MERCED COUNTY
SUPERIOR COURT



LOCAL RULES OF COURT

EFFECTIVE January ~~uly~~ 1, 2027~~6~~

Superior Court of California, County of Merced

Judges of the Superior Court

Hon. Mark V. Bacciarini
Hon. Mason Brawley
Hon. Monika Donabed
Hon. Stephanie L. Jamieson
Hon. Chamandeep Johal
Hon. Paul C. Lo
Hon. Brian L. McCabe
Hon. Ashley Albertoni Sausser
Hon. Steven K. Slocum
Hon. Jennifer O. Trimble

David A. Foster, Commissioner
Donald E. Shaver, Commissioner

Amanda Toste, Court Executive Officer

Merced Superior Court

SUMMARY OF CHANGES

~~July 1, 2026, date update~~

~~Removed Judge Carol Ash as she has retired~~

~~Removed "f" from Rule 17: Traffic Rules~~

~~Removed "f" from Rule 17: Traffic Rules~~

~~Removed "courtcall" from Rule 2.2: Remote Appearances~~

~~Updated 1-2 court days in Rule 411: Ex Parte Orders~~

January 1, 2027 date update

Rule 16:
Added H. Motions *In Limine* and Other Trial Motions
Added Q. Transferring Overpayments

Rule 500.1:
Edited D. Supreme Court Rules application

Rule 17:
Added M: Transferring Overpayments:

Rule 2:
Edited E: no. 4
Added F. Records Under Seal

Rule 3.1
Added I. Courtesy Copies

Rule 402(A)
Added day/time adjustments to #2 & #4

Rule 410(A)
Added information re report/recommendation admissibility

Rule 410(B)
Added Family Code section 3111 or Family Code section 3118

Local Rule 418(E)
Change 10 days to 14 days

Added rule 201.3: court appointed special advocates program juvenile justice

IMPORTANT INSTRUCTIONS FOR USING THESE RULES

1. State Rules and Corresponding Local Rules

The California Rules of Court ("CRC") are not printed as part of the Merced County Local Rules ("Rules") but are considered incorporated within them. Proceedings in the Superior Court of Merced County ("Court") are governed by the California Rules of Court as supplemented by these Local Rules. If there is a conflict between the Local Rules and the California Rules of Court, the California Rules of Court apply. **EACH LOCAL RULE MUST BE READ IN CONJUNCTION WITH THE CALIFORNIA RULES OF COURT.**

2. Purchasing Local Rules and Local Forms

Copies of the Local Rules and Local Forms may be obtained for free online at or purchased from the court clerk's office.

Merced Superior Court

COURTHOUSE LOCATIONS AND TELEPHONE NUMBERS

Old Main Courthouse, 627 W. 21st Street, Merced, CA 95340
Administration ..... (209) 725-4101
Civil/Probate/Juvenile Dependency Clerk's Office..... (209) 725-4111
Court Collections ..... (209) 725-4220
Human Resources ..... (209) 725-4103

Charles James Ogletree Jr. Courthouse, 2260 N Street, Merced, CA 95340
Criminal Clerk's Office ..... (209) 725-4113
Family Law Clerk's Office ..... (209) 725-4117
Court Collections ..... (209) 725-4220
Jury Office..... (209) 725-4121
Self-Help Center ..... (209) 725-4168

Juvenile Division, 2840 Sandy Mush Road, Merced, CA 95341
Juvenile Justice Clerk's Office ..... (209) 725-4119

Robert Falasco Justice Center, 1159 G Street, Los Banos, CA 93635
Clerk's Office..... (209) 725-4124
Self-Help Center ..... (209) 725-4168
Court Collections ..... (209) 725-4220

Traffic Division, 720 W. 20th Street, Merced, CA 95340
Traffic Clerk's Office..... (209) 725-4107
Court Collections ..... (209) 725-4220

Mailing Address for All Judicial Officers

Superior Court of California
County of Merced
627 W. 21st Street
Merced, CA 95340

Merced Superior Court

TABLE OF CONTENTS

SUMMARY OF CHANGES 3
IMPORTANT INSTRUCTIONS FOR USING THESE RULES 4
TABLE OF CONTENTS 6
CITIES AND COMMUNITIES SERVED: 13
RULE 1: COURT ORGANIZATION 14
A. Adoption and Amendment of Rules 14
B. Presiding Judge 14
C. Executive Committee of the Court 14
D. Court Executive Officer 15
E. Court Commissioners 15
F. Meeting of the Judges 16
G. Districts of the Court 16
H. Proceedings Heard Only in Merced District 16
I. Juvenile Justice 17
J. Hours of Judicial Business 17
K. Scheduling of Trials and Hearings 17
L. Direct Calendar System 17
M. Court Reporters 17
N. Court Interpreters 22
O. Judicial Day of Vacation Defined 23
RULE 1.2: COURT SECURITY 23
A. Searches of Persons and Property 23
B. Firearms 24
C. Enforcement: Body-Worn Cameras 24
RULE 1.3: COURT ATTIRE 24
RULE 1.4: SEXUAL HARASSMENT 24
RULE 1.5: CUSTODY OF EXHIBITS 25
RULE 1.6: DEFINITIONS 25
A. Clerk 25
B. Judicial Officer 25
RULE 2: FILING PROCEDURES 25
A. Time of Filing Papers 25
B. Completion of File in Default and Uncontested Matters 25
C. Filing of Orders 25
D. Waiver of Fees and Court Procedure 26
E. Electronic Filing 26
RULE 2.1: PHOTOGRAPHING, RECORDING, BROADCASTING AND OTHER ELECTRONIC DEVICES 28
A. Ceremonial Events 28

B. Media Requests to Photograph, Record, or Broadcast 28
RULE 2.2: REMOTE APPEARANCES....29
RULE 2.3: TOXIC, HAZARDOUS MATERIALS, AND FIREARMS (Applies to All Civil and Criminal Cases)....32
RULE 2.4: DOMESTIC VIOLENCE PROTOCOL....33
A. Definitions....33
B. Purpose....34
C. Procedure in the Criminal Domestic Violence Court....34
D. Procedure After the Criminal Court Hearing on Modification....36
E. Procedure in Family, Juvenile, and Probate Courts....36
F. Communication Between the Courts and Related Agencies....36
RULE 2.5: UNIFORM INSTRUCTIONS FOR PRESENTATION OF ELECTRONIC EXHIBITS....37
A. Electronic Exhibits Presented in Court....37
B. Court Authorized Electronic Evidence Formats....37
RULE 2.6: COURT FILE RETRIEVALS AND VIEWING....38
A. Public Index Research....38
B. Court Files Located at the Courthouse....38
RULE 3: CIVIL RULES....39
RULE 3.1: CIVIL LAW AND MOTION GENERALLY....39
A. Waiver of Right to Appear....39
B. Failure to Comply with Rules....39
C. Tagging Attachments and Exhibits....39
D. Evidence at Hearings....39
E. Tentative Rulings....39
F. Preparation of Order after Hearing....40
G. Destruction of Exhibits in Civil Matters....40
H. *Ex Parte* Matters....40
RULE 3.2: ADMINISTRATIVE RECORDS....43
RULE 3.3: SUMMARY JUDGMENT AND SUMMARY ADJUDICATION....43
RULE 3.4: ATTORNEY'S FEES UPON DEFAULT JUDGMENT....43
RULE 3.5: CASE MANAGEMENT....44
A. General....44
B. Case Management Conference and Order....44
C. Civil Pre-Trial Conferences....45
D. Case Management Conference Statements....45
E. Assignment to One Judge for All or Limited Purpose; Complex Cases....45
F. Telephonic Conference Call
RULE 3.6: SETTLEMENT CONFERENCES....46
A. Requirement of Settlement Conferences....46

B. Persons Attending 46
C. Each Party to Be Prepared 46
D. Mandatory Settlement Conference Statements 47
E. Participation in Good Faith 47
F. Failure to Appear 47
G. Failure of Settlement Conference 47
H. Notice of Settlement or Dismissal 48
I. Further Settlement Conference 48
RULE 3.7 PROCEDURES FOR HANDLING COMPLAINTS ABOUT COURT-PROGRAM MEDIATORS 48
A. Application 48
B. Definitions 49
C. Confidentiality 49
D. Submission of Inquiries and Complaints to the Complaint Coordinator 50
E. Addressing Inquiries 50
F. Acknowledgement and Preliminary Review of Complaints 50
G. Appointing an Investigator or a Complaint Committee 51
H. Investigations 51
RULE 3.8: NOTICE OF STAY 54
RULE 4: CIVIL JURY TRIALS 54
A. Deposit of Jury Fees 54
B. Failure to Post 54
C. Payment for Food, Lodging and Other 54
D. No Jury Trials Scheduled for Certain Holiday Weeks 55
E. In Limine Motions 55
F. Mandatory/Voluntary Expedited Jury Trials 55
RULE 4.1: CIVIL JURY INSTRUCTIONS 55
A. Use of Pre-Approved Instructions 55
B. Service of Jury Instructions 56
RULE 16: CRIMINAL RULES 56
A. Direct Calendaring of Criminal Cases 56
B. Writ of Habeas Corpus 56
C. Discovery 56
D. Jury Instructions 56
E. Felony Bail Schedule 57
F. Notice of Motion 57
G. Filing of Motions 57
H. Defendant's Clothing 58
I. Motions Made for Release on Own Recognizance or Bail Modification 59
J. Sound Recordings to Be Offered as Evidence at Trial 59

K. Dangerous, Large, or Bulky Exhibits 60
L. Pass Request....62
M. Destruction of Exhibits-Criminal Matters PC 1417.1-1417.9 62
N. Case Calendar Requests....63
O. Exhibits Offered for Admission into Evidence....63
P. Evidence Ancillary Funding Requests....63
RULE 17: TRAFFIC RULES 64
A. Traffic Notice to Appear Pursuant to VC Section 40500 64
B. Traffic Procedures Re: Failures to Appear (FTA) 64
C. Proof of Correction 65
D. Not Guilty Plea on a Misdemeanor....66
E. Post Bail Prior to Setting a Trial by Declaration 66
F. Speeding Violations – Veh. Code § 22348(b)
G. Change of Proceeding Type....66
H. Traffic School 66
I. Requests for Continuance / Extensions of Time....67
J. Payment Plans....67
K. Community Service – Juvenile Matters:....67
L. Motions and Petitions 68
RULE 18-99: [RESERVED] 69
RULE 100: PROBATE RULES – PREFACE 69
A. Time and Place of Hearing 70
B. Applicable Rules....70
C. Appearances....70
D. Forms Approved by the Judicial Council 70
E. Orders....70
F. Appointment of Representative(s) 71
G. Notices 71
H. Spousal Property Petitions 71
J. Bond....72
K. Creditor's Claims....72
L. Probate Examiner's Notes....73
M. Medical Records 73
RULE 101: PETITION FOR APPROVAL OF MINOR'S COMPROMISE 74
A. Contents of Petition....74
B. Attorney Disclosure 74
C. Personal Appearance....75
D. Attendance of Witnesses....75
E. Withdrawal of Funds....75
RULE 102-199: [RESERVED] 75

