Services at the time of the appointment. Parties will be expected to verify their identity when checking in for their mediation appointment.

(Rule 5.17(c) revised effective 1/1/23)

(d) Agreements

(1) **Agreements reached prior to scheduling mediation.** If the parties reach a complete agreement regarding custody and visitation before scheduling a Family Court Services appointment, they shall submit a written stipulation to the Court and they do not need to contact Family Court Services. Self-represented parties may obtain assistance from the Family Law Facilitator's Office for guidance in preparing a stipulation. Hours of service and location for the Family Law Facilitator's Office are available on the court's website at www.cc-courts.org/family/flf.aspx.

(2) **Agreements reached after scheduling mediation.** If the parties reach a complete agreement regarding custody and visitation after they have scheduled their appointment, the parties shall submit a written stipulation to the Court and both parties shall contact Family Court Services to cancel existing appointments at least 24 hours in advance. Sanctions and/or fees may be imposed on any party that fails to contact Family Court Services to cancel at least 24 hours before the scheduled appointment.

(3) **Full or partial agreement reached during mediation**. If the parties reach an agreement during mediation regarding all or some of the custody and visitation issues, the Family Court Services mediator shall prepare the written agreement and send copies to the parties and attorneys of record, and submit the original to the Court. If there are no other issues remaining to be decided, the parties may advise the mediator that the Court hearing should be vacated and that the agreement be adopted by the Court as an order. The Court will then file and send a copy of the filed order to the parties.

(Rule 5.17(d) renumbered and revised effective 1/1/23)

(e) Ex parte Communication in Family Court Services Appointments

All Family Court Services appointments shall be held in private, and all communications from the parties to the Mediator or Child Custody Recommending Counselor shall be deemed official information within the meaning of Evidence Code Section 1040. The Mediator/Child Custody Recommending Counselor may exclude attorneys from the Family Court Services appointment in the sole discretion of the Mediator/Child Custody Recommending Counselor.

(Rule 5.17(e) renumbered and revised effective 7/1/18)

(f) Ex parte communication with Family Court Services Mediators and Child Custody Recommending Counselors

Neither party may contact the Mediator/Child Custody Recommending Counselor prior to their appointment. All communication between Family Court Services Mediators and Child Custody Recommending Counselors and the parties/attorneys shall be by telephone conference or in writing, with copies sent to the other party/attorney, even where the

Mediators and Child Custody Recommending Mediator/Child Counselor initiates the communication. If the communication is in writing, the party submitting the writing shall send it to the parties/attorneys simultaneously and by the same method (i.e., fax, mail or email). Email and faxes shall also be copied to all parties/attorneys. In urgent circumstances or when the Mediator/Child Custody Recommending Counselor is unable to set up a telephone conference with the parties/attorneys and there is insufficient time to correspond in writing with both parties/attorneys, the Mediator/Child Custody Recommending Counselor may initiate contact with one party/attorney for the purpose of clarifying information or obtaining additional information for a status report. The Mediator/Child Custody Recommending Counselor shall disclose such ex parte communication to the other party/attorney if this occurs. Questions regarding scheduling or other procedural matters may be discussed with the Family Court Services clerical staff.

(Rule 5.17(f) revised effective 1/1/22)

(g) Documents Provided to Family Court Services. FCS is not obligated to retain any documents provided to FCS by the parties or other collateral sources. Although the Mediator/Child Custody Recommending Counselor has the discretion to temporarily retain supplemental documents, all supporting documents will be destroyed, in a confidential manner, by FCS staff at the conclusion of the mediation/child custody recommending counseling services and FCS will not provide copies of supplemental documents to the Court or to the other party on the case.

(h) Family Court Services Complaint Process

(1) At the earliest possible time, and no later than 5 court days before the custody/visitation hearing, a party may file a written complaint, in the form of a declaration signed under penalty of perjury, specifying alleged misconduct of a Mediator/Child Custody Recommending Counselor. A copy of the declaration shall be served on the other party and a proof of service shall be filed. The party shall also provide a copy of the declaration to the Manager of Family Court Services. The other party may file a written response. A copy of the response shall be served on the other party and a proof of service shall be filed before the next hearing date. The responding party shall also provide a copy of the written response to the Manager of Family Court Services. The Manager of Family Court Services shall investigate the complaint and respond in writing to the complainant and the responding party.

(2) No change of counselor will be granted unless there is substantial showing that the counselor is biased or prejudiced against one of the parties or is unable to render a fair and impartial recommendation.

(Rule 5.17(g) renumbered and revised effective 1/1/23)

(i) Child Custody Recommending Counselors as Witnesses

In lieu of a subpoena and appropriate fee as described in California Government Code section 68097.2, should a party wish to compel the appearance of a Family Court Services Child Custody Recommending Counselor as a witness at a custody/visitation trial, the party can notify Family Court Services in writing that the Custody Counselor's testimony is required. The notice shall state the date and time of the hearing, and the time when the Custody Counselor is expected to be called as a witness and shall be provided to Family Court Services at least 5 court days before the hearing date. A non-refundable check in the appropriate amount as described in California Government Code Section 68097.2 shall accompany the written request for the Child Custody Recommending Counselor's appearance.

(Rule 5.17(h) renumbered 1/1/23)

(j) Second Confidential Mediation (Tier I), Information Gathering (Tier II) or Child Custody Recommending Counseling (Tier III) Appointment on a Current Motion

(1) Parties who are ordered to return to Family Court Services for a second Tier I, Tier II or Tier III Family Court Services appointment on a current motion may be charged a fee for such return services in the amount of $250.

(2) Where parties attend Family Court Services appointment, reach an agreement, subsequently rescind the agreement, and then wish to return or are ordered to return to Family Court Services for an additional appointment, Family Court Services may charge a fee as set forth in subsection (1) above.

(Rule 5.17(i) renumbered effective 1/1/22)

(k) Family Court Services Reports and Recommendations

(1) When a child custody recommending counselor completes a Tier II Information Gathering Appointment, the child custody recommending counselor shall prepare a written report but will not include any recommendations. The report shall be submitted to the parties and to the Family Law Department hearing the matter. The department shall file the report in a confidential portion of the Court file. Pursuant to the Standing Order of the Presiding Judge of this Court, use of this document shall be limited to the pending litigation and no person who has access to the document shall disseminate or disclose its contents to any person not entitled to access, nor shall the parties attach such document to any pleading in this or any other litigation or proceeding. Substantial sanctions shall be imposed upon any party who violates this order, whether intentionally, by mistake or by accident.

(2) When the parties do not reach an agreement during a Tier III Child Custody Recommending Counseling Appointment, the Child Custody Recommending Counselor shall prepare a written Status Report that includes the Child Custody Recommending Counselor's recommendations. The report shall be submitted to the parties and to the Family Law Department hearing the matter. The department shall file the report in a confidential portion of the Court file. Pursuant to the Standing Order of the Presiding Judge of this Court, use of this document shall be

limited to the pending litigation and no person who has access to the document shall disseminate or disclose its contents to any person not entitled to access, nor shall the parties attach such document to any pleading in this or any other litigation or proceeding. Substantial sanctions shall be imposed upon any party who violates this order, whether intentionally, by mistake or by accident.

(3) Persons entitled to access the report and the information contained in the report are limited to the parties, their attorneys, federal or state law enforcement, judicial officers, necessary court employees, and minor's counsel, except upon order of the Court.

(Rule 5.17(j) renumbered and revised effective 7/1/18)

(l) Private Mediator

Parties may jointly agree to retain a private mediator pursuant to Family Code section 3164. The parties shall complete and submit to the court the Stipulation and Order for Private Child Custody Recommending Counselor (local court Form FamLaw-300) for approval. Within 10 court days of receiving the order of appointment by the court, the private mediator shall file and serve on all parties the Consent to Appointment as Private Confidential Mediator or Child Custody Recommending Counselor and Declaration Regarding Qualifications (local court Form FamLaw-301).

(Rule 5.17(k) renumbered effective 1/1/22)

(Rule 5.17 revised effective 1/1/22)

Rule 5.18. Child Custody Evaluations

(a) Court ordered evaluations

All evaluators appointed by the Court to conduct child custody and visitation evaluations, whether by stipulation or otherwise, shall be appointed under Evidence Code Section 730.

(Rule 5.18(a) revised effective 1/1/16)

(b) Evaluator selection

Where the parties are unable to agree on an evaluator to conduct the custody evaluation, the Court shall select an evaluator for the parties in a manner as determined by the Court. If the Evaluator appointed by the Court does not accept the appointment, the parties or their attorneys shall contact the Court and request the appointment of a different evaluator.

FCS will maintain a list of private child custody evaluators who have represented that they meet the training and education requirements of California Rules of Court, Rules 5.225 and 5.230. This list shall be available on the Court's website.

(Rule 5.18(b) revised effective 7/1/25)

(c) Custody evaluation requirements

An Order Appointing Child Custody Evaluator (Judicial Council Form FL-327) shall be filed and given to the Evaluator before the evaluation begins. The Evaluator shall file a

Declaration of Private Child Custody Evaluator Regarding Qualifications (Judicial Council Form FL-326). Each party and each party's counsel shall follow the procedures set forth in the Order Appointing Child Custody Evaluator. The Evaluator shall comply with the requirements of California Rules of Court, Rule 5.220.

(Rule 5.18(c) revised effective 1/1/18)

(d) Scope of the evaluation

When appropriate, in the interest of saving the parties' time, expense and stress, the evaluation may be limited in scope (focused evaluation) to the question or questions that the Court requires answered.

(Rule 5.18(d) revised effective 1/1/01)

(e) Challenge of the evaluator

No peremptory challenge to an evaluator shall be allowed. Parties may raise objections to a specific evaluator during the selection process. Parties may object to the conclusions of the report when the report is submitted to the Court, and may bring other appropriate expert testimony to object to the conclusions. (California Rules of Court, Rule 5.220(d)(1).)

(Rule 5.18(e) revised effective 1/1/18)

(f) Withdrawal from a case

A private evaluator may withdraw from a case upon a showing of good cause to the trial court making the appointment.

(Rule 5.18(f) new effective 1/1/18)

(g) Information from children

The Court relies on the judgment of its experts in making decisions about when, how often, and under what circumstances children are interviewed. The expert shall be able to justify the strategy used in any particular case. Children will be informed that the information provided by the child will not be confidential before beginning the interview. (California Rules of Court, Rule 5.220(d)(2).)

(Rule 5.18(g) revised effective 1/1/17)

(h) Impartial expert

The court-appointed evaluator shall be impartial. Evaluators should include in-person interviews of both parents or guardians, unless geographical distance or other factors make in-person interviews impractical. In such instances, attorneys, parties and the expert shall make reasonable accommodation to assure that the expert has received adequate information about all parents, guardians, or parties.

(Rule 5.18(h) revised effective 1/1/18)

(i) Grievance procedure

If a party alleges that an unprofessional or inappropriate act has occurred on the part of the Evaluator during the course of the evaluation, the party may discuss the complaint with the Evaluator directly in order to handle misunderstandings.

Complaints or grievances concerning the Evaluator will not be considered by the Court until after the evaluation is completed, at the Recommendation Conference. All such complaints and grievances must be submitted to the bench officer hearing the matter at least 15 calendar days before the Recommendation Conference, with copies to the Evaluator and all other parties. The Evaluator shall submit a written response to all issues raised in the written complaint to the bench officer hearing the matter at least 2 calendar days before the Recommendation Conference, with copies to all parties. The bench officer will address the complaint at the time of the Recommendation Conference. If the party submitting the complaint objects to the bench officer's resolution of the complaint, the complaint or grievance shall become an issue at trial.

(Rule 5.18(i) revised effective 1/1/23)

(j) Expectation of settlement

The parties and the attorneys should make a good faith attempt to settle the custody and visitation disputes before the Recommendation Conference and any subsequent trial. Settlement efforts may include joint meet and confer conferences between the parties and counsel unless potential harm exists from this process.

(Rule 5.18(j) revised effective 1/1/16)

(k) Continuing effort

The Court may ask the Evaluator to continue to be available to the family to help resolve problems with any order made following the Evaluator's recommendations.

(Rule 5.18(k) revised effective 1/1/16)

(l) Payment of the evaluation

The Court shall make orders concerning payment of the Evaluator at the time of the appointment. The Evaluator may not withhold a report from the Court because of the parties' failure to pay. Either party or the appointed custody evaluator may file a Request for Order regarding unpaid custody evaluator fee(s).

(Rule 5.18(l) revised effective 1/1/18)

(m) Evaluation report

(1) The Evaluator shall prepare and submit both an evaluation report and recommendations to the parties, counsel, and the Court. The Department hearing the matter shall secure the evaluation report in a confidential portion of the Court file. Pursuant to the standing Order of the Presiding Judge of this Court, use of this document shall be limited to the pending litigation and no person who has access to the document shall disseminate or disclose its contents to any person not entitled to access, nor shall the parties attach such document to any pleading in this or any other litigation or proceeding. Substantial sanctions shall be imposed

upon any party who violates this order, whether intentionally, by mistake or inadvertence.

(2) Persons entitled to access the report and/or the information contained in the report are limited to the parties, their attorneys, federal or state law enforcement, judicial officers, necessary court employees, and minor's counsel, except upon order of the Court.

(Rule 5.18(m) revised effective 1/1/18)

(n) Ex parte communication with evaluator

No party or attorney for a party shall initiate one-sided contact with the Evaluator, either orally or in writing before the first appointment of the initiating party except for the purpose of setting up that first appointment. Parties may initiate one-sided contact with the Evaluator after the first appointment of the party initiating the contact. The Evaluator may contact any party at any time. Attorneys may initiate contact after the first appointment of a party only by conference call or in writing copied to the other party. Contact may be made to arrange appointments without the necessity of a conference call.

(Rule 5.18(n) revised effective 1/1/18)

(Rule 5.18 revised effective 7/1/25)

Rule 5.19. Court Communication for Domestic Violence and Child Custody Orders (Adopted Pursuant to California Rules of Court, Rule 5.445)

(a) Communication between the Criminal, Family, Juvenile and Probate Courts

(1) Before requesting a Criminal Protective Order involving a defendant and a victim or witness who have a relationship as defined in Family Code Section 6211, the District Attorney shall make reasonable efforts to determine whether there are any children of the relationship, whether there are any Family, Juvenile, or Probate Court orders for custody/visitation for those children, and whether there are any existing protective/restraining orders involving the defendant, the protected person, and/or the children. The District Attorney shall advise the Criminal Court of the existence of any such orders at the time the proposed Criminal Protective Order is submitted for approval and signature.

(2) The Family, Juvenile or Probate Court setting terms of custody or visitation shall make reasonable efforts to determine whether any person requesting custody or visitation is subject to a Criminal Protective Order, including inquiring of the parties whether there are any existing protective/restraining orders involving that person, another person seeking custody or visitation, and/or the children.

(3) When the Criminal Court issues a Criminal Protective Order protecting a victim or witness who has children with the defendant, the Criminal Court shall consider whether peaceful contact with the protected person should be allowed for the purpose of allowing defendant to have visitation with the children.

(4) If any person named in a Criminal Protective Order is also before the Family, Juvenile, or Probate Court in proceedings concerning custody or visitation, a court-employed Child Custody Recommending Counselor or Court Investigator serving the Family, Juvenile or Probate Court shall have access to and review the criminal court file, as permitted by applicable law. Confidential information reviewed under this rule remains confidential and shall not be further released except as provided by law or court order.

(Rule 5.19(a) revised effective 1/1/17)

(b) Modification of Criminal Protective Orders

(1) A party seeking to modify a Criminal Protective Order may calendar the matter for hearing before the Criminal Court, after giving notice to the District Attorney.

(2) The Family, Juvenile, or Probate Court may, on its own motion or at the request of a defendant, protected person or other interested party, calendar a hearing before the Criminal Court for a motion to modify a Criminal Protective Order. Notice of the hearing shall be given to all counsel and parties in both the criminal action and the family, juvenile, or probate matter.

(3) When the Family, Juvenile, or Probate Court calendars a hearing on a motion to modify a Criminal Protective Order, or receives notice that a party with a pending Family, Juvenile, or Probate matter involving minor children seeks to modify a Criminal Protective Order, the Court shall provide the Criminal Court with copies of existing or proposed Orders relating to protection, custody and/or visitation in the pending family, juvenile, or probate matter.

(Rule 5.19(b) revised effective 1/1/23)

(Rule 5.19 revised effective 1/1/23)

Rule 5.20. Dismissal for Failure to Prosecute.

Pursuant to C.C.P. Sections 583.310 and 583.360(a), the Court shall, upon its own motion, dismiss cases without prejudice on the ground that the petitioner has failed to prosecute and to bring it to trial within five years after it was commenced against the respondent.

Rule 5.21 Requirement for Current Mailing Address

An attorney or party whose mailing address, telephone number, fax number or e-mail address changes shall promptly file and serve on all parties a Notice of Change of Address or Other Contact Information (Judicial Council form MC-040). Addresses and other contact information will not be updated in the Court's case management system without the filing of this form.

(Rule 5.21 new effective 1/1/23)

Division 2 – Juvenile Matters

Chapter 1. Juvenile Department

Rule 5.50. Adoption, Construction and Amendment of Rules

(a) Citation of Juvenile Rules

These rules for the Juvenile Court may be cited as the "Local Rules for the Juvenile Court of Contra Costa County."

(b) Supplemental authority of local Juvenile Rules

These Local Rules shall be supplementary to and subject to state statutes and any rules adopted by the Judicial Council of the State of California. These rules shall be construed and applied so as not to conflict with such statutes or with the rules adopted by the Judicial Council.

(c) Effective date of Juvenile local court rules

These rules shall, on the date they become effective, supersede rules until adopted by the Superior Court as they relate to the Juvenile Court.

(d) Use of Term "Juvenile Justice" Instead of "Juvenile Delinquency"

These rules will use the term "juvenile justice," which is to be read as synonymous with the term "juvenile delinquency" in the Welfare and Institutions Code and the California Rules of Court.

(Rule 5.50 revised effective 1/1/21)

Rule 5.51. Juvenile Judge

(a) Judicial assignments

The Supervising Judge of the Juvenile Court shall be assisted by such judges and subordinate judicial officers (including commissioners and temporary judges) as may be provided from time to time by the Superior Court. The subordinate judicial officers and temporary judges shall perform their duties under the direction of the Supervising Judge of the Juvenile Court.

(Rule 5.51(a) revised effective 1/1/16)

(b) Juvenile hearings

The business of the Juvenile Court shall be conducted at the Walnut Creek Courthouse and Juvenile Hall, and may be conducted at Pittsburg, Richmond and Martinez Courthouses, and at such other facilities of Contra Costa County, and at such times as the Juvenile Court Supervising Judge or Presiding Judge may direct. The Juvenile Court Supervising Judge shall be responsible for the distribution of court business.

(Rule 5.51(b) revised effective 1/1/18)

(c) Types of Juvenile hearings

The Juvenile Court Supervising Judge and assigned judges shall conduct all hearings required for adjudication of juvenile cases, including transfer hearings, competency hearings, rehearings and other matters which they by order deem appropriate. Matters to be heard by a Juvenile Court Judge shall be calendared directly by that judge's department.

(Rule 5.51(c) revised effective 1/1/21)

(d) Juvenile bench recusal

If the only Juvenile Court judge available is removed from hearing a matter because of a challenge or otherwise, the matter shall be referred by the Supervising Juvenile Judge to the Presiding Judge of the Superior Court.

(Rule 5.51(d) revised effective 1/1/21)

(e) Assignment of Juvenile hearings

The Juvenile Court judges shall maintain separate calendars of all matters to be heard by them, which shall be published. When a case is assigned to a Juvenile Court Judge, it is assigned to that judge for all purposes.

(Rule 5.51(e) revised effective 1/1/13)

(f) Juvenile pre-hearing conference

Pre-hearing conferences shall be conducted as determined by the Juvenile Court judges. Where such conference is held, attendance is mandatory as to all persons ordered to attend. At such conferences, counsel shall be familiar with the case, shall be prepared to enter into stipulations binding their clients, and shall be prepared to discuss the facts so as to clarify and simplify issues.

(Rule 5.51(f) revised effective 1/1/13)

(g) Juvenile policy and procedure

The Juvenile Court Supervising Judge, in directing the judicial business of the Juvenile Court, may issue memoranda of policy and procedure to all parties involved in the Juvenile Court process, which shall be binding, subject to the authority of the Executive Committee and the Judges of the Superior Court of Contra Costa County.

(Rule 5.51(g) revised effective 1/1/16)

(Rule 5.51 revised effective 1/1/16)

Rule 5.52. Juvenile Court Commissioner

(a) Appointment of Juvenile Court Commissioner

As permitted by law, the Judges of the Superior Court, by majority vote, may, as resources allow, appoint a Juvenile Court Commissioner. Any commissioner so appointed shall have been admitted to practice law in California for not less than ten (10) years, shall hold office

at the pleasure of the Supervising Judge of the Juvenile Court, and shall not engage in the practice of law.

(Rule 5.52(a) revised effective 1/1/21)

(b) Authority of Juvenile Court Commissioner

The Juvenile Court Commissioner shall perform the duties and shall have the powers prescribed by Code of Civil Procedure Section 259, and the duties and powers of a juvenile court referee as specified in Welfare and Institutions Code Section 248.

(Rule 5.52(b) revised effective 1/1/16)

(c) Juvenile court assignments as temporary judge

Unless otherwise expressly specified, the Juvenile Commissioner, without further order of the Court, shall act as a temporary judge with respect to any and all juvenile actions, causes, or proceedings and whether regularly or specially assigned to the Juvenile Commissioner or to the Department in which the Juvenile Commissioner is sitting. Such duties and powers include, but are not limited to, conducting the trial, contest or hearing assigned actions, causes or proceedings, whether or not contested.

(d) Juvenile stipulation to Commissioner

Subordinate judicial officers shall hear their cases as commissioners and be identified as commissioners to all parties. Any party not objecting to the commissioner hearing the matter is deemed to have stipulated to such commissioner hearing the matter as a temporary judge.

(Rule 5.52(d) revised effective 1/1/21)

(e) Stipulation requirements for temporary judge

When an attorney is sitting as a court-appointed temporary judge and hears a contested matter, the parties whose stipulation should be obtained are: the attorney for petitioner, the attorney(s) for the minor(s), and in applicable cases brought under Welfare and Institutions Code Section 300, the attorney for the parent, guardian or de facto parent.

(Rule 5.52(e) revised effective 1/1/21)

(f) Vacation approval for subordinate judicial officers

A subordinate judicial officer's vacation time and other time away from his or her calendar shall be approved in advance by the Juvenile Court Supervising Judge. When a Juvenile subordinate judicial officer is absent, his or her calendar may be heard by:

(1) Court-appointed Temporary Judge

(2) The Juvenile Court Supervising Judge

(3) A Juvenile Court Judge or subordinate judicial officer as reassigned by the Juvenile Court Supervising Judge.

(Rule 5.52(f) revised effective 7/1/05)

(Rule 5.52 revised effective 1/1/21)

Rule 5.53. Motions

(a) Presentation of motions

Except as provided by law, all motions shall be in writing, shall be heard before the attachment of jeopardy and shall be heard five (5) or more court days after notice unless the Court orders otherwise. The moving party shall clear the hearing date with the clerk of the juvenile court before filing any such motion.

(Rule 5.53(a) revised effective 1/1/16)

(b) Motion to continue the jurisdiction hearings

A motion to continue the jurisdiction hearing in any proceeding shall be made and heard no less than two (2) court days before the jurisdiction hearing, after service of notice on the opposing party at least five (5) court days before the jurisdiction hearing. Said motion shall be in writing unless all parties to the action, with the concurrence of the Court before whom the hearing is to be held, waive the requirement of written notice. The Court, however, may continue a jurisdiction hearing on motion of any party at the proceeding for good cause without the requirements of this subdivision being fulfilled. Failure to file a motion to continue within the time frame specified in this rule, absent a showing of good cause resulting in the untimely filing of the motion, may result in the imposition of sanctions.

(Rule 5.53(b) revised effective 1/1/18)

(Rule 5.53 revised effective 1/1/18)

Rule 5.54. Appointment of Juvenile Court Appointed Counsel

Juvenile Court judges shall be responsible for the appointment of counsel for children or minors in matters subject to the jurisdiction of the Juvenile Court. Unless otherwise ordered, appointments for minors in Welfare and Institutions Code Section 300 dependency cases shall be referred to the contracted dependency counsel program. Appointments for minors in Welfare and Institutions Code Section 602 juvenile justice cases shall be referred to the Public Defender's Office or, in the case of a conflict of interest, to the Alternate Defender or Conflict Panel counsel.

(Rule 5.54 revised effective 1/1/21)

Rule 5.55. Minute Order

Minute orders in juvenile proceedings

(1) A minute order shall be prepared by the clerk of the Juvenile Court at the conclusion of each court proceeding. Recommendations adopted by the Court may be attached and incorporated into the minute order by reference.

(2) All parties to the action are entitled to receive a copy of the minute order upon completion of that session of the judicial proceeding.

(3) Any party to the proceeding may waive receipt of the minute order.

(Rule 5.55 revised effective 1/1/15)

Rule 5.56. REPEALED

Rule 5.57. Public Hearings

Unless provided otherwise by law, Juvenile Court proceedings shall be closed to the public; provided, however, that the Juvenile Court judge may admit such persons as he or she deems have a direct and legitimate interest in the particular case or the work of the Court.

(Rule 5.57 revised effective 1/1/21)

Rule 5.58. Records access by Court Appointed Special Advocate (CASA)

For the purposes of implementing the Court Appointed Special Advocate (CASA) Program, volunteers serving in the program are considered court personnel as that term is used in Welfare and Institutions Code Section 827. They shall have access to Probation Department and Department of Family and Children's Services files in the case(s) in which they are appointed as court appointed advocates as necessary to carry out their responsibilities.

(Rule 5.58 revised effective 1/1/21)

Rule 5.59. Inter-Agency Exchange of Information

(a) Juvenile information access and exchange

The disclosure of information concerning children and their parents by staff associated with Family Court Services, the Probation Department Juvenile Division, Children and Family Services, Case Management Council, Adult Probation Department and Probate Court Investigators office is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in certain circumstances will serve the best interest of the child who is before the Court. The Court finds that the best interest of children and victims appearing in court and the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts, and the value of having relevant information gathered by a court agency outweighs the confidentiality interest reflected in Penal Code Sections 11167 and 11167.5

and Welfare and Institutions Code Sections 827 and 10850 et seq., and therefore, good cause exists for the following rule:

Concerning agency information sharing in the following types of cases before the Court:

(1) Juvenile Justice;

(2) Custody Disputes;

(3) Juvenile Dependency;

(4) Probate investigation (Conservatorship and Guardianship); and

(5) Criminal

In such cases, the representatives of the above listed agencies who are investigating or supervising cases involving children may disclose information to each other, including the exchange of records, reports and other documentation in their files regarding minors within the jurisdiction of the family, probate or juvenile courts or subject to proceedings therein, if such exchange of information will assist the agency receiving the information in serving the needs of children or reporting facts to the court.

(b) Juvenile inter-agency sharing of information

All county agencies and agencies contracting with the county to provide treatment to juveniles may share information with each other as to juveniles within the jurisdiction of the Juvenile Court that the agencies treat in common.

(Rule 5.59 revised effective 1/1/26)

Rule 5.60. REPEALED

Rule 5.61. Experience, Training, Education

(a) Minimum competency standards for court-appointed attorneys

Effective July 1, 1996, all appointed attorneys appearing in juvenile dependency and delinquency proceedings shall be familiar with and comply with the minimum standards of competence set forth in California Rules of Court, Rules 5.660 and 5.664 and any applicable Welfare and Institutions Code Sections.

(Rule 5.61 revised effective 1/1/18)

Rule 5.62. Screening for Competency

(a) Minimum competency standards for court-appointed attorneys

All attorneys appearing in juvenile dependency and juvenile justice proceedings shall be familiar with, and shall not appear unless they have met, the minimum standards of competence for juvenile proceedings. The contracted dependency counsel program shall, before assigning any dependency case to any attorney, assure that the assigned attorney

meets the requirements of California Rule of Court 5.660. The Office of the Public Defender, the Office of the Alternate Defender, and the Criminal Conflicts Panel shall, before assigning any juvenile justice case to any attorney, assure that the assigned attorney meets the requirements of California Rule of court 5.664.

(b) Continuing education for court-appointed attorneys.

Each court-appointed attorney who represents any party in juvenile dependency proceedings shall complete all continuing education requirements imposed by California Rule of Court 5.660(d)(3)(b). Each attorney who represents minors in juvenile justice proceedings shall complete all continuing education requirements imposed by California Rule of Court 5.667(c). Every attorney subject to this rule shall maintain records of compliance with continuing education requirements and provide the records to the Court upon request. Such records may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization that provides compliant training and/or education for its members, whether or not it is a MCLE provider; or a record of attendance at a court-sponsored or approved program.