RULE 200: ACCESS TO JUVENILE COURT RECORDS 75
A. Access Without a Court Order 75
B. Petition for Court Order Authorizing Access to Juvenile Case File 75
C. Access to Delinquency Records where Petition Sustained on Offense Listed in Welfare and Institutions Code section 676(a) 76
D. Petitions to Prohibit Disclosure of Delinquency Records 76
E. Welfare and Institutions Code Section 827 & 828 Petitions 76
F. Court Reporter Transcripts in Juvenile Matters 76
RULE 201: COURT APPOINTED SPECIAL ADVOCATES PROGRAM 77
RULE 201.1: COURT APPOINTED SPECIAL ADVOCATES 78
A. Specific Duties 78
B. Appeal and Grievance Procedures 78
C. Case Referral and Appointment 79
D. Criteria for Referral to CASA Program 79
E. Release of Information to CASA *(Repealed 7/1/2018)* 80
F. Report of Child Abuse 80
G. Communication 80
H. Right to Timely Notice and Right to Appear, Calendar Priority for Advocates 80
I. Access to Records 81
RULE 201.2: FILING AND DISTRIBUTION OF CASA COURT REPORTS 81
RULE 202: REPRESENTATION IN JUVENILE PROCEEDINGS 86
A. Representation of Children 86
B. Representation of Other Parties 86
C. Minimum Standards of Experience, Training, and Education of Attorneys Representing Parties 86
D. Procedure for Screening to Ensure Parties are Represented by Competent Appointed and Retained Counsel 88
E. Procedures for Reviewing and Resolving Complaints Regarding Performance of Appointed Counsel 88
RULE 203-399: [RESERVED] 89
RULE 400: FAMILY LAW - GENERAL POLICY STATEMENT 89
RULE 401: MATTERS ASSIGNED TO THE FAMILY LAW DIVISON 89
RULE 402: REQUEST FOR ORDER & TITLE IV-D CALENDAR 89
A. Calendar Management – Short and Long Cause Family Law Matters/Place of Hearing/Courtroom 7 90
B. DCSS (Title IV-D) Calendaring/Courtroom 4 91
RULE 407: LACK OF APPEARANCE OR TARDINESS 91
RULE 408: TELEPHONE APPEARANCES – Please refer to Rule 2.2 91
RULE 410: RULES GOVERNING CUSTODY AND VISITATION ISSUES 91
A. General 91

B. Standard Orders When Private Evaluation Ordered by Court 93
C. Minor's Counsel 94
D. Disqualification of Child Custody Recommending Counselor; 94
E. Motion by the Child Custody Recommending Counselor 95
F. Complaints Regarding Child Custody Recommending Counselors per Family Code section 3163/Rule 5.210(d)(1)(C)(i) 95
G. Supervised Visitation 95
RULE 411: *EX PARTE* ORDERS 96
RULE 413: ORDER CHANGING CUSTODY OF MINOR 97
RULE 415: INCOME AND EXPENSE DECLARATION 97
RULE 416: STANDARD ORDERS FOR ALL CHILD SUPPORT CASES 98
A. Standard Orders 98
RULE 417: CASE MANAGEMENT 99
A. Peremptory Challenges 99
B. Meet and Confer Obligation 99
RULE 418: SETTLEMENT CONFERENCES 99
A. Settlement Conference Policy Statement 99
B. Persons Attending 99
C. Each Party to Be Prepared 100
D. Mandatory Meet and Confer Requirement 100
E. Mandatory Settlement Conference Statements 100
RULE 419: TRIALS/LONG CAUSE HEARINGS 100
A. Exhibit Lists, Witness Lists, Expert Witness Declarations, and Trial Briefs 100
B. Remote Appearances at Trial/Long Cause Hearing 101
C. Electronic Evidence – Please refer to Rule 2.5 101
RULE 420-499: [RESERVED] 101
RULE 500: APPELLATE DIVISION 101
A. Sessions 101
B. Calendaring 101
C. Briefs 101
D. Motions 102
E. Oral Argument 102
F. Trial Court File Instead of Clerk's Transcript 102
G. Procedure for Writ of Mandate or Prohibition Proceedings 102
RULE 500.1: ELECTRONIC RECORDING ON APPEAL 103
A. Stipulation to Use Electronic Recording 103
B. Use of Electronic Recording as Record 103
C. Use of Electronic Recording in Traffic Infraction Appeals 103
D. Request for Transcripts from Official Electronic Recordings 103
LIST OF RULES AND EFFECTIVE DATES 105

LIST OF APPROVED LOCAL FORMS BY FORM NUMBER 106
LIST OF APPROVED LOCAL FORMS BY FORM NAME 110
INDEX 115

CITIES AND COMMUNITIES SERVED:

Atwater

Ballico

Cressey

Delhi

Dos Palos

El Nido

Gustine

Hilmar

Hopeton

Irwin

Le Grand

Livingston

Los Banos

Merced

Planada

Santa Nella

Snelling

South Dos Palos

Stevinson

Winton

RULE 1: COURT ORGANIZATION

A. Adoption and Amendment of Rules

These rules shall be known and cited as "Local Rules for the Superior Court of California, County of Merced." These rules shall become effective as of July 1, 2024, and on that date all other rules previously adopted by this Court are repealed, provided that no action heretofore taken in compliance with such rules shall be made invalid or ineffective by such repeal. (*Eff. 7/1/04; Rev. 7/1/24)*

B. Presiding Judge

The business of the Court shall be directed by one of the Judges, designated as the Presiding Judge, who shall act in such capacity for a term of two calendar years. The Judges of this Court shall meet during the month of September of every other year, commencing with September 2004, and by a majority secret vote select the Presiding Judge and Assistant Presiding Judge for the succeeding two-year term commencing January 1st. The Assistant Presiding Judge shall be assigned such duties as the Presiding Judge deems necessary and shall be the acting Presiding Judge when the Presiding Judge is absent or unable to act. In the event a Presiding Judge leaves office before the end of their term, the Assistant Presiding Judge shall assume the position of Presiding Judge and a new Assistant Presiding Judge shall be elected. Each shall serve in such capacity until the next regularly scheduled election. *(Eff. 7/1/04; Rev. 7/1/21)*

1. Authority and Duties

The Presiding Judge shall have the authority and duties prescribed by California Rules of Court and rules as adopted by the Superior Court. The Presiding Judge's duties shall include, but are not necessarily limited to, the following:

a. Presiding over regular and special Courts meetings.
b. Presiding over executive committee meetings.
c. Setting and implementing Policies and Procedures.
d. Planning for the Court's future needs.
e. Supervising the Court Executive Officer.
f. Conducting the day to day affairs of the Court.
g. Issuing Standing Orders.

(Eff. 7/1/04; Rev. 1/1/13; Renum. 1/1/16; Rev. 1/1/19)

C. Executive Committee of the Court

The Executive Committee shall have the duties designated in the California Rules of Court. The committee shall be comprised of at least three (3) judges, including the Presiding Judge and the Assistant Presiding Judge and the outgoing Presiding Judge. Additional judicial members shall be appointed by the Presiding Judge. The Presiding

Judge shall serve as the chairman. The Court Executive Officer shall be a non-voting member and shall serve as secretary of the Executive Committee. *(Eff. 7/1/04; Rev. 1/1/13, 1/1/17, 1/1/19)*

1. Terms:

The term of office of Executive Committee members shall be two (2) years, coinciding with the term of the Presiding Judge, commencing January 1, immediately following their election.

The Executive Committee should hold regular meetings at least twice every month. Any Merced Superior Court Judge may attend any meeting of the committee. Notice of the time and place of the meeting shall be provided to all Judges at least 24 hours before the meeting. *(Eff. 7/1/04; Rev. 1/1/13)*

2. Duties of the Executive Committee:

The Executive Committee shall advise and assist the Presiding Judge on all matters related to Court Administration, including recommending major personnel and administrative polices with the assistance of the Court Executive Officer. The Executive Committee shall adopt an annual budget for submission to the Judicial Council of California. *(Eff. 7/1/04; Rev. 1/1/13, 7/1/13, 1/1/14)*

D. Court Executive Officer

The duties of the Court Executive Officer shall include, but are not necessarily limited to, those set forth in California Rules of Court, rule 10.610 and such other duties as may be assigned by the Presiding Judge. The Court Executive Officer shall be responsible for the selection, retention and direction of all non-judicial personnel of the Court. The Court Executive Officer shall be an exempt employee whose selection shall be recommended by a majority of the Executive Committee and approved by a majority vote of all Merced Superior Court Judges, who may be terminated by a majority vote of all Merced Superior Court Judges. The Court Executive Officer shall serve as a non-voting member of the Executive Committee and shall serve as secretary. The secretary is responsible for conducting all elections and counting all votes. *(Eff. 7/1/04; Rev. 1/1/09, 1/1/13; Renum. 7/1/18)*

E. Court Commissioners

The Superior Court Commissioners 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 & Institutions Code section 248. The Superior Court Commissioners shall be exempt employees who shall serve at the pleasure of the judges of the Merced Superior Court. They shall be selected by the Executive Committee and may be terminated by a majority of all Merced Superior Court Judges. *(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/09, 1/1/13)*

F. Meeting of the Judges

There should be a meeting of the Judges held once a month to conduct such business as may properly come before them. Additional meetings may be called by the Presiding Judge or by a majority of the Judges.

Each Judge shall have one vote at the Judges' meetings. Any Judge that does not attend a regular or special meeting (except a meeting to select the Presiding Judge) may authorize another Merced Superior Court Judge to exercise a written proxy, general or specific as stated in the proxy, and vote on their behalf. *(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/09, 7/1/21)*

G. Districts of the Court

For the convenience of the parties, attorneys, and the court, sessions of the court shall be heard in districts which are based upon the courthouse locations.

The Merced District is the district consisting of the divisions and courthouses located in Merced and includes all areas within the county of Merced except those areas within the West County District as described below.