(c) Standards of representation

All court-appointed attorneys appearing in dependency proceedings shall meet the following minimum standards of representation:

(1) Attorneys shall meet regularly with clients, including clients who are children, contact social workers and other professionals associated with the client's case, work with other counsel and the Court to resolve disputed aspects of a case without hearing, and adhere to the mandated time lines.

(2) If the client is a child, the attorney or the attorney's agent shall have contact with the client before each hearing. The attorney or attorney's agent shall interview all children four (4) years of age or older in person, if possible. Whenever possible, the child shall be interviewed or seen at the child's placement. The attorney or attorney's agent shall also interview the child's caretaker, particularly when the child is under four (4) years of age.

(3) If the client is not the child, the attorney or the attorney's agent shall interview the client at least once before the jurisdictional hearing unless that client is unavailable. Afterward, the attorney or the attorney's agent shall contact the client at least once before each hearing unless the client is unavailable.

(Rule 5.62 revised effective 1/1/21)

Rule 5.63. Mediation

(a) Mediation of contested jurisdictional hearings

In any case set for jurisdictional contest except cases filed under Welfare and Institutions Code sections 300(d) or (e), the Court may, unless any party or attorney objects, send the parties to mediation before the contested hearing.

(b) Mediation of post-jurisdictional contested hearings

At the request of any party or the Court, and with consent of all parties, post-jurisdictional matters set for contested hearing may be referred to mediation.

(Rule 5.63 revised effective 1/1/21)

Rule 5.64. Reciprocal Discovery

By Order of the Supervising Judge, the discovery provisions and rules of California Rules of Court, Rule 5.546 pertaining to juvenile justice matters are equally applicable and reciprocal to the prosecution and defense. (Robert S., 9 Cal. App 4th 1417)

(Rule 5.64 revised effective 1/1/21)

Rule 5.65. Disclosure of Victim or Witness Contact Information

(a) Disclosure of victim or witness contact information

All attorneys participating in juvenile justice proceedings shall comply fully with the limitations on disclosing victim or witness contact information prescribed by California Penal Code Section 1054.2. (See Robert S. v. Superior Court (1992) 9 Cal.App.4th 1417, 1422). Attorneys may disclose victim or witness contact information, including but not limited to, addresses and telephone numbers, only in accordance with Penal Code Section 1054.2. Attorneys shall not disclose victim or witness contact information to a child who is the subject of a juvenile justice proceeding, or to the child's parent or guardian, unless specifically permitted to do so by the Court after a hearing and a showing of good cause. The same concerns for victim or witness safety that prompted the enactment of Penal Code Section 1054.2 applies with equal force in juvenile justice proceedings (Cf., City of San Jose v. Superior Court (1993) 5 Cal.4th 47, 54).

(b) Redaction of victim or witness contact information by district attorney

The District Attorney shall fully redact all victim or witness contact information before providing police, arrest, and crime reports to a child, parent, or guardian, and shall simultaneously give notice that this information is being redacted. (See, California Rules of Court, Rule 5.546, subdivisions (b), (g), and (h).) The District Attorney shall provide unredacted copies of such reports to the attorney for a child, parent, or guardian, and the receiving defense attorney may use such reports in a manner consistent with Penal Code Section 1054.2(a). However, the receiving defense attorney shall redact all victim or witness contact information before providing police, arrest, and crime reports to the attorney's clients. In situations where the child, parent or guardian is not represented by an attorney, the Court shall issue a protective order consistent with Penal Code Section 1054.2, subdivision (b).

(c) Final order determining custody – modifications in new case filings

Pursuant to California Rules of Court, Rule 5.700 and Welfare and Institutions Code Section 302(d), the Court may enter appropriate custody and visitation orders at the time

the Juvenile Court terminates jurisdiction in a dependency case. To ensure there is in fact a significant change of circumstances to warrant modification of that order, when issuing the "Custody Order-Juvenile-Final Judgment-Visitation Order-Juvenile" (Judicial Council Form JV-200/JV-205), any request for order, application, order to show cause or motion to change custody or visitation filed within one year of the "Custody Order-Juvenile-Final Judgment/Visitation Order-Juvenile," shall be assigned and determined by a juvenile bench officer. If possible, the matter shall be calendared before the juvenile bench officer who issued the final judgment and custody order. In such cases the juvenile bench officer shall sit as a family law bench officer and the matter shall be heard pursuant to the provisions of the Family Code.

(Rule 5.65 revised effective 1/1/21)

Rule 5.66. Notice Regarding Change in Placement for Dependents of the Court

To ensure that proper notice is received by attorneys of any change in a child's placement after the jurisdiction hearing:

(1) In non-emergency situations, Children and Family Services shall give notice to the child's counsel by close of the next business day following a decision to change a child's placement, including a change in address for respite, or a 7-day caretaker notice. In no event in non-emergency situations, shall the child be moved from placement without first providing child's counsel a reasonable opportunity to put the matter on the court calendar for court review.

(2) In non-emergency situations, Children and Family Services shall give at least ten (10) calendar days' notice before separating siblings placed together.

(3) Prior to removal of a child from one county to another, Children and Family Services shall give at least fourteen (14) calendar days' notice to all counsel, unless emergency circumstances prevent such notice. In such emergency circumstances, notice shall be given as soon as practicable but no later than close of the next business day.

(4) Within 48 hours of receipt of information that a child is absent without leave ("AWOL"), Children and Family Services shall notify all counsel.

(5) Within 48 hours of receipt of information that a child is or was recently hospitalized for medical treatment, including psychiatric hospitalizations, Children and Family Services shall notify all counsel and must provide the child's counsel the name and location of the hospital.

(6) Notice by Children and Family Services relating to the above changes in placement must be given in writing, which includes by facsimile or email. Notice to the child's counsel shall include the child's address, telephone number and name of the caregiver.

(Rule 5.66 revised effective 1/1/21)

Rule 5.67. REPEALED

Rule 5.68. Notice to Caregiver

The social worker shall ensure that notice is provided to the current caregivers of a dependent child, including foster parents, relative caregivers, pre-adoptive parents, or nonrelative extended family members of all status review and permanency review hearings as required under W&I Code 293. The social worker shall also provide the caregiver, at least thirty (30) calendar days before such hearings, with a Caregiver Information Form (Judicial Council Form JV-290) and instructions on how to complete and file the Instructions to Complete the Caregiver Information Form (Judicial Council Form JV-290-INFO) with the court.

(Rule 5.68 revised effective 1/1/21)

Rule 5.69. Notice to Minor's Counsel Regarding Subpoenas

In the event that a social worker receives a subpoena or notice of a subpoena compelling the appearance for testimony of a minor subject to a dependency action, the social worker shall provide immediate notice to minor's counsel in the dependency action. This notice shall be given at least five (5) business days before the date of the appearance of the minor child or within 48 hours of the social worker's receipt of information of the subpoena, whichever occurs later. The social worker shall provide minor's counsel with a copy of the subpoena.

(Rule 5.69 revised effective 1/1/21)

Rule 5.70. Probation Reports Reporting Confirmed Information on AIDS and AIDS-Related Diseases

Medically verified information that a juvenile or a defendant has AIDS, or AIDS-related diseases or is HIV positive, when reported to the Court, shall be reported in a confidential memorandum, attached only to the Court's copy of the Probation Report. These memoranda shall be marked "confidential." And shall be maintained in a sealed envelope in the confidential section of the Court file and opened only by the bench officer presiding over the case.

(Rule 5.70 revised effective 1/1/21)

Rule 5.71. Court Appointed Special Advocates Program Guidelines

Only a representative of a CASA Program that complies with California Rules of Court, Rule 5.655 and Welfare and Institutions Code section 100 et seq. is eligible to be appointed to work with a minor in this county.

(Rule 5.71 revised effective 1/1/19)

Rule 5.72. Submission, Copying, and Distribution of CASA Reports; Access to CASA Reports

(a) Submission of CASA court report. CASA shall submit CASA court reports to the Court a minimum of five court days prior to the hearing for which the report was prepared.

(b) Copying and Distribution of CASA court report. CASA shall copy the CASA court report and distribute it to attorneys of all parties to the case, County Counsel's Office, and Children and Family Services a minimum of five court days prior to the hearing for which the report was prepared.

(c) Access to CASA court report. Other than the attorneys for the parties (for example, parents, legal guardians, Children and Family Services), no other individuals or entities are entitled to receive a copy of the CASA court report, and only those individuals or entities named in subdivision (a) of section 827 of the Welfare and Institutions Code, and those individuals or entities named in section 827.10 of the Welfare and Institutions Code are permitted to access a CASA court report.

(Rule 5.72 new effective 1/1/19)

Rule 5.73. Assignment of Transfer Hearings

When a motion to transfer a juvenile petition to adult court has been filed, the Juvenile Court Supervising Judge or the Presiding Judge may, in his or her discretion, designate a judicial officer not currently assigned to the Juvenile Court as an acting juvenile judicial officer, and may assign the transfer motion to that judge for hearing and decision.

(Rule 5.73 new effective 7/1/20)

Rule 5.74. Service of JV-790 on Victim

In any Welfare & Institutions Code section 602 case in which the Court awarded victim restitution, the Court shall, before terminating the juvenile's probation, execute for each victim still entitled to restitution a JV-790 restitution order converting any outstanding restitution award to a civil judgment. The District Attorney in all such cases shall:

(a) forthwith serve on each victim named in a JV-790 restitution order a certified copy of that victim's restitution order; and
(b) within 30 days of the date of the Order, file with the Court proof of service of the JV-790 restitution order served pursuant to subsection (A) or, if the victim's contact information is not available, a statement of due diligence reflecting the District Attorney's good faith efforts to locate the victim.

(Rule 5.74 new effective 1/1/20)

Rule 5.75. Presence at Juvenile Proceedings

(a) The Court recognizes that attorneys, probation officers, social workers and CASAs have a direct and legitimate interest in the work of the Court. The Court also considers it essential in the administration of the juvenile calendars to enforce and protect the confidential nature of the proceedings as prescribed by Welfare and Institutions Code section 676 and California Rule of Court 5.530(e). Accordingly, as to juvenile proceedings not open to the public pursuant to Welfare and Institutions Code section 676, the following rule shall apply. Attorneys, probation officers, social workers and CASAs may be admitted to the courtroom during juvenile proceedings in which they are not themselves appearing subject to the following standards:

1) No attorney shall attend any hearing in a case in which the attorney has, or may have, a conflict of interest. All attorneys shall ascertain, before attending any hearing, that they do not have an actual or potential conflict in that case. In particular, in WIC 602 cases, no member of the Office of the Public Defender shall attend any hearing at which the Alternate Defender represents a minor; no member of the Office of the Public Defender or Alternate Defender shall attend any hearing at which conflicts counsel represents a minor; and no attorney shall attend any hearing that involves a co-responsible of a minor represented by that attorney.

2) All parties who observe a juvenile case in which they are not directly involved, including attorneys, probation officers, social workers and CASAs, are bound by the privacy and confidentiality rules governing juvenile proceedings, and may not share or disclose to anyone anything seen or heard in court to anyone except if the proceeding is one that under the law is open to the public.

3) All parties who remain in the courtroom to observe a juvenile case in which they are not directly involved shall respect the Court and all parties involved in the juvenile case. No party shall engage in any conduct that would disrupt the proceedings and compromise the solemnity and integrity of the hearing, including talking with others in the courtroom during proceedings.

(b) The Court may, in its discretion, exclude any person who violates any of these provisions from future hearings in which that person is not appearing.

(Rule 5.75 new effective 7/1/20)

Title Six. Reserved

Title Seven. Probate Rules

Chapter 1. General Provisions

Rule 7.1. Probate Matters

Matters governed by the Probate Code, except compromises for minors and incompetents arising from matters not governed by the Probate Code, shall be set for hearing in the department(s) designated by the Presiding Judge. These departments will be known collectively as the Probate Division. All Probate Division cases subject to this rule will be assigned to one judge for all purposes unless otherwise determined by the Presiding Judge for good cause. For information about Contra Costa Probate Court Calendars, go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.1 revised effective 1/1/25)

Rule 7.2. Judicial Commitments

Probate matters also include all matters arising under the Lanterman-Petris-Short Act and any other judicial commitments except offenders/sex offenders with mental health disorders, individuals found not guilty by reason of insanity, and sexually violent predators. Matters subject to this rule shall be heard in the Probate Division at time and date as established.

(Rule 7.2 revised effective 7/1/26)

Rule 7.3. Trust Fund Withdrawals

An application for an order authorizing withdrawals of funds on deposit for the benefit of a minor shall be made by completing a form provided by the clerk of the Court for this purpose. The application shall be signed under penalty of perjury and shall set forth the status of the account, the purpose for which the funds are to be withdrawn, the need for the withdrawal, and the reasons why the parents or parent are unable to provide the needed funds. If the funds are held in a probate guardianship, or are blocked by other order of the probate court, the application for release of funds shall be submitted to the Probate Division. If the funds are blocked by order of another department, and there is no probate guardianship of the estate, the application shall be submitted to the Presiding Judge.

(Rule 7.3 revised effective 1/1/15)

Rule 7.4. Probate Rules

All petitions, motions, and orders to show cause regarding probate matters shall be set in the Probate Division, unless the order originates in another division of the Court. Also see Local Rule 3.41. Except for matters arising under Rule 7.2, all such matters are assigned for all purposes to a judge assigned to the Probate Division. A challenge to the assigned judge pursuant to Code of Civil Procedure Section 170.6 must be made in accordance with the time requirements set forth

in that section. Upon acceptance of a proper challenge under Code of Civil Procedure Section 170.6, the case will be reassigned by the Presiding Judge. Nothing in this rule limits the discretion of the Supervising Judge of the Probate Division to assign the trial or hearing of any matter to another department.

(Rule 7.4 revised effective 7/1/26)

Rule 7.5. Reporting of Court Reporting in Probate

(a) Unavailability of court reporters in Probate matters

Except as otherwise provided by Local Rule 2.53, official court reporters employed by the court are unavailable in the Probate Division effective January 1, 2013 and until further notice. Consult the Notice of Availability on the court's website for current status and any changes.

(Rule 7.5(a) revised effective 1/1/19)

(b) Procurement of private court reporters

Except as otherwise provided by Local Rule 2.53, any party who desires a verbatim record of the proceedings from which a transcript can later be prepared may procure the services of an outside private certified court reporter pro tempore to report any scheduled hearing or trial (see California Rules of Court, Rule 2.956).

(Rule 7.5(b) revised effective 1/1/19)

(c) Procurement process for court reporter services

Parties electing to procure the services of an outside reporter must comply with Local Rule 2.52.

(Rule 7.5(c) revised effective 1/1/19)

(d) Fee not charged for unavailable court reporter

Pursuant to California Rules of Court, Rule 2.956(d), if a party arranges and pays for the attendance of a certified shorthand reporter at a hearing in a probate case because of the unavailability of the services of an official court reporter, none of the parties will be charged the reporter's attendance fee provided for in Government Code Sections 68086(a)(1)(A) or (B).

(e) Attendance fee

If court reporters become available and in the Court's discretion are provided for any civil hearings, or if a court reporter is provided pursuant to Local Rule 2.53, any party who has not been granted a fee waiver under Government Code section 68631 et seq. will be required to pay the applicable reporter attendance fee provided for in Government Code sections 68086(a)(1)(A) or (B).

(Rule 7.5(e) revised effective 1/1/19)

(f) Transcript costs

Parties shall be responsible for all transcript costs pursuant to Government Code Section 69953.

(Rule 7.5 revised effective 1/1/19)

Chapter 2. Probate Court Proceedings

Rule 7.50. Probate Calendar

(a) Appropriate placement on Probate calendar

Probate calendars are arranged to facilitate efficient and effective resolution of matters before the Court. For information about probate calendars go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.50(a) revised effective 1/1/16)

(b) Calendar Procedures

Parties may request, but are not guaranteed, any particular date for calendaring their matter. For information about probate calendaring, go to the Probate Guidelines section at www.cc-courts.org. Parties who want exceptions to application of the calendar procedures as determined by the clerk may request the Probate Examiners make accommodations to the calendaring procedure—and may make verified application to the Probate Division.

(Rule 7.50(b) revised effective 1/1/16)

(Rule 7.50 revised effective 1/1/16)

Rule 7.51. Contested Matters

(a) Scheduling issue conference

The Probate Division will manage probate matters until they are ready for trial and will then schedule the matter for an issue conference as otherwise described in Local Rule 3.11. Also see Local Rule 7.1.

(b) Alternative Dispute Resolution programs for Probate matters

It is the policy of the Court to encourage the parties in all cases to consider the use of appropriate alternative dispute resolution options as a means of resolving their disputes without trial. The court finds that it is in the best interests of all parties that they participate in alternatives to traditional litigation, such as arbitration, mediation, neutral evaluation, and voluntary settlement conferences. Therefore, the court may refer cases to an appropriate form of alternative dispute resolution (ADR) before they are set for trial, unless there is good cause to dispense with an alternative dispute resolution process. (See Title 3, Chapter 5).

(Rule 7.51(b) revised effective 1/1/17)

(c) Rules for alternative dispute resolution processes other than judicial arbitration

(1) Selection of provider. The parties may choose any ADR provider they wish, whether or not that provider is on the list described in the following section of these rules.

(2) Good faith participation is required. All parties to an alternative dispute resolution process must participate in the process in good faith.

(3) Personal appearance required. In conducting a session, the ADR provider should require the attendance of persons with full authority to resolve the dispute. The provider should only permit telephone appearances if good cause to waive personal appearance was shown in a timely manner prior to the session.

(4) Cost of the alternative dispute resolution process. Unless the ADR provider's fees and expenses have been ordered by the court, the parties and the provider must agree on the fees and expenses. The fees and expenses of the provider will be borne by the parties equally, unless they agree otherwise.

(Rule 7.51(c) new effective 1/1/17)

(d) Alternative dispute resolution provider list

The court maintains a panel list of alternative dispute resolution providers to assist parties and counsel in obtaining access to experienced and affordable alternative dispute resolution services. The panel list includes providers in the areas of mediation, neutral case evaluation, private arbitration, and judicial arbitration. The panel list, including names, qualifications, services provided and fees charged, will be posted on the court's website and will be available in the office of the ADR program administrator.

(Rule 7.51(d) new effective 1/1/17)

(Rule 7.51 revised effective 1/1/17)

Rule 7.52. Appearances

(a) Appearances in uncontested matters

Appearances at the first hearing in uncontested matters are not normally required. Unless otherwise ordered, appearances are required in the following matters:

(1) If a person has been cited or ordered to appear at a hearing, appearances by both the party and the party’s attorney of record at that hearing are required. If the citation or order was requested by a party, then the attorney for the requesting party, or the requesting party if in pro per, is also required to appear.

(2) If the tentative ruling states “Appearances required” then appearances are required by the proponent of the matters on calendar, and all who have responded so the

Court can make appropriate case management orders (e.g. discovery deadlines, or trial setting). Attorneys of record may appear for their clients.

(Rule 7.52(a)(2) revised effective 1/1/13)

(3) The proponent and all who have responded must attend at all subsequent hearings related to case management orders (e.g. discovery deadlines, or trial setting) if a matter has been continued previously, or the parties are advised otherwise by the tentative ruling. Attorneys of record may appear for their clients.

(Rule 7.52(a)(3) revised effective 1/1/16)

(b) Sanctions for failure to appear

A failure to appear as required may result in sanctions pursuant to Code of Civil Procedure Section 177.5.

(Rule 7.52 revised effective 1/1/16)

Rule 7.53. Verifications

Verifications standards:

(1) The attorney who represents a ward or conservatee may verify pleadings filed on behalf of the ward or conservatee.

(2) An attorney's verification on behalf of a client may be sufficient for pleading purposes, but unless the verification provides that the facts are within the personal knowledge of the attorney, then this does not provide the evidentiary support necessary for a ruling.

(3) An attorney's declaration as to facts or attachments which were allegedly intended to be included in a statement previously verified by the attorney's client is ineffective. (Revised effective 1/1/03 per Code of Civil Procedure Section 2015 and California Rules of Court, Rule 7.103)

(Rule 7.53 revised effective 1/1/15)

Rule 7.54. Submission of Proposed Order Before Date of Hearing

Except in the case of confirmations of sales, orders must be submitted to the Probate Division at least three (3) court days in advance of the scheduled hearing date. The hearing date shall be stated in the order. The proposed order shall be prepared on the assumption the petition will be granted, including requested fees. Orders submitted later will be reviewed and processed after the hearing and will generally be available the morning after the hearing.

(Rule 7.54 revised effective 1/1/15)

Rule 7.55. Responses to Tentative Rulings

Tentative rulings or calendar notes are available before the calendar hearings in the Probate Guidelines section at www.cc-courts.org. In order to be considered, responses to tentative rulings

must be filed no later than the close of business, two (2) court days before the hearing and endorsed filed copies delivered to the Probate Examiner.

(Rule 7.55 revised effective 1/1/16)

Rule 7.56. Continuances to Cure Defective Pleadings or Procedures

(a) Continuance of first hearing

The first hearing on a matter may be continued to enable the petitioner to correct defective pleadings or procedures identified in the tentative ruling. The continuance can be made by telephone request to the clerk, or by the Court on its own motion, even if no appearance or request for continuance is made.

(b) Continuance or dismissal of matter

After the first hearing, the matter may be dismissed unless the petitioner shows good cause for a further continuance, by a filed declaration or an appearance at the hearing. Continuances following the first hearing may not be secured by requesting a continuance from the clerk.

(c) Renotice of dropped matters

A matter once dropped must be renoticed after it has been placed back on calendar. A matter dismissed must be refiled and renoticed.

(Rule 7.56(c) revised effective 1/1/01)

(Rule 7.56 revised effective 1/1/15)

Rule 7.57. JUDICIAL COUNCIL FORMS. REPEALED (See CALIFORNIA RULES OF COURT, RULE 7.101)

Rule 7.58. Discretion to Waive

The Court for good cause may waive the application of any Local Court Rule or Probate Guideline in an individual case.

(Rule 7.58 revised effective 1/1/15)

Rule 7.59. Fees

(a) Fee guidelines

The Probate Division may, from time to time, publish fee guidelines for the assistance of counsel and others. For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.59(a) revised effective 1/1/16)

(b) Fee petitions for fiduciaries

Fee petitions for fiduciaries and their attorneys, as well as for others seeking payment from an estate in a probate department case (e.g., court-appointed counsel for conservatees with an adequate estate) are governed by a common set of guidelines but are subject to somewhat different considerations depending on the type of case in which they are presented. The common guidelines, dealing with format and acceptable rates and reimbursable costs, are contained in Chapter 12 below, and in the Contra Costa Probate Court Fees and Costs Guidelines at www.cc-courts.org.

(Rule 7.59(b) revised effective 1/1/16)

(c) Evaluation of fee petitions

Other considerations for evaluating fee petitions in more specific contexts are referenced in Local Rules 7.306 (probate administration), 7.426 (probate guardianships and conservatorships, including LPS conservatorships), and 7.450 (trusts). Also, see Local Rules 7.61 and 7.65 for additional instructions applying to all fee petitions.

(Rule 7.59(c) revised effective 1/1/23)

(Rule 7.59 revised effective 1/1/16)

Rule 7.60. Record Title

(a) Disclosure of title of record

If a Title of Record for a decedent's interest in an asset is different than the decedent's interest is alleged to be in a petition determining the characterization or disposition of the decedent's interest, the petition shall disclose to the Court what the Title of Record is for the asset. For example, if a Spousal Property Petition is filed seeking determination that community property realty passed to the surviving spouse, and the title of record for the property to the property is held as "joint tenants with right of survivorship" then that fact shall be disclosed.

(b) Community property

Community property held in joint tenancy title will be treated as community property unless there was a formal and express transmutation from community property.

(Rule 7.60 revised effective 1/1/15)

Rule 7.61. Court Ordered Fees for Fiduciaries and Attorneys

(a) No attorney for a guardian, guardian ad litem, minor, conservator, conservatee or personal representative shall request or accept any compensation from the estate (whether or not subject to court supervision) of the ward, incapacitated person, conservatee or decedent's estate without prior court order. This does not require prior court approval of payments received from trusts or other persons.

(b) The requirement of prior court approval applies to any attorney for any of the specified fiduciaries who is representing the fiduciary in any other civil action. For example, if a creditor files suit against a decedent's estate, and the personal representative hires separate counsel to defend the suit, prior court approval is required before payment of any fees to the separate counsel.

(c) In awarding or allowing reimbursement for compensation in situations described in paragraph (a), the Court is neither bound by (1) the terms of any attorney fee agreement executed without prior court approval in the proceeding nor (2) any amounts that have been paid previously. (See California Rules of Court, 7.753, 7.754, 7.755.) For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.61 revised effective 1/1/16)

Rule 7.62. Factual Allegations

Declarations which merely recite or incorporate reference to code sections do not provide an evidentiary basis for action by the Court absent evidence that the declarant is an attorney or otherwise has sufficient expertise to express a credible opinion as to the operation of the code section. Absent such expertise, facts evidencing necessary compliance with a code section shall be stated in the pleadings.

(Rule 7.62 revised effective 1/1/16)

Rule 7.63. Guardian ad Litem

(a) Representation of guardian ad litem

A guardian ad litem must be an attorney or must be represented by an attorney.

(b) Waiver of beneficiary rights

A guardian ad litem may not waive or disclaim any substantive rights of the beneficiary without prior approval by the Court.

(Rule 7.63 revised effective 1/1/15)

Rule 7.64. Special Notice to Attorneys and Clients

A request for special notice by an attorney, absent an express statement otherwise, does not constitute a waiver of the notices required to be sent to the attorney's client under Probate Code Section 1214.

(Rule 7.64 revised effective 1/1/15)

Rule 7.65. Coordination of Fee Petitions with Accountings

(a) Filing fee petitions

Although the Probate Code does not prohibit fee petitions from being filed separately from accountings, the Court prefers to determine the amount of fees for fiduciaries and their attorneys (and if possible, for other attorneys who need prior approval for payment in the case) at the time the fiduciary's accounts are reviewed.

(b) Filing requirements

A petition before an accounting may be filed to determine compensation as long as the Inventory and Appraisal has been filed showing sufficient assets to pay the requested compensation (this condition does not apply to cases, such as trust administration, where an Inventory and Appraisal is not required to be filed). However, the fiduciary and counsel will not be allowed fees or costs from the estate for bringing such early petition, unless good cause for allowing fees before an accounting is shown.

(c) Fee petition clarification

A petition for appointment of a fiduciary that includes a request for periodic payment of fees on account under Probate Code §2643 or §10832 shall not be deemed a "fee petition" under this rule.

(d) Trust administrations

This rule does not apply to trust administrations where court-approved accountings are not required.

(Rule 7.65(d) new effective 1/1/13)

(e) Fee petition by counsel

A fee petition by counsel for a proposed conservatee or ward requesting less than $5,000 may be submitted for decision during ex parte hours, apart from an accounting, with fifteen (15) calendar days' notice to all persons who would be entitled to notice of the hearing if such petition were set on the regular calendar. For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.65(e) new effective 1/1/16)

(Rule 7.65 revised effective 1/1/16)

Chapter 3. Petitions, Orders and Notices

Rule 7.100. Titles for Petitions and Orders [Repealed 1/1/03]

Rule 7.101. Material to be Included in Formal Rulings

Formal orders, judgment and decrees shall be drawn so that their full effect may be determined without reference to the petition on which they are based. As necessary for this purpose, documents shall be attached to, and referenced in, the order, judgment or decree, instead of referring to the other document by reference. All probate orders, judgments or decrees shall set forth all matters actually passed on by the Court, giving the relief granted, the names of the persons affected, and the full legal description of any real property (including Assessor's Parcel Number), or the amounts of money affected.

(Rule 7.101 revised effective 1/1/15)

Rule 7.102. Written Response

An objection or other written response to moving papers will be deemed a waiver of further notice as to those papers.

(Rule 7.102 revised effective 1/1/15)

Rule 7.103. Reserved. [REPEALED 1/1/03]

Rule 7.104. Applications for Ex Parte Orders

(a) Ex parte applications

Applications for ex parte orders must be accompanied by a separate order complete in itself. It is not sufficient for such an order to provide merely that the application has been granted, or that the sale of property set forth in the petition has been approved.

An application for an ex parte order must be verified and must contain sufficient evidentiary facts to justify issuing the order. Conclusions or statements of ultimate facts are not sufficient and a foundation should be shown for the petitioner's personal knowledge.

(b) Notice requirements

Since no testimony is taken in connection with ex parte petitions, the application must contain sufficient facts to justify granting the ex parte order. Petitioner must notify all interested or opposing parties by fax, email, or telephone no later than 10:00 a.m. on the day before the scheduled hearing as provided by CRC, Rule 3.1203 and CRC, Rule 3.1204. A copy of a declaration regarding notice in compliance with CRC, Rule 3.1204 must be delivered to the Probate Department at the time the papers are presented. Orders dispensing with notice must be supported by a declaration setting forth the exceptional circumstances that justify dispensing with notice. REPEALED IN PART (see California Rules of Court Rule 3.1203, Rule 3.1204, and Rule 7.55 & Probate Code 1202)

(Rule 7.104(b) revised effective 1/1/23)

(Rule 7.104 revised effective 1/1/17)

Rule 7.105. Petitions for Family Allowance

(a) Income and expense requirement

A petition for the family allowance under Probate Code Section 6540 et seq. must include a detailed statement of proposed recipient's income and expenses.