The West County District is the district consisting of the courthouse located in Los Banos and is based upon the following zip code designations:

95322 – Gustine
95322 – Santa Nella
95374 – Stevinson
93620 – Dos Palos
93635 – Los Banos
93665 – South Dos Palos

Except as these rules provide or unless the Presiding Judge orders otherwise, all actions or proceedings shall be heard in the district in which they arose or in which the land subject to dispute is situated, or in which a party resides. Any action or proceeding may be transferred to any other district by the court on its own motion or on noticed motion by any party where the action was filed in the wrong district or for other good cause shown by affidavit, declaration, or stipulation. To determine the proper district for filing, please refer to the venue provisions set forth in Code of Civil Procedure section 392 through 401. *(Eff. 1/1/17; Rev. 7/1/17; Renum. 7/1/18)*

H. Proceedings Heard Only in Merced District

The following actions and proceedings shall be heard only in the Merced District:

1. Contested probate, conservatorships, guardianships;
2. Juvenile Dependency;

3. Civil Case Management;
4. Mandatory Settlement Conferences;
5. Jury Trials;
6. Adoptions;
7. Drug Court.

(Eff. 7/1/17; Renum. 7/1/18)

I. Juvenile Justice

All Juvenile Justice proceedings are heard exclusively at the Juvenile Division located in the Iris Garrett Justice Correctional Complex (JJCC) at 2840 W. Sandy Mush Road, Merced. *(Eff. 7/1/17; Renum. 7/1/18; Rev. 1/1/19)*

J. Hours of Judicial Business

1. Courthouses are open for judicial business from 8:00 a.m. until 5:00 p.m. on all court days with the exception of the JJCC, which closes once court sessions are completed for the day.
2. Hours of operation for all clerks' offices are posted on the Court's website and may be amended per Government Code section 68106.

(Eff. 7/1/04; Rev. 1/1/13; Renum. 1/1/17, 7/1/17; Rev. 1/1/19)

K. Scheduling of Trials and Hearings

A list of the times and days of the Court's various calendars, for both civil and criminal matters, and including the hearing of ex parte matters can be accessed at (209) 725-4100 or at www.merced.courts.ca.gov. The parties are required to check for the availability of a calendar before requesting that any matter be set; special settings will occur only in the most extraordinary circumstances. *(Eff. 7/1/04; Rev. 1/1/13; Rev. & Renum. 1/1/17; Renum. 7/1/17, 7/1/18)*

L. Direct Calendar System

The Court maintains a direct calendar system with cases assigned to one Judge for all purposes, including trial. The Presiding Judge, Assistant Presiding Judge, or designee may assign and re-assign cases to other Judges as needed. Any judicial officer sitting in Los Banos is a designee authorized to re-assign cases to other Judges for all purposes. The assigned judge will be reflected on the first paper filed in any action. *(Eff. 1/1/13; Renum. 1/1/17, 7/1/17, 7/1/18; Rev. 7/1/22; 7/1/23)*

M. Court Reporters

1. Court Reporter Availability:

a. The court schedules court reporting services for the following:
   (1) All felony criminal proceedings;
   (2) All juvenile proceedings (delinquency and dependency); and
   (3) Any other proceedings that the Court, in its discretion, orders to be reported.

b. The following matters are NOT REPORTED and an official transcript is NOT available: family law, small claims, civil, trials *de novo*, misdemeanors, traffic, and mandatory/voluntary expedited jury trials pursuant to Code of Civil Procedure section 630.01 *et seq*. and applicable rules of court.

c. Electronic Recording:

   All courtrooms ae equipped with an electronic recording system is available for some hearing types as specified by the Court, in lieu of or in the absence of a court reporter. (See also Local Rule 500.1.)

   Electronic Recording as Official Record – Pursuant to rule 2.952 of the *Cal. Rules of Court*, the court's electronic recording system shall be the official reporting service for infractions and, upon order of the court, in misdemeanor and limited civil proceedings. For appeals where the appellant elects to proceed with a transcript of the oral proceedings instead of a settled statement, the cost and burden to prepare the transcript shall be borne by the appellant.

   A party may request a copy of an electronic recording. Form MCS-AD-010 Request for Copies of Electronic Recordings must be completed and submitted to the applicable Clerk's Office.

d. A party may arrange for the presence of a certified shorthand reporter to serve as an official *pro tempore* reporter. It will be that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law. *Rule 2.956(c), Ca. Rules of Court*.

e. The Court reserves the right to order proceedings reported if both sides waive reporting services and reporting services are deemed necessary by the Court. In that event, all parties will be ordered to share the cost. The expense may be recoverable as part of the costs, as provided by law. *Rule 2.956(c), California Rules of Court.*

f. Only One Official Record:

   There can be only one official record of court proceedings, and only a reporter appointed by the court may report a court proceeding (Code of Civil

Procedure Section 273; Government Code Sections 70043 and 70044; Redwing v. Moncravie (1934) 138 Cal. App. 432, 434.) In the event a party arranges for an Official Pro Tempore to appear without checking on Court Reporter availability with the Court Calendar Manager and the Court is able to provide court reporting services, the Court will elect the official court reporter to report the court proceedings.

In the event the parties arrange for the attendance of an official pro tempore reporter in a civil trial because of the unavailability of the services of an official court reporter, the Court expects parties to come to an agreement prior to the hearing as to reporting services. Proceedings will not be delayed due to disagreement among the parties as to the selection of the court reporter; if absolutely necessary, the judicial officer will avoid delay in the proceedings by selecting one of the reporters put forward by the parties. CCP §128(a)(3).

(Eff. 1/1/16; Rev. 7/1/16; Rev. & Renum. 1/1/17, 7/1/17, 7/1/18; Rev. 1/1/18, 7/1/19, 1/2/23)

2. Official *Pro Tempore* Reporters:

a. Non-Felony Proceedings:

Court reporters may be used in non-felony proceedings, but they must be obtained by, and at the expense of, one or more of the parties.

b. Civil Proceedings:

When the services of an official court reporter are not available for a hearing or trial in a civil case, a party may arrange for the presence of a certified shorthand reporter to serve as an official *pro tempore* reporter. It will be that party's responsibility to pay the reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law. *(See Cal. Rules of Court, rule 2.956(c).)*

(Eff. 1/1/16; Rev. 7/1/16; Renum. 1/1/17, 7/1/17, 7/1/18)

3. Court Reporting Services Requested by Parties for Civil Trial:

A party in any type of civil case must file a statement prior to the Case Management Conference date indicating whether the party requests the presence of an official court reporter. After receipt of a written request, if it appears to the court the services of an official reporter will not be available, the clerk will notify the party of that fact as soon as possible before the trial or hearing. The party will then need to make arrangements for the presence of an official *pro tempore* reporter.

Parties should be aware if multiple trials are set forth on the same trial call calendar and your case is assigned to another courtroom in which a court reporter is not regularly assigned, it will be the party's responsibility to arrange for an official *pro tempore* reporter. In the event the civil trial that is assigned to a courtroom that does not regularly staff a court reporter and both sides waive reporting services, but the reporting services are deemed necessary by the Court, all parties will be ordered to share the cost in arranging for an official *pro tempore* reporter. The expense may be recoverable as part of the costs, as provided by law. (*Rule 2.956(c), Cal. Rules of Court.)*

If a party arranges for the attendance of an official *pro tempore* reporter at a civil trial because of the unavailability of the services of an official court reporter, it is recommended that if one reporter is designated, that they guarantee their availability to cover the entire trial so there is no delay or interruption of proceedings, or a delay in read back to the jury, if requested. The official *pro tempore* reporter is to comply with statutes and rules applicable, including the duty to timely prepare transcripts, and the form of the appellate record. (See, e.g., *Code of Civil Proc., §269, et seq.; Cal. Rules of Court, rule 8.130, 8.144*.) *(Eff. 1/1/16; Rev. 7/1/16; Renum. 1/1/17; Rev. & Renum. 7/1/17; Renum. 7/1/18)*

4. Court Reporter Service Fees:

In accordance with Government Code §68086, the Court collects a $30 fee for every non-criminal proceeding lasting one hour or less for which court reporter services are provided. The $30 fee shall be paid by the party that filed the paper that resulted in the proceeding being scheduled. If the $30 fee is required for a proceeding as provided herein, that proceeding may be delayed if the $30 payment is delayed and may not go forward if the fee remains unpaid. For a single case with multiple proceedings to take place in the same hour on the same day, one fee is collected per four proceedings.

Fees will also be charged for the use of regular reporters in the above-mentioned civil calendars as follows: Half day (more than one hour and less than four hours): $225.00; Full day (four hours or more): $450.00. Checks for such services should be made payable to the Merced Superior Court and paid for at the Clerks' Office each day, unless otherwise informed, prior to commencement of proceedings.

Additionally, the parties shall be responsible for all transcript costs pursuant to California Government Code section 69953. *(Eff. 1/1/16; Renum. 1/1/17; 7/1/18)*

5. Daily Transcripts:

Request for daily transcripts in civil cases must be made, in writing, at least two weeks in advance of trial. Parties requesting such daily transcript will be required to pay daily transcript rates and the per diem rate for an official court reporter. Pursuant to California Government Code 69953.5. These fees are separate from Court Reporter Service Fees, Government Code §68086.

If there are insufficient staff court reporters to report civil trials that are requesting daily transcripts, a party may arrange for the presence of a certified shorthand reporter at their own expense pursuant to CRC 2.956. Parties should check with the Court Calendar Manager regarding the availability of a staff court reporter. Check the court website for contact information. (Eff. 1/1/16; Renum. 1/1/17; Rev. & Renum. 7/1/17; Renum. 7/1/18, 1/1/23)

6. Court Reporting Services for Family Law:

Official Court Reporters will not be provided by the Court in Family Law matters. In the event an official court reporter is provided by the court, this Court determines Family Law proceedings to be governed by Government Code section 68086(a)(1)(A). For each proceeding lasting less than one hour, a fee of $30.00 shall be charged for the reasonable cost of the services of an official court reporter. The fee must be paid at the time of filing.

If the matter is continued for any reason, before the case is called, the fee continues over to the next hearing. If the matter is continued, for any reason, after the case is called, the party requesting the continuance must pay a new and separate fee for the next hearing and submit proof of payment before the next hearing. If a hearing is taken off calendar before the case is called, the fee will be refunded. Claiming a refund is solely the responsibility of the party.

A party litigant seeking a waiver of this fee should file an appropriate request for waiver of court fees and costs, which shall be ruled on timely by the Judge or Commissioner presiding over the action. However, Court Reporter transcript fees are not to be waived under any circumstances.

In Government Code Section 68086, the aforesaid section contains the language regarding fees for cases lasting more than one hour. Accordingly, it shall be the new stated policy of this Court, regarding this additional court reporter fees, as follows:

If the party litigants seek to set a long-cause hearing, trial, or other proceeding which exceeds one hour, but that will last no more than one-half day, the party litigants will be charged a fee for court reporter services in the amount of $225.00. If the hearing exceeds four hours or more, the fee for court reporter services is $450.00, full day. Checks for such services should be made payable to the Merced Superior Court and paid for at the Clerks' Office, unless otherwise informed, prior to commencement of proceedings.

If the fee for one-half day of court reporter services is paid and the long-cause hearing, trial, or other proceeding is completed in less than one hour, the party litigants can seek a refund similar to those remitted when long cause actions are resolved or are completed in less than one day. The judicial officer has the discretion to grant or deny this request for refund.