(b) Notice requirement for petitions for family allowance

A petition for family allowance, if made before the filing of the Inventory and Appraisal ordinarily may be presented ex parte. However, if the petitioner is someone other than the executor or there is a dispute as evidenced by papers on file in the proceedings, or there is a request for special notice, then all other parties must be notified in person or by telephone at least twenty-four (24) hours in advance of the time and place where the application for the ex parte order will be made. The petition must be presented by the attorney or unrepresented party requesting the ex parte order. Ordinarily, the order will be made for a period commencing with the date of death and continuing until the inventory is filed, but not to exceed six (6) months. If the order will be opposed, call the Probate Division ahead of time to make a specific appointment with the Court.

(c) Application and notification after personal representative qualified

If the application is made more than six (6) months after the personal representative has qualified, it shall be noticed and placed on the calendar.

(d) Time period for subsequent orders

Subsequent orders will be limited to a definite period, usually not to exceed twelve (12) months duration. It is the policy of this Court not to make orders for family allowance for an unlimited period.

(Rule 7.105 revised effective 1/1/15)

Rule 7.106. Bond on Petitions for Authority to Borrow Money

Petitions for authority to borrow money shall set forth the amount of bond in force and the amount of loan proceeds eligible to be covered by bond. If no additional bond is required, or if bond is waived, that fact shall be alleged.

(Rule 7.106 revised effective 1/1/15)

Rule 7.107. Nunc Pro Tunc Orders Correcting Clerical Errors

(a) Correction of error on order

If, through inadvertence, the signed order, judgment or decree fails to state the ruling actually made by the Court, or through some writer's error portions of the order, judgment

or decree are incorrect, the Court will make a nunc pro tunc, judgment or decree order correcting the mistake upon declaration detailing the defect. If the modification to the order is the result of an error by an attorney or party, an ex parte application is required. If modification is the result of court error, a declaration in support of the amended order is sufficient.

(b) Nunc pro tunc order

A nunc pro tunc order, judgment or decree must take the form of a complete amended order, judgment or decree. The previously signed order must be attached to the ex parte application or declaration.

(Rule 7.107 revised effective 1/1/16)

Rule 7.108. General Notice Requirements

Counsel are reminded that the notice requirements in the Probate Code vary greatly. No set pattern may be discerned. The specific requirements of the Code (i.e., posting, mailing, publication, personal service, etc.) must be checked for every petition filed.

(Rule 7.108 revised effective 1/1/15)

Rule 7.109. Probate Hearing Once Noticed Cannot be Advanced

When a hearing on a probate matter has been noticed, or when it has been noticed and then continued to a definite date, the matter cannot be heard before the date set, except by Court order and new notice.

(Rule 7.109 revised effective 1/1/15)

Rule 7.110. Orders, etc., to be Complete

A judgment, decree or order shall be complete in itself, with attachments as necessary to avoid incorporating other documents by reference.

(Rule 7.110 revised effective 1/1/15)

Rule 7.111. Accounts and Reports

(a) Accountings submitted for court approval

Accountings submitted for court approval shall comply with Probate Code Section 1060 et seq.

(b) Statement of bond in accounting report

The report accompanying an accounting shall include a statement regarding the bond. This shall include the following:

(1) The amount of the currently posted bond.

(2) If no bond is posted, a statement of why no bond was required (e.g., "At the time of appointment, there were no assets subject to disposition by the fiduciary" or "Bond was waived in the will").

(3) If bond is required, the report shall state:

(A) the current value of all personal property subject to the petitioner's control;

(B) the amount of the estimated annual income for the next year;

(C) the fair market value, less encumbrances, of any real property which the fiduciary can sell without prior court order; and

(D) the amount of any public benefits regarding accounts for guardianships and conservatorships being received by or for the benefit of the ward or conservatee, including the identity of the person receiving the benefit.

(Rule 7.111 revised effective 1/1/16)

Rule 7.112. Petitions to Show who is Entitled to Notice

All petitions shall identify the names, addresses, and relationships of all persons entitled to notice.

(Rule 7.112 revised effective 1/1/15)

Rule 7.113. Identity or Whereabouts Unknown [Repealed 1/1/03] (see California Rules of Court, Rule 7.52)

Rule 7.114. Notice Regarding Interests of Deceased Persons [Repealed 1/1/03] (see California Rules of Court, Rule 7.51(e))

Chapter 4. Appointment of Executors and Administrators

Rule 7.150. Notice re: Special Letters

Petitions for letters of special administration will not be granted without twenty-four (24) hour (oral or written) notice to the surviving spouse or domestic partner as defined in Probate Code Section 1894, to the person nominated as executor, and to any other person whom the Court determines to be equitably entitled to notice. In making the appointment, preference is given to the person entitled to Letters Testamentary or of Administration, but if it appears that a bona fide contest exists between these persons, the Court will consider the advisability of appointing a neutral person or corporation as Special Administrator, upon the filing of a proper petition.

(Rule 7.150 revised effective 1/1/15)

Rule 7.151. Petitions for Probate of Will and for Letters Testamentary; for Letters of Administration; or for Letters of Administration with Will Annexed

(a) Photographic copy of holographic instrument

When a holographic instrument is offered for probate, a photocopy of the instrument must be accompanied by an exact typewritten copy of the instrument, reproducing the instrument line by line and showing any words crossed out. Where an instrument written in a foreign language is offered, it must be accompanied by a copy translated into English by a Court certified translator.

(b) Name of predeceased beneficiary

If a named beneficiary predeceased the decedent or did not survive the designated survival period, that fact must be stated in Attachment 8 of the Petition.

(c) Requirement of personal representative form

Confidential Statement of Birth Date and Driver's License Number (Judicial Council Form DE-147S) is not required.

(d) Name of spouse or deceased person on petition

If Attachment 8 includes a spouse or any other person who is deceased as of the date of the petition, the petition shall state that person's date of death. The Court needs to know whether the person predeceased or survived the decedent.

(Rule 7.151(a)-(d) revised effective 1/1/15)

(e) Proof of Service of Notice of Petition to Administer Estate

A copy of the petition must be served with the initial Notice of Petition to Administer Estate. A copy of the petition should not be published with the Notice.

(Rule 7.151(e) new effective 1/1/15)

(Rule 7.151 revised effective 1/1/15)

Rule 7.152. Notice

(a) The following persons are entitled to NOTICE (see Probate Code § 8110):

(1) Heirs of the Decedent: Whether or not a decedent died with a will, the petition must contain the names and relationships of all of the decedent's heirs-at-law. An heir-at-law is any person who would be entitled to distribution of a part of the decedent's estate (including distribution by virtue of Probate Code Section 6402.5 if the decedent had a predeceased spouse) if the decedent died intestate (without leaving a will);

(2) Beneficiaries Named in the Will: This includes all named contingent beneficiaries who may be entitled to share in the estate, and also includes persons provided for

in the Will but whose gifts have been revoked by a subsequent modification to the will;

(3) Deceased Heir or Beneficiary (See California Rules of Court, Rule 7.51(e)); if heir or beneficiary died before decedent, see also Probate Code § 21110. [REPEALED 1/1/03] (See California Rules of Court, Rule 7.51(e));

(4) Trustee Nominee. Any nominated trustee of a trust created by the will;

(5) Beneficiaries of Testamentary Trusts. The terms "beneficiaries named in the Will" and "named contingent beneficiaries" used above include beneficiaries named in testamentary trusts. It is not adequate merely to give notice to the trustee of a trust where beneficiaries or contingent beneficiaries are named in testamentary trusts;

(6) Trustees of Inter-Vivos Trusts who will receive "pour over" gifts from the decedent's estate. Item 8 on the Petition For Probate (Judicial Council Form DE-111) requires the petitioner to list "all beneficiaries of a trust named in the decedent's will or any codicil in which the trustee and personal representative are the same person." Since use of applicable Judicial Council forms is mandatory and the purpose of Item 8 is to identify persons entitled to receive notice of the petition, the Probate Division will require notice to be given to present and contingent beneficiaries of trusts where the trustee is a beneficiary of the will and the trustee is identical to the proposed personal representative;

(7) Any non-petitioning Executor, including alternate executors named in the Will; and

(8) The California Attorney General, where there is a charitable trust involved (Probate Code Section 8111).

(b) Method of giving various notices

(1) **Unknown Address.** If the address of an heir or beneficiary is unknown, the Court requires a declaration stating specifically what efforts were made to locate such heir or beneficiary before the Court will dispense with notice or prescribe an alternate form of notice. See Probate Code Section 1212 and Code of Civil Procedure Section 413.30 as to what efforts are necessary. In general, these efforts shall include inquiry of relatives, friends, acquaintances, and employers and investigation of appropriate city and telephone directories, and the real and personal property index at the County Assessor's Office of the county of last known residence of the missing heir or beneficiary. REPEALED IN PART (see California Rules of Court, Rule 7.51(d)).

(2) **Minors**. See Probate Code Section 1460.1 and California Rules of Court, Rule 7.51(d).

(c) Notice by mail - by whom given

If a Probate Code Section requires the clerk to "cause notice of the hearing to be mailed," the clerk fulfills this function by requiring counsel to do the mailing. Therefore, counsel is charged with this duty.

(Rule 7.152 revised effective 1/1/16)

Rule 7.153. Requirements of Publication for Notice of Petition to Administer Estate

(a) Publication and mailing of notice of petition to administer estate

The publication and mailing of Notice of Petition to Administer Estate under Probate Code Section 8120 is sufficient to include all instruments which are offered for probate filed with, and specifically referred to in the Petition for which notice is given. Any other Wills or supplement to a Will not specifically mentioned in the Petition must be presented to the Court in an amended or second Petition and a new Notice of Petition to Administer Estate must be published and mailed. (Probate Code Sections 8110 and 8120).

(b) Petitioner's responsibility to publish petition to administer estate

It is the responsibility of the petitioner to arrange for publication. The County Clerk does not have this responsibility.

(Rule 7.153 revised effective 1/1/16)

Rule 7.154. Court Discretion Regarding Bond

Executors nominated to serve without bond may nevertheless be required to post such bond as the Court may require. If the nominated executor is a nonresident of California, the Court will require bond as though the will had not waived bond. If all beneficiaries or heirs waive bond, or if one of multiple personal representatives is a California resident, the Court will consider reducing the bonding requirement for non-resident personal representatives to no less than $20,000 to provide protection for creditors. A declaration or attachment to the petition setting forth in detail the anticipated liabilities of the decedent and claims against the estate will be necessary to help the court determine the proper amount. FORMER SUBDIVISION B REPEALED IN PART (See California Rules of Court, Rule 7.204)

(Rule 7.154 revised effective 1/1/15)

Rule 7.155. Continuance to Permit Filing of Contest

When a petition for the probate of a Will is called for hearing, if an interested person appears and orally objects and declares that he or she desires to file a written contest, the Court will continue the hearing with the understanding that if a contest is not actually on file at the new hearing date, the hearing will nevertheless proceed as though there were no contest.

(Rule 7.155 revised effective 1/1/15)

Rule 7.156. Multiple Representatives

When multiple personal representatives are appointed, the clerk will not issue letters to less than all of them or separately to any of them, unless the order specifies otherwise.

(Rule 7.156 revised effective 1/1/15)

Chapter 5. Creditors' Claims

Rule 7.200. Nature and Form of Claims

(a) Claim vs. expense of administration

(1) The Court will not approve "creditors' claims" which represent obligations of the estate arising after the death of the decedent (except reasonable funeral expense). Such expenses are properly expenses of administration, not creditor's claims, and may be included for approval in the account or report.

(2) The Court will not approve "creditors' claims" which are requests for reimbursement by the person who paid what may otherwise have been a creditor claim. These are claims for equitable subrogation, and may be included for approval in the account or report.

(b) Form of creditor's claims

Creditor's claims will be liberally construed in favor of their sufficiency.

(Rule 7.200 revised effective 1/1/15)

Rule 7.201. Claims Filed with Clerk and Mailed to Personal Representative [Repealed 1/1/03] (see California Rules of Court, Rule 7.401; Probate Code 9150)

Rule 7.202. Claims of Personal Representatives and Attorneys

(a) Creditor's claim by personal representative

A creditor's claim of the personal representative or attorney shall be noted as such. Such a claim must be processed as provided in Probate Code Section 9252 notwithstanding authority to act under the IAEA. Where there is more than one personal representative, a creditor's claim submitted by one of the personal representatives must be approved by the other(s) before submission to the Court for approval.

(b) Hearing on claim of personal representatives or attorney

Unless a claim by a personal representative or attorney for the personal representative appears reasonable, and any persons requesting special notice have waived the notice as to the claim, a hearing shall be held as set forth in Probate Code Section 9252(a) and notice given to all persons entitled to such notice, including all residuary beneficiaries, together with a copy of the claim, pursuant to Probate Code Section 1220.

(Rule 7.202(b) revised effective 1/1/15)

(Rule 7.202 revised effective 1/1/15)

Rule 7.203. Funeral Claims

An unusually large claim for the decedent's funeral and/or interment is a questionable claim and may be set for hearing pursuant to the procedure set forth in Local Court Rule 7.202(b) above. Counsel is advised to review the case of Estate of Malgor (1947) 77 Cal.App.2d 535, 176 P2d 66. Where appropriate, the personal representative shall either include facts in the petition or file a separate declaration to justify an unusually large expenditure for funeral expenses by reason of the value of the estate and/or the standard of living adopted by the decedent during his lifetime. Interest will be allowed on creditor's claims for funeral expenses only as made payable by Health and Safety Code Section 7101.

(Rule 7.203 revised effective 1/1/15)

Chapter 6. Sales

Rule 7.250. Sales of Real Property not under IAEA

(Rule 7.250 revised effective 1/1/15)

Rule 7.251. Return of Private Sale

(a) Cash deposit required for purchases to be confirmed by court

Bids for the purchase of real property, when required to be returned to the Court for confirmation, must be accompanied by a minimum deposit of ten percent (10%) of the purchase price at the time of hearing unless the buyers' committed loan proceeds exceed ninety percent (90%) of the purchase price, in which event the minimum deposit shall be the difference between the committed loan proceeds and the purchase price.

(b) REPEALED IN PART (See California Rules of Court, Rule 7.451)

(Rule 7.251(b) revised effective 1/1/03)

(c) Court approval of secured junior deed of trust

The Court will approve the taking of a promissory note secured by a junior deed of trust upon a showing that it serves the best interests of the estate.

(d) Application of statutory formula re: overbid

The Court must consider not only whether the bid is arithmetically the highest, but also whether it is in the best interest of the estate. Counsel for the parties involved shall be prepared with factual information that will aid the Court in making this determination.

(e) REPEALED IN PART (See California Rules of Court, Rule 7.452)

(Rule 7.251(e) revised effective 1/1/03)

(Rule 7.251 revised effective 1/1/15)

Rule 7.252. Broker's Commissions

(a) Improved property

Upon the confirmation of sale of improved real property, the Court will ordinarily allow a broker's commission not to exceed six percent (6%). If a greater amount is requested, the petition to confirm sale must be accompanied by written declarations setting forth the advantages to the estate in allowing a larger percentage as commission.

(b) Unimproved property

Upon the confirmation of sale of unimproved real property, the Court will ordinarily allow a broker's commission not to exceed ten percent (10%). The Court will determine the kind of property which constitutes unimproved property in each case and may request counsel to file declarations setting forth relevant facts in the determination of what is "unimproved" real property.

(c) Order must show commission allocation

The order confirming sale must show the total commissions allowed and any allocation agreed upon between the brokers.

(Rule 7.252 revised effective 1/1/15)

Rule 7.253. Broker's Commissions in Overbid Situation

See Probate Code Section 10160 et seq. A chart demonstrating the division of the broker commission when estate property is sold subject to Court confirmation is available in the Probate Guidelines section at www.cc-courts.org.

(Rule 7.253 revised effective 1/1/16)

Rule 7.254. Exclusive Listings for Sale of Property (Probate Code Section 10150(c) [Repealed 1/1/03] (see California Rules of Court, Rule 7.453)

Rule 7.255. Condominiums, Community or Cooperative Apartments

A condominium is an interest in real property and must be sold as such, unless it is held as a limited partnership. A cooperative apartment is also real property and must be sold as such.

(Rule 7.255 revised effective 1/1/15)

Rule 7.256. Purchase of Estate Property by Personal Representative or His or Her Attorney

The purchase of estate property by the personal representative or by the personal representative's attorney is permitted only as set forth in Probate Code Sections 9881-9885. The Court will approve such a purchase with the consent of all residual beneficiaries by a writing filed with the Court.

(Rule 7.256 revised effective 1/1/15)

Rule 7.257. Tangible Personal Property

(a) Perishable or depreciating property

Perishable or depreciating property in an estate shall be disposed of promptly. The personal representative may be held accountable for the value of the property if there has been an unreasonable delay in disposing of such property. Such property may be sold without notice. See Probate Code Sections 10252 and 10259(a)(1). If counsel wishes Court confirmation of such sales (10259c), counsel shall use the form Ex Parte Petition for Approval of Sale of Personal Property and Order (Judicial Council Form DE-275).

(b) Non-perishable or non-depreciating property

With the exceptions set forth in Probate Code Sections 10252(a), (b) and (d), non-perishable or non-depreciating personal property may be sold subject to Court confirmation at either public auction or at private sale, after giving notice as set forth in Probate Code Section 10250, et seq. The time for giving notice may be shortened in the discretion of the Court.

(Rule 7.257 revised effective 1/1/15)

Chapter 7. Accounts, Fees and Petition for Distribution

Rule 7.300. Notice of Petition for Distribution

At least fifteen (15) calendar days before the hearing of the petition, notice of the hearing must be served upon each named beneficiary whose interest is affected by the petition and to the heirs of the decedent in intestate estates. Also see Probate Code Section 1220. Notice shall also be given to: a) the trustee of any intervivos trust to which the estate pours over; b) to trust beneficiaries if required under Probate Code Section 1208; c) to the trustee of any testamentary trust.

(Rule 7.300 revised effective 1/1/16)

Rule 7.301. Property to be Distributed must be Listed

(a) Description of property

The petition for distribution must list and describe in detail all property to be distributed, either in the body of the petition or in the prayer, or by a schedule in the accounting, and incorporated in the petition by reference. This includes a statement of the amount of cash on hand. A description by reference to the inventory is not acceptable. See also requirements in Probate Code Section 1064.

(b) Tracing survivor of interstate decedent

If an intestate decedent who survived his or her spouse leaves no issue, the applicability of Probate Code Section 6402.5 must be alleged and the necessary tracing must be carried out as far as is possible.

(Rule 7.301(b) revised effective 1/1/03)

(Rule 7.301 revised effective 1/1/15)

Rule 7.302. Form of Accounting

The general guidelines for accountings are now set forth in Probate Code Section 1060 et seq.

(Rule 7.302 revised effective 1/1/15)

Rule 7.303. Waiver of Account

(a) Waiver by residuary beneficiaries

The waiver of account by the residuary beneficiaries alone is sufficient, even though there may be specific legatees and devisees, if the petition for distribution enumerates the specific bequests and devises, shows that there are sufficient assets to satisfy such bequests and devises, and prays that they be distributed. REPEALED IN PART (See California Rules of Court, Rule 7.550 for information required in reports on waiver of account)

(Rule 7.303(a) revised effective 1/1/15)

(b) Distribution from testamentary trust

When property is being distributed in a testamentary trust, an account may be waived by the trustee and all present beneficiaries of the trust. The beneficiaries must all be ascertained, adult and competent, or represented by a guardian, conservator or guardian ad litem, who must execute the waiver.

(Rule 7.303(b) revised effective 1/1/15)

(Rule 7.303 revised effective 1/1/15)

Rule 7.304. Statutory Fees and Allowable Costs [Repealed 1/1/03] (see California Rules of Court, Rule 7.705)

Rule 7.305. Inheritance by Surviving Spouse

Formal probate of community, quasi-community, or separate property passing or confirmed to a surviving spouse in a decedent's estate pursuant to Probate Code Section 13502 must be supported by a timely written election expressing acknowledgment of a consideration of the alternative procedures available pursuant to Probate Code Section 13650. Written elections pursuant to Probate Code Section 13502 shall contain an express acknowledgment that the inclusion of property passing to or belonging to the surviving spouse in the probate estate could result in additional appraisal fees, commissions, and attorney fees.

(Rule 7.305 revised effective 1/1/15)

Rule 7.306. Extraordinary Fees

Petitions for compensation for extraordinary services under Probate Code § 10811 shall be supported by a declaration, complying with Contra Costa Probate Court Guidelines from each individual requesting approval of extraordinary fees. For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines section at www.cc-courts.org. The petition should recite only the amounts claimed and the relevant period of time, referring to the accompanying declaration(s), which should contain the explanation and justification. See also California Rules of Court, Rules 7.702 and 7.703 for declaration content.

(Rule 7.306 revised effective 1/1/16)

Rule 7.307. The Order

(a) Distribution and listing of cash and non-cash assets

The distribution of property must be separately stated in detail, listing non-cash assets to be distributed as described in the Inventory and Appraisal, as well as the amount of cash to be distributed, under the name of each beneficiary. The order must be complete in itself and the total estate distributed must agree with property on hand as shown on Schedule F of the Summary of Account. Description by reference to the inventory is not acceptable.

(b) Distribution of real property included in order

For real property to be distributed, the order must include the legal description, the street address, if any, and the assessor's parcel number.

(c) Testamentary trusts

For orders establishing testamentary trusts, see California Rules of Court, Rule 7.650.

(7.307(c) revised effective 1/1/08)

(Rule 7.307 revised effective 1/1/15)

Rule 7.308. Segregating Trust Income and Principal

When any part of the estate is to be distributed to a trustee, and the accumulated income is to be paid by the trustee to the trust beneficiaries, the order shall allocate receipts and disbursements between principal and income.

(Rule 7.308 revised effective 1/1/15)

Rule 7.309. Creditor's Claims

(a) Petition for final distribution

The Petition for Final Distribution must show that all of decedent's creditors received a Notice of Administration to Creditors (Judicial Council Form DE-157) at least seventy-five (75) calendar days before the hearing, or were paid or that there were no known creditors of decedent. (Probate Code Section 10900)

(Rule 7.309(a) revised effective 1/1/16)

(b) Payment of funeral or debt expenses after general powers issued

Unless accountings are waived, if any funeral expense or debt of the decedent was paid more than four months after letters with general powers issued, the petition shall show why the claim was not barred or the personal representative may be surcharged with interest for the payment.

(*Rule 7.309(b) revised effective 1/1/01)*

(c) Payment of funeral and debt expenses from estate

Unless accounts are waived, if a decedent's debt or funeral expense was paid from the estate without the filing of a creditor claim, the petition shall address the five elements (including timeliness of payment) of Probate Code Section 11005.

(Rule 7.309(c) revised effective 1/1/01)

(Rule 7.309 revised effective 1/1/16)

Rule 7.310. Federal Estate Taxes

(a) Proration of federal estate taxes

When proration of federal estate taxes is required by Probate Code Section 20110 et seq., the petition for distribution shall include a schedule showing the computation of the proration.

(b) Final distribution of estate after estate taxes filed and paid

An estate is not ready for final distribution until the estate tax returns have been filed, and the tax paid, unless no estate tax return is required to be filed.

If an estate tax return is required, the order for final distribution shall include a provision that there will be no final discharge until final resolution of the estate tax liability (e.g. receipt of closing letter).

(Rule 7.310(b) revised effective 1/1/08)

(Rule 7.310 revised effective 1/1/15)

Rule 7.311. Specifically Devised Property

As to expenses allocable to specifically devised property (e.g., taxes, maintenance, repairs, insurance, debt servicing) see Estate of McSweeney (1954) 123 Cal.App.2d 787). For apportionment of income and expenses, see Probate Code Sections 12002, 9650, and 1063.

(Rule 7.311 revised effective 1/1/15)

Rule 7.312. Distribution to Minors

Where the Court has discretion, funds for minors or incompetent persons without a guardian or conservator of the estate will be required to be placed in a blocked, federally insured account. The Court does not favor transfer under the California Uniform Transfers to Minors Act unless the Will so provides.

(Rule 7.312 revised effective 1/1/15)

Rule 7.313. Preliminary Distribution

(a) Waiver of bond requirement

In the event of a preliminary distribution made before the time for filing creditor's claims has expired, a bond MUST be required of the distributees (Probate Code Section 11622). After the time for filing claims has expired, the Court will usually require a distributee's bond unless the Inventory and Appraisal has been filed and the Petition sets forth sufficient facts showing that the distribution may be made without loss to creditors or injury to the estate or any interested person.

(b) Petition to not require bond

If the petition requests that no bond be required of the distributees, a clear and concise statement showing why bond should not be required must be included in the petition.

(Rule 7.313 revised effective 1/1/15)

Rule 7.314. Procedure to be Followed by a Personal Representative in Actions for Damages Following Wrongful Death of Decedent or Other Actions that Survive the Death of Decedent

(a) Issue special letters

Special letters may be the proper vehicle for such actions. In appropriate circumstances, the Court may appoint a Special Administrator for a limited purpose with a termination date specified in the order and may require an appearance at a scheduled hearing date for a status report and to continue the appointment of the Special Administrator beyond that date.

(b) Property of the estate

If a personal representative collects damages arising out of the physical injury of the decedent or covering funeral expenses and costs of last illness, he or she shall hold such money in his or her representative capacity as property of the estate.

(c) Damages for wrongful death

Damages for wrongful death are held by the personal representative as a representative of the statutory beneficiaries and are not part of the estate. (Estate of Waits (1944) 23 Cal.2d 676). The disposition of such damages for wrongful death and the amount of

attorney's fees and costs shall be determined by the Court on a petition pursuant to Probate Code Section 9835.

(d) Notice requirements

In addition to the usual notices given on hearing of such a petition, under Probate Code Section 9835, notice shall be served on the heirs at law in the same manner as if each had filed a request for special notice. (See also Code of Civil Procedure Sections 377.10 et seq.).

(Rule 7.314 revised effective 1/1/15)

Rule 7.315. Grant of Additional Powers to Testamentary Trustee

Notice must be given under Probate Code Section 17203 where the Petition for Distribution requests the Court to grant a trustee additional powers not conferred by the Will. The Court may require that a guardian ad litem be appointed for persons unascertained or not in being. (Probate Code Section 15405)

(Rule 7.315 revised effective 1/1/15)

Rule 7.316. Application for Final Discharge

All Ex Parte Petitions for Final Discharge and Order (Judicial Council Form DE-295) shall be submitted with a copy of the order of final distribution, and copies of any receipts from distributees. If the order requires distribution of funds to a blocked account, the request for final discharge shall be accompanied by a completed Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (Judicial Council Form MC-356). If the order distributes real property, the copy of the order submitted with the request for final discharge shall show that the order has been recorded in the appropriate county. If the order provided for a withhold greater than $2,000.00, there shall be included a schedule of disbursements for the withhold.

(Rule 7.316 revised effective 1/1/18)

Rule 7.317. Payment of Costs of Administration

A petition for final distribution or to terminate the proceeding must expressly state that all charges for legal advertising, bond premiums, probate referee's services and costs of administration have been paid.

(Rule 7.317 revised effective 1/1/15)

Chapter 8. Inventory and Appraisal

Rule 7.350. Preparation of Inventory and Appraisal

Provide complete descriptions of each asset in the estate. (See Probate Code Section 8850). The legal description, street address (or a notation that the property is "unimproved") and APN

shall be shown for each parcel of real property. See California Decedent Estate Practice (CEB, Chapter 13); see also California Probate Referees website: probatereferees.net and the Guide to Using California Probate Referees found therein for a complete description of how properly to list assets on the Inventory.

(Rule 7.350 revised effective 1/1/23)

Rule 7.351. Waiver of Appraisal by Probate Referee

(a) Waiver of Probate Referee's appraisal

The Court does not favor the waiver of the Probate Referee's appraisal under Probate Code Section 8903 in the absence of exceptional circumstances.

(b) Deferral of Probate Referee's appraisal

The Court may allow deferral of the Probate Referee's appraisal on a showing (1) that all beneficiaries have waived the Probate Referee's Appraisal and (2) that fees and commissions for the personal representative and attorney have been waived. If these conditions remain when the estate is ready for final distribution, the Court may then waive the Probate Referee's appraisal.

(Rule 7.351 revised effective 1/1/15)

Chapter 9. Guardianships and Conservatorships

Guardianships

Rule 7.400. Initiation of Guardianship Investigation

The Probate Investigations Unit will initiate a guardianship investigation except when the court specifically directs otherwise, only after the petitioner(s) has submitted a complete Proposed Guardian(s) Information (Local Court Form GC-20). The Probate Investigations Unit will initiate a termination of guardianship investigation only after the petitioner(s) has submitted a complete Termination of Guardianship Information (Local Court Form GC-21).