Additionally, the parties shall be responsible for all transcript costs pursuant to California Government Code section 69953. *(Eff. 7/1/19, 1/23/23)*

7. Court Reporter availability policy for parties with Fee Waivers:

The Merced Superior Court's Court Reporter availability policy is in compliance with the California Supreme Court's decision in *Jameson v Desta*.

a. Limited Civil proceedings will be electronically recorded by the court upon request at the hearing by a party who has received a fee waiver pursuant to California Rules of Court rule 3.55. The electronic recording will be the official verbatim record of proceedings as provided in Government Code section 69957.

b. In Unlimited Civil and Family Law proceedings, a party who has received a fee waiver pursuant to California Rules of Court rule 3.55 may request an official court reporter pursuant to California Rules of Court rule 2.956(b)(3).

(Eff. 7/1/19)

N. Court Interpreters

The court has implemented a Limited English Proficiency (LEP) Plan. Providing spoken-language interpreters in court proceedings are based in whole or in part on statutory and case law. Interpreters will be provided at no cost to court customers who need such assistance under the following circumstances:

1. For litigants and witnesses in criminal hearings;
2. For litigants and witnesses in juvenile hearings;
3. For litigants and witnesses in hearings involving domestic violence and elder abuse;
4. For litigants and witnesses in family law and child support cases, within existing funding restrictions and staff availability; and
5. For litigants who need assistance when using family court services, within existing funding restrictions and staff availability.

Additionally, the Court may use interpreters who are providing mandated interpreting services for issues such as criminal or juvenile cases for incidental use in civil courtrooms when available. The Superior Court of California, County of Merced recognizes the significant benefits to both the public and the court by providing interpreters in civil cases and will attempt, whenever possible, to provide such interpreters through incidental use.

When an interpreter is unavailable for a case in which the court is not mandated to provide one, the court may take the following actions:

1. Continue the hearing to a day when the calendar shows incidental availability of an interpreter for that language;

2. Appoint a bilingual family member, friend, or other support persons to act as an interpreter for the party; or
3. Utilize Language Line in the courtroom.

For additional information, please reference our LEP Plan on our website at www.merced.courts.ca.gov. *(Eff. 7/1/13; Rev. 1/1/17, 7/1/17; Rev. & Renum. 7/1/18)*

O. Judicial Day of Vacation Defined

A day of vacation for a judge of the court is an approved absence for one full business day. Vacation may also be approved on a half day basis, consisting of at least four (4) hours off in the morning or in the afternoon. Other absences from the court listed in California Rules of Court, rule 10.603(c)(2)(H) are excluded from this definition.

RULE 1.2: COURT SECURITY

Security in the courtrooms shall be maintained by the Sheriff of the County of Merced, unless otherwise ordered by the Presiding Judge. Procedures for the security of the Court are set forth in the Security Contract and Court Security Plan approved by the Court Executive and Court Security Committee in consultation with the Sheriff. *(Eff. 7/1/04; Rev. 1/1/12)*

A. Searches of Persons and Property

In order to maintain adequate physical security for Court personnel, litigants and the public, the following procedures shall apply to all Court facilities:

1. All persons entering the courthouse or courtroom shall be subject to cursory search, including searches of purses, parcels and other carried items at any time deemed warranted by Court Security Personnel or as directed by a Judge of the Court. "Cursory search" includes the use of "pat down" searches, electronic metal detection and visual inspection of the contents of any purse, parcel or carried item.
2. All persons entering a courtroom shall be subject to detailed search, including searches of purses, parcels, or other carried items at any time authorized by the Judge of the subject courtroom. "Detailed search" shall include all of the means in the previous paragraph, plus such additional measures as may be deemed warranted by the authorizing Judge.
3. Conducting searches pursuant to this Rule, Court Security Personnel shall acknowledge the right of a person to decline a search of their person or property, on condition that they immediately leave the courthouse. Such right to leave without being searched shall not apply to searches incident to arrest or otherwise being taken into custody, or any other circumstances authorized by law which permits searches without warrant. A person who refuses to submit to search and also refuses to leave the courthouse may be subject to arrest for violation of Penal Code sections 148 and 166(a)(5).

4. Conducting searches as authorized by this Rule, Court Security Personnel, to the extent reasonably practicable, shall conduct the searches with discretion and out of the general view of the public and other Court participants, including jurors. In exercising their discretion, Court Security Personnel may take into account such factors as the intrusiveness of the search, potential disruption of Court proceedings, officer safety and the security needs of the Court.
5. Notwithstanding any of the foregoing provisions, upon good cause shown, a Judge of the Court may order any method of search of persons or property deemed necessary on a case by case basis to secure the safety of the courthouse, Court personnel, litigants and the public.

(Eff. 7/1/04; Renum. 7/1/18)

B. Firearms

Except as otherwise ordered or authorized by the Court, no person other than a person specifically charged with the security of the court building, or on-duty peace officers performing law enforcement duties within the scope of their employment, shall keep firearms or other weapons on their person while in the Court buildings. No person, including on-duty peace officers, shall possess any weapon in the courtroom when appearing in a civil, family law, or probate matter. *(Eff. 7/1/04; Rev. 1/1/13; Renum. 7/1/18; Rev. 1/1/20; 7/1/21)*

C. Enforcement: Body-Worn Cameras

Law enforcement personnel equipped with body-worn cameras who are working or conducting business at the Court shall not activate the recording function of the cameras inside any courthouse facilities pursuant to rule 1.150 of the California Rules of Court. In addition to the foregoing, if law enforcement personnel are present in the courthouse facility where juvenile matters are heard, said personnel must comply with the Welfare and Institutions Code Section 827 and the California Rules of Court, rule 5.552. *(Eff. 7/1/18)*

RULE 1.3: COURT ATTIRE

No person shall appear in court without a shirt, or barefoot, or wearing a tank top. Bailiffs of the Court are to remove any person violating this rule. This rule does not limit any judge from prescribing appropriate attire in the courtroom. *(Eff. 7/1/04)*

RULE 1.4: SEXUAL HARASSMENT

It is the policy of the Court to ensure that all persons are free from sexual harassment as that term is defined by law. Any person who perceives they are the victim of sexual harassment in the courthouse or any person who witnesses sexual harassment of another person should immediately notify the Court Executive Officer who may conduct an investigation. *(Eff. 1/1/12; Rev. 7/1/21)*

RULE 1.5: CUSTODY OF EXHIBITS

No exhibit or evidence on file with the clerk in any civil or criminal case shall be taken from the clerk's office or courtroom. *(Eff. 7/1/04; Renum. 1/1/12; Rev. 1/1/20)*

RULE 1.6: DEFINITIONS

A. Clerk

The word "Clerk" means the Clerk of the Court or any deputy clerk.

B. Judicial Officer

The words "Judicial Officer" mean any duly appointed or elected judge of the Court, any duly appointed commissioner, any judge or retired judge assigned by the Chairperson of the Judicial Council to serve as a Judge of the Court, and any attorney appointed by the Presiding Judge to serve as a temporary judge, while so serving.

(Eff. 7/1/04; Renum. 1/1/12)

RULE 2: FILING PROCEDURES

A. Time of Filing Papers

All papers necessary to hearing in default cases (including default dissolutions), return of service on orders to show cause (except wherein the Court has by order shortened the time of service), probate matters, adoptions, compromise claims of minors, including proof of notice, posting affidavits of publication, agreements in dissolution actions, etc., shall be filed on the third court day preceding the date set for hearing. *(Eff. 7/1/04; Rev. 1/1/13)*

B. Completion of File in Default and Uncontested Matters

No hearing will be set in a default or 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. *(Eff. 7/1/04; Renum. 1/1/13)*

C. Filing of Orders

All orders signed by a Judge must be filed immediately in the clerk's office. An unfiled, signed order shall not be taken from the courthouse. *(Eff. 7/1/04; Renum. 1/1/13, 1/1/20)*

D. Waiver of Fees and Court Procedure

All parties should refer to California Rules of Court, rules 3.50-3.58. *(7/1/04; Rev. 1/1/09, 1/1/13; Renum. 7/1/18)*

E. Electronic Filing

1. Mandatory Electronic Filing

Parties must file documents electronically in limited, unlimited, and complex civil actions and in non-DCSS family law and probate matters in accordance with Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250-2.559, unless parties are excused from doing so by the Court. Self-represented parties are exempt from mandatory electronic filing and service requirements. A document that is filed electronically shall have the same legal effect as an original paper document. *(Eff. 7/1/15; Rev. 1/1/16; Renum 7/1/18; Rev. & Renum. 1/1/19)*

2. Permissive Electronic Filings

E-filing is available for subsequent filings in criminal matters. Initial Criminal filings are not yet accepted through e-filing. Attorney and self-represented parties may e-file as available, including petitions pursuant to Family Code section 6307 and Penal Code section 18122. *(Eff. 7/1/22; Rev. 1/1/26)*

3. Electronic Filing Service Providers

The electronic filing of documents requires the use of an approved electronic service provider. Approved electronic filing service providers are listed on the court's website at www.merced.courts.ca.gov. *(Eff. 7/1/15; Rev. 1/1/16; Renum 7/1/18, 1/1/19)*

4. Effective Filing Dates

No document transmitted electronically is deemed filed unless it is accepted for filing by the clerk. Electronically filed documents subject to the mandatory electronic filing requirements filed prior to midnight will be deemed filed as of that day pursuant to Code of Civil Procedure section 1010.6, subdivision ~~(d)(1)(D)~~(e)(3). However, if same day service of a document is required, the document shall be electronically filed by 5 p.m. on the court day that the filing is due. For purposes of this rule, a document is deemed filed on the date and at the time it is received by the court and a confirmation of receipt is created in accordance with California Rules of Court, rule 2.259(a)(1). Nothing in this section shall limit the clerk's authority to reject filings.

The court will issue a confirmation that the document has been received and filed in accordance with California Rules of Court, rule 2.259. The confirmation shall serve as proof that the document has been filed. *(Eff. 7/1/15; Rev. 1/1/16; Rev. & Renum 1/1/19 Renum 7/1/18; Rev. 01/01/27)*

5. Signature Requirement

If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is filed electronically. For a document to be filed electronically that provides for a signature under penalty of perjury or a document requiring signatures of opposing parties, see California Rules of Court, rule 2.257. *(Eff. 7/1/15; Renum 7/1/18, 1/1/19)*

6. Waiver of Fees

The court permits a party or attorney to electronically file an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings. The court shall consider and determine the application in accordance with Government Code sections 68630 to 68641 and California Rules of Court, rules 3.50-3.58. The party or attorney is not required to submit any documentation other than that set forth in sections 68630 to 68641. Nothing in this paragraph shall require the court to waive a filing fee that is not otherwise waivable. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with electronic filing. *(Eff. 7/1/15; Rev. 1/1/16; Renum 7/1/18, 1/1/19)*

7. Limitations on Filings

Notwithstanding any other provision of law or this rule certain original documents may not be filed electronically, including civil bench warrants, subpoenaed documents, bonds, undertakings, and original wills/codicils. Sealed documents must be filed and lodged conventionally. Any exhibit that cannot be accurately transmitted via electronic filing due to its size or type may not be electronically filed. *(Eff. 7/1/15; Rev. 1/1/16; Renum. 7/1/18, 1/1/19)*

8. Confidential Documents

Except as provided in CRC 2.250-2.259 and 2.500-2.506, an electronically filed document is a public document at the time it is filed unless it is ordered sealed under CRC 2.551(b) or filed as a confidential document pursuant to law. (CRC 2.254(c))

The filer is responsible for redacting any personal identifiers, privileged or confidential information when applicable. The clerk will not review the documents for compliance.