(Rule 7.400 new effective 1/1/15)

Rule 7.401. Temporary Guardianships

The Court will not order a change of custody under a temporary guardianship unless doing so appears necessary for the protection of the minor. Minimum notice to parents will be required unless justified by a supporting declaration.

(Rule 7.401 revised effective 1/1/15)

Rule 7.402. Consultation with Other Departments re: Custody or Dependency Proceedings

Where a petition for guardianship of the person of a minor is pending and where it appears to the Court that a custody or dependency proceeding concerning the same minor is pending in any other department of the Superior Court, a consultation will be had between the judicial officers of the department in which such proceeding or writ is pending, and a determination made as to whether or not the matter should be heard separately or a consolidation arranged.

(Rule 7.402 revised effective 1/1/15)

Rule 7.403. Guardianships for Dependent Children

A guardianship for dependent minor children must be established in Juvenile Court under Welfare and Institutions Code Sections 366.25(e) or 366.26(d). The Juvenile Court retains jurisdiction to modify, revoke or terminate such guardianships. See Welfare and Institutions Code Sections 366.3 and 366.4.

(Rule 7.403 revised effective 1/1/15)

Rule 7.404. Restriction on Parental Use of Minor's Estate

As there is a statutory liability upon the parents to support their children, where one or both parents are living, the Court will not permit guardianship funds to be used for the minor's ordinary support and maintenance except upon a showing of the parents' financial inability or other circumstances which would justify the Court in departing from this rule in the best interest of the minor.

(Rule 7.404 revised effective 1/1/15)

Rule 7.405. Final Account of Guardian

(a) Appearance by ward

An appearance by the ward at the hearing on the guardian's final account and petition will be required unless either:

(1) Proof of service is on file verifying that a copy of the final account and petition, and notice of hearing thereon, has been served upon the ward not less than fifteen (15) calendar days before the hearing, (Probate Code Section 1460), or

(2) The ward's written acknowledgment of receipt and approval of the petition and final account is on file.

(b) Waiver of account by ward

The Court does not favor the waiving by the ward of a guardian's final account when the ward has reached majority, and normally the Court will not approve a petition when the final account is waived, unless the ward is present in Court at the time of the hearing.

(c) Discharge of guardian

(1) A guardianship of the person and estate will terminate pursuant to Probate Code Sections 1600 and 1601.

(2) A discharge of the guardian will not occur until the expiration of one (1) year from the date the minor attained the age of eighteen (18) years. See Probate Code Section 2627.

(3) In the case of a minor for whom a conservatorship will be required, a petition for appointment of a conservator may be filed during the proposed conservatee's minority in order to make the appointment of a conservator effective immediately upon the minor's attaining the age of eighteen (18) years (Probate Code Section 1820 (b).

(Rule 7.405 revised effective 1/1/16)

Rule 7.406. Setting guardianship hearing when a temporary guardianship has NOT been granted

The matter shall be set for hearing generally not sooner than sixty (60) calendar days after the filing date to allow time for the Court Investigator's Report.

(Rule 7.406 new effective 1/1/17)

Rule 7.407. – Rule 7.410. Intentionally Omitted

Rule 7.411. Appointment of Conservator

(a) Appointment of conservator

Although Probate Code Section 2106 gives the Court discretion to appoint one conservator for several conservatees, the Court will generally not grant a petition joining more than one conservatee in a single proceeding, except husband and wife or domestic partners as defined in Probate Code Section 1894.

(b) Appointment of Conservator

The matter shall be set for hearing generally not sooner than sixty (60) calendar days after the filing date to allow time for the Court Investigator's Report (Probate Code Section 1894).

(Rule 7.411(b) revised effective 1/1/17)

(Rule 7.411 revised effective 1/1/17)

Rule 7.412. Ex Parte Petitions for Appointment of Temporary Conservatorships

(a) Notice

Petitioner must notify all interested or opposing parties by fax, email, or telephone no later than 10:00 a.m. on the day before the scheduled hearing as provided by CRC, Rule 3.1203 and CRC, Rule 3.1204. A copy of a declaration regarding notice in compliance with CRC, Rule 3.1204 must be delivered to the Probate Department at the time the papers are presented. Orders dispensing with notice must be supported by a declaration setting forth the exceptional circumstances that justify dispensing with notice. REPEALED IN PART (see California Rules of Court, Rule 3.1203, Rule 3.1204, Rule 7.55) Minimum notice to the conservatee and conservatee's spouse, if any, pursuant to Probate Code Section 2250(e)(2) and (3) will be required unless the Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator (Judicial Council Form GC-112) is approved by the Court prior to the hearing.

(b) Contents of Ex Parte Petition for Appointment of Temporary Conservatorship

An application for an ex parte order appointing temporary conservator (Judicial Council Form GC-111) must be verified and must contain sufficient evidentiary facts to justify.

(Rule 7.412 revised effective 1/1/23)

Rule 7.413. Specific Medical Treatment and Placement

(a) Authority of conservator

A conservator of the person generally has authority to fix the residence of, and place the conservatee in, any facility in this state, including a facility which restricts conservatee’s ability to leave. This authority is subject to limitations which may be placed on the conservator by statute or court order. These limitations include, but are not limited to, the following:

(1) The placement must be the least restrictive appropriate setting which is available and necessary to meet the conservatee’s needs. Ordinarily, a conservatee should be allowed to remain in the conservatee’s residence in which the conservatee resided before the establishment of the conservatorship so long as this is feasible.

(2) A conservatee with dementia may be placed in a facility specifically described in Probate Code Section 2356.5(b) only with authorization as provided in that section. The Court will not make an order for placement under Probate Code Section 2356.5(b) absent a showing that the specifically proposed placement is described in Probate Code Section 2356.5(b). A petition for a court order regarding placements in a facility not specifically described in Probate Code Section 2356.5(b) will be deemed a petition for instructions pursuant to Probate Code Section 2359.

(3) Placement in a mental health treatment facility as defined in Probate Code Section 2356(a) requires an LPS conservatorship.

(Rule 7.413(a) revised effective 1/1/16)

(b) Consent for psychotropic medications in conservatorships

Psychotropic medication in conservatorships under the Probate Code is generally governed by the same provisions as other medical treatment. If the conservatee has been adjudicated to lack the capacity to consent to medical treatment generally, or to the application of psychotropic medication, then the conservator of the person generally has authority to consent to the medication. However, if the medication as described in Probate Code Section 2356.5 is to be given to a conservatee for the treatment of dementia who lacks the capacity to give informed consent to that medication, then the conservator of the person may authorize the medication only with prior authorization as provided by that Section.

(Rule 7.413(b) revised effective 1/1/13)

(Rule 7.413 revised effective 1/1/16)

Rule 7.414. Termination

Conservatorship may be terminated pursuant to Probate Code Sections 1860 et seq., and Section 2626. The filing of a certification of competency issued by the superintendent of a state hospital pursuant to Welfare and Institutions Code Section 7357, or other provision of law, does not, of itself, terminate a conservatorship. Conservatorships terminate by operation of law upon the death of the conservatee. Termination does not cause the Court to lose jurisdiction as to some issues, such as approval of accountings or awarding fees (Probate Code Section 2630 et seq.).

(Rule 7.414 revised effective 1/1/15)

Rule 7.415. Accounts of Conservator

Probate Code Section 2621 prescribes the requirement for giving notice of hearing on the account. See, also, Probate Code Sections 2620 and 2630 et seq., regarding provisions pertaining to accounts on termination of conservatorships.

(Rule 7.415 revised effective 1/1/15)

Rule 7.416. Orientation Class Requirements for Unlicensed Conservators

All conservators of person and/or estate who are not California Licensed Professional Fiduciaries (licensed by the Professional Fiduciary Bureau) should make reasonable efforts to complete either or both, depending on appointment, the Contra Costa Superior Court Probate Division Conservator of Person and/or Conservator of Estate classes that are available through the Contra Costa County Public Law Library. If a course is completed, the course completion form should be filed with the court. Courses completed by conservators at other California courts may satisfy this requirement in the Court's discretion.

(Rule 7.416 revised effective 1/1/23)

Rule 7.417. Release of Information by Court Investigator for Benefit of Conservatees.

Court investigators shall be permitted to release to law enforcement agencies, adult protective services, or similar agencies, upon request or where it appears to the investigators that this would be in the best interest of the subject of a conservatorship proceeding, any reports or other information in the possession of the court's investigators.

Rule 7.418. Intentionally Omitted

Rule 7.419. Warning on Order [Repealed 1/1/03]

Rule 7.420. REPEALED

Rule 7.421. Intentionally Omitted and Reserved [Repealed 1/1/13]

Rule 7.422. Temporary Guardian or Conservator

Upon the filing of a petition, a temporary guardian or conservator of the person or estate, or both, may be appointed under Probate Code Section 2250 et seq. A separate petition for the appointment of a general guardian or conservator must be presented to the Court to be filed before a petition for a temporary guardian or conservator will be considered.

(Rule 7.422 revised effective 1/1/15)

Rule 7.423. Instructions Regarding General Duties and Conflicts of Guardian or Conservator

Before Letters are issued, each guardian or conservator must complete, sign and file a Letters of Guardianship (Probate-Guardianships and Conservatorships) (Judicial Council Form GC-250). The form shall set forth the guardian or conservator's duties as a fiduciary and outline the responsibilities as an officer of the Court. Social Security Number, driver's license number and date of birth do not need to be supplied on the form.

(Rule 7.423 revised effective 1/1/15)

Rule 7.424. Bonds of Conservators and Guardians

Bond for an individual conservator or guardian will generally not be waived. The Court generally will not require a bond for amounts in blocked accounts. (See Probate Code Section 2328).

(Rule 7.424 revised effective 1/1/15)

Rule 7.425. Accounts

(a) Time of filing accounts with court

The first account shall be filed on or before the first anniversary date of the order appointing the guardian or conservator; and subsequent accounts shall be filed at least biennially thereafter. The first account shall be for a minimum period of nine months from

the date of appointment of the general conservator and shall also include any period of temporary appointment of the person as conservator or guardian.

(b) Separate accounts required

Where there are multiple wards or conservatees joined in a single guardianship or conservatorship proceeding, a separate accounting shall be provided for each of them.

(c) Account ending date

The ending date of an account, except an account ending upon the death of a conservatee, shall not be more than three months before the date it is filed with the Court. Filing an accounting late is not good cause for preventing the Court and court investigators from reviewing the current information regarding the matter.

(Rule 7.425(c) revised effective 1/1/03)

(d) Final account upon termination of guardianship

The final account following termination of a guardianship or conservatorship of the estate must state that all charges for legal advertising, bond premiums, probate referee's services and costs of administration have been paid.

(Rule 7.425(d) revised effective 1/1/13)

(e) Status report in lieu of final account following termination

The final account following the termination of a conservatorship or guardianship of the estate should be filed within six (6) months of the termination date (e.g., the death of the conservatee or age the ward attains majority). If the conservator or guardian is unable to file the final account with the six-month period, the conservator or guardian shall file a status report setting forth the reasons for the delay and how much additional time is needed.

(Rule 7.425(e) new effective 1/1/15)

(Rule 7.425 revised effective 1/1/15)

Rule 7.426. Conservator and Guardian Compensation and Attorney's Fees

(a) Compensation of guardians and conservators

Petitions for compensation of guardians and conservators and their attorneys shall be supported by a declaration, complying with Contra Costa Probate Court Guideline Attachment #2 from each individual requesting approval of fees. For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines of the Local Rules at www.cc-courts.org/general/local-rules.aspx. The court prefers that the petition itself recite only the amounts claimed and the relevant period of time, referring to

the accompanying declaration(s), which should contain the explanation and justification. See also California Rules of Court, Rules 7.751(b) and 7.756 for declaration content.

(Rule 7.426(a) revised effective 1/1/16)

(b) Compensation of attorneys

Petitions for compensation of attorneys not representing fiduciaries may incorporate the explanation and justification into the petition, without a separate declaration.

(Rule 7.426 (b) revised effective 1/1/13)

(Rule 7.426 revised effective 1/1/16)

Rule 7.427. Independent Exercise of Powers

(a) Declaration required for independent powers request

The Court will ordinarily not grant the powers enumerated in Probate Code Section 2591. Because of the broad scope of this section, the Court requires a detailed declaration as to the necessity for the specific independent power desired.

(b) Nature of independent power

When independent powers are requested and granted, it is not sufficient to incorporate by reference the statute or its subsections. The power must be described in sufficient detail so that any person reading the document can determine the nature of the power requested or granted. Quoting the full text of the subsection enumerating the power under Probate Code Section 2591 is the preferred method of complying with this rule. Even when granting the requested powers, the Court will normally require confirmation of sale of real property and prior court approval of attorney's fees.

(Rule 7.427(b) revised effective 1/1/15)

(Rule 7.427 revised effective 1/1/15)

Rule 7.428. Investments by Guardian or Conservator (Probate Code Section 2570 et seq.)

(a) Real estate investment

Investment in real estate, either by purchase or encumbrance, will not be authorized unless supported by an appraisal by the Probate Referee regularly appointed in the guardianship or conservatorship proceeding.

(b) Life insurance

A purchase of life insurance on the minor ward's life will not be authorized.

(c) Declaration required for request to invest

If a request for special notice has not been filed, a petition for authority to invest may be heard ex parte provided the Court makes an order dispensing with notice. A declaration justifying dispensing with notice shall accompany or be incorporated in the petition.

(Rule 7.428 revised effective 1/1/15)

Rule 7.429. Account Statements with Accountings

Any account statement submitted pursuant to Probate Code Section 2620 which is required by that section to be confidential shall be filed as a separate document complying with California Rules of Court, Rules 2.100 et seq., including a verified statement by the petitioner identifying the document. The caption of the document shall include the word "CONFIDENTIAL" in all capital letters.

(Rule 7.429 revised effective 1/1/15)

Chapter 10. Trusts

Rule 7.450. Trustee Compensation, and Attorney's Fees

Petitions for approval of prospective or previously paid compensation to trustees and/or their attorneys should discuss the factors in California Rules of Court, Rule 7.776 to the extent warranted by the circumstances of the case. See Probate Code §§ 16243 and 16247. For information about Contra Costa Probate Court Fees and Costs Guidelines, go to the Probate Guidelines section at www.cc-courts.org.

(Rule 7.450 revised effective 1/1/16)

Rule 7.451. Establishment of a Trust

(a) Trust provisions for incapacitated person

Absent special circumstances, whenever a trust is to be established by court order for the benefit of an incapacitated person, the trust shall contain the following provisions:

Protector of Trustor: Regardless of any other provision of the trust, in administering the trust, the trustee shall be subject to the same terms and conditions as a conservator of the estate during the lifetime of the trustor, including but not limited to:

(1) Posting bond for assets and income of the trust.

(2) Accounting to the Court (to be filed in this proceeding).

(3) Abiding with investment limitations.

(4) Adhering to limitations on gifts, pledge or sales of assets (including returns for confirmation and overbids).

(5) Providing for the trustor's needs without regard for the interest of the remainder beneficiaries.

(6) Obtaining prior court approval for payment of fees to attorneys, conservators and trustees.

(7) Obtaining prior court approval of any change of trustee during the trustor's lifetime.

(8) Obtaining prior court approval for sale of beneficiary's personal residence, regardless of whether or not the residence was previously property of a conservatorship estate

(Rule 7.451(a)(8) revised effective 1/1/15)

(b) Bond requirement in order

The formal order shall provide that the trustee may not receive assets or otherwise act until the filing of a bond in the amount set by court.

(Rule 7.451 revised effective 1/1/16)

Rule 7.452. Establishment of Special Needs Trust from Inheritance by Court Order

To the extent that a person with special needs has not received a distribution of an inheritance from a probate or trust estate, the court may, upon suitable petition, issue an order establishing a special needs trust under Probate Code 3600 et seq. or 4541 complying with 42 United States Code §1396p(d)(4)(A). Unless the order explicitly excludes application of Local Rule 7.451. Local Rule 7.451 shall apply to administration of the special needs trust.

NOTE: For discussion of establishment of special needs trusts by court order, see Sections 11.10 through 11.46 and 15.24 of the CEB treatise on Special Needs Trusts.

(Rule 7.452 revised effective 1/1/23)

Chapter 11. Protective Proceedings

Rule 7.501. Proceeding for Spousal Property Transaction

As to petitions pursuant to Probate Code Section 3100 et seq.:

(1) The petition must be supported by a declaration of a licensed physician or licensed psychologist within the scope of his or her licensure as to the capacity of the non-petitioning spouse (Probate Code Section 810 et seq.).

(2) Counsel will be appointed for the non-petitioning spouse if the petition proposes a substantial transfer to the petitioner.

(3) When the petitioner is predicated upon the non-petitioning spouse's qualification for Medi-Cal benefits, notice shall also be given to the Director of the California Department of Health Services.

(4) In petitions to transfer assets, related to Medi-Cal eligibility, the petitioner shall provide the Court with schedules showing such calculations as would be required in an administrative hearing to the extent that the Community Spouse Resource Allowance or the Minimum Monthly Maintenance Needs Allowance would be in issue. The Court will not make orders modifying the Community Spouse Resource Allowance nor the Minimum Maintenance Monthly Needs Allowance but may make findings as to the proper amounts as needed to support the order.

(5) The Court will not issue general support orders in petitions under Probate Code Section 3100 et seq.

(Rule 7.501 revised effective 1/1/15)

Rule 7.502. Establishment of a Trust [Repealed 1/1/13]

Chapter 12. Elisors

Rule 7.520. Elisors

For rules and procedure regarding the appointment of an elisor, please refer to Local Rule 5.12.

(Rule 7.520 new effective 1/1/18)

Chapter 13. Guidelines for Probate Rules - Attachments

Guideline, Attachment 1 – The ABCs of Dividing the Commission Pie in Probate Sales (includes chart)

LLOYD W. HOMER, ESQ.

CAMPBELL

(a) Division of broker commission

The following chart demonstrates the division of the broker commission when estate property is sold subject to Court confirmation pursuant to Probate Code Sections 10160-10167. If the property subject to sale is being sold pursuant to the personal representative's authority under independent administration, the chart is inapplicable and Probate Code Sections 10400-10600 must be consulted. For sales subject to Court confirmation, the personal representative also needs to consult Probate Code Sections 10250-10264 (personal property) and Probate Code Sections 10300-10316 (real property) regarding the manner of conducting the sale.

WHO ARE A, B AND C?

A = The estate (Seller). If the estate has a broker, that will be broker A.

B = The bidder (Buyer). If the bidder has a broker, that will be broker B.

C = The successful overbidder (New Buyer). If C has a broker, that will be broker

FACTS:

Original bid $100,000.

Where there is an overbid, the increased bid is $110,000

Commission allowed by the Court is 6%

	A SELLER	B BUYER	C OVERBIDDER	PROBATE CODE SECTION	COMMISSION TO BROKER
1	No Broker	No Broker	No Over bid	None	None
2	No Broker	No Broker	No Over bid	None	None
3	No Broker	No Broker	Broker	10163(b)	"C" receives $5,000 (Not $6,600 because of limitation of Section 10162)
4	No Broker	Broker	No Over bid	10162.3	"C" receives $6,000
5	No Broker	Broker	No Broker	10164	"C" receives $6,000
6	No Broker	Broker	Broker	10165(c)(2)	"B" receives $3,000

				10165(b)	"C" receives $3,600 ($3,000 on original bid and $600 on the increased bid)
7	Broker	No Broker	No Over bid	10162.5	"A" receives $6,000
8	No Broker	Broker	No Over bid	10162.7	"A" receives $3,000 "B" receives $3,000 (or as "A" and "B" have agreed)
9	Broker	No Broker	No Broker	10162.5	"A" receives $6,000
10	Broker	No Broker	Broker	10165(c)(1) 10165(b)	"A" receives $3,000 "C" receives $3,600 ($3,000 on original bid and $600 on the increased bid)
11	Broker	Broker	No Broker	10164(c)	"A" receives $3,000 "B" receives $3,000 (or as "A" and "B" have agreed)
12	Broker	Broker	Broker	10165(c)(3)	"A" receives $1,500 "B" receives $1,500 (or as "A" and "B" have agreed) "C" receives $3,600 ($3000 on original bid and $600 on the increased bid)

The following documents are provided as referenced by the local rules, but are not intended to be adopted as local rules. These documents are included for informational purposes only.

(Guideline Attachment 1, revised effective 7/1/06)

Guideline, Attachment 2 – Probate Department Fees and Costs Guidelines

The Probate Department has established these general guidelines for allowable fees and costs in probate, trust, guardianship and conservatorship proceedings.

FEES

(a) Particular Fees for Probate Investigations Unit

(1) The fee for probate investigations for guardianship and conservatorship investigation is $800.
(2) The fee for probate investigations for conservatorship reviews is $500.
(3) The fee for probate investigations for guardianships of the estate and off-year accountings for conservatorships of the estate is $300.
(4) The fee for probate investigations for guardianship of the estate review shall be $500.

(b) Attorney's rates:

The standard maximum attorney's fees for guardianships, conservatorships and extraordinary probate services is set forth below. The Court will consider higher hourly rates upon a showing of good cause. The standard maximum attorney's legal assistant rate is $175.00 per hour.

Attorney Years of Experience	Guideline Hourly Rates Range
0-5	$295-$350
6-10	$350-$400
11-19	$400-$475
20+	$500

Attorneys with California State Bar Specializations or LL.M. degrees in either Estate Planning, Trust & Probate Law, or Taxation shall receive an additional $50.00 per hour. Multiple increases are not permitted for attorneys with a State Bar Specialization and LL.M. degree.

(c) Fiduciary rates:

The maximum allowable hourly rate for professional fiduciaries is between $125 and $195 per hour. Fiduciary staff rates for care managers are between $95 and $175 per hour, and between $85 and $125 per hour for administrative staff.

(d) Non-professional fiduciary rates:

The standard maximum hourly rate for other fiduciaries is $75.00 per hour.

(e) Higher rates:

The determination of requests for higher rates will be based on all relevant factors presented, including special expertise applicable to the services provided, circumstances of the service, and relationship to the decedent, or other parties.

(f) Travel time:

The Court will not generally allow attorney fees for more than two hours of travel time, total, per appearance.

(g) Format and content:

(1) Fee requests, except those calculated using a percentage of the assets, shall include a narrative description of the types of services performed, including the number of hours and the rates requested for each type, distinguishing between hours and rates for each person performing each type of service. "Types of services" means a project-based approach, so that all activities (e.g.,

correspondence and phone calls, drafting pleadings, court appearances, research, etc.) related to a particular objective (e.g., initial petition, general administration, each contested matter, sale of property, substituted judgment, preparation of each accounting, etc.) should be summarized and addressed together as one "type." Do not group and discuss services based on activity (e.g., all court appearances as one "type," all correspondence as another "type," etc.).

Requests for fees for attorney's legal assistants must be in compliance with California Rules of Court, Rule 7.703(e) which includes compliance with Business and Professions Code § 6450(a). The request shall state such compliance.

Fee requests for fiduciaries and staff should include the qualifications of the biller, such as number of years of experience as a fiduciary or in a related field, education, and any other special skills or benefits that justify the billing rate and/or need for the provided services.

(2) Copies of timesheets or billing statements need not be attached or provided unless requested by the Court or its staff (probate examiners or court investigators). However, in anticipation that time records or statements may be requested, separate entries should be made for each different activity and project, so that the amount of time expended for one activity is not obscured by "clumping" it with other activities in a single time entry.

(3) Fee requests, except those calculated using a percentage of the assets (see paragraph H below) and those below the maximum amount without a declaration (see subparagraph G.4 below), shall state the number of hours expended by the attorney in preparing the explanation and justification of the attorney's compensation, and also the number of hours expended by the attorney in preparing the explanation and justification of the fiduciary's compensation, if applicable. The Court will ordinarily approve up to two and a half hours for preparation of the attorney fee explanation without requiring separate justification for the amount of time spent. The Court is likely to require separate justification for attorney time spent in excess of two and a half hours for the attorney fee portion. The Court may require separate justification for any amount of attorney time spent on the fiduciary fee portion.

(4) Notwithstanding the foregoing, the Court will ordinarily approve an annual fiduciary fee of up to $2,500.00 for non-professional fiduciaries, and up to $3,000.00 for professional fiduciaries, without requiring a declaration.

(5) See Fee Declaration Template below for example of how narrative description and explanation might be presented.

(h) Percentage of assets calculations:

The Court will approve, without a supporting declaration, annual fees of up to one percent (1%) of the present fair market value of all estate property only upon a factual showing that either (1) the governing instrument specifically provides for this measure of compensation, or (2) this measure of compensation is reasonable (considering the factors

set forth in California Rule of Court 7.776) and in the best interests of the estate and its beneficiaries. The conclusory statement that "annual fees of 1% of the present fair market value of all estate property is customary in the community", or words to that effect, without more, is not a sufficient factual showing for this purpose. Unless otherwise stated in the governing instrument, the "present fair market value of all estate property" shall include all real and personal property at the beginning of the accounting period, but not including income received during the accounting period or net gains and/or losses. Good faith estimates of fair market value of real property by the fiduciary are sufficient for this purpose. Notwithstanding the foregoing, the court retains the discretion to adjust requested compensation on a case-by-case basis, after considering all of the facts. The Court will ordinarily approve a minimum annual fiduciary fee of up to $1,500.00 for non-professional fiduciaries, and up to $3,000.00 for professional fiduciaries.

(Guideline, Attachment 2, Fees revised effective 1/1/23)

COSTS AND EXPENSES

(i) Reasonable costs

Reasonable court costs will be allowed.

(j) Disallowed costs

The Court will not allow reimbursement, or approve expenditures, for expenses incurred for ordinary business operations associated with services compensated by:

(1) statutory compensation or;

(2) professional fees (e.g., attorneys, professional fiduciaries and corporate fiduciaries). Unusual amounts of such expenses which are disproportionately large in consideration of the fee amount may be approved.

These expenses include, without limitation, copying, postage, telephone calls (excluding CourtCall costs), cellular telephone charges, facsimile transmissions, email or internet access. Courier rates and charges may be subject to court review. Upon a proper and detailed showing, reimbursement for travel and other expenses may be allowed. Attorneys and fiduciaries may claim copy expenses for any timesheets or billing invoices attached to fee declarations or petitions or produced upon request, and for reproduction of documents required under Probate Code § 2620(c), at the rate of 10 cents per page (if reproduced in-house) or actual out-of-pocket expense (if reproduced by outside copy service, for black and white on ordinary copy paper).

(Guideline, Attachment 2, Costs revised effective 1/1/20)

(Guideline, Attachment 2, revised effective 1/1/21)

Guideline, Attachment 3 – Fee Declaration Template

Components of fee declaration

[caption]

1. I am [identifying information]. I make this declaration in support of [reference to petition or other purpose]. Statements herein are true of my personal knowledge, except for those stated upon information and belief, which I also believe to be true for the reasons stated.

2. This declaration describes services I have provided from [beginning date] through [ending date]. I am requesting compensation at the rate of $[rate] per hour for my services and [specify other rates for each person billing time included in this fee request]. Total compensation requested is $[total amount], based on [X] hours @ $[first rate] ($[subtotal]) plus [Y] hours @ $[second rate] ($[subtotal]) [continue if needed for more than two persons].

3. In addition, I am requesting reimbursement for the following costs: [specify]

4. Services for which I am now seeking compensation are summarized as follows [categories are examples only]:

[The following categories are more typical of attorney services than fiduciary services]

A. Initial Petition: [Describe services rendered by each person involved.]

B. Temporary Powers Petition: [Describe services rendered by each person involved.]

C. General Administration: [Describe services rendered by each person involved.] [Typical activities for this category would be marshalling assets, preparation of inventory and appraisal, investment decisions, bill-paying and account reconciliation. This is by no means an exhaustive list.]

D. Sale of Residence: [Describe services rendered by each person involved.]

E. Contested Claim: [Describe services rendered by each person involved.]

F. Substituted Judgment Petition: [Describe services rendered by each person involved.]

G. Accounting and Fee Petition: [Describe services rendered by each person involved. In addition, specify amount of time spent preparing this fee declaration and (if declarant is the attorney) amount of time spent preparing client-fiduciary's fee declaration.]

[The following categories are more typical of fiduciary services than attorney services]

H. <u>Initial Case Evaluation and Document Review:</u> [Describe services rendered by each person involved. This would include conferring with fiduciary's attorney,

proposed beneficiary of services and/or his/her attorney, and preparation of pleadings before appointment.]

I. General Care Management: [Describe services rendered by each person involved.] [Typical activities for this category would be evaluating care needs, hiring and supervising care providers, client status monitoring and visitation, accompaniment on medical professional office visits, and communications with family members and other interested persons regarding general health and care status, including fiduciary's attorney. This is by no means an exhaustive list.]

J. General Financial Administration: [Describe services rendered by each person involved.] [Typical activities for this category would be marshalling assets, preparation of inventory and appraisal, investment decisions, bill-paying and account reconciliation, and communications with fiduciary's attorney regarding these matters. This is by no means an exhaustive list.]