F. Records Under Seal

The court may direct the clerk of the Superior Court to place under seal any sexually explicit material filed with the court pending a further order of the court to unseal the material. This rule shall not preclude the rights of the parties to access any material nor shall it modify their otherwise applicable discovery obligations. *(Eff. 1/1/27)*

RULE 2.1: PHOTOGRAPHING, RECORDING, BROADCASTING AND OTHER ELECTRONIC DEVICES

Any and all "photographing" and/or "recording" of people, things, conversations, or proceedings is strictly prohibited in any court or court related facility, including, but not limited to clerks' offices, stairways, elevators, waiting areas, hallways, entrances, security screening stations, service areas, through windows, through doors, and with respect to any other accessible areas of court facilities, whether access was intended or not, absent written order from the Presiding Judge. Media requests for an exception to this restriction may be submitted in accordance with California Rules of Court Rule 1.150(e) and sub-division B of this section.

The use of photographic, video or audio recording or transmission equipment in the courtroom is prohibited without advanced permission by the Judge assigned to the affected courtroom. This includes the use of laptops and/or electronic devices by counsel or any other member of the public. The use of laptops or other electronic devices will be regulated by each individual Judicial Officer. Violators are subject to contempt of Court (*Cal. Rules of Court, rule 1.150*) and/or confiscation of the device(s).

Television cameras, video cameras and/or camera operators, still photographers, media reporters or any combination thereof shall not block corridors, block access to any courtroom or hearing room, block the ingress or egress to and from the courthouse, or block stairwells.

The use of cell phone cameras, personal digital cameras or similar portable devices will not be permitted to photograph or copy court documents in the Clerk's offices. This rule is not intended to restrict individual and attorney services from using photocopiers or scanners to copy court documents in the Clerk's offices (by appointment only). *(Eff. 1/1/12; Renum. 7/1/18; Rev. 1/1/13, 7/1/13, 1/1/22)*

A. Ceremonial Events

Unless the Court orders otherwise, this rule does not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association, mock trial competitions, weddings, adoptions or a lecture or training that is held in a courtroom when court is not in session. *(Eff. 7/1/18*)

B. Media Requests to Photograph, Record, or Broadcast

Requests for media coverage (photographing, recording or broadcasting of Court proceedings by the media using television, radio, photographic or recording equipment) in the courthouse or courtroom shall comply with the provisions of *California Rules of Court, Rule* 1.150. The clerk will notice to the attorneys of record by e-mail that a request has been filed. The Court may rule on the request at the hearing. The Court staff procedure for media requests is located on the Court's website, on the Administrative Requests page under General Information found at www.merced.courts.ca.gov.

1. Television cameras, video cameras and/or camera operators, still photographers, media reporters or any combination thereof shall not block corridors, block access to any courtroom or hearing room, block the ingress or egress to and from the courthouse, or block stairwells.

(Eff. 1/1/09; Rev. 1/1/10, 1/1/13; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19; Rev. & Renum. 1/1/20)

RULE 2.2: REMOTE APPEARANCES

A. This Local Rule supersedes all other rules or directives promulgated by the court regarding remote appearances, including telephonic appearances.

B. The court strongly encourages remote appearances in civil matters and may require remote appearances for specific hearings by its own motion. All courtrooms are equipped with audio visual technology to support remote appearances.

C. The court has one remote appearance platform available: Zoom. The Zoom platform supports both video and audio capabilities. Appearances through Zoom are available at no cost.

D. Remote appearances in contested hearings must be by video. Audio only appearances are not permitted for these hearing types.

E. Any recording, reproduction, or re-broadcasting of a court proceeding held remotely, including screenshots or other visual or audio copying of a hearing, is prohibited.

F. Participants appearing remotely will be provided the video access meeting link, the telephonic access information, or be added to the telephonic list, depending on the specific hearing type. The court may provide remote access information to the authorized participants by email, for those participants who have consented to email, or by telephone. Authorized participants are prohibited from disclosing the remote access credentials to any other person.

G. Nothing in this rule limits the discretion of the judicial officer to elect to appear in-person in the courtroom or to elect to appear remotely in the courtroom.

H. Remote Appearances in Non-Criminal Proceedings, excluding Juvenile Justice[1]:

[1]*Juvenile Justice proceedings are designated as non-criminal pursuant to Welfare and Institutions Code section 203, however CRC 3.672 and CCP 367.75 expressly do not apply to juvenile justice hearings.*

1. This Local Rule is adopted pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672.
2. Non-Criminal proceedings include all Civil, Small Claims, Family Law, Probate, Juvenile Justice[2], and Juvenile Dependency matters.
3. Parties requesting a remote appearance must provide notice to the court and all persons entitled to receive notice. The notice requirements including who must be noticed, the time deadlines for notice and required forms are set forth in California Rule of Court 3.672.

4.1. Remote Appearances in Civil, Small Claims, Family Law, and Probate.

a. The court will presume that parties set for a hearing in these Non-Criminal proceedings will be appearing in person unless the person participating in the hearing requests, or notifies the Court of their intention, to appear remotely, or the Court has ordered a remote appearance on its own motion, by tentative ruling, probate notes, or by Local Rule.

b. A remote appearance will not be permitted if the tentative ruling or probate notes posted for the hearing states that a personal appearance is required, or the court advises the person requesting to appear remotely that the judicial officer has determined that an in-person appearance is necessary to assist the determination of the hearing in question.

c. Each judicial officer may, on their own motion, order that a trial or evidentiary hearing, at which witnesses will be sworn and testimony received, will be conducted remotely, unless an objecting party establishes that a remote appearance or testimony should not be allowed, or a party fails to consent to the witness's remote appearance. An expert witness may appear remotely absent a showing by an objecting party that there is good cause to compel in-person testimony.

d. Even when a remote appearance is authorized and commences, the judicial officer may terminate a remote appearance and continue the matter so that an in-person appearance can occur if technology or audibility issues interfere with the judicial officer's ability to make a determination required by the hearing, the in-person appearance is necessary to assist in the determination of the specific hearing, the court reporter's ability to make an accurate record, counsel's ability to provide effective representation, or an interpreter's ability to provide language access.

e. Remote appearances are permitted pursuant to Family Code section 6308 and Penal Code section 18123.

[2] Juvenile Justice proceedings are designated as non-criminal pursuant to Welfare and Institutions Code section 203.

f. Any evidence to be offered should be submitted to the appropriate clerk's office in advance of the hearing.

g. For parties appearing remotely in Courtroom 7 and 13: Remote appearance arrangements, including obtaining the zoom appearance link, must be made prior to the scheduled hearing time.

~~5.~~2. Remote Appearances in Juvenile Dependency Proceedings:

a. All statutory confidentiality requirements applicable to Juvenile Dependency proceedings held in person apply equally to remote proceedings.

b. Notwithstanding the rule regarding remote trials or evidentiary hearings in non-criminal matters, a judicial officer may not require a party to appear remotely in a Juvenile Dependency matter, and a witness, including a party providing testimony, may only appear remotely with the consent of all parties.

c. Any proceeding may be conducted in whole or in part as a remote proceeding, and any person entitled to be present, not only a named party or person subject to discovery, may appear remotely absent an order granting a request by a party to compel the physical presence of a witness.

d. Any person entitled to be present under rule 5.530(b) or authorized by court order, other than witnesses, may request to appear remotely using any means, oral or written, that is reasonably calculated to ensure receipt by the court no later than the time the case is called for hearing.

e. Notwithstanding the other provisions of this Local Rule, California Rule of Court, or Code of Civil Procedure section 367.75, a party may ask the Court to appear remotely without notice or a timely request. The Court may permit the remote appearance upon a finding of good cause, unforeseen circumstances, or that allowing the remote appearance would promote access to justice.

I. Remote Appearances in Criminal Proceedings:

1. Criminal proceedings include all Traffic, Misdemeanor, and Felony matters.
2. Remote appearances will be authorized for good cause only on a case-by-case basis. Requests to appear remotely are to be submitted to the clerk's office at least two (2) business days in advance of the hearing, or as soon as circumstances necessitating the request are known to the requesting party.

3. Remote Appearances in Juvenile Justice Proceedings:

a. All juvenile justice proceedings shall be set for in-person appearances unless otherwise permitted by this rule.

b. All remote juvenile justice proceedings are subject to the provisions of Welfare & Institutions Code § 679.5 and the same statutory confidentiality requirements applicable to in-person proceedings.

c. If a minor is physically present in the courtroom, defense counsel shall be physically present unless exceptional circumstances exist.

d. Subject to the requisite notice and approval set forth below, a minor may appear remotely if, on the record, they expressly waive their right to be physically present. If a minor waives their right to be physically present and appears remotely, defense counsel may also appear remotely.

e. Notice of a request to appear remotely and the reason for the requested exception must be submitted to the clerk's office at least two (2) business days in advance of the hearing and are subject to approval by the presiding judge of the juvenile court.

f. At any time during a remote proceeding, the court may determine that an in-person appearance is necessary and continue the matter for that purpose.

(Eff. 7/1/17; Rev. & Renum. 7/1/18; Rev. 1/1/19; 7/1/20; 7/1/21; 1/1/22; 2/10/22; 7/1/22; 1/1/23; 1/1/25; 1/1/26; 7/1/26)

RULE 2.3: TOXIC, HAZARDOUS MATERIALS, AND FIREARMS (Applies to All Civil and Criminal Cases)

A. Prior to bringing any toxic, hazardous or potentially hazardous materials into the courtroom, counsel shall provide to the Court a written statement containing information as hereinafter set forth:

1. A list of the technical and street names of the said materials.
2. The types and sizes of the containers to be utilized for the materials.
3. The name of the person who will transport the materials into the courtroom.
4. Where the materials will be stored and the conditions, under which the materials will be stored, viewed, or handled.
5. The name of the person who will remove the materials.
6. An explanation as to why the material is hazardous or potentially hazardous and the remedies to be followed in the event of a spill, leak, or other accident.
7. An explanation as to why the introduction of the materials into evidence must be accomplished by their physical presence in the courtroom, rather than proof of their existence by any other method.

B. Toxic, hazardous or potentially hazardous materials shall include, but not be limited to, all chemicals, pesticides, and explosives, other than ammunition. A comprehensive list of these materials is contained in the California Code of Regulations, Title 8, section 339(3), entitled The Hazardous Substance List. Any further information concerning the list of materials provided in the aforementioned California Code of Regulations or additional information concerning other hazardous materials may be obtained by contacting the Merced County Department of Environmental Health.