K. Sale or Encumbrance of Property: [Describe services rendered by each person involved.]

L. Eviction or Other Special Proceeding: [Describe services rendered by each person involved.]

M. Accounting and Fee Petition: [Describe services rendered by each person involved.]

5. Time spent on each type of service is summarized as follows:

[Match first column categories to descriptions used in paragraph 4. For example, if using the attorney-type categories (which are only examples, not mandatory), row descriptions would be as follows:]

	Declarant ($X/hr)	Person #2 ($Y/hr)	Person #3 ($Z/hr)
Initial Petition			
Temporary Powers Petition			
General Administration			
Sale of Residence			
Contested Claim			
Substituted Judgment Pet.			
Accounting and Fee Pet.			
Total hours			
Charges			

6. [If paralegal used, give facts to show compliance Probate Code § 2642(a) and California Rules of Court, Rule 7.754.]

7. [To extent appropriate, add further explanation or justification, including any relevant and significant factors in California Rules of Court 7.702, 7.756, or 7.776.]

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

Dated: [Date]

_____

[Declarant Name and Office]

(Guideline, Attachment 3, revised effective 1/1/16)

Guideline, Attachment 4 – Probate Department Operations

(a) Calendars

The probate calendars are as follows:

Tuesdays at 1:30 p.m. in Dept. 15 – all probate cases involving the Public Guardian.

Tuesdays at 1:40 p.m. in Dept. 15 – all probate cases (e.g. LPS Conservatorships) governed by the Welfare & Institutions Code.

All other probate matters are currently scheduled as follows:

Mondays, Wednesdays and Fridays at 9:00 a.m. for all other conservatorships.

Mondays, Wednesdays and Fridays at 9:30 a.m. for guardianships.

Tuesdays and Thursdays at 9:00 a.m. – all other probate matters.

(Guideline, Attachment 4(a), revised effective 1/1/18)

(b) Ex parte applications

All requests for ex parte orders shall be submitted to the Probate Examiners for review between 9:30 a.m. and 11:00 a.m. Monday through Friday, 725 Court Street, Room 210, Martinez, CA.

(Guideline, Attachment 4(b), revised effective 1/1/15)

(c) Tentative rulings

Tentative rulings are generally available at least seven (7) court days before the hearing on the Tentative Rulings Website at www.cc-courts.org/tr. If you are unable to access the website, the number to call between 1:30 p.m. and 4:00 p.m. any time after the ruling is posted is (925) 608-2613.

Tentative rulings are not posted for matters on the Tuesday, 1:40 p.m. calendars due to confidentiality requirements. Parties to such matters and their attorneys may receive the tentative rulings for their specific matters by calling the probate staff between 1:30 p.m. and 4:00 p.m. at (925) 608-2613.

(Guideline, Attachment 4(c), revised effective 1/1/18)

(Guideline, Attachment 4 revised effective 1/1/18)

Title Eight. Appellate Rules

Chapter 1. General Provision

Rule 8.1. Appellate Division

(a) Sessions

Regular sessions of the Appellate Division of the Superior Court, County of Contra Costa shall be held on the first Friday of each calendar month at 1:30 p.m. Special sessions shall be held at the call of the Presiding Judge of the Appellate Division.

(Rule 8.1(a) revised effective 7/1/21)

(b) Court record

Pursuant to California Rules of Court Sections 8.830(a)(1)(B) and 8.833(a), the Court elects to use the original trial court file as the record of the written documents from the trial court proceedings instead of a clerk's transcript.

(Rule 8.1(b) revised effective 1/1/11)

(c) Record of oral proceedings

(1) In appeals of infraction cases, the Appellate Division permits the Appellant, pursuant to California Rules of Court, Rule 8.915, to submit as the record of oral proceedings the official electronic recording of the proceedings.

(2) The Appellate Division prefers a transcript or recording of oral proceedings over a Statement on Appeal. If Appellant elects to use a Statement on Appeal, the Appellate Division requires strict compliance with Rule of Court 8.916. If appellant does not comply with Local Rule 8.916, the Appellate Division may dismiss the appeal for lack of adequate record. If a Statement on Appeal does not adequately apprise the Appellate Division of the content of the proceedings below, the Appellate Division may, on its own motion and with notice to the parties, augment the record pursuant to Rules of Court 8.923 and 8.841 with an official transcript or electronic recording of proceedings.

(Rule 8.1(c) revised effective 1/1/14)

(d) Oral argument

Unless otherwise ordered, counsel for each party, upon all direct appeal matters, shall be allowed fifteen (15) minutes for oral argument. The appellant or the moving party shall have the right to open and close.

(Rule 8.1(d) revised effective 7/1/08)

(e) Briefs

Briefs shall be prepared, served, and filed as provided by California Rules of Court, Rule 8.882. Briefs shall comply with the provisions of California Rules of Court 8.883 and 8.884.

(Rule 8.1(e) revised effective 1/1/10)

(f) Calendaring

A hearing will be set as a matter of right in direct appeals only. All other appellate matters, for example writs, will be set at the discretion of the Appellate Department.

Hearings will be set pursuant to the California Rules of Court. The Appellate Department generally hears all appeals at 1:30 p.m. on the first Friday of each month.

(Rule 8.1(f) revised effective 7/1/08)

(g) Motions

All motions shall be heard at regular sessions unless a different time of the hearing of a particular motion is designated by the Presiding Judge of the Appellate Department.

(Rule 8.1(g) revised effective 1/1/00)

(h) Writs of Habeas Corpus

Each judge assigned to the Appellate Division shall also be assigned, individually on a rotating basis, to hear and decide petitions for writ of habeas corpus filed in conjunction with cases that are, or may eventually be, on appeal in the Appellate Division. This assigned judge shall decide such petitions as an individual Superior Court judge, and his or her decision is not subject to review by the Appellate Division.

(Rule 8.1(h) added effective 1/1/18)

(Rule 8.1 revised effective 7/1/21)

Local Court Forms by Number

Form Number	Form Name	Effective Date
ADR-201	Selection of ADR Panel Member Pre-ADR Discovery Plan Form (Mandatory)	10/14/16
ADR-202	Selection Form (Mandatory)	12/20/17
ADR-203	ADR Panel Member Update Form (Optional)	10/14/16
ADR-206	Settlement Mentor Survey (Optional)	10/14/16
ADR-301	Mediation Notice of Date Time & Place (Optional)	10/14/16
ADR-302-INFO	Information for Mediators (Optional)	10/14/16
ADR-303	How Mediation Works (Optional)	7/20/17
ADR-305	Mediator's Report (Optional)	10/14/16
ADR-306	Mediation Survey (Optional)	10/18/18
ADR-312-INFO	Preparing For Your Mediation (Optional)	10/14/16
ADR-313-INFO	Mediation Worksheet (Optional)	8/1/16
ADR-401	Judicial Arbitration Notice of Date Time & Place (Optional)	10/14/16
ADR-402-INFO	Information for Judicial Arbitrators (Optional)	10/14/16
ADR-403	Arbitration Instruction (Optional)	10/14/16
ADR-405	Award of Arbitrator (Optional)	8/2/16
ADR-406	Arbitration Survey (Optional)	10/14/16
ADR-501	Neutral Case Evaluation Notice of Date Time & Place (Optional)	10/14/16
ADR-502-INFO	Information for Evaluators (Optional)	10/14/16
ADR-503	How Neutral Case Evaluation Works (Optional)	10/14/16
ADR-505	Neutral Case Evaluation Report (Optional)	10/14/16
ADR-506	Neutral Case Evaluation Survey (Optional)	10/14/16
ADR-602	Stipulation to Participate in discovery Facilitator Program (Mandatory)	5/30/23
ADR-610	Request for Assignment of Discovery Facilitator (Optional)	6/28/13
ADR-612	Notice of Assignment of Second Discovery Facilitator After First Rejection (Optional)	1/24/13
ADR-614	Discovery Facilitator Program Finding of Non-Compliance (Mandatory)	7/12/16
ADR-615	Notice of Termination of Appointment of Discovery Facilitator (Mandatory)	7/12/16
ADR-616	Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator (Mandatory)	7/12/16
ADR-617	Rejection of Assigned Discovery Facilitator (Optional)	1/24/13
ADR-618	Notice to Deponent and Deposition Officer of Assignment to Discovery Facilitator Program and Stay of Business Records Production Date (Mandatory)	11/24/14
AODS-1	Notice to Report DUI Form	12/2024
CAF-50	Court Referral to Custody Alternative Facility (Optional)	7/11/22
COP-INFO	Change of Plea Guidelines (Optional)	7/11/22
CPO-19	Misdemeanor Pre-Trial Diversion Order (Optional)	1/1/22
CPO-20	Felony Pre-Trial Diversion Order (Optional)	1/1/22
CPO-21	Pre-Trial Misd Drug Diversion Order (Optional)	1/1/22
CR-47	Petition to Designate Charges in the Complaint, Information or Indictment as Misdemeanors (PC 1170.18(f)) (Optional)	3/6/15
CR-48	Petition for Resentencing – Response and Order (Optional)	3/2/15
CR-100a	DUI Assessment Form (Optional)	2/28/13
CR-100a-SP	Formulario de evaluación de DUI (Optional)	6/20/13
CR-101a	Misdemeanor Advisement of Rights, Waiver, and Plea	6/6/23

CR-102a	Felony Advisement of Rights, Waiver, and Plea (Optional)	10/30/25
CR-110a	PC 286 Sample Collection Form	7/8/13
CR-114	Criminal Records Copies Request (Mandatory)	5/24/21
CR-121	Promissory Note - Property Bond (Mandatory)	6/1/11
CR-128	Information Regarding Property Bonds (Optional)	6/1/11
CR-129	Request for Copy of Notice of Default and Sale (Optional)	7/20/11
CR-147	Criminal Record Search Request (Mandatory)	4/29/20
CR-183	Waiver of Personal Presence	3/26/24
CR-220	Own-Recognizance Release Agreement	5/26/26
CR-418	Request for Matter to be Calendared (Optional)	4/29/20
CR-419	Request for Matter to be Placed on Misdemeanor Calendar (Attorney Use Only) (Optional)	5/7/20
CR-420	Continuance Form (Optional)	5/7/20
CR-500	Change of Plea Instructions	1/1/16
CR-506	Defendant's Statement of Assets / Financial Evaluation (PC 1203.4) (Optional)	7/16/12
CR-MISC	Change Of Address (Optional)	11/21/18
CV-50	Authorization to Access Confidential Court Documents by Agent for Attorney of Record (Optional)	4/6/12
CV-130	Civil Bench Warrant (Mandatory)	2/8/13
CV-627	Judgment - Sister State (Optional)	5/14/18
CV-655b	ADR Case Management Stipulation and Order (Unlimited Jurisdiction Civil Cases) (Mandatory)	10/14/16
CV-655c	INFO - ADR Information for Unlimited Civil (Optional)	10/14/16
CV-655d-INFO	Notice to Defendants in Unlimited Jurisdiction Civil Actions (Optional)	8/16/16
CV-659c	Issue Conference Statement (Mandatory)	8/16/16
CV-659d	ADR Case Management Stipulation (Limited Jurisdiction Civil Cases) (Mandatory)	10/14/16
CV-659e	INFO - ADR Information for Limited Civil (Optional)	8/16/16
CV-660b	Writ of Possession of Real Property (Optional)	1/1/12
CV-667	Application and Order to Serve Summons by Posting for Unlawful Detainer (Optional)	7/28/21
EA-150a	Instructions Restraining Orders - Elder Abuse (Optional)	11/16/22
FamLaw-007b	Declaration To Support Request for Order Shortening Time for Service and Hearing (Optional)	1/1/13
FamLaw-06	Seek Work Order (Optional)	4/11/17
FamLaw-06a	Weekly Job Search Log (Optional)	4/11/17
FamLaw-018	Request To Appear Remotely For Mediation (Optional)	5/8/23
FamLaw-INFO	Options To Appear (Optional)	5/18/22
FamLaw-INFO-SP	Options To Appear (Spanish) (Optional)	6/22/22
FamLaw-30-INFO	Notice Re Noncompliance (Optional)	2/10/23
FamLaw-30-INFO-SP	Notice Re Noncompliance (Spanish) (Optional)	2/10/23
FamLaw-31	Client Authorization for Review of Court File (Family Code 7643) (Optional)	4/10/19
FmLaw-34	Declaration Re: Expedited Default Or Uncontested Judgment (Optional)	7/18/23
F amLaw-70	Notice of Termination of Privately Compensated Temporary Judge Appointment	7/1/2025
FamLaw-107	Declaration RE Notice Upon Ex Parte Application For Orders (Optional)	2/25/21
FamLaw-112	Request for Case Management Conference (Optional)	11/14/23
FamLaw-113	Case Management Conference Statement (Optional)	11/14/23
FamLaw-114	Stipulation for Entry of Judgment (Optional)	2/20/15
FamLaw-116	Stipulation to Extend Time to Bring Case to Judgment (Optional)	1/1/20
FamLaw-125-INFO	Options to Appear at Your Hearing: In Person or Remotely (Optional)	6/30/22
FamLaw-125-INFO-SP	Options to Appear at Your Hearing: In Person or Remotely (Spanish) (Optional)	6/30/22

FamLaw-130	Service Provider Annual Declaration (Mandatory)	11/2/22
FamLaw-131	Request to File Oversized Declaration (Optional)	11/18/22
FamLaw-201	Checklist - Ex Parte Application (Optional)	3/9/21
FamLaw-206	Notice Upon Ex Parte Application for Orders (Optional)	7/5/18
FamLaw-213	Ex Parte Intake Form (Cases with Children) (Optional)	4/30/12
FamLaw-233	Advisement Rights Waiver and Plea Contempt	5/22/26
FamLaw-230	Stipulation and Order Re Continuance of Court Hearing to a Date After the Custody Counseling Appointment (Mandatory)	7/1/16
FamLaw-300	Stipulation and Order Appointing Private Confidential Mediator or CCRC (Optional)	1/1/19
FamLaw-301	Consent to Appoint as Private Confidential Mediator or Child Custody Recommending Counselor and Declaration RE Qualifications (Optional)	1/1/19
FamLaw-310b	Declaration Re Notice Upon Request to Reschedule Hearing (Mandatory)	11/2/20
FamLaw-310-INFO	Information Regarding Notice (Optional)	11/2/20
GC-02	Declaration Regarding Notice (Optional)	1/17/07
GC-03e	Guardianship Filing Instructions (Optional)	3/30/22
GC-03e-SPN	Guardianship Filing Instructions (Spanish) (Optional)	3/30/22
GC-06	Application and Order for Deferral of Court Investigation	5/6/13
GC-11	Contact Information Pursuant to Probate Code §2250.6(a)(1)(A)(B)(C), §1826(a)(1)(2), §1851(a) (Optional)	4/25/24
GC-20	Proposed Guardian(s) Information (Optional)	4/25/24
GC-21	Termination of Guardianship Information Form (Optional)	11/25/14
GC-51	Parental Diagram (Optional)	11/15/21
GC-51-SPN	Parental Diagram (Spanish) (Optional)	11/15/21
GC-53	Instructions for LHI Guardianships (Optional)	5/10/22
GC-53-SPN	Instructions for LHI Guardianships (Spanish) (Optional)	5/10/22
GC-54	Checklist and Instructions for Guardian Service (Optional)	11/15/21
GC-54-SPN	Checklist and Instructions for Guardian Service (Optional)	11/15/21
JUV-001	Juvenile Dependency - Stipulated Request and Order for Submission on Report(s) Without Hearing or Setting Hearing (Optional)	5/8/20
JUV-002	Juvenile Delinquency - Stipulated Request and Order to Submit Issue on Report Without Hearing (Optional)	5/8/20
MC-032	Application and Order for Duplicate Original (Optional)	6/21/22
MC-30	Request for Court Reporting Services by a Party with Fee Waiver (Optional)	10/18/18
MC-300e&s	Interpreter Request (Optional)	10/9/25
MC-301	Language Access Services (Optional)	1/30/17
NC-001	Name Change Application (Optional)	9/6/19
NC-002	Civil Petition for Name Change – General Information (Optional)	1/1/16
NC-100	Petition for Change of Name (Optional)	9/6/19
NC-101	Name Change to Conform to Gender Identity (Mandatory)	9/6/19
NC-102	Gender and Name Change (Mandatory)	9/6/19
NC-103	Gender Change Packet (Mandatory)	9/6/19
REC-01	Mail Request for Court Records (Mandatory)	4/22/20
SC-08	Request for Dismissal (Small Claims) (Optional)	4/7/21
SC-11	Notice of Motion & Declaration to Vacate Dismissal and Enter Judgment on Settlement Agreement (Small Claims) (Optional)	1/10/17
SC-12	Notice of Motion & Declaration to Correct the Name of the Judgment Debtor (Small Claims) (Optional)	1/10/17
SC-13	Request for Certified Mail (Small Claims) (Optional)	12/8/16
SC-20	Application and Order to Transfer Small Claims Case to Superior Court (Optional)	8/4/16
SC-21	Stipulation to Vacate Judgment and Order (Optional)	12/8/16
SC-22	Ex Parte Application, Declaration and Order to Serve the Secretary of State (Corp. Code § 1702) (Optional)	1/24/17

SC-22-INFO	Instructions for Using Form S-22 Application for Order to Serve Sec of State (Optional)	1/24/17
TJ-100	Notice and Stipulation for Temporary Judge (Optional)	7/13/22
TJ-110	Stipulation to Temporary Judge in Unlawful Detainer Matter (Optional)	7/13/22
TR-121	Civil Assessment and Declaration to Vacate Civil Assessment (Mandatory)	7/8/16
TR-123	Written Plea Form and Request For Monthly Payments (Mandatory)	11/22/22
TR-123s	Formulario de admisión escrita y Solicitud de pagos mensuales (Mandatory)	11/22/22
TR-128	Notice and Waiver of Rights and Request for Remote Video Proceeding (Mandatory)	7/12/23
WV-150a-INFO	Instructions Restraining Orders – Workplace Harassment (Optional)	3/2/20

Local Court Forms by Name

Form Name	Form Number	Effective Date
ADR Case Management Stipulation (Limited Jurisdiction Civil Cases) (Mandatory)	CV-659d	10/14/2016
ADR Case Management Stipulation and Order (Unlimited Jurisdiction Civil Cases) (Mandatory)	CV-655b	10/14/2016
ADR Panel Member Update Form (Optional)	ADR-203	10/14/2016
Advisement Rights Waiver and Plea Contempt	FamLaw-233	5/22/26
Application and Order for Deferral of Court Investigation	GC-06	5/6/2013
Application and Order for Duplicate Original (Optional)	MC-032	6/21/2022
Application and Order to Serve Summons by Posting for Unlawful Detainer (Optional)	CV-667	7/28/2021
Application and Order to Transfer Small Claims Case to Superior Court (Optional)	SC-20	8/4/2016
Arbitration Instruction (Optional)	ADR-403	10/14/2016
Arbitration Survey (Optional)	ADR-406	10/14/2016
Authorization to Access Confidential Court Documents by Agent for Attorney of Record (Optional)	CV-50	4/6/2012
Award of Arbitrator (Optional)	ADR-405	8/2/2016
Case Management Conference Statement (Optional)	FamLaw-113	11/14/2023
Change Of Address (Optional)	CR-MISC	11/21/2018
Change of Plea Guidelines (Optional)	COP-INFO	7/11/2022
Change of Plea Instructions	CR-500	1/1/2016
Checklist - Ex Parte Application (Optional)	FamLaw-201	3/9/2021
Checklist and Instructions for Guardian Service (Optional)	GC-54	11/15/2021
Checklist and Instructions for Guardian Service (Optional)	GC-54-SPN	11/15/2021
Civil Assessment and Declaration to Vacate Civil Assessment (Mandatory)	TR-121	7/8/2016
Civil Bench Warrant (Mandatory)	CV-130	2/8/2013
Civil Petition for Name Change – General Information (Optional)	NC-002	1/1/2016
Client Authorization for Review of Court File (Family Code 7643) (Optional)	FamLaw-31	4/10/2019
Consent to Appoint as Private Confidential Mediator or Child Custody Recommending Counselor and Declaration RE Qualifications (Optional)	FamLaw-301	1/1/2019
Contact Information Pursuant to Probate Code §2250.6(a)(1)(A)(B)(C), §1826(a)(1)(2), §1851(a) (Optional)	GC-11	8/24/2017
Continuance Form (Optional)	CR-420	5/7/2020
Court Referral to Custody Alternative Facility (Optional)	CAF-50	7/11/2022
Criminal Record Search Request (Mandatory)	CR-147	4/29/2020
Criminal Records Copies Request (Mandatory)	CR-114	5/24/2021
Declaration RE Notice Upon Ex Parte Application For Orders (Optional)	FamLaw-107	2/25/2021
Declaration Re Notice Upon Request to Reschedule Hearing (Mandatory)	FamLaw-310b	11/2/2020
Declaration Re: Expedited Default Or Uncontested Judgment (Optional)	FamLaw-34	7/18/2023
Declaration Regarding Notice (Optional)	GC-02	1/17/2007
Declaration To Support Request for Order Shortening Time for Service and Hearing (Optional)	FamLaw-007b	1/1/2013
Defendant's Statement of Assets / Financial Evaluation (PC 1203.4) (Optional)	CR-506	7/16/2012
Discovery Facilitator Program Finding of Non-Compliance (Mandatory)	ADR-614	7/12/2016
DUI Assessment Form (Optional)	CR-100a	2/28/2013

Ex Parte Application, Declaration and Order to Serve the Secretary of State (Corp. Code § 1702) (Optional)	SC-22	1/24/2017
Ex Parte Intake Form (Cases with Children) (Optional)	FamLaw-213	4/30/2012
Felony Advisement of Rights, Waiver, and Plea (Optional)	CR-102a	10/30/25
Felony Pre-Trial Diversion Order (Optional)	CPO-20	1/1/2022
Formulario de admisión escrita y Solicitud de pagos mensuales (Mandatory)	TR-123s	11/22/2022
Formulario de evaluación de DUI (Optional)	CR-100a-SP	6/20/2013
Gender and Name Change (Mandatory)	NC-102	9/6/2019
Gender and Name Change (Mandatory)	NC-102	9/6/2019
Gender Change Packet (Mandatory)	NC-103	9/6/2019
Guardianship Filing Instructions (Optional)	GC-03e	3/30/2022
Guardianship Filing Instructions (Spanish) (Optional)	GC-03e-SPN	3/30/2022
How Mediation Works (Optional)	ADR-303	7/20/2017
How Neutral Case Evaluation Works (Optional)	ADR-503	10/14/2016
INFO - ADR Information for Limited Civil (Optional)	CV-659e	8/16/2016
INFO - ADR Information for Unlimited Civil (Optional)	CV-655c	10/14/2016
Information for Evaluators (Optional)	ADR-502-INFO	10/14/2016
Information for Judicial Arbitrators (Optional)	ADR-402-INFO	10/14/2016
Information for Mediators (Optional)	ADR-302-INFO	10/14/2016
Information Regarding Notice (Optional)	FamLaw-310-INFO	11/2/2020
Information Regarding Property Bonds (Optional)	CR-128	6/1/2011
Instructions for LHI Guardianships (Optional)	GC-53	5/10/2022
Instructions for LHI Guardianships (Spanish) (Optional)	GC-53-SPN	5/10/2022
Instructions for Using Form S-22 Application for Order to Serve Sec of State (Optional)	SC-22-INFO	1/24/2017
Instructions Restraining Orders - Elder Abuse (Optional)	EA-150a	11/16/2022
Instructions Restraining Orders – Workplace Harassment (Optional)	WV-150a-INFO	3/2/2020
Interpreter Request (Optional)	MC-300e&s	10/9/2025
Issue Conference Statement (Mandatory)	CV-659c	8/16/2016
Judgment - Sister State (Optional)	CV-627	5/14/2018
Judicial Arbitration Notice of Date Time & Place (Optional)	ADR-401	10/14/2016
Juvenile Delinquency - Stipulated Request and Order to Submit Issue on Report Without Hearing (Optional)	JUV-002	5/8/2020
Juvenile Dependency - Stipulated Request and Order for Submission on Report(s) Without Hearing or Setting Hearing (Optional)	JUV-001	5/8/2020
Language Access Services (Optional)	MC-301	1/30/2017
Mail Request for Court Records (Mandatory)	REC-01	4/22/2020
Mediation Notice of Date Time & Place (Optional)	ADR-301	10/14/2016
Mediation Survey (Optional)	ADR-306	10/18/2018
Mediation Worksheet (Optional)	ADR-313-INFO	8/1/2016
Mediator’s Report (Optional)	ADR-305	10/14/2016
Misdemeanor Advisement of Rights, Waiver, and Plea	CR-101a	6/6/2023
Misdemeanor Pre-Trial Diversion Order (Optional)	CPO-19	1/1/2022
Name Change Application (Optional)	NC-001	9/6/2019
Name Change to Conform to Gender Identity (Mandatory)	NC-101	9/6/2019
Neutral Case Evaluation Notice of Date Time & Place (Optional)	ADR-501	10/14/2016
Neutral Case Evaluation Report (Optional)	ADR-505	10/14/2016
Neutral Case Evaluation Survey (Optional)	ADR-506	10/14/2016
Notice and Stipulation for Temporary Judge (Optional)	TJ-100	7/13/2022
Notice and Waiver of Rights and Request for Remote Video Proceeding (Mandatory)	TR-128	7/12/2023
Notice of Assignment of Second Discovery Facilitator After First Rejection (Optional)	ADR-612	1/24/2013

Notice of Motion & Declaration to Correct the Name of the Judgment Debtor (Small Claims) (Optional)	SC-12	1/10/2017
Notice of Motion & Declaration to Vacate Dismissal and Enter Judgment on Settlement Agreement (Small Claims) (Optional)	SC-11	1/10/2017
Notice of Termination of Appointment of Discovery Facilitator (Mandatory)	ADR-615	7/12/2016
Notice of Termination of Privately Compensated Temporary Judge Appointment	FamLaw-70	7/1/2025
Notice Re Noncompliance (Optional)	FamLaw-30-INFO	2/10/2023
Notice Re Noncompliance (Spanish) (Optional)	FamLaw-30-INFO-SP	2/10/2023
Notice to Defendants in Unlimited Jurisdiction Civil Actions (Optional)	CV-655d-INFO	8/16/2016
Notice to Deponent and Deposition Officer of Assignment to Discovery Facilitator Program and Stay of Business Records Production Date (Mandatory)	ADR-618	11/24/2014
Notice to Report DUI Form	AODS-1	12/2024
Notice Upon Ex Parte Application for Orders (Optional)	FamLaw-206	7/5/2018
Options To Appear (Optional)	FamLaw-INFO	5/18/2022
Options To Appear (Spanish) (Optional)	FamLaw-INFO-SP	6/22/2022
Options to Appear at Your Hearing: In Person or Remotely (Spanish) (Optional)	FamLaw-125-INFO-SP	6/30/2022
Options to Appear at Your Hearing: In Person or Remotely (Optional)	FamLaw-125-INFO	6/30/2022
Parental Diagram (Optional)	GC-51	11/15/2021
Own-Recognizance Release Agreement	CR-220	5/26/26
Parental Diagram (Spanish) (Optional)	GC-51-SPN	11/15/2021
PC 286 Sample Collection Form	CR-110a	7/8/2013
Petition for Change of Name (Optional)	NC-100	9/6/2019
Petition for Resentencing – Response and Order (Optional)	CR-48	3/2/2015
Petition to Designate Charges in the Complaint, Information or Indictment as Misdemeanors (PC 1170.18(f)) (Optional)	CR-47	3/6/2015
Preparing For Your Mediation (Optional)	ADR-312-INFO	10/14/2016
Pre-Trial Misd Drug Diversion Order (Optional)	CPO-21	1/1/2022
Promissory Note - Property Bond (Mandatory)	CR-121	6/1/2011
Proposed Guardian(s) Information (Optional)	GC-20	4/25/2024
Recommendations of Discovery Facilitator and Termination of Appointment of Discovery Facilitator (Mandatory)	ADR-616	7/12/2016
Rejection of Assigned Discovery Facilitator (Optional)	ADR-617	1/24/2013
Request for Assignment of Discovery Facilitator (Optional)	ADR-610	6/28/2013
Request for Case Management Conference (Optional)	FamLaw-112	11/14/2023
Request for Certified Mail (Small Claims) (Optional)	SC-13	12/8/2016
Request for Copy of Notice of Default and Sale (Optional)	CR-129	7/20/2011
Request for Court Reporting Services by a Party with Fee Waiver (Optional)	MC-30	10/18/2018
Request for Dismissal (Small Claims) (Optional)	SC-08	4/7/2021
Request for Matter to be Calendared (Optional)	CR-418	4/29/2020
Request for Matter to be Placed on Misdemeanor Calendar (Attorney Use Only) (Optional)	CR-419	5/7/2020
Request To Appear Remotely For Mediation (Optional)	FamLaw-018	5/8/2023
Request to File Oversized Declaration (Optional)	FamLaw-131	11/18/2022
Seek Work Order (Optional)	FamLaw-06	4/11/2017
Selection Form (Mandatory)	ADR-202	12/20/2017
Selection of ADR Panel Member Pre-ADR Discovery Plan Form (Mandatory)	ADR-201	10/14/2016
Service Provider Annual Declaration (Mandatory)	FamLaw-130	11/2/2022
Settlement Mentor Survey (Optional)	ADR-206	10/14/2016
Stipulation and Order Appointing Private Confidential Mediator or CCRC (Optional)	FamLaw-300	1/1/2019

Stipulation and Order Re Continuance of Court Hearing to a Date After the Custody Counseling Appointment (Mandatory)	FamLaw-230	7/1/2016
Stipulation for Entry of Judgment (Optional)	FamLaw-114	2/20/2015
Stipulation to Extend Time to Bring Case to Judgment (Optional)	FamLaw-116	1/1/2020
Stipulation to Participate in discovery Facilitator Program (Mandatory)	ADR-602	5/30/2023
Stipulation to Temporary Judge in Unlawful Detainer Matter (Optional)	TJ-110	7/13/2022
Stipulation to Vacate Judgment and Order (Optional)	SC-21	12/8/2016
Termination of Guardianship Information Form (Optional)	GC-21	11/25/2014
Waiver of Personal Presence	CR-183	3/26/2024
Weekly Job Search Log (Optional)	FamLaw-06a	4/11/2017
Writ of Possession of Real Property (Optional)	CV-660b	1/1/2012
Written Plea Form and Request For Monthly Payments (Mandatory)	TR-123	11/22/2022

JUDICIAL COUNCIL FORMS:

CM-110	Case Management Statement
DE-111	Petition for Probate
DE-157	Notice of Administration to Creditors
DE-275	Ex Parte Petition for Approval of Sale of Personal Property and Order (Mandatory)
DE-295	Ex Parte Petition for Final Discharge and Order
DE-147S	Confidential Statement of Birth Date and Driver's License Number
FL-141	Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration
FL-150	Income and Expense Declaration
FL-182	Judgment Checklist-Dissolution/Legal Separation
FL-300	Request for Order
FL-326	Declaration of Private Child Custody Evaluator Regarding Qualifications
FL-327	Order Appointing Child Custody Evaluator
GC-112	Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator
GC-250	Letters of Guardianship (Probate-Guardianships and Conservatorships)
JV-200/JV-205	Custody Order-Juvenile-Final Judgment-Visitation Order-Juvenile
JV-290	Caregiver Information Form
JV-290-INFO	Instructions to Complete the Caregiver Information Form
JV-570	Request for Disclosure of Juvenile Case File
JV-575	Petition to Obtain Report of Law Enforcement Agency
MC-051	Notice of Motion and Motion to Be Relieved As Counsel-Civil
MC-052	Declaration In Support of Attorney's Motion to Be Relieved As Counsel-Civil
MC-053	Order Granting Attorney's Motion to Be Relieved As Counsel-Civil
MC-356	Receipt and Acknowledgment of Order for The Deposit of Money Into Blocked Account
MC-500	Media Request to Photograph, Record, or Broadcast
MC-510	Order on Media Request to Permit Coverage
NC-100	Petition for Change of Name
NC-110	Attachment to Petition for Change of Name
NC-120	Order to Show Cause for Change of Name (Change of Name)
RA-010	Notice of Remote Appearance

RA-015	Opposition to Remote Proceeding at Evidentiary Hearing or Trial
RA-020	Order Regarding Remote Appearance

For local court forms, visit: https://contracosta.courts.ca.gov/forms-filing/forms.