C. All Evidence of this nature will remain the responsibility of the person bringing such into a courtroom. When such evidence is introduced, the Clerk will take possession and the responsibility for it and store them pending "final determination of the action." Penal Code Section 1417.1 defines "final determination" as follows:

1. When no notice of appeal is filed, thirty (30) days after the last day of filing that notice.
2. When a notice of appeal is filed, thirty (30) days after the date the Clerk receives the remittitur affirming the judgment.
3. When an order for a rehearing, a new trial, or other proceeding is granted and the ordered proceedings have not been commenced within one (1) year thereafter, one (1) year after the date of that order.
4. In cases where the death penalty is imposed, thirty (30) days after the date of execution of sentence.

D. Such exhibits must be retained by the submitting party/agency/Court until notice of final determination of the action, as defined above, or the submitting party/agency/Court has verified the fact.

E. This rule does not, nor does it intend to, interfere with or be contrary to any existing statute or case law that governs the introduction of or the viewing of evidence.

F. This rule is made for the protection of the public and all persons involved in the processes of the justice system of Merced County.

G. No firearm shall be marked as an exhibit, introduced into evidence, or otherwise handled in the courtroom, unless it has been checked by the bailiff for safety and a gunlock has been attached to the trigger.

(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/13, 1/1/14, 7/1/21)

RULE 2.4: DOMESTIC VIOLENCE PROTOCOL

This rule is adopted in conformity with Penal Code 136.2 and California Rule of Court 5.445. *(Eff. 1/1/09; Renum. 7/1/18)*

A. Definitions

For purposes of this rule:

1. "Criminal Court protective order" means any Court order issued under California Penal Code § 136.2 arising from a complaint, information, or an indictment charging a crime of domestic violence as defined in California Penal Code § 13700.
2. "Court" means all divisions of the Superior Court of the County of Merced.
3. "Cases involving child custody and visitation" include family (dissolutions, legal separations, nullities, Domestic Violence Prevention Act, parentage, petition for custody and support, Title IV-D child support matters where custody or visitation is an issue, and any other Family Law matters related to custody or visitation is an issue and any other Family Law matters related to custody or visitation), juvenile and probate guardianship proceedings.
4. All references in the Protocol to Family Court include any division of the Superior Court, hearing matters involving child custody and visitation, including Juvenile Court and Probate Court.
5. "CLETS Civil Restraining Orders" include personal conduct, residence exclusion, stay away, and other orders issued under the Domestic Violence Prevention Act in the Family Code or Section 213.5 of the Welfare & Institutions Code.

(Eff. 1/1/09; Renum. 7/1/18)

B. Purpose

This protocol is intended to set forth the procedures for communication between the Courts about the issuance of Criminal Court protective orders and Civil restraining orders including those orders involving child custody and visitation, where the same restrained person and protected person are involved in both orders. It is important to permit appropriate visitation between a Criminal defendant and their children pursuant to Civil Court orders, but at the same time provide for the safety of the victim or witness by ensuring that a Criminal Court protective order is not violated. Since there are large numbers of cases in the Criminal Courts that have related matters in the Family, Juvenile, and/or Probate Courts, it is vital that there be a process for communication between the divisions of the Court dealing with the same parties and families, and a process for the modification of orders to ensure consistency between various Court protective orders. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

C. Procedure in the Criminal Domestic Violence Court

1. Where the Restrained and Protected Persons have Children Together

When the Criminal Court issues Criminal Protective Orders protecting Victim(s), the Criminal Court shall inquire of the defendant (restrained person) whether there are any children of the relationship between the defendant and the victim (protected person), and whether there are any Court orders for custody/visitation of those children. If there are

children, the Criminal Court shall consider whether peaceful contact should be allowed for purposes of visitation of the defendant with the children. The Criminal Court shall also inquire as to whether there are any other protective/restraining orders involving the defendant and the victim. Subject to available resources, including the Court's Domestic Violence Program, the Court shall examine available data bases for existing protective or restraining orders, before issuing permanent orders. *(Eff. 1/1/09; Renum. 7/1/18)*

2. When the Protected Persons Include Minor Children of the Restrained Person

When the Criminal Court issues "No Contact" and/or "Stay Away" orders from the minor children of the defendant, the Criminal Court shall notify the defendant of their rights to seek a modification, and of the necessity of returning to the Criminal Court to modify the Criminal Court protective order. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/14, 7/1/21)*

3. When the Victim is Present in the Criminal Court

If the victim is present in Criminal Court when the Criminal Protective Order is issued, the Court shall provide the victim with a copy of the Criminal Protective Order. If the victim is not present in Court, the Court will provide a copy to the District Attorney. The District Attorney shall send a copy to the victim at their last known address. *(Eff. 1/1/09; Rev. 1/1/13; Renum. 7/1/18)*

4. Modification of Criminal Protective Orders in Criminal Court

Because Criminal protective orders supersede Civil protective orders, to the extent they are inconsistent, it is important that the modification process be easily accessible. Merced Superior Court has created local form MSC-CR-030 Request for Hearing on Protective Order Modification for this purpose. The form is available at www.merced.courts.ca.gov.

a. The District Attorney's Office may, at any time, place the issue before the Court at the request of a protected person or the Family, Juvenile, or Probate Court.
b. The Probation Department may place the issue before the Court at the request of a defendant, protected person, or the Family, Juvenile, or Probate Court.
c. The defendant or their counsel may place the issue before the Court.
d. The protected person or attorney for the protected person may request a hearing for modification of a protective order.
e. The Family Law judicial officer may recommend a modification by directing an attorney or party to complete the request form, attach a copy of a Minute Order reflecting the judicial officer's recommendation, and file the request with the Criminal Court.
f. Upon a proper request pursuant to this protocol, the Court may place the matter on calendar. The Court, in its discretion, may prepare a Standing Order for this purpose.

g. Copies of any applicable CLETS Civil restraining orders and custody and visitation orders shall be attached to the Request for Hearing on Protective Order Modification. The request shall have the case numbers of the Criminal Court case as well as any Family, Juvenile, or Probate cases involving the defendant and the protected person on it. Copies of the request shall be placed in all applicable Court files. The requesting party will be responsible for service on all appropriate parties and agencies, including the District Attorney's Office, the Probation Department (if the defendant is on formal probation), defense counsel, the defendant, and/or the protected person at least five (5) days before the hearing. If the requesting party is not the protected person, the District Attorney's office shall send a copy of the request to the protected person at their last known address. The Sheriff's Office shall include service of these documents with their current process for Civil restraining order service.

(Eff. 1/1/09; 1/1/16; Renum. 7/1/18; Rev. 1/1/13, 7/1/21)

D. Procedure After the Criminal Court Hearing on Modification

After the hearing on Modification of the Protective Order, the Criminal Court shall send a copy of the modified protective order or order denying request to modify Criminal protective order (or Minute Order) to the applicable Family, Juvenile, and/or Probate Court for inclusion in its files. If the requesting party is not the protected person, the District Attorney shall send a copy of the modified Criminal Protective Order, or the order denying the request to modify Criminal protective order (or Minute Order) to the protected person at their last known address. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

E. Procedure in Family, Juvenile, and Probate Courts

1. Criminal Record Information to Be Made Available to the Civil Courts

Subject to available resources, the Family, Juvenile, and Probate Courts or their designee(s) shall review court records for existing restraining/protective orders involving the same restrained and protected parties before issuing permanent CLETS Civil Restraining Orders. *(Eff. 1/1/09; Renum. 7/1/18)*

2. Provisions for Safe Access to Children

Any order of the Family, Juvenile, or Probate Court that permits contact between a restrained person subject to CLETS restraining orders and their children shall contain specific language setting forth the schedule for such contact and the safe exchange of the children. Such an order shall not contain language that conflicts with a Criminal Protective Order that provides for no contact with, or limits access to, the other parent. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

F. Communication Between the Courts and Related Agencies

1. Subject to available resources, any Court issuing protective/restraining orders must make reasonable inquiries to determine the existence of other protective/restraining orders involving children of the protected and restrained parties.
2. Any division of the Superior Court may provide copies of Criminal Protective Orders, CLETS Civil Restraining Orders, Court Minutes, and applicable custody and visitation orders to other divisions of the Court.

(Eff. 1/1/09; Renum. 7/1/18)

RULE 2.5: UNIFORM INSTRUCTIONS FOR PRESENTATION OF ELECTRONIC EXHIBITS

The Merced Superior Court will not provide technical assistance for the prosecution or defense in the presentation, playback, review, or submission of electronic exhibits and/or electronic evidence at any hearing, court trial or jury trial. Electronic exhibits include, but are not limited to VHS videotapes, DVDs, Power Point presentations, audio tapes and digital images.

A. Electronic Exhibits Presented in Court

Electronic exhibits presented in court shall conform to the following standards:

1. Electronic exhibits presented as evidence shall contain only the content that is to be viewed and heard by the judge and jury.
2. In an effort to protect both the prosecution and defense, the court will not provide an IT staff member to playback and/or review electronic exhibits.
3. Static digital images, such as photographs and Power Point style presentations, must be submitted in both electronic and printed format. Other types of media must be submitted in a format compatible with those authorized by the Court. See sub-section B for a list of compatible formats.
4. Any equipment required to view and/or listen to electronic exhibits including laptops, projectors, and DVD/CD players is the responsibility of the party who presents the evidence. Some audio-video presentation equipment may be available through the Court upon request, provided the court receives local form #MSC-AD-011, Court Audio-Video Equipment Request Form two (2) court days prior to the scheduled court date and time. The form and a list of available audio-video equipment is on the Court website.

B. Court Authorized Electronic Evidence Formats

1. Cassette Tapes
   a. Standard audio cassette tape.
2. CD-ROM/CD-R/CD-RW:
   a. Music CD;

b. Video CD format;
c. MP3 audio tracks and JPEG image files of format conforming to ISO 9660 Level 1/Level 2, or its extended format, Joliet;
d. KODAK Picture CD format;
e. .av format packaged with appropriate Insight AV Player files.

3. DVD-ROM/DVD+RW/DVD+R/DVD-RW/DVD-R:
   a. MP3 audio tracks and JPEG image files of format conforming to ISO 9660 Level 1/Level 2, or its extended format, Joliet;
   b. S8 cm DVD+RW, DVD-RW, and DVD-R recorded with a DVD Video camera;
   c. .av format packaged with appropriate Insight AV Player files.
   d. The following formats are not acceptable:
      (1) Formats not listed above;
      (2) PHOTO CD format;
      (3) Data part of CD-Extras;
      (4) DVD Audios;
      (5) HD layer on Super Audio CDs;
      (6) DVD-RAMs;
      (7) DVD VIDEO's with a different region code;
      (8) A disc recorded in a color system other than NTSC;
      (9) A non-standard shaped disc (e.g. card, heart).
4. Documents:
   a. PDF-A;
   b. Microsoft Office compatible format.
5. Images:
   a. JPEG;
   b. GIF;
   c. PNG;
   d. TIFF.

(Eff. 1/1/2010; Rev. 1/1/19)

RULE 2.6: COURT FILE RETRIEVALS AND VIEWING

A. Public Index Research

All attorneys, parties, proprietary records research vendors and members of the public shall search the Court's public portal for case numbers and or case names of files they wish to review.

B. Court Files Located at the Courthouse

There is no retrieval fee for files viewed at the courthouse; however, search fees may be applicable. Attorneys, parties, proprietary records research vendors and members of the public may request clerks to search the case management system for cases up to 10 minutes per day. Search fees will apply for assistance of more than 10 minutes per day

and may be requested by submitting Local Form Record/Search/Copy Requests MSC-RR-001.

RULE 3: CIVIL RULES

RULE 3.1: CIVIL LAW AND MOTION GENERALLY

A. Waiver of Right to Appear

Any party may waive their right to appear at any Law and Motion hearing by providing the Court and all counsel with written notice of their intent not to appear and to waive oral argument. If the party has filed documents in support or in opposition to a law and motion matter, the Court will consider the non-appearing party's position based upon the documents filed. A written notice of intent not to appear shall be deemed a waiver of oral argument. One party's notice of intent not to appear shall not impair any other party's right to appear and argue their respective position, provided the party gives timely notice of intent to appear when required by rule 3.1(F). *(Eff. 7/1/04; Rev. 1/1/13, 7/1/13; Rev. & Renum. 7/1/18)*

B. Failure to Comply with Rules

Failure to file a Memorandum of Points and Authorities by the filing deadline or to comply with rule 3.1113, California Rules of Court, is a waiver of the memorandum; and in the case of the moving party, the failure to timely file may be considered an admission that the motion is without merit. *(Eff. 7/1/04; Rev. 1/1/09; Renum. 1/1/13, 7/1/18)*

C. Tagging Attachments and Exhibits

All attachments and exhibits shall comply with California Rules of Court, rule 3.1110 and rule 3.1113. *(Eff. 7/1/04; Rev. 1/1/09; Rev. & Renum. 1/1/13; Renum. 7/1/18)*

D. Evidence at Hearings

As stated in California Rules of Court, rule 3.1306, oral testimony is not allowed at a law and motion hearing except by order of the Court for good cause shown. If counsel seeks permission to introduce oral testimony, the statement required by rule 3.1306 must include an explanation as to why the evidence cannot be presented by declaration or affidavit. *(Eff. 7/1/04; Rev. 1/1/09; Rev. & Renum. 1/1/13; Renum. 7/1/18)*

E. Tentative Rulings

Tentative rulings in civil law and motion matters are posted pursuant to California Rules of Court, rule 3.1308 and require notice of intent to appear. Tentative rulings are not required, but any Judicial Officer who does issue tentative rulings will use the procedure

set forth in rule 3.1308(a)(1). Tentative rulings will be made available by telephone at 209-725-4240 and by posting on the Court's website at www.merced.courts.ca.gov no later than 3:00 p.m. on the Court day preceding the scheduled hearing.

If the Court has not directed argument in the tentative ruling, oral argument is permitted only if a party intending to appear notifies all other parties by telephone or in person by 4:00 p.m. on the Court day before the hearing of the party's intention to appear. A party also must notify the Court by telephone of the party's intention to appear by calling 209-725-4240 by 4:00 p.m. on the Court day before the hearing. The tentative ruling will become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been given. *(Eff. 7/1/04; Rev. 1/1/13, 7/1/16, 1/1/17; Renum. 7/1/18)*

F. Preparation of Order after Hearing

Unless the Court orders otherwise or prepares the order after hearing on its own, the prevailing parties shall prepare a written order following any hearing on the Law and Motion calendar.

If the prevailing party does not prepare an order after hearing within ten (10) days of the hearing and does not communicate the reason for the delay to the other party, then the other party may prepare the order and process it. *(Eff. 7/1/04; Renum. 7/1/18)*

G. Destruction of Exhibits in Civil Matters

All exhibits, dispositions or administrative records retained by the Court in any civil matter shall be disposed of in accordance with the California Code of Civil Procedure sections 1952-1952.3. *(Eff. 1/1/12; Rev. 1/1/13; Renum. 7/1/18)*

H. *Ex Parte* Matters

Ex parte applications and orders in civil cases are governed by California Rules of Court, rules 3.1200-3.1207. (*Ex parte* requests for orders in Family Court cases are governed by California Rules of Court, rules 5.151-5.170 and Local Rule 411.) The Court requests that the party seeking an *ex parte* order submit the application and all supporting papers and fees to the clerk for filing no later than 2:00 p.m. on the Court day preceding the hearing. *Ex parte* applications are noticed for hearing at 1:15 p.m. for each court day in the Civil Law and Motion courtroom and the Robert Falasco Justice Center in Los Banos, or as designated by the Court. *(Eff. 7/1/04; Rev. & Renum. 7/1/18; Rev. 1/1/13, 7/1/13, 1/1/17, 7/1/20)*

1. Restraining Orders

   a. Petitioner is required to complete and file an original and two copies of the initial forms and the proposed orders if filing in person or by mail; only one is required if e-filing. The forms must be accompanied by the filing fee or

fee waiver forms (FW-001 Request to Waive Fees and FW-003 Order on Court Fee Waiver). The required forms for civil restraining orders are:

(1) Civil Harassment
   (i) CM-010 Civil Case Cover Sheet;
   (ii) CLETS-001 Confidential CLETS Information;
   (iii) CH-100 Request for Civil Harassment Restraining Orders, plus any attachments;
   (iv) CH-109 Notice of Court Hearing;
   (v) CH-110 Temporary Restraining Order;
   (vi) CH-130 Civil Harassment Restraining Order After Hearing

(2) Elder or Dependent Adult Abuse
   (i) CM-010 Civil Case Cover Sheet;
   (ii) CLETS-001 Confidential CLETS Information
   (iii) EA-100 Request for Elder or Dependent Adult Abuse Restraining Orders, plus any attachments;
   (iv) EA-109 Notice of Court Hearing;
   (v) EA-110 Temporary Restraining Order;
   (vi) EA-130 Elder or Dependent Adult Abuse Restraining Order After Hearing

(3) Gun Violence
   (i) CM-010 Civil Case Cover Sheet;
   (ii) CLETS-001 Confidential CLETS Information
   (iii) GV-100 Petition for Gun Violence Restraining Orders, plus any attachments;
   (iv) GV-109 Notice of Court Hearing;
   (v) GV-110 Temporary Gun Violence Restraining Order;
   (vi) GV-130 Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order

(4) Workplace Violence
   (i) CM-010 Civil Case Cover Sheet;
   (ii) CLETS-001 Confidential CLETS Information
   (iii) WV-100 Petition for Workplace Violence Restraining Orders, plus any attachments;
   (iv) WV-109 Notice of Court Hearing;
   (v) WV-110 Temporary Restraining Order;
   (vi) WV-130 Workplace Violence Restraining Order After Hearing

(5) School Violence
   (i) CM-010 Civil Case Cover Sheet;
   (ii) CLETS-001 Confidential CLETS Information

(iii) SV-100 Petition for Private Postsecondary School Violence Restraining Orders, plus any attachments;
(iv) SV-109 Notice of Court Hearing;
(v) SV-110 Temporary Restraining Order;
(vi) SV-130 Private Postsecondary School Violence Restraining Order After Hearing

b. The decision on whether or not to grant a temporary order is made on the pleadings. The filings will be reviewed by a Judicial Officer and a decision is made within 1-2 business days.

c. The party is to check back with the clerk's office to see if a decision has been made on their request. Once a decision is made, the forms are filed with the court and a hearing date is scheduled. Copies can be obtained from the clerk's office.

d. Personal service on the respondent is required at least five (5) days before the hearing pursuant to California Rules of Court, rule 3.1160(c). Petitioner cannot serve the documents themselves; someone over the age of 18 who is not a party or a witness in the matter can serve the documents. The Merced County Sheriff's Department-Civil Division provides this service. Their fee is waived if a Request to Waive Fees as been granted by the Court.

I. Courtesy Copies

(1) Courtesy copies are required for any filed document or motion requiring court review, action, or signature that exceeds fifty (50) pages. Provide courtesy copies in paper format, properly tabbed and bound, with a table of contents.
For all papers filed by conventional paper filing, courtesy copies shall be lodged with the court at the time of filing.
For all papers filed fewer than seven (7) court days before the hearing, courtesy copies shall be lodged with the court on the day of filing.
For papers filed by electronic filing seven (7) or more court days before the hearing, courtesy copies shall be lodged no later than two (2) court days after the date of electronic filing.

(2) Failure to lodge courtesy copies of moving papers as required by statute, rule or court order may, in the discretion of the judicial officer presiding over the hearing, result in denial of the motion, continuance of the hearing, or taking the motion off calendar. Failure to lodge courtesy copies of opposition papers as required by statute, rule or court order may, in the discretion of the judicial officer presiding over the hearing, result in the granting of the motion or continuance of the hearing. Failure to lodge courtesy copies of reply papers as required by statute, rule or court order may,

in the discretion of the judicial officer presiding over the hearing, result in the reply papers not being considered.

(3) Courtesy copies are not required for the appellate division.

(Eff. 7/1/21; Rev. 7/1/22; Rev. 1/1/27)

RULE 3.2: ADMINISTRATIVE RECORDS

Any administrative records lodged with the court must be submitted in an electronic format. Records consisting of 25mb or less may be e-filed. Larger records are to be submitted on USB, CD or DVD. The records must be both searchable and readable. The pages of the administrative record must be numbered consecutively. *(Eff. 1/1/23; Rev. 7/1/23)*

RULE 3.3: SUMMARY JUDGMENT AND SUMMARY ADJUDICATION

Pursuant to rule 3.20, California Rules of Court, all local Court rules relating to Summary Judgment motions are preempted by Rules 3.1350-3.1354 of the California Rules of Court. *(Eff. 7/1/04; Renum. 7/1/18)*

RULE 3.4: ATTORNEY'S FEES UPON DEFAULT JUDGMENT

Upon entry of default judgment, the following attorney's fees shall be awarded under normal conditions, or included in the judgment by the clerk in actions on promissory notes, contracts and foreclosures:

20% or $400.00 whichever is greater on the first $5,000.00 of principal
10% on the next $20,000.00 of principal
5% on the next $25,000.00 of principal
2% on the next $50,000.00 of principal
1% on all principal amounts in excess of $100,000.00

"Principal" as used herein means the principal obligation owing under the promissory note and/or the contract exclusive of any interest or penalties.

In any default proceedings involving a foreclosure of a mortgage or trust deed, the attorney's fees shall be computed as set forth herein above and increased by 10%.