For Judicial Council forms, visit: www.courts.ca.gov/forms

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APPENDIX A: STANDING ORDERS

NOTE: Standing Orders are subject to change. Orders included with the Local Rules are current as of the publication date of these rules. For a current version of all standing orders, please see the Court's Local Rules webpage:

https://contracosta.courts.ca.gov/general-information/local-rules-court

Superior Court of California
County of Contra Costa

APPENDIX A:
STANDING ORDERS
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SUBJECT AREA **CATEGORY #**

JUDICIAL AUTHORITY 1

1.1	**Designation of Alternate Judges to Authorize Interception of Wire Communications.**	FILED 05/22/2013 AMENDED 1/3/2023
1.2	**Substitution of Attorneys in Juvenile Court Dependency Cases**	FILED 05/28/2015
1.3	**Order Regarding Unlawful Detainer Cases**	FILED 5/30/2018 AMENDED 09/02/2021
1.4	**Order Directing Commissioners to Conduct Contempt Proceedings**	FILED 12/13/2019
1.5	**Order re: Standing Orders (Rescinding and Renumbering)**	FILED 11/3/2022
1.6	**Subordinate Judicial Officers**	FILED 1/30/2024
1.7	**Implementing CRC 10.365 re Judge Remote Appearance**	FILED 7/24/2024
1.8	**General Order re: Use of Electronic Recording Equipment (First Amended)**	FILED 12/30/2024 AMENDED 10/2/2025

RECORDS AND RECORD ACCESS 2

2.1	**Standing Order (Probate) Re: Release of Information for the Benefit of Minors.**	FILED 12/12/2000
2.2	**Order and Agreement Re Preservation of Court Records.**	DATED 01/10/2005
2.3	**Order to Purge Misdemeanor Arrest and Bench Warrants.**	FILED 8/29/2024

Superior Court of California
County of Contra Costa

APPENDIX A:
STANDING ORDERS
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SUBJECT AREA **CATEGORY #**

2.4	**Order to Recall all Outstanding Bench Warrants issued on Unsigned Citations**	FILED 06/12/2012

RECORDS AND RECORD ACCESS (cont.)..... 2

2.5	**Order Re Release of Information Pertaining to Minors Described by Section 601 or 602 of the Welfare and Institutions Code**	FILED 07/08/2013
2.6	**Courtesy Copies to DA Office for 827 File Review Requests**	FILED 8/3/2015
2.7	**Confidentiality of Court Records; Local Inmates and Petitions for Involuntary Psychiatric Medication**	FILED 4/10/2019
2.8	**PC 987 Funding Orders**	FILED 12/19/2023
2.9	**Electronic Access to Court Records (Second Amended)**	FILED 6/11/2025

FILING AND FILING DATES 3

3.1	**Facsimile Filing in Certain Juvenile Cases**	FILED 10/1/2019
3.2	**E-Filing in Civil Cases (Ninth Amended)**	FILED 6/13/2022 AMENDED 2/2/2026
3.3	**Sealing and Expungement in Criminal Cases**	FILED 1/20/2023 AMENDED 12/18/25
3.4	**E-Filing in Criminal and Juvenile Cases**	FILED 11/16/2023
3.5	**Civil Ex Partes and MSJ/MSAs**	FILED 9/3/2025

Superior Court of California
County of Contra Costa

APPENDIX A:
STANDING ORDERS
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SUBJECT AREA **CATEGORY #**

GENERAL ORDERS..... 4

4.1	**Order Regarding Return of Dangerous, Toxic, Bio-Hazardous Materials/Exhibits**	FILED 5/15/2015
4.2	**Order Authorizing Children and Family Services Bureau to Regularly Photograph Dependent Children For Identification and Documentation Purposes**	FILED 9/14/2015
4.3	**Court Reporters in Family Law Cases**	FILED 8/11/2021
4.4	**Weapons Screening**	FILED 3/16/2026
4.5	**Cash Payments**	FILED 5/15/2026

FILED
JAN - 3 2023
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

Date: January 2, 2023
JUDGE: EDWARD G. WEIL

DEPARTMENT 1
COURT CLERK: DIANA GHIRARDO
UNREPORTED

AMENDED STANDING ORDER RE: WIRE AUTHORIZATIONS

Pursuant to Penal Code Section 629.50, the Court hereby designates Judge John Kennedy as the judge of the Superior Court authorized to review, sign, and otherwise handle all matters pertaining to any application for an order or modification of an order authorizing the interception of a wire or electronic communication (as defined in penal Code section 629.50 *et seq.*), when such an application is presented by the Attorney General's Office or the District Attorney's Office.

Further pursuant to Section 629.50, the following additional judges are authorized to review and sign an order authorizing an interception.

1. Judge Terri Mockler
2. Judge Mary Ann O'Malley

This order supersedes any prior versions.

IT IS SO ORDERED.

DATED: January 2, 2023

HON. EDWARD G. WEIL
Presiding Judge of the Superior Court
Contra Costa County

Superior Court of the State of California
For the County of Contra Costa
Juvenile Court

FILED
MAY 28 2015
STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By K. Cardinale, Deputy Clerk

STANDING ORDER #3 (2015)
Substitution of Attorneys in Juvenile Court Dependency Cases

In criminal cases, the trial court, in its discretion, may deny such a motion if discharge will result in `significant prejudice' to the defendant, or if it is not timely, i.e., if it will result in `disruption of the orderly processes of justice'. (*People v. Ortiz,* 51 Cal.3d 975, 983.)

This does not reflect the balance of interests in dependency cases. The focus of dependency law is "on the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child." (§ 300.2. W&I Code) the children's interests are of paramount consideration. The rights and protections afforded parents in a dependency proceeding are not the same as those afforded to the accused in a criminal proceeding. (In *re James F.* (2008) 42 Cal.4th 901, 915) Pursuant to section 352, the juvenile court may for good cause order a continuance of a dependency hearing. Section 352 mandates that before the court can grant a continuance it must "give substantial weight to a minor's need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements." (In *re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1798)

The juvenile court has broad discretion in determining whether to grant a continuance. (§ 352(a);

Any attorney wishing to substitute in to a juvenile dependency case must follow the below listed procedures and timelines:

1) If retained counsel is substituting in for appointed counsel, a motion for substitution must be filed with the Court at least two weeks before any scheduled court hearing. This motion must be served on all existing attorneys in the case. The motion will be set for a hearing promptly and normally there will be no continuance of the previously scheduled hearing as a condition of the Court granting the substitution. New counsel will be prepared to represent the client at the next scheduled hearing.

2) If retained counsel is substituting in for retained counsel a substitution of counsel form (MC-050) signed by new counsel, old counsel and the client may be filed in lieu of a formal motion. The form must be filed with the court and served on all counsel at least two weeks before any scheduled court hearing. Normally there will be no continuance of the previously scheduled hearing as a condition of the Court accepting the substitution. New counsel will be prepared to represent the client at the next scheduled hearing.

DATED: May 28, 2015

Thomas M. Maddock
Presiding Judge Juvenile Court

FILED
SEP 02 2021
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: SEPTEMBER 2, 2021
JUDGE: REBECCA HARDIE

DEPARTMENT 1
COURT CLERK: AIDA CHEONG
UNREPORTED

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AMENDED STANDING ORDER 5.17*

***Renumbered as 1.3 per 11-3-22 Order**

The following Amended Standing Order 5.17 is adopted, effective immediately.

1. The provisions of Section 1 of the Standing Order of the Civil Division concerning unlawful detainer cases, delineated Standing Order 5.17 and entered on May 30, 2018, are rescinded.

2. By order of the Presiding Judge, unlawful detainer cases in this Court are heard by qualified court commissioners. In the event a party chooses not to stipulate to the hearing of any unlawful detainer matter by a commissioner, the hearing shall be referred to the Supervising Judge of the division in which the matter is pending (either Richmond, Pittsburg, or, for Martinez, the Supervising Civil Judge) who may hear the matter or refer it to any other judge of this Court. This does not affect the Court's authority, pursuant to Code of Civil procedure section 259(b), to direct a commissioner to "[t]ake proof and make and report findings thereon as to any matter of fact upon which information is required by the court," where properly specified pursuant to that section.

IT IS SO ORDERED.

Dated: September 2, 2021

Rebecca C. Hardie

HON. REBECCA C. HARDIE
Presiding Judge of the Superior Court
Contra Costa County

FILED
DEC 16 2019
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk
M. MAWJI

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

In re Family Law Contempt Proceedings

ORDER DIRECTING COMMISSIONER TO CONDUCT CONTEMPT PROCEEDINGS

1. Any commissioner assigned to hear family law contempt proceedings shall conduct arraignment proceedings on an Order to Show Cause and Affidavit for Contempt, including the issuance and signing of bench warrants. (Cal. Gov. C., § 72190.1.)

2. Any commissioner assigned to hear family law contempt proceedings, and who is not acting as a temporary judge per stipulation of the parties in those proceedings, shall hear and report his or her findings and conclusions to the court on issues of fact in contempt proceedings related to support, dissolution of marriage, nullity of marriage, or legal separation. (Cal. Code of Civ. Proc., § 259, subd. (e).)

It is so ordered.

Dated: 12/13/19

Barry Baskin, Presiding Judge

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

FILED
NOV - 3 2022
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

DATE: November 3, 2022
JUDGE: REBECCA C. HARDIE

DEPARTMENT 1
COURT CLERK:
UNREPORTED

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ORDER RE: STANDING ORDERS

The Court has revised and substantially eliminated the majority of its previously-enacted standing orders. By this Order, I rescind the final few standing orders which are outdated or no longer applicable, and renumber all remaining standing orders.

Barring further order of the Presiding Judge, and to preserve the tracking and publication of all orders as required by the Rules of Court and Code of Civil Procedure section 575.1(c), standing orders must be submitted to the Presiding Judge for approval, with the advice of the Executive Committee as determined by the Presiding Judge.

The following standing orders are rescinded:

1. Standing Order 1.1
2. Standing Order 5.11
3. Standing Order 6.20

Per Code of Civil Procedure section 575.1(c), which requires orders to be numbered sequentially on a common subject, Standing Orders – including this order – shall be recategorized and renumbered as follows:

Section 1: Judicial Authority

- 1.1: Designation of Alternate Judges to Authorize Interception of Wire Communications
- 1.2: Substitution of Attorneys in Juvenile Court Dependency Cases
- 1.3: Order Regarding Unlawful Detainer Cases
- 1.4: Order Directing Commissioners to Conduct Contempt Proceedings
- 1.5: Order re Standing Orders

Section 2: Records and Records Access

- 2.1: Standing Order (Probate) Re: Release of Information for the Benefit of Minors
- 2.2: Order and Agreement re Preservation of Court Records
- 2.3: Order to Purge Misdemeanor Arrest and Bench Warrants

- 2.4: Order to Recall All Outstanding Bench Warrants Issued on Unsigned Citations
- 2.5: Order re Release of Information Pertaining to Minors Descried but Section 601 or 602 of the Welfare and Institutions Code
- 2.6: Courtesy Copies to DA Office for 827 File Review Requests
- 2.7: Confidentiality of Court Records; Local Inmates and Petitions for Involuntary Psychiatric Medication

Section 3: Filing and Filing Dates

- 3.1: Facsimile Filing in Certain Juvenile Cases
- 3.2 E-Filing in Civil Cases

Section 4: General Orders

- 4.1: Order Regarding Return of Dangerous, Toxic, Biohazardous Materials/Exhibits
- 4.2: Order Authorizing Children and Family Services Bureau to Regularly Photograph Dependent Children for Identification and Documentation Purposes
- 4.3: Court Reporters in Family Law Cases

Additional Standing Orders shall follow consecutively in number within categories. Categories may be added by the Presiding Judge, in consultation with the Executive Committee as determined by the Presiding Judge. Standing Orders shall be included with the regular publication of the Local Rules and posted on the Local Rules section of the Court's website.

IT IS SO ORDERED.

Dated: November 3, 2022



HON. REBECCA C. HARDIE
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

Date: January 30, 2024 **DEPARTMENT 1**
JUDGE: EDWARD G. WEIL **COURT CLERK: CAROLINE RUARO**
UNREPORTED

STANDING ORDER RE: SUBORDINATE JUDICIAL OFFICERS

For many years, the Court has benefitted from the service of subordinate judicial officers who handle specific matters on behalf of the Court, pursuant to Code of Civil Procedure section 259, Government Code sections 71290, 71290,1, and 71622, and other applicable statutes and case law. To clarify the scope and authority of subordinate judicial officers in the Contra Costa Superior Court, **IT IS ORDERED**:

1. In the event any person is hired by the Court and takes the Oath of Office for a Commissioner of the California Superior Court (a "Commissioner"), the Presiding Judge shall issue an order of appointment which shall be entered into the minutes of the Court.

2. A Commissioner shall have authority to hear those matters described in Code of Civil Procedure section 259 and Government Code sections 72190 and 72190.1, including infraction matters, small claims matters, and arraignments, and any other matters which a subordinate judicial officer may hear pursuant to statute.

3. A Commissioner shall have authority to hear civil harassment, unlawful detainer, and civil discovery matters upon stipulation of the parties.

4. A Commissioner shall have the authority to hear Department of Child Support Services matters as provided under Family Code section 4251.

5. Prior to exercising any power to hear the above matters, a Commissioner must satisfy any qualification and/or training requirements of the Judicial Council as may be established under Government Code sections 71622(c) and (d).

6. Authority to act as a Commissioner shall expire immediately upon the Commissioner's retirement, resignation, or termination of service. The Presiding Judge shall issue an order of termination, which shall be entered into the minutes of the Court.

7. By separate order, the Presiding Judge may assign a retired Commissioner to subordinate judicial service as provided in Government Code section 71622(g).

IT IS SO ORDERED.

DATED: January 30, 2024

HON. EDWARD G. WEIL
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: JULY 24, 2024 **DEPARTMENT 1**
JUDGE: HON. EDWARD G. WEIL **COURT CLERK: CAROLINE RUARO**
UNREPORTED

STANDING ORDER 1.7 IMPLEMENTING CALIFORNIA RULE OF COURT 10.635

This Standing Order implements Rule of Court 10.635. It does not apply in criminal proceedings or other proceedings identified in Code of Civil Procedure section 367.76, which include, but are not limited to, juvenile justice proceedings and Lanterman-Petris-Short Act proceedings.

1. Presiding from Chambers or Locations in a Courthouse Other Than a Courtroom

Pursuant to CRC 10.635(d), the Presiding Judge hereby finds that it is in the interest of justice for a judicial officer to preside remotely from a location within a court facility, other than a courtroom, as long as no parties are appearing in person. Case-by-case approval by the Presiding Judge is not required. If the proceeding is one that is required by law to be open to the public, the remote access link shall be accessible to the public on a listen-only basis.

2. Presiding From a Location Outside the Courthouse

   a. Pursuant to CRC 10.635(e), the Presiding judge hereby finds that it is in the interest of justice for a judicial officer to preside from a location outside a courthouse (including their residence), and that so presiding is "essential to prevent a significant delay that would substantially prejudice the litigants," where all of the following conditions exist:

      (i) The judicial officer has a medical or family emergency occurring since the original setting of the proceeding that would require the proceeding to be continued at a substantial prejudice to the parties. If the judicial officer is physically ill and/or precluded from entering the courthouse by COVID or other infectious disease protocols, they must be well enough to preside over the proceeding. This does not permit presiding from outside the courthouse in order to accommodate routine appointments or where presiding from the courtroom would merely inconvenience the judicial officer.

(ii) The location outside the courthouse is appropriate for a court hearing, i.e., it is sufficiently quiet, the location has functioning and appropriate technology to enable the hearing to proceed with needed visual and sound quality, and anything visible in the background is appropriate for a judicial proceeding. Locations other than the judicial officer's residence, including but not limited to waiting rooms, airports, or motor vehicles, are presumptively inappropriate.

(iii) The location is within the State of California.

(iv) The judicial officer obtains approval from their supervising judge, who shall determine whether the criteria of this policy are met.

b. The requirement of Government Code 68110 which requires that every judge "shall, in open court during the presentation of causes before him or her, wear a judicial robe," applies to remote proceedings as it would in the courthouse, i.e., if the proceeding would require a robe in the courthouse, it is required for a remote proceeding. Matters typically conducted in chambers, e.g., settlement conferences, do not require a robe. If the proceeding is being held remotely due to an emergency that prevented the judge from obtaining a robe, the judge may proceed without wearing a robe.

c. Approval to preside from outside the courthouse pursuant to the "hazardous conditions" provision of CRC10.635(e)(1) must be obtained in each individual case by the Presiding Judge, or if unavailable, the Assistant Presiding Judge, or if unavailable, the Supervising Judge.

IT IS SO ORDERED.

Dated: July 24, 2024



HON. EDWARD G.WEIL
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

FIRST AMENDED GENERAL ORDER RE: USE OF ELECTRONIC RECORDING EQUIPMENT

October 6, 2025

Just seven years ago, our Supreme Court warned that "the absence of a court reporter at trial court proceedings and the resulting lack of a verbatim record of such proceedings will frequently be fatal to a litigant's ability to [appeal]." (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608.) The Supreme Court thereby invalidated a Superior Court's practice of requiring indigent parties to arrange and pay for a court reporter. (*Id.* at pp. 611, 623.) The *Jameson* decision was just one of many instances in which California courts have struck down or rejected laws, rules, doctrines, and policies that might "significantly chill [a] litigant's enjoyment of the fundamental protections of the right to appeal." (*Coleman v. Gulf Ins. Group* (1986) 41 Cal.3d 782, 797.) "The State of California is not constitutionally required to establish avenues of appellate review, 'but it is now fundamental that, once established, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.' [Citation.]" (*In re Arthur N.* (1974) 36 Cal.App.3d 935, 939.)

The Contra Costa Superior Court ("Court") can no longer reliably staff its courtrooms with court-employed certified shorthand reporters ("CSRs") because of a chronic shortage of CSRs available to be hired. Without a CSR, vast numbers of litigants are left without a verbatim transcript—or even *any* verbatim record—of what occurred in hearings that may have a profound impact on their rights and lives.

This leaves the Court little choice. To preserve the constitutional rights of litigants and to carry out the Court's duty to process civil cases expeditiously, this First Amended General Order permits judges of the Court to authorize electronic recording ("ER") of proceedings in which fundamental rights are at stake.

I. Like other courts across the state, the Court faces a crisis in CSR availability that has compromised its ability to provide CSRs where needed, despite its best efforts in recruitment and retention.

Under current law, the Court is obligated to provide CSRs for felonies; juvenile justice and dependency proceedings; upon request by indigent litigants with an approved fee waiver; and in certain other proceedings.[1] To provide such coverage, the Court has been forced to remove CSRs from its family law, probate, and unlimited civil departments. Where its own CSRs are not available, the Court has tried to provide CSRs on an ad hoc basis—by the hour, by the day, or for a given hearing upon special request by the judicial officer. But this stopgap measure has proven inadequate, the Court cannot guarantee the ability to maintain it going forward, and there is likewise no

[1] The facts set forth in this order are based on the Declaration of Court Executive Officer Sarah Lind.

guarantee that the available hourly or per diem court reporters will consistently fill the ever-increasing need for reporter coverage.

The shrinking of the number of CSRs available to be hired has been evident for years, drawing persistent warnings from judiciary and legislative leaders, as well as from access-to-justice non-profits and other similar organizations. Indeed, very recently, the Court received a demand from one local legal-aid nonprofit to immediately begin using electronic recording for all civil case types, based on the constitutional crisis identified in this order. This mirrors efforts similar agencies have made at the Legislature to amend section 69957. Presiding Judges and Court Executive Officers throughout the state encouraged the Legislature to take up bills to address this crisis, but those proposed – such as SB 662, introduced in 2023, which would have expanded the use of ER to other proceedings when no court reporter was available – did not advance. As a result, for those litigants who cannot obtain a CSR because of the shortage and whose cases do not qualify for ER under section 69957, even when their fundamental rights are at stake *no one* makes a verbatim record of all the proceedings.

The Court's experience with hiring and retention of CSRs has been no different. The Court currently employs 13 full-time and 6 part-time CSRs for up to 17 departments where statutory mandates require CSRs. The total number of CSRs is down from 33 full-time and 4 part-time reporters in 2019, a loss of approximately 50%. Further, the total of 17 departments excludes additional departments which, on occasion, may hear cases requiring CSRs (e.g., a civil department hearing a criminal matter, a visiting judge hearing a criminal matter). 9 of the 19 currently-employed CSRs are retirement-eligible. While the court has 11 active per diem reporters for further additional

assistance, by the very nature of their position their availability is not guaranteed.

Efforts the Court has undertaken to encourage applications and retention have not resulted in an increase in full-time CSR staff. The Court has paid retention bonuses in this fiscal year and the three previous, and will pay bonuses in future fiscal years, as follows:

- 10% of six months' salary in FY 2022-2023, ranging from $4,794.78 through $5,993.48 per CSR and a $10,000 one-time retention bonus in 2022/2023;
- 5% of six months' salary in FY 2023-2024, $2,379.39 through 2,996.74 per CSR;
- 5% of annual salary in FY 2024-2025, ranging from $2,911.12 through $6,113.35 per CSR;
- $10,000 one-time retention bonus for FY 2025/2026, pro-rated for part-time unit members;
- $5,000 longevity bonus for reporters with 15+ years of service for FY 2025/2026, pro-rated for part-time unit members;
- $10,000 retention bonus will be paid for FY 2026/2027, pro-rated for part-time unit members; and
- $5,000 longevity bonus for reporters with 15+ years of service for FY 2026/2027, pro-rated for part-time unit members.

The Court's staff have attended job fairs, advertised in CSR-related media, and taken out billboards and other advertising to recruit new CSRs. Additionally, beginning in FY 2025/2026 and continuing through FY 2026/2027 the Court will offer:

- Flex-Time Accrual Bank
- Finder's Fee
- Hiring Bonuses
- Tuition Reimbursement
- Training Differential

And lastly the Court has an active CSR internship program. As of the signing of this order, four interns have completed the program and two are currently going through the program. Of the four who have completed the internship, one has been hired part-time with the Court. This internship program only impacts the Court's overall shortage if applicants complete the program, become licensed, and ultimately work for the Court as opposed to another employer.

In sum, after all the efforts at recruitment and retention, the Court's current CSR staffing between 2019 and now shows a **net loss** of approximately 20 reporters. The solution to this immediate crisis cannot be found exclusively in further recruitment efforts. And the practical result of this shortage is that many hearings proceed without a CSR, and without a verbatim record. Between January 1 2023, and August 31, 2025, the Court has held approximately **93,370** hearings without a CSR in its Civil, Family, and Probate departments.

II. Permitting ER in misdemeanors, infractions, and similar cases, while denying it for felonies, juvenile proceedings, and other matters involving fundamental rights and liberty interests, violates the United States and California constitutions.

The Legislature permits courts to use ER to create a verbatim record of proceedings in misdemeanor, infraction, and limited civil cases but has prohibited ER in any other case type. (Gov. Code, § 69957.) The Court regularly uses ER recording, or transcripts obtained from those recordings, as the record for appellate review in its Appellate Division. The Court heard 77 appeals in 2023, 84 in 2024, and 86 in 2025, to date. The vast majority of these relied on ER recordings or transcripts of ER recordings without negative impact on the ability of the Division to render decisions on the appeals. Additionally, the Court has outfitted all of its courtrooms with updated electronic recording and audio technology to ensure that each department can produce usable, accurate audio recordings.

But in cases where section 69957 does not permit ER, and where no CSR is reasonably available due to the CSR shortage, litigants are unable to obtain a more reliable verbatim transcript. Instead, the statute operates to effectively deny them any verbatim transcript at all, which "will frequently be fatal to a litigant's ability to [appeal]." (*Jameson, supra*, 5 Cal.5th at p. 608.)

There is no constitutionally sufficient justification to permit ER in the cases identified in section 69957 but not in other cases where a verbatim record would not otherwise be available without ER. Indeed, the Court of Appeal has struck down such a distinction in the past, holding that where verbatim transcription is provided to felony

defendants, "statutes, which permit the municipal court to deny defendants of misdemeanor criminal actions the availability of a phonographic reporter, or an electronic recording device, or some equivalent means of reasonably assuring an accurate verbatim account of the courtroom proceedings, fail to comport with constitutional principles of *due process* and *equal protection of the laws*." (See *In re Armstrong* (1981) 126 Cal.App.3d 565, 572-574, original italics [finding the denial violated both the U.S. Constitution and Article 1, section 7 of the California constitution].) Permitting ER in certain proceedings but forbidding it in others, especially where those other proceedings implicate constitutionally protected fundamental rights and liberty interests of the litigants, violates the constitutions of the United States and the State of California.

This legislative discrimination is not narrowly tailored to meet a compelling state interest as required by a constitutionally mandated strict scrutiny analysis. (*In re Arthur N.* (1974) 36 Cal.App.3d 935, 939 ["In cases touching upon fundamental interests of the individual, the state bears the burden of establishing not only that it has a *compelling* interest which justifies the suspect classification, but also that the distinctions drawn by the regulation are *necessary* to further its purpose."].) Indeed, the Court seriously doubts that there is *any* valid justification for depriving litigants of a verbatim transcript when a technological means for providing one is readily available, especially where that means is authorized and used in other case types.

III. Proceedings in which litigants cannot obtain a record implicate their fundamental rights and therefore raise constitutional concerns when a verbatim record is unavailable.

"It has long been the law that courts have inherent authority to determine whether statutes enacted by the Legislature transcend the limits imposed by either federal or state Constitutions... It is the duty of courts to maintain supremacy of the Constitution." (*Byers v. Board of Supervisors* (1968) 262 Cal.App.2d 148, 157, citing *Marbury v. Madison*, 1 Cranch (U.S.) 137.) Accordingly, judicial officers may conclude that, on the facts of the case before them, they have a duty to not enforce statutory provisions, such as section 69957, where doing so would constitute a constitutional violation. Each of the case types to which this order applies implicates the fundamental rights of the litigants involved:

- A juvenile's right to appeal "deeply involves the minor's fundamental interests." (*In re Arthur N., supra,* 36 Cal.App.3d, at 939.)
- The Family Code, the Probate Code, and the Code of Civil Procedure provide separate statutory rights to appeal. (See Cal. Code Civ. Proc. §902; §904(a)(1), (10), (14). Where such appeal rights are provided, they must be kept free of unreasoned distinctions that impeded equal access to the courts. (*In re Arthur N., supra,* at 939.)
- Non-criminal restraining order cases heard in both the Civil and Family Law departments can result in orders that materially impact a party's fundamental rights, such as freedom of speech, freedom of movement, the right to possess firearms, and the right to free association.

- In matters under the Lanterman-Petris-Short (LPS) Act, there can be "no doubt the liberty interests at stake … are significant." (*Conservatorship of T.B.* (2024) 99 Cal.App.5th 1361, 1376.)
- Finally, orders to show cause for civil and family contempt for willful violation of court orders also implicate fundamental rights in that they expose individuals to criminal penalties: fines up to $1,000 and incarceration for up to 5 days. (See Code Civ. Proc. § 1218.)

In each of these case types, where a CSR is not available, a judicial officer faces the conflict between the prohibition of ER under section 69957 and the litigant's fundamental constitutional rights to preservation of a record for appeal.

IV. Alternatives to ER are insufficient to provide the required constitutional safeguards to litigants.

At present, no reasonable alternatives other than ER exist for litigants whose matters are not reported. Those that do exist are alternatively unrealistic, constitutionally infirm, or both.

First, a litigant could try to retain a private CSR. But this is often prohibitively expensive for all but the wealthiest of litigants. Hinging the availability of a record on a litigant's relative ability to pay violates a litigant's due process and equal protection rights.

A litigant could also continue a matter until a CSR is available. But this can prejudicially delay the administration of justice, an especially dangerous problem in cases where immediate court action is essential – such as restraining orders, child custody decisions, and creation or elimination of conservatorships upon vulnerable

adults. The Court has a duty to expeditiously process its civil cases. (*Jameson, supra,* 179 Cal.App.4th 672, 684; see *Apollo v. Gyaami (*2008) 167 Cal.App.4th 1468, 1487.*)* Continuing urgent cases when ER is available to provide a verbatim record does not satisfy that duty. And, finally, the question arises: continue to when? With an ever-decreasing availability of CSRs, there is simply no guarantee that a continuance would result in a court reporter being available for the rescheduled hearing, magnifying the due process problem of using continuances in this fashion.

Finally, litigants could attempt to use the settled statement process. (See Cal. Rules of Ct., rule 8.137.) But courts have recognized the inherent problems that exist with settled statements – problems which can become due process violations when those statements become the only available option. Not all issues are appropriate for settled statements because the parties cannot necessarily predict all issues that may arise. (See *Jameson, supra,* 5 Cal.5th at p. 622, fn. 20 ["There is, however, generally no way to determine in advance what issues may arise or whether such an issue can be raised and decided on appeal absent a verbatim record of the trial court proceedings."].) And this presumes the parties could agree on the statement. If they do not, settling a statement then requires a post hoc reconstruction of the record based on the memories of proceedings occurring weeks or months prior, which are of ever-decreasing reliability. (See *Armstrong, supra,* 126 Cal.App.3d at p. 573.) While settled statements are useful where the parties *agree* to the *option* of their use, forcing them on parties to avoid a problem much more easily resolvable by ER is an unjustified and unnecessary invitation for infringement of a litigant's constitutional protections.

V. Finding of Fact and Conclusions of Law

Based on the foregoing, the Court **FINDS** as follows:

1. California provides a statutory right of appeal in family law, probate, and civil proceedings.
2. Family law, probate, and civil litigants have fundamental due process interests in court proceedings involving the status of their marriage, the parentage and custody of their children, certain conservatorship and guardianship matters, their rights under restraining orders, and civil and family contempt proceedings.
3. The absence of a verbatim record will frequently be fatal to litigants' ability to appeal from adverse decisions in such proceedings.
4. The Court is unable to reliably supply a court-employed CSR to its family law, probate, or civil departments given the Court's shortage of court-employed CSRs and its legal obligation to provide court-employed CSRs in other matters.
5. The Court has undertaken reasonable steps to attempt to retain and hire more CSRs, but those attempts have been unsuccessful and are likely to remain unsuccessful. There is no basis to believe that, either in the short or long term, the Court will be able to hire sufficient CSRs to reliably staff its family law, probate, and civil departments. At present, they do not exist to be hired.
6. Government Code section 69957 permits ER for infraction, criminal misdemeanor, and limited civil matters for the purpose of creating a verbatim

record of proceedings. This is a reasonable alternative for the creation of a verbatim record of proceedings via ER technology in the absence of an available CSR.

7. The Court's Appellate Division successfully reviewed and decided appeals when ER was used to create a record of infraction, criminal misdemeanor, and limited civil matters for the purpose of creating a verbatim transcript.

8. In contrast to how it permits litigants to protect their appellate rights in infraction, criminal misdemeanor, and limited civil matters, section 69957 prohibits electronic recording of family law, probate, and civil matters, even those involving constitutionally protected fundamental rights and liberty interests.

9. Because of the shortage of court-employed CSRs and the prohibition of section 69957, between January 1, 2023, and August 31, 2025, the Court has held approximately **93,370** hearings in its Civil, Family, and Probate departments., for which no verbatim record of proceedings could be made. More such hearings will likewise occur each year. As a result, the court reporter shortage has become an emergency and a crisis in appellate and, ultimately, constitutional rights.

10. Attempts to persuade the California Legislature to amend the law to ameliorate this crisis have proven unsuccessful.

11. As matters stand, when judicial officers of the Court enforce section 69957—such that there is no transcript available to vast numbers of family law, probate, and civil litigants when a court employed CSR is not available for

assignment to a family law, probate, and civil departments in matters implicating constitutionally protected rights and liberty interests—they do so even though ER technology is in place which could create a verbatim record.

12. The distinction section 69957 draws among classes of litigants can result in family law, probate, and civil litigants suffering actual and serious constitutional harms on account of this legislative discrimination. This discrimination is not narrowly tailored to meet a compelling government interest, as would be required under the strict scrutiny analysis applicable to regulations which implicate the fundamental constitutional rights of litigants to due process and equal protection. There is no compelling government interest in permitting electronic recording for certain cases but not for others, especially when the class of cases where recording is not permitted implicate fundamental rights and interests. Nor is section 69957 narrowly tailored, because it forbids recording in classes of cases even where a CSR is unavailable; minimally, it could allow for electronic recording in those circumstances.

13. Instead of needlessly restricting the appellate rights of litigants in matters touching upon fundamental constitutional rights and liberty interests, the Court has a reasonable alternative method of to create a verbatim transcript of proceedings via electronic recording technology. In the absence of a reasonably available CSR which will ameliorate or eliminate the constitutional violations, the judges of the Court should have the option to preserve and protect constitutional rights rather than limit and impinge upon them.

VI. Order

Accordingly, the Presiding Judge hereby **ORDERS** the Clerk of Court to direct Deputy Clerks to operate the electronic recording equipment in family law, probate and civil departments as directed by the judicial officer presiding in such department when that judicial officer finds that: (1) the proceeding concerns matters that implicate fundamental rights or liberty rights as described herein; (2) one or more parties wishes to have the possibility of creating a verbatim transcript of the proceedings; (3) no official court-employed CSR is reasonably available to report the proceeding; (4) the party so requesting has been unable to secure the presence of a private CSR to report the proceeding because such CSR was not reasonably available or on account of that party's reasonable inability to pay; (5) the proceeding involves significant legal and/or factual issues such that a verbatim record is likely necessary to create a record of sufficient completeness; and (6) the proceeding should not, in the interests of justice, be further delayed.

This order **shall not** apply to any proceeding where electronic recording is permitted by statute.

This Order shall be effective October 6, 2025, and will remain in effect until otherwise ordered by the Presiding Judge.

Dated: October 2, 2025

HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

DECLARATION OF COURT EXECUTIVE OFFICER SARAH LIND

I, Sarah Lind, declare:

1. I am the Executive Officer, Clerk of Court, and Jury Commissioner for the Contra Costa Superior Court (the Court). I have held this position since July 7, 2025. I have personal knowledge of the facts contained in this declaration and would testify to them if called upon to do so.

2. Prior to joining the Contra Costa Superior Court, I served as Deputy Court Executive Officer of the San Mateo Superior Court, and have also served as Director of Court Services for the Santa Clara Superior Court and as a Court Services Manager for the San Mateo Superior Court.

3. The Court is one of 58 superior courts in California. Its 38 judges and 4 commissioners operate in 6 courthouses supported by over 300 full-time employees. The Court's judicial officers hear every type of case under California law – criminal, civil, family law, juvenile dependency and justice, probate, and mental health.

4. The Court can no longer continuously and reliably support its trial departments with court-employed certified shorthand reporters ("CSRs") due to a chronic shortage in CSRs to be hired. For several years, I and other executive officers throughout the state, as well as presiding judges and other judicial leaders, have spoken about the ever-decreasing pool of CSRs available and the oncoming crisis it represented. Numerous court executive officers also released a statement on November 2, 2022, identifying the facts supporting the existence of the CSR shortage, describing why such a shortage would not be solved simply with more funding, and identifying the problems occasioned by the limitations on electronic recording set forth in Government Code section 66959. A copy of this statement, which was signed by former Contra Costa Superior Court Executive Office Kate Bieker, is attached as **Exhibit A.**

5. Under current law, the Court is obligated to provide CSRs for felonies; juvenile justice and dependency proceedings; upon request by indigent litigants with an approved fee waiver (see *Jameson v. Desta* (2018) 5 Cal.5th 594, 599); and in certain other proceedings. To provide such coverage, the Court has been forced to remove CSRs from its family law, probate, and unlimited civil departments. Where its own CSRs are not available, the Court has tried to provide CSRs on an ad hoc basis—by the hour, by the day, or for a given hearing upon special request by the judicial officer.

6. Others have recognized the ongoing crisis as well. The Court recently received a demand from one local legal-aid nonprofit to immediately begin using electronic recording for all civil case types. This mirrors efforts similar agencies have made at the Legislature to amend section 69957. Presiding Judges and Court

Executive Officers throughout the state encouraged the Legislature to take up bills to address this crisis, but those proposed – such as SB 662, introduced in 2023, which would have expanded the use of ER to other proceedings when no court reporter was available – did not advance. As a result, for those litigants who cannot obtain a CSR because of the shortage, and whose cases do not qualify for ER under section 69957, *no one* makes a verbatim record of the proceedings even when their fundamental rights are at stake.

7. In my role as Executive Officer, I directly supervise the Deputy Executive Officer who oversees the manager of the Court's CSRs. The Court currently employs 13 full-time and 6 part-time CSRs for up to 17 departments where statutory mandates require CSRs. The total number of CSRs is down from 33 full-time and 4 part-time reporters in 2019, a loss of approximately 50%.

8. Further, the total of 17 departments excludes additional departments which, on occasion, may hear cases requiring CSRs (e.g., a civil department hearing a criminal matter, a visiting judge hearing a criminal matter). While the Court has 11 active per diem reporters for further additional assistance, by the very nature of their position their availability is not guaranteed.

9. Also, in my role as Executive Officer, I supervise the Court's Human Resources Department. Of the 19 currently employed CSRs, 9 are retirement eligible. Efforts the Court has undertaken to encourage applications and retention have not resulted in a significant increase in CSR staff. The Court has paid retention bonuses in this fiscal year and the three previous, and will pay bonuses in future fiscal years, as follows:

- 10% of six months' salary in FY 2022-2023, ranging from $4,794.78 through $5,993.48 per CSR; $10,000 one-time retention bonus in 2022/2023.
- 5% of six months' salary in FY 2023-2024, $2,379.39 through $2,996.74 per CSR; and
- 5% of annual salary in FY 2024-2025, ranging from $2,911.12 through $6,113.35 per CSR.
- $10,000 one-time retention bonus for FY 2025/2026, pro-rated for part-time unit members.
- $5,000 longevity bonus for reporters with 15+ years of service for FY 2025/2026, pro-rated for part-time unit members.
- $10,000 retention bonus will be paid for FY 2026/2027, pro-rated for part-time unit members.
- $5,000 longevity bonus for reporters with 15+ years of service for FY 2026/2027, pro-rated for part-time unit members.

10. To encourage new applications, the Court's Human Resources staff significantly increased its advertising and recruitment efforts. Staff have attended job fairs, advertised in CSR-related media, and taken out billboards and other advertising to recruit new CSRs. The Court also has an active CSR internship program. Four (4) interns have completed the program and 2 are currently going through the program. Of the 4 who have completed the internship, 1 has been hired part-time with the Court. This internship program only impacts the Court's overall shortage if applicants complete the program, become licensed, and ultimately work for the Court as opposed to another

employer.

11. The CSR shortage has resulted in a substantial number of cases proceeding without verbatim records. Between January 1, 2023, and September 15, 2025, the Court has held **93,370** hearings without a CSR in its Civil, Family, and Probate departments.

12. Consistent with the commitment of our Court, its judges and staff, and the judicial system in California generally, to uphold equal access to the courts, and to support and defend both the United States and California Constitutions, I am obligated to provide sufficient CSR staffing to permit judicial officers to carry out their duties. Due to the crisis in CSR availability, I am unable to provide sufficient CSRs on a regular basis to ensure a verbatim record is captured in court proceedings.

13. In my role as Clerk of Court, I supervise the manager of the civil clerk's office and the manager supporting our Appellate Division. The Court regularly uses electronic recording ("ER"), or transcripts obtained from those recordings, as the record for appellate review in its Appellate Division. The Court heard 77 appeals in 2023, 84 in 2024, and 86 to-date in 2025. The vast majority of these relied on ER recordings or transcripts of ER recordings without negative impact on the ability of the Division to render decisions on the appeals.

14. The Court has outfitted its courtrooms with updated electronic recording and audio technology to ensure that each department can produce usable, accurate audio recordings. The Court made specific upgrades in 27 courtrooms which included: 1) upgraded recording systems to ensure quality of ER; 2) upgraded speaker and microphone systems throughout the courtrooms; 3) installation of 65"/85" smart displays

in each courtroom; 4) installation of display screens on counsel tables and witness stands; and 5) evidence presentation devices to display on the smart screens from counsel table.

15. The Court has successfully used electronic recording for appellate review in its appellate division and regularly in those cases where it is permitted under Government Code section 66957. Based on this, it is my opinion that electronic recordings and transcripts derived from such recordings allow for appellate review of a verbatim record.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that is declaration is executed this 2nd day of October, 2025.

Sarah Lind

SARAH LIND
Executive Officer / Clerk of Court
Superior Court of California
County of Contra Costa

Exhibit A

FOR IMMEDIATE RELEASE
November 2, 2022

SUPERIOR COURTS OF CALIFORNIA

THERE IS A COURT REPORTER SHORTAGE CRISIS IN CALIFORNIA

Each day across California, tens of thousands of court hearings are held. Lawyers argue, witnesses testify, litigants tell their stories and judges make decisions. What many people do not appreciate is the crucial role played by a court reporter: creating and preserving a verbatim record of those exchanges. As a chronic shortage of court reporters reaches crisis levels, the statutory framework for court reporting must adjust to the new realities of the reporting profession.

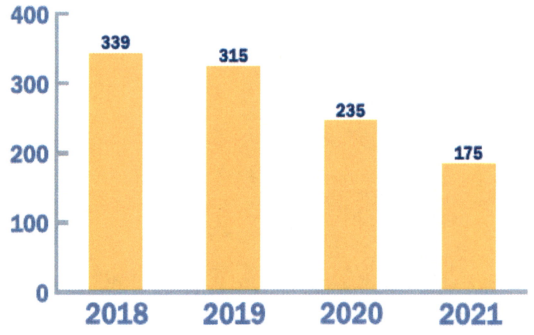
THE PROBLEM: There is a court reporter shortage in California – and across the nation – that has been long developing.

- In 2005, the Judicial Council warned that, "since the early 1990's, California's courts have experienced a steady decline in the number of available qualified shorthand reporters. [...] Additionally, the reduction of court reporting schools and curriculums in California over recent years complicates the courts' ability to attract sufficient numbers of well-trained reporters. [2005, Reporting of the Record Task Force, *Final Report,* p. 6.]
- Nationally, a 2013 study by the National Court Reporters Association projected that "Decreased enrollment and graduation rates for court reporters, combined with significant retirement rates, will create by 2018 a critical shortfall projected to represent nearly 5,500 court reporting positions." [Ducker Worldwide, *2013-2014: Court Reporting Industry Outlook Report, Executive Summary,* p. 5.]
- In 2017, the Chief Justice's *Futures Commission Final Report* warned, "National data show the number of skilled court reporters is decreasing. Certified court reporting schools have experienced smaller enrollment and graduation rates, which are declining by an annual average of 7.3 percent[...]" [*Report to the Chief Justice: Commission on the Future of California's Court System,* p. 240.]
- In 2018, the Judicial Council wrote to the Legislature that, "the state would [...] have a gap of approximately 2,750 court reporters by 2023 if forecasted

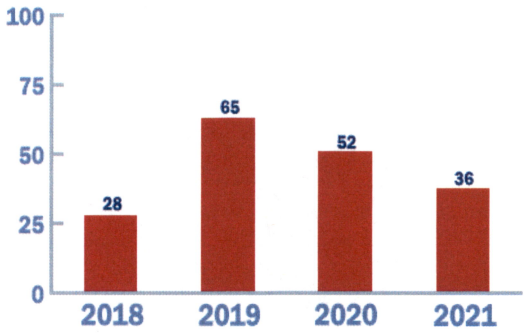
> demand remains constant." [March 29, 2018, letter from the Judicial Council to Hon. Lorena Gonzalez-Fletcher, Chair Assembly Appropriations Committee, re: Assembly Bill 2354.]

Today in California, only nine Certified Shorthand Reporter programs remain. In 2021, only 175 examinees took the licensing exam – and only 36 passed.

GRAPH 1: Total CSR Examinees



GRAPH 2: CSR Examinees Who Passed



The result is a crisis in court reporter availability that has been developing for years.

<u>THE SHORTAGE OF COURT REPORTERS IMPACTS LITIGANTS ACROSS CALIFORNIA:</u>

In accordance with Penal Code § 190.9 and § 869, Code of Civil Procedure § 269 and Welfare and Institution Code § 347 and § 677, California courts must provide court reporters in felony criminal and dependency and delinquency juvenile courtrooms. Court reporters are not statutorily required to be provided by the courts in civil, family law, probate, misdemeanor criminal and traffic courtrooms.

And yet, many California courts do not have enough court reporters to cover mandated criminal felony matters – let alone the wide range of areas in which litigants need a record of court proceedings.

Over 50% of the California courts have reported that they are unable to routinely cover non-mandated case types including civil, family law and probate.

<u>FUNDING IS NOT THE SOLUTION:</u> There is no one to hire.

The Legislature provides $30 million annually to the California courts to hire additional court reporters, with a focus on family law and civil courtrooms. However, because of the decline in court reporters, the crisis continues.

Today 71 percent of the state's 58 trial courts are actively recruiting for court reporters: Alameda; Butte; Contra Costa; Del Norte; El Dorado; Fresno; Humboldt; Imperial; Kern; Lake; Los Angeles; Madera; Marin; Merced; Monterey; Nevada; Orange; Placer; Riverside; Sacramento; San Benito; San Bernardino; San Diego; San Francisco, San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Shasta; Siskiyou; Solano; Sonoma; Stanislaus; Tehama; Tulare; Tuolumne; Ventura; Yolo; and Yuba.

THE CURRENT STATUTORY FRAMEWORK INHIBITS CREATIVE RESPONSES TO THE SHORTAGE OF COURT REPORTERS:

With the exception of limited civil, misdemeanor and infraction cases, Government Code § 69957 prohibits the courts from providing electronic recording in civil, family law and probate courtrooms.

Government Code § 69959 and Code of Civil Procedure § 367.75(d)(2)(A) mandate court reporters to be present in the courtrooms – rather than taking advantage of emerging technologies that would allow the court to provide this service remotely to multiple courtrooms throughout the county, providing more services with existing resources while making the profession more attractive to young, potential court reporters.

Government Code § 69942 requires all court reporters who work in a court to be certified in California which restricts courts from hiring out-of-state independent firms to provide this service.

CONCLUSION: More funding is not the solution.

We stand with our court reporters in recognizing and appreciating their value and service to the California judicial branch but we must acknowledge that we are facing a California – and national – court reporter shortage.

This shortage will not be solved by increased funding. Without changes to the current statutory framework for court reporting, all courts will face the inevitable day, already seen by a few California courts, of not having enough court reporters to cover the mandated felony criminal and juvenile dependency and delinquency cases.

Every litigant in California should have access to the record. Ideally, this would be provided by a court reporter but when none are available, other options need to be available to the courts. We are ready, able and willing to work with all stakeholders on finding ways to ensure that all litigants who need a record have access to one.

ADDITIONAL RESOURCES:

- U.S. Legal Support, *Understanding the National Court Reporter Shortage and What it Means for Your Firm*, [https://www.uslegalsupport.com/court-reporting/understanding-the-national-court-reporter-shortage-and-what-it-means-for-your-firm/]
- Ducker Worldwide, *Court Reporting Industry Outlook Report (2013 – 2014)* [https://www.ncra.org/docs/default-source/uploadedfiles/education/schools/2013-14_ncra_-industry_outlook-(ducker)8ef018c4b8ea486e9f8638864df79109.pdf?sfvrsn=c7a531e2_0]
- Commission on the Future of California's Court System, *Report to the Chief Justice,* 2017, [https://www.courts.ca.gov/documents/futures-commission-final-report.pdf]
- California Trial Court Consortium, *The Causes, Consequences, and Outlook of the Court Reporter Shortage in California and Beyond, 2022,* [https://www.siskiyou.courts.ca.gov/system/files?file=court-reporter-shortage-1-2022.pdf]

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Alameda County Superior Court

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By [illegible] Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

In re: release of information for the benefit of minors.

STANDING ORDER
(PROBATE)

/

In most jurisdictions there is a child protective services agency, or similar agency, which has the authority and obligation to protect minors from neglect and abuse. Law enforcement agencies also have responsibility for this protection. In many cases, these agencies will be involved with children who are the subject of guardianship proceedings pending in this Court's Probate Department. . The purpose of guardianship proceedings is to protect minors, and that protection is best served by cooperation with these agencies, including exchange of relevant information. Accordingly, GOOD CAUSE APPEARING,

THERE IS HEREBY ISSUED A STANDING ORDER that the court's investigators are authorized to release to law enforcement, child protective services or similar agencies, upon request or where it appears to the investigators that this would be in the minor's best interest, any reports and other information in possession of the court's investigators.

Dated: October 17, 2000

Judge of the Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

Miscellaneous Filing

ORDER AND AGREEMENT
RE PRESERVATION OF
COURT RECORDS

Pursuant to the mandate of California Rule of Court 6.755, the Court hereby designates the Contra Costa County Historical Society as the archival facility to preserve and catalogue court records in accordance with subsection (i). The Historical Society agrees to comply with the storage, access and other applicable requirements of Rule 6.755, and to report to the Court as requested regarding the status of court records at its archival facility.

Dated: January 10, 2005

THOMAS M. MADDOCK PRESIDING JUDGE
Superior Court of California, County of Contra Costa

The Contra Costa County Historical Society agrees to the terms above and agrees to archive the records listed in Attachment A, incorporated herein by this reference.

Dated: January 12, 2005

BETTY MAFFEI, DIRECTOR
On behalf of The Contra Costa County Historical Society

Miscellaneous Filing

ATTACHMENT A TO ORDER AND AGREEMENT RE PRESERVATION OF COURT RECORDS

Pursuant to the mandate of California Rule of Court 6.755, the Court hereby designates the Contra Costa County Historical Society as the archival facility to preserve and catalogue the following court records in accordance with subsection (I).

Registers of Actions (Civil & Family Law) vol. 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263.
Registers of Actions (Richmond Court - Civil, Family Law, Probate) vol. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, vol. 1, 2,4, 5.
Registers of Actions (Criminal) vol. 3, 4, 5, 6, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.
Registers of Actions (Probate) vol. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75.
Judgment Books (Civil, Family Law) vol. 24, 25, 26, 27, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94,95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109.
Judgment Dockets vol. 5, 6, 7, 8, 9, 10 (A-M), 10 (N-Z).
Decrees of Distribution (Probate) vol. 1, 2, 3, 4, 5.
Naturalization Records (Petitions, Declarations of Intention, Depositions) (1850 - 1879) - 1 box
Naturalization Records (Index Cards, Certificate Stubs) - 3 boxes
Probate Vouchers (1950's and 1960's) - 13 boxes

Miscellaneous Filing

ATTACHMENT A TO ORDER AND AGREEMENT RE PRESERVATION OF COURT RECORDS

Pursuant to the mandate of California Rule of Court 6.755, the Court hereby designates the Contra Costa County Historical Society as the archival facility to preserve and catalogue the following court records in accordance with subsection (i).

Index to Probate Records	Volumes 2, 3, 4 and 5 (1946 – 1974)
General Civil Index Plaintiffs	Volume 6 (A–K) (1924 – 1938)
	Volume 6 (L-Z) (1924 – 1938)
	Volume 7 (E-K) (1938 – 1956)
	Volume 7 (S-Z) (1938 – 1955)
General Civil Index Defendants	Volume 6 (A-K) (1924 – 1938)
	Volume 6 (L-Z) (1924 – 1938)
	Volume 7 (A-D) (1938 – 1956)
	Volume 7 (S-L) (1938 – 1956)
Register of Action – Criminal	Volumes 7, 8, 9, 10, 11, 12,13, 14, 15, 16, 17, 18, 19 (1943 – 1968)

People vs. Marshall Martin & Elizabeth Eichler - Court documents, transcripts, court reporter notes, sheriff's bills - 1873

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: AUGUST 29, 2024 **DEPARTMENT 1**
JUDGE: HON. EDWARD G. WEIL **COURT CLERK: CAROLINE RUARO**
UNREPORTED

STANDING ORDER 2.3
RE: PURGING MISDEMEANOR ARREST AND BENCH WARRANTS

This order sets the Court's uniform policy to establish purge criteria for misdemeanor and infraction warrants.

Purge 3 years from warrant issue date	All CVC misdemeanors and infractions **except:** • CVC 23103a & b • CVC 23152a & b • CVC 23153a & b All other misdemeanors All AMORS cases All city & county ordinance misdemeanor and infractions
Purge 10 years from warrant issue date	Child Molestation Violations • PC 647(a) • PC 647(i) Child Abuse • PC 273a(a) • PC 273a(b) Domestic Violence • PC 166(c)(1) • PC 243(e)(1) • PC 273.5(a) • PC 273.6 • PC 314 Elder Abuse • PC 237(b) • PC 368 Sexual Abuse • PC 243.4 • PC 288 (all subsections) • PC 289(c) • PC 289(h)

	• PC 290 • PC 647.6 Other • CVC 23103a & b • CVC 23152a & b • CVC 23153a & b

The Judges do not wish to distinguish between bench and arrest warrant cases, the reason for the warrant, or the bail amount in question.

IT IS SO ORDERED.

Dated: August 29, 2024

HON. EDWARD G.WEIL
Presiding Judge of the Superior Court
Contra Costa County

FILED

JUN 12 2012

K. TORRE CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA - MARTINEZ
By _____ DEPUTY CLERK

ORDER TO RECALL ALL OUTSTANDING BENCH WARRANTS ISSUED ON UNSIGNED CITATIONS

IT IS HERBY ORDERED that all outstanding warrants that have been issued by the Superior Court of California in and for the County of Contra Costa based on the failure to appear of a defendant pursuant to an unsigned citation shall be immediately recalled. Any such citation for violations of the Vehicle Code shall be referred to the District Attorney's Office for a verified complaint filing decision pursuant to Vehicle Code section 40002. If no complaint is filed, the matter is to be dismissed. No new warrants shall issue for failure to appear on an unsigned citation.

Any unsigned citations for Non-Vehicle Code violations are to be returned to the filing law enforcement agency with instructions to submit to the District Attorney's Office for a filing decision. If no complaint is filed the matter is to be dismissed.

6/12/12
Date

Hon. John Kennedy, Acting Presiding Judge

cc: 1) Diana Becton, Presiding Judge
2) Supervising Judges of Traffic Courts
3) Kiri Tore, CEO

FILED
JUL 08 2013
K. YORRE CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA
IN SESSION AS A JUVENILE COURT

IN RE RELEASE OF INFORMATION)
PERTAINING TO MINORS DESCRIBED)
BY SECTION 601 OR 602 OF THE)
WELFARE AND INSTITUTIONS CODE)
)

BY ORDER OF THE COURT

TO THE PROBATION DEPARTMENT OF CONTRA COSTA COUNTY AND ALL SCHOOL DISTRICTS IN CONTRA COSTA COUNTY:

All school officials in all school districts in Contra Costa County may release to any probation officer of Contra Costa County who is involved in any investigation of, or ongoing supervision of, any juvenile who comes within the jurisdiction of the Juvenile Court, may disclose any and all records and reports, any portion of those records and reports, and any information related to the contents of those records or reports when ward of the Court, or to provide ongoing supervision of that minor to monitor his or her compliance with any orders given to that minor by the Juvenile Court.

All information which identifies individuals in the documents of the above-mentioned agencies will be held in the strictest confidence and used for the sole purpose of informing investigations or supervision pertaining to wardship. Any use of such information for purposes other than the official disposition of the case will constitute a willful violation of the confidentiality provisions of the Juvenile Court Law. The information disclosed shall be maintained in a secure place to guard against any violation of the confidentiality provisions of the Juvenile Court Law, which is punishable as a misdemeanor.

Dated: July 8, 2013

LOIS HAIGHT
PRESIDING JUVENILE COURT JUDGE

SUPERIOR COURT
CONTRA COSTA COUNTY, CALIFORNIA

Superior Court of the State of California
For the County of Contra Costa
Juvenile Court

FILED
AUG -3 2015
STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By K. Cardinale, Deputy Clerk

STANDING ORDER #4 (2015)

Courtesy Copies to DA Office for 827 File Review Requests

In the event an attorney or other person files a petition to review or copy portions of a Juvenile file under Section 827 of the Welfare and Institutions Code, the Reviewing Judge generally provides a courtesy copy of the released pages to the District Attorney's Office. When this occurs, the copy to the DA can and will be delivered by inter-office mail. These documents are not notices or filed papers and, therefore, do not require service in accordance with CCP §1013a. The District Attorney's Office has agreed to this method of delivery and effective immediately, this method will be used by the Court.

DATED: July 28, 2015

Thomas M. Maddock

THOMAS M. MADDOCK
Presiding Judge Juvenile Court

FILED
APR 10 2019
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By L. Humiston, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

In Re: CONFIDENTIALITY OF COURT RECORDS; LOCAL INMATES AND PETITIONS FOR INVOLUNTARY PSYCHIATRIC MEDICATION

STANDING ORDER - DEPARTMENT 13

Whereas petitions seeking involuntary medication of detainees pursuant to Penal Code §§ 1370(a)(2)(D)(ii), 2603(c), or 2603(d) and documents filed in support of or in opposition to such petitions contain extremely sensitive and personal information; and

Whereas detainees have an overriding privacy interest in information concerning their mental health and that interest overcomes the right of public access to the record.

Therefore, to facilitate the filing of petitions seeking involuntary medication and documents supporting or opposing such petitions while ensuring the confidentiality of those petitions and related documents, the Court hereby orders that all petitions and related documents filed pursuant to Penal Code §§ 1370(a)(2)(D)(ii), 2603(c), or 2603(d) may be filed under seal and in an envelope marked "Confidential."

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The Court further Orders that its records relating to these petitions shall be kept in a confidential file not accessible to the general public.

Dated: APR 0 8 2019

Hon. Lewis A. Davis
Judge of the Superior Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

Date: December 19, 2023
JUDGE: EDWARD G. WEIL

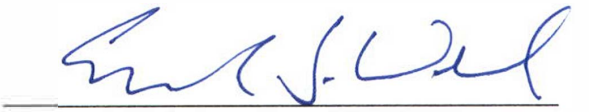
DEPARTMENT 1
COURT CLERK: DIANA GHIRARDO
UNREPORTED

STANDING ORDER RE: PC 987 FUNDING ORDERS

The Court authorizes the manager of the Martinez Criminal Clerks office to Open, Scan into Odyssey and Destroy any sealed envelopes containing PC 987 Funding Orders being held in the Martinez Criminal Clerks office. Any such documents shall be coded as "Sealed, " i.e., access shall be limited to Judges and Managers.

IT IS SO ORDERED.

DATED: December 19, 2023



HON. EDWARD G. WEIL
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: JUNE 11, 2025 **DEPARTMENT 1**
JUDGE: HON. CHRISTOPHER R. BOWEN **COURT CLERK: CAROLINE RUARO**
UNREPORTED

SECOND AMENDED STANDING ORDER 2.9
ACCESS TO ELECTRONIC COURT RECORDS
(CARE COURT AND MENTAL HEALTH)

Under California Rule of Court 2.540, the Court may grant remote access to electronic court records to certain named government entities. Subdivision (b)(1)(Q) allows the Court, for good cause, to grant remote electronic access in particular case types to government entities beyond those specifically listed. "Good cause" means that the government entity requires access to the electronic records to adequately perform its legal duties or fulfill its responsibilities in litigation.

Beginning December 2, 2024, under the Community Assistance, Recovery, and Empowerment (CARE) Act, the Court established its CARE Court. The CARE Court process directly involves Contra Costa Behavioral Health Services ("Behavioral Health"), the Office of the Public Defender, and the Office of County Counsel, all government entities, in the provision of CARE Court services. Remote electronic access to records in mental health cases allows each of these parties to adequately perform their duties in these cases.

In addition, the District Attorney's Office, the Office of the Public Defender, and the Probation Department, all governmental entities, are likewise directly involved in the representation of parties or in the administration related to mental health cases before the Court. Remote electronic access to records in mental health cases allows each of these parties to adequately perform their duties in these cases.

For this reason, the Court finds that good cause exists for each office to be **GRANTED** the specified remote access to electronic records below, subject to the conditions of this Order:

- Behavioral Health: Once Behavioral Health is ordered by the CARE Court to evaluate an individual for potential CARE Court services, Behavioral Health shall have remote access to electronic records in that individual CARE Court case only.
- Office of the Public Defender: This office shall have access to CARE Court cases and mental health cases.
- Office of the District Attorney: This office shall have access to mental health cases.

- Office of County Counsel: This office shall have access to CARE Court cases.
- Probation Department: This office shall have access to CARE Court cases and mental health cases.
- Conflicts Program: This office shall have access to mental health cases.

Such access shall be subject to Rule of Court 2.540(c) and any Memorandum of Understanding or similar document required by the Court Executive Officer to enable access. Where not specifically addressed above, the Court may restrict access only to those attorneys or other representatives of any of the above offices who are directly involved in specific cases, as determined by the Court Executive Officer in consultation with the Presiding Judge.

IT IS SO ORDERED.

Dated: June 11, 2025



HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

FILED
OCT 01 2019
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

DATE: September 30, 2019
JUDGE: BARRY BASKIN

DEPARTMENT 1
COURT CLERK: JANE WATERS
UNREPORTED

STANDING ORDER RE FACSIMILE FILING IN CERTAIN JUVENILE CASES

Under Rule 5.522 of the California Rules of Court, a court that accepts facsimile filings has discretion to accept facsimile filing of petitions in juvenile cases under various Welfare and Institutions Code sections, including sections 300, 601 and 602. This Court's local rules permit facsimile filing generally and specifically in juvenile dependency proceedings. (See Local Rules 2.80 *et seq.*)

Accordingly, while a Standing Order is not necessary to address this issue in light of the discretion conferred under the Rules of Court and this Court's acceptance of facsimile filing, **IT IS ORDERED** that the Court shall accept facsimile filing of juvenile petitions under Welfare and Institutions Code sections 600 and 601. Such filings shall include Judicial Council Form JV-520 – Fax Filing Cover Sheet (Juvenile). Further, any such petitions filed by facsimile in 2017 or 2018 are deemed filed under the California Rules of Court.

IT IS SO ORDERED.

Dated: 10/1/19

BARRY BASKIN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

NINTH AMENDED STANDING ORDER RE: E-FILING IN CIVIL CASES

February 2, 2026

Pursuant to Code of Civil Procedure section 1010.6(d) and Rules 2.252 and 2.253 of the California Rules of Court, the Court adopted Local Rule 2.87 regarding mandatory electronic filing and service in Designated Cases in January of 2022. Further to that Local Rule, the Court **ORDERS** as follows:

1. **Electronic filing in Designated Cases will be mandatory beginning on July 5, 2022**, and shall be available optionally beginning on June 20, 2022.
2. The following are Designated Cases for electronic filing:
    a. Limited and Unlimited Civil cases, including Complex matters.
    b. Family Law, including DCSS matters.
    c. Probate.
    d. Small Claims.
    e. Unlawful Detainer.
    f. Appeals.

3. The following documents may not be electronically filed and must still be filed/lodged in hard copy form unless otherwise ordered by the Presiding Judge or provided in an amended Local Rule:

    a. Documents related to Civil Harassment Restraining Orders and Workplace Violence Restraining Orders.

    b. Bonds and undertakings.

    c. Bench warrants.

    d. Petitions for Name Change.

    e. Challenges under Code of Civil Procedure §§ 170.1/170.3 and 170.6, except in Domestic Violence Restraining Order cases.

    f. In Civil matters:

        i. Subpoenas.

        ii. Administrative Records. (Administrative records should be submitted on a flash drive, or by hard copy if ordered by the Court.)

    g. In Civil Complex matters:

        i. Subpoenas.

        ii. Administrative Records.

    h. In Probate matters:

        i. Ex Parte Motions and Oppositions.

        ii. Affidavit re Real Property of Small Value.

        iii. Bonds.

        iv. Estate Planning Documents.

        v. Wills and Codicils.

vi. Subpoenas.

vii. Letters of Administration/Testamentary/Conservatorship/ Guardianship.

i. In Family matters:

i. Judgments.

ii. Notice of Entry of Judgment.

iii. Abstract of Judgment.

iv. Ex Partes and responses to ex partes / Contempts.

v. Opposition to Commissioner.

vi. Writs.

vii. Subpoenas.

j. In Small Claims matters:

i. Subpoenas.

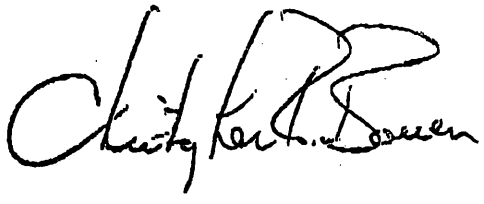
ii. Certificate of Facts -DL30.

4. Courtesy copies of electronically-filed documents are not required unless ordered by a judicial officer in a specific matter.

5. All remaining provisions of Local Rule 2.87 continue in effect.

IT IS SO ORDERED.

Dated: February 2, 2026



HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE:	**December 18, 2025**	**DEPARTMENT 1**
JUDGE:	**Hon. Christopher R. Bowen**	**COURT CLERK: Caroline Ruaro**
		UNREPORTED

\

STANDING ORDER RE:
PETITIONS FOR CONVICTION SEALING (P.C. § 851.93) AND/OR CONVICTION RELIEF WHERE RELIEF PREVIOUSLY GRANTED (P.C. §1203.425)

I. Penal Code section 851.93

Penal Code section 851.93 requires the California Department of Justice to, in certain circumstances, automatically grant conviction sealing to certain defendants who meet the statutory criteria. In certain cases, individuals who have received such relief may nonetheless have petitioned the Court for the same relief, though such a petition would no longer be necessary.

Accordingly, it is **ORDERED** that, upon confirmation that all charges resulting in conviction that are the subject of a pending motion for conviction relief before this Court have in fact been sealed by the Department of Justice under Penal Code §851.93:

1. The Clerk shall issue written notification to the parties to the pending motion, which shall include the docket number of the case on which sealing was granted, stating: "The California Department of Justice has confirmed that the petitioner in this case has been granted conviction relief pursuant to California Penal Code §851.93. Accordingly, petitioner need not calendar a motion date with this Court for conviction relief."

2. The Clerk shall enter sealing of the associated case seeking conviction relief.

II. Penal Code section 1203.425

Penal Code section 1203.425 requires the California Department of Justice to, in certain circumstances, automatically grant conviction relief/expungement to certain defendants who meet the statutory criteria. In certain cases, individuals who have received such relief may nonetheless have petitioned the Court for the same relief, though such a petition would no longer be necessary.

Accordingly, it is **FURTHER ORDERED** that, upon confirmation that all charges resulting in conviction that are the subject of a pending motion for conviction relief before this Court have in fact been expunged by the Department of Justice under Penal Code §1203.425:

1. The Clerk shall issue written notification to the parties to the pending motion, which shall include the docket number of the case on which expungement was granted, stating: "The California Department of Justice has confirmed that the petitioner in this case has been granted conviction relief pursuant to California Penal Code §1203.425. Accordingly, petitioner need not calendar a motion date with this Court for conviction relief."

2. The Clerk shall enter dismissal of the associated petition seeking conviction relief.

Dated: December 18, 2025

HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

STANDING ORDER RE: PERMISSIVE E-FILING IN CRIMINAL AND JUVENILE CASES

NOVEMBER 16, 2023

Pursuant to Code of Civil Procedure section 1010.6(d) and Rules 2.252 and 2.253 of the California Rules of Court, the Court will permit e-filing in Criminal and Juvenile cases, as set forth in this standing order pending amendment to the Local Rules, effective November 27, 2023. Accordingly, the Court **ORDERS** as follows:

1. Electronic filing shall be permitted in Criminal and Juvenile cases beginning on November 27, 2023. As Rule 2.252 of the California Rules of Court permits mandatory electronic filing only in Civil cases, nothing in this Order shall be interpreted as mandating electronic filing in either Criminal or Juvenile Delinquency case types. E-filing is optional in Juvenile Dependency cases.
2. The following documents **may not be electronically filed** and must still be filed/lodged in hard copy form unless otherwise ordered by the Presiding Judge or provided in an amended Local Rule or Standing Order:

a. In Criminal matters:

i. Initial Complaints/Petitions.

ii. Parole Revocation Filings.

iii. Parole Warrants.

iv. Post-Release Community Supervision Warrants.

v. *Ramey* Warrants.

vi. Search Warrants.

vii. Waivers of Extradition.

viii. Criminal Habeas Corpus Petitions.

ix. Orders/Judgments.

x. Challenges under Code of Civil Procedure §§ 170.1/170.3 and 170.6.

xi. Ex Parte Motions and Oppositions.

b. In Juvenile matters:

i. Initial Complaints/Petitions.

ii. Reports and Recommendations.

iii. Orders/Judgments.

iv. Warrants.

v. Challenges under Code of Civil Procedure §§ 170.1/170.3 and 170.6.

vi. Ex Parte Motions and Oppositions.

3. Courtesy copies of electronically-filed documents are not required unless ordered by a judicial officer in a specific matter.

IT IS SO ORDERED.

Dated: November 16, 2023

HON. EDWARD G. WEIL
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: SEPTEMBER 3, 2025 **DEPARTMENT 1**
JUDGE: HON. CHRISTOPHER R. BOWEN **COURT CLERK: CAROLINE RUARO**
UNREPORTED

CIVIL EX PARTE APPLICATIONS AND MOTIONS FOR SUMMARY JUDGMENT / ADJUDICATION

I. Civil Ex Parte Motions, Oppositions, and Hearings.

A. **Application / Effective Date.**

1. This order shall apply to ex parte applications in Unlimited and Limited Civil cases, and Unlimited Unlawful Detainer cases. It shall not apply to Family, Probate, Limited Unlawful Detainer, or Restraining Order cases. It shall become effective on **September 15, 2025**.

2. The Court will accept ex parte applications under existing procedures (appearance at set hours), through September 30, 2025. Thereafter, applications must follow the process in this order.

B. **Notice to Parties.** Notice of the filing of an ex parte application must be provided to the opposing party or their counsel no later than 10:00 a.m. the day before the application will be presented to the Court, absent a showing of exceptional circumstances justifying a shorter notice period, as provided in California Rules of Court, rule 3.1203. A declaration regarding notice must be submitted with the ex parte application papers.

C. **Notice to Court**: The party seeking ex parte relief must provide email notification to the assigned department no later than 10:00 am on the court day before the ex parte determination.

D. **Ex Parte Application Papers**. All ex parte papers shall be served and submitted to the Clerk's Office no later than 3:00 pm the day before the ex parte determination. Submissions shall be filed electronically unless the party is self-represented and has not elected to participate in electronic filing. Papers may be served on the parties personally or electronically. The moving party must notify the Court if an opposition is expected.

E. **Opposition to Ex Parte Application.** Oppositions to the ex parte relief requested shall be submitted to the Clerk's Office and served on the party making the request as soon as possible, but not later than 10:00 a.m. on the

day of the ex parte determination. Submissions shall be filed electronically unless the party is self-represented and has not elected to participate in electronic filing. The opposition must be personally or electronically served on the other party and proof of service must be submitted with the opposition at the time it is filed.

F. **Request for Appearance at Hearing**. If either party requests to appear on the application or opposition, the application or opposition must state this request on the face page of the ex parte application and/or opposition. Hearings will only occur if ordered by the Court. The Court will notify the parties of the date and time of the hearing on the ex parte request.

G. **Decisions on Ex Parte Applications**. The Court will endeavor to rule on the application within 24 hours of the date scheduled for the ex parte determination, or 24 hours after the hearing if one is scheduled. Applications with extensive briefing may require more time for the Court to decide.

II. Motions for Summary Judgment / Adjudication

A. **Application / Effective Date.** This order shall apply to motions for summary judgment / adjudication filed in Unlimited and Limited Civil cases. It shall not apply to Family, Probate, or Unlawful Detainer matters. It shall become effective on **September 15, 2025**.

B. **Reservations.** Parties moving for summary judgment/adjudication must reserve a hearing date and time prior to filing any moving papers. Reservations may be requested by email to the department. The Court will respond with the date and time of the scheduled hearing.

C. **Filing of Motion**. Once the reservation date is confirmed by the Court, the moving party shall have **seven (7) calendar days** to file the moving papers with the Court. Failure to file the moving papers within this period may result in the reserved hearing time being vacated by the Court.

IT IS SO ORDERED.

Dated: September 3, 2025



HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

Superior Court of California
County of Contra Costa

FILED
MAY 15 2015
STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____, Deputy Clerk
K. Cardinale

Dangerous, Toxic, Bio-Hazardous Material)

_____)

Order re Return of Dangerous, Toxic, Bio-Hazardous Material/Exhibits

It is hereby **ORDERED THAT**:

The Court will not store dangerous, toxic or bio-hazardous materials as exhibits in any case, including but not limited to drugs, paraphernalia, paint, bodily fluids, urine and weapons. The party intending to introduce any of these above referenced materials shall bring photographs of the materials on the date they intend to introduce the materials in court. This photograph will be marked and substituted for the materials when the court finds good cause to do so.

Pursuant to Penal Code **1417.3**, at any time prior to the final determination of the action or proceeding, exhibits offered by the state or defendant shall be returned to the party offering them by order of the court when an exhibit poses a security, storage or safety problem, as recommended by the clerk of the court. Upon court order, the clerk shall substitute a full and complete photographic record of any exhibit or part of any exhibit returned under this section. The submitting party shall produce said photographs.

Exhibits toxic by nature that pose a health hazard to humans shall be introduced to the court in the form of a photographic records and written chemical analysis certified by a competent authority. Where the court finds that good cause exists to depart from this procedure, toxic exhibits may be brought into the courtroom and introduced. However, following introduction of the exhibit, the person or persons previously in possession of the exhibit shall take responsibility for it and the court shall not store the exhibit.

Dated: 5/15/15

_____
Honorable Steven K. Austin, Presiding Judge

FILED
SEP 14 2015
STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____, Deputy Clerk

SHARON L. ANDERSON (SBN 94814)
County Counsel
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COUNTY OF CONTRA COSTA
P.O. Box 69, Co. Admin. Bldg.
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Attorney for Petitioner,
Children & Family Services Bureau

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF CONTRA COSTA

#6

In re the matter of:	) STANDING ORDER AUTHORIZING) CHILDREN AND FAMILY SERVICES) BUREAU TO REGULARLY) PHOTOGRAPH DEPENDENT) CHILDREN FOR IDENTIFICATION) AND DOCUMENTATION PURPOSES
persons coming under the Juvenile Court law.	)

The Court finds that Contra Costa County Children & Family Services manages approximately 1100 open Dependency cases annually. Given the volume of cases and the number of workers involved, as well as the regular transfer of cases that occurs between different units and the rate of turnover among workers, there is a need for a court order to authorize Children and Family Services to regularly photograph children in protective custody and/or Dependents in order to be able to accurately identify the children when providing the children and their families with needed services. Photographic documentation of Dependent children and youth provides added assurance that despite file transfers and case worker turnover, the appropriate children and youth are served by Children & Family Services.

The Court also finds that having photographs of dependent children will aid in facilitating the recovery of missing or AWOL children.

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Based upon these findings, the Court hereby makes the following Standing Order:

Contra Costa County Children & Family Services/Employment and Human Services Department is hereby authorized to:

Photograph children in protective custody and/or Dependent children who have been placed outside the home at regular intervals and maintain such photographs in the child's file in an effort to accurately document and record the child's identity for the purpose of providing services to the child and his/her family.

Any photographs of Dependent children taken by Contra Costa County Children & Family Services pursuant to this Standing Order shall be maintained in the child's file and remain a confidential record pursuant to the provisions of California Welfare and Institutions Code 827 et. seq.

This Order shall be a Standing Order of this Court effective immediately, and shall remain in effect unless superseded or rescinded by a subsequent order.

IT IS SO ORDERED.

Dated: Sept. 14, 2015

Thomas M Maddock

THOMAS M. MADDOCK
Supervising Juvenile Court Judge

FILED
AUG 11 2021
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: AUGUST 11, 2021 **DEPARTMENT 1**
JUDGE: REBECCA HARDIE **COURT CLERK: AIDA CHEONG**
UNREPORTED

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STANDING ORDER 7.15 RE: COURT REPORTERS IN FAMILY LAW CASES

The Court has provided reporters in Family Law cases generally since July 1, 2019, and amended its Local Rule 2.52 and 2.53 accordingly. These reporters are not officially assigned to specific departments but are assigned based on need. Due to the COVID-19 pandemic and the urgent need for the Court to have the ability to reassign reporters to meet statutory and constitutional mandates in other types of cases, **IT IS ORDERED** as follows:

1. The Court may move reporters from Family Law to perform reporting services in other court departments, except for those Family Law cases where a reporter is required by statute or case law.

2. Parties in Family Law proceedings in which court reporters will not be provided may provide their own as set forth in Local Rule 2.52. For litigants with a fee waiver, a request for a court reporter shall be filed on Local Form MC-30 at least three calendar days before the hearing.

IT IS SO ORDERED.

Dated: August 11, 2021

Rebecca O. Hardie

HON. REBECCA HARDIE
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: MARCH 16, 2026 | **DEPARTMENT 1**
JUDGE: HON. CHRISTOPHER R. BOWEN | **COURT CLERK: CAROLINE RUARO**
UNREPORTED

STANDING ORDER RE: WEAPONS SCREENING

I. Entry Directives

a. Pursuant to the general authority conferred upon the Court under Code of Civil Procedure sections 128 and 187, persons entering any location of the Superior Court of California, County of Contra Costa, in which a weapons-screening station is in use must enter through one of the security check points. Such persons may be required to pass through the weapons-screening station and/or submit to a search of their person and belongings.

b. Persons entering any court location by way of a point of entry where a weapons-screening station is not in use are subject to a search of their person and belongings for concealed weapons and/or soft body armor.

II. Prohibition of Entry

a. Any person refusing to pass through a weapons-screening station, or refusing to submit to a search of their person and belongings, will be denied entry into the building, except for the following:

i. Elected public officers (but not their deputies or assistants) under Article 6, Section 16 (a judge of a court of record) or Article 11 Section 1 (an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body) of the Constitution of California;

ii. Deputies or assistants of elected office holders, appointed office holders, or employees of the County or Court who display an employment identification card or other verifiable proof of office or employment that is approved by the Contra Costa County Sheriff and acknowledged by Contra Costa County Sheriff's Office staff at the weapons-screening station; and

iii. Persons issued proximity cards by the Court, the General Services Agency, and/or the County of Contra Costa who enter the court by separate entrance controlled by proximity cards.

b. Nothing in this order shall be interpreted to prohibit an authorized member of the Contra Costa County Sheriff's Office from, in the exercise of their lawful discretion, denying entry to any person.

III. Prohibition of Armed/Armored Entry

a. Except for peace officers who are at a courthouse on official court business (as defined below), any person in possession of any weapon described in Section 171b of the California Penal Code, or any person in possession of any object reasonably deemed capable of being used as a deadly or dangerous weapon by the Contra Costa County Sheriff, will be denied entry into the building. Any peace officer who is not on official court business, as defined below, must surrender any weapons or return without them and may reclaim any surrendered weapons upon exit from the courthouse.

b. Except for peace officers authorized by the Contra Costa County Sheriff's Office, any person wearing soft body armor will also be denied entry into the building.

c. "Official Court business" means specifically:

   i. Deputies and employees of the Contra Costa County Sheriff's Office, and any officer or deputy of a law enforcement agency who is present at the request of the Contra Costa County Sheriff's Office to provide mutual aid and/or assist with security;

   ii. Other peace officers present at the courthouse to testify in a case, to be designated at any proceeding as an "investigating officer", to meet with employees of the District Attorney's Office in their official capacity, to accompany or provide transportation for a witness or other person associated with a case, to obtain a paper or hard copy warrant, to perform a records check, or to make a criminal arrest pursuant to a warrant; or

   iii. District Attorney investigators who are present in their professional capacity.

IV. Other Prohibited Items

a. Except as otherwise provided herein, all persons are prohibited from entering a courthouse or facility with any prohibited item. Examples of prohibited items include, but are not limited to:

i. Firearms/Ammunition
ii. Knives (pocket knife, belt buckle knife, etc.)
iii. Metal Knuckles
iv. Chains, including wallet chains
v. Tools (hammer, screwdriver, wrench, etc.)
vi. Pepper spray, mace or tear gas
vii. Cutting instruments (Scissors, letter opener, box cutter, hatchet, sword, etc.)
viii. Handcuffs/handcuff keys
ix. Syringes (other than for medical use)
x. Knitting needles, sewing needles, large safety pins
xi. Glass Containers, ice picks, corkscrews and metal eating utensils
xii. Lighters, torches, flammable liquids
xiii. Chemicals/Fertilizers that are corrosive or flammable
xiv. Explosives
xv. Skateboards, golf clubs, and bats
xvi. Alcohol
xvii. Illegal drugs or paraphernalia
xviii. Laser Pointers
xix. Graffiti tools – markers, paint, etching tools, etc.
xx. Large poster board sheets or signs
xxi. Cameras or audio recording devices, unless the camera or recording device is approved for use under Rule of Court 1.150, or by the court's ADA Coordinator, Presiding Judge, or designee.

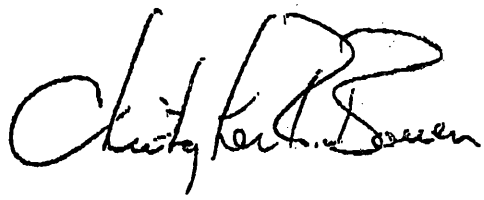
b. Nothing in this order shall be interpreted to prohibit an authorized member of the Contra Costa County Sheriff's Office from, in the exercise of their lawful discretion, prohibiting an item from being brought into the courthouse if they reasonably suspect the item may compromise the security of the building or the safety of the court and court staff, other court users, or the general public.

V. Operational Control

a. All weapons-screening station operations shall be under the direction of the Contra Costa County Office of the Sheriff.

IT IS SO ORDERED.

Dated: March 16, 2026



HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

DATE: MAY 15, 2026 **DEPARTMENT 1**
JUDGE: HON. CHRISTOPHER R. BOWEN **COURT CLERK: CAROLINE RUARO**
UNREPORTED

STANDING ORDER RE: CASH PAYMENTS

Production of the penny ceased on or about November 12, 2025, creating a systemic shortage that impedes the Court's ability to provide exact change for transactions involving physical currency.

Accordingly, **IT IS ORDERED** that cash payments made to the Court shall be rounded to the nearest five-cent increment, following general accounting principles for symmetrical rounding, as follows:

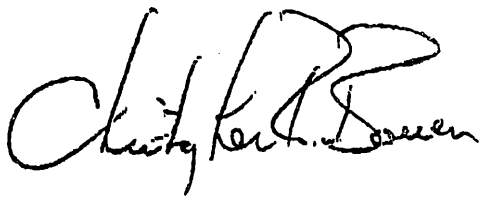
- If the final digit of the amount is 1 or 2, it shall be rounded down so that the amount ends in 0.
- If the final digit of the amount is 3 or 4, it shall be rounded up so that the amount ends in 5.
- If the final digit of the amount is 6 or 7, it shall be rounded down so that the amount ends in 5.
- If the final digit of the amount is 8 or 9, it shall be rounded up so that the amount ends in 0.

This Order shall apply only to cash transactions. Payments made by check, credit card, or electronic funds transfer shall be processed for the exact amount required by law or under the operative fee schedule.

This Order shall remain effect until otherwise ordered or superseded by statute.

IT IS SO ORDERED.

Dated: May 15, 2026



HON. CHRISTOPHER R. BOWEN
Presiding Judge of the Superior Court
Contra Costa County