In any unlawful detainer action involving residential premises, whereupon judgment is obtained following entry of default, the clerk may enter attorney's fees of $400.00.

In all contested cases, the trial Court shall establish attorney's fees based upon the length of the trial, the difficulty of the issues, the experience of the attorney and any other factors which the Court deems relevant to establish a reasonable attorney fee. *(Eff. 1/1/12; Renum. 7/1/18)*

RULE 3.5: CASE MANAGEMENT

A. General

1. In accordance with and as required by, California Rules of Court, rule 3.720, the Court has adopted the following procedures to evaluate each case and assign each case to a case-management plan. The Court will use the factors listed in California Rules of Court, rule 3.715, in evaluating cases and selecting a case-management plan. Additional information is provided on the Court's website at www.merced.courts.ca.gov.

2. All parties or their counsel of record must file and serve a Case Management Statement using the mandatory Case Management Statement Form (CM-110). Such statement must be filed no later than 15 calendar days before the date set for the case management conference or review as specified in California Rules of Court, rule 3.725.

3. All applicable items must be completed on Form CM-110. Any answer for which there is not sufficient space on the forms shall be completed on an attached sheet. In lieu of each party filing a separate Case Management Statement, any two or more parties may file a joint statement. Unless the Court orders another time period, all parties must meet and confer in person or by telephone no later than 30 calendar days before the date set for the management conference to consider each of the subjects listed in California Rules of Court, rules 3.724 and 3.727.

This rule applies to all "general civil cases" as specified in California Rules of Court, rule 3.712. *(Eff. 7/1/04; Rev. 1/1/09, 1/1/13, 7/1/13, 1/1/16, 1/1/17; Renum. 7/1/18)*

B. Case Management Conference and Order

1. Upon the filing of any complaint or other initial pleading in any case included with this rule 3.5, the clerk will provide the filing party with a "Notice of Inclusion in Delay Reduction Program/Notice of Case Management Conference." Said Notice must be served along with the complaint or other initial pleading. A copy of the Notice will be placed in the Court file.

   a. The case management conference will be held no later than 150 days after the filing of the initial pleading before a Court official designated by the Presiding Judge. Unless notified by the Court that no appearance is necessary**,** all parties or their attorneys must be present at the conference or appear by telephonic conference call, and must be prepared to discuss all elements of the case inquired into on the Case Management Form and the subjects listed in California Rule of Court, rule 3.727.

   b. At the Case Management Conference, the Court will enter a Case Management Order setting a schedule for subsequent proceedings, and

otherwise providing for management of the case as specified in California Rules of Court, rule 3.728.

c. A trial date may be assigned at either the first or the second Case Management Conference. The date will be in the twelfth (12th) month following the date the complaint was filed. A date for a mandatory settlement conference will also be set in the eleventh (11th) month following the date the complaint was filed.

(Eff. 7/1/04; Rev. 1/1/09, 1/1/13; Rev. & Renum. 7/1/18)

C. Civil Pre-Trial Conferences

1. Pre-Trial Settings

Pre-trial conferences will not be set unless a party, at the Case Management Conference, files a declaration setting forth facts indicating that a pre-trial conference is justified, and the court-assigned Judicial Officer so finds and orders. *(Eff. 7/1/04; Rev. 1/1/13, 1/1/18; Renum. 7/1/18)*

2. Pre-Trial Conference Procedure

a. The parties shall confer before the date assigned for a pretrial conference to reach agreement upon as many matters as possible and shall prepare jointly, or each shall prepare, and submit before the conference, a written statement of the matters agreed upon.
b. The parties shall be prepared to respond to any inquiry by the Court assigned judicial officer as to the possibility of a settlement of the case.

(Eff. 7/1/04; Rev. 1/1/13, 1/1/18; Renum. 7/1/18)

D. Case Management Conference Statements

Pursuant to California Rule of Court, rule 3.725(a), each party must file a case management conference statement (or joint statements) no later than 15 calendar days before the date set for the case management conference.

Failure to file a CMC statement (or joint statement) timely may result in the imposition of monetary sanctions in the amount of $25.00 pursuant to California Rule of Court, rule 2.30. *(Eff. 7/1/17; Renum. 7/1/18)*

E. Assignment to One Judge for All or Limited Purpose; Complex Cases

To promote the efficient administration of justice, the Court maintains a direct calendar system with cases generally assigned to one courtroom for all purposes including

trial. The Presiding Judge, Assistant Presiding Judge, or designee may assign and re-assign cases to other courtrooms. *(Eff. 7/1/04; Rev. 1/1/09, 1/1/13; Renum. 7/1/18)*

RULE 3.6: SETTLEMENT CONFERENCES

A. Requirement of Settlement Conferences

A settlement conference is required in all civil trial matters. The time, date and place of the mandatory settlement conference will be set at the Case Management Conference and included in the Case Management Conference Order. At the request of any party or on the Court's own motion, the Court may set a settlement conference in addition to the mandatory conference.

Mandatory Settlement Conferences are court proceedings, whether conducted in person or by video, and may not be photographed and/or recorded except by court order as permitted by California Rules of Court, rule 1.150(e) and Local Rule 2.1, sub-division B. *(Eff. 7/1/04; Renum. 7/1/18; Rev. 7/1/23)*

B. Persons Attending

Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the Court for good cause shown. If any consent to settle is required for any reason, the party with that authority must be personally present at the conference. The Court may impose sanctions in the event of an unexcused absence of principal or insurer.

Where the consent of a spouse, business partner, or other person is necessary to achieve settlement, counsel shall, prior to the date set for the settlement conference, obtain the attendance of that person, even if not a party to the litigation. Further, in any case that requires the consent of an insurance carrier or company representative to settle, an employee of the insurer or company representative with full settlement authority shall be personally present. A representative retained solely for the purpose of attending the settlement conference will not be acceptable. If, however, the insurance carrier has no claims offices within California and the Court has been notified, the personal attendance of a representative of the insurer shall not be required, but a representative of the insurer shall be required to be immediately available by telephone until released by the Court, regardless of the time zone.

Experience has demonstrated the importance and necessity of the presence of all persons whose consent will be required for binding settlement agreement. Therefore, only extraordinary circumstances will excuse the non-appearance at the conference of the principals and authorized representative of the insurer. *(Eff. 7/1/04; Rev. 7/1/14; Renum. 7/1/18)*

C. Each Party to Be Prepared

At the conference each plaintiff or party seeking affirmative relief or recovery shall be prepared to make their minimum request, and each defendant shall be prepared to make their highest offer.

In each case, counsel who attends the conference shall be thoroughly familiar with the case and shall be prepared to discuss it. *(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/13, 7/1/21)*

D. Mandatory Settlement Conference Statements

It is mandatory that all parties or counsel shall, at least five (5) court days prior to the scheduled hearing, file with the Clerk of the Superior Court and serve on each party, a mandatory settlement conference statement on Local Form MSC-CV-051 containing the following:

1. The names of all parties, including interveners and their representatives;
2. A detailed discussion of all facts and law pertinent to the issues of liability and damages involved in the case;
3. A good faith settlement demand and an itemization of economic and non-economic damages by each plaintiff;
4. A good faith offer of settlement by each defendant.

Failure to file a Settlement Statement timely may result in the imposition of monetary sanctions in the amount of $100.00 pursuant to California Rule of Court, rule 2.30. *(Eff. 7/1/04; Renum. 7/1/18; Rev.7/1/23)*

E. Participation in Good Faith

For a meaningful conference, all attorneys and/or the parties must agree to participate in good faith. Any failure of an attorney to prepare for, appear at, and 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. *(Eff. 7/1/04; Renum. 7/1/18)*

F. Failure to Appear

If at the time of the scheduled settlement conference, plaintiff or those parties seeking affirmative relief fail to appear, the Court may order the trial date vacated and/or impose monetary sanctions. Written notice thereof will be mailed to all parties, or their counsel of record as ordered by the Court. If the defendant or other responsible party fails to appear at the settlement conference and good cause is not shown, the Court may impose sanctions by way of costs, actual expenses, and counsel fees and order the case to proceed to trial on the date assigned. *(Eff. 7/1/04; Renum. 7/1/18)*

G. Failure of Settlement Conference

In the event settlement negotiations are not successful, counsel should expect and be prepared to proceed to trial on the date scheduled. Every effort will be made by the Court to ensure that the case goes to trial on the date scheduled. *(Eff. 7/1/04; Renum. 7/1/18, 7/1/23)*

H. Notice of Settlement or Dismissal

If a case is settled or otherwise disposed of, the plaintiff must immediately file written notice of the settlement or other disposition with the Court and serve the notice on any arbitrator or other Court-connected ADR neutral involved in the case. If a hearing, conference or trial is imminent oral notice must be given to all of the above. The Court will impose sanctions for failure to provide it with timely notice of settlement.

A request for dismissal must be filed by Plaintiff within forty-five (45) days after the date of settlement unless the settlement agreement conditions dismissal on the satisfactory completion of terms that are not to be performed within forty-five (45) days of the settlement. If the settlement contains such terms, then the settlement must specify the date by which the dismissal is to be filed.

If plaintiff does not file a request for dismissal within forty-five (45) days after settlement or forty-five (45) days after the date set for dismissal, the Court will either: 1) dismiss the case; or 2) require Plaintiff or Plaintiff's counsel to appear and show cause why sanctions should not be ordered for failure to file the required request for dismissal. *(Eff. 7/1/04; Renum. 7/1/18; 7/1/23)*

I. Further Settlement Conference

To ensure that the parties have a meaningful opportunity to explore all avenues for settlement prior to trial, the Court may set the matter for a further settlement conference prior to the date set for trial or remove the case from the trial calendar and order the parties to obtain a new settlement conference and trial date. *(Eff. 7/1/14; Renum. 1/1/16, 7/1/18; 1/1/19; 7/1/23)*

RULE 3.7 PROCEDURES FOR HANDLING COMPLAINTS ABOUT COURT-PROGRAM MEDIATORS

A. Application

The rules in this chapter establish the Court's procedures for receiving, investigating, and resolving complaints about mediators in the Court's Mediation Program for general civil cases, as required by rule 3.868 of the California Rules of Court. Nothing in these rules should be interpreted in a manner inconsistent with rule 3.868 of the California Rules of Court or as limiting the Court's inherent or other authority, in its sole and absolute discretion, to determine who may be included on or removed from its list of mediators or who may be recommended, selected, appointed, or compensated as a mediator

by the Court. These rules also do not limit the Court's authority to follow other procedures or take other actions to ensure the quality of mediators who serve in the Court's mediation program in contexts other than when addressing a complaint. The failure to follow a requirement or procedure in these rules will not invalidate any action taken by the Court in addressing a complaint. *(Eff. 1/1/10; Rev. 1/1/13; Renum. 7/1/18)*

B. Definitions

As used in this chapter:

1. "The rules of conduct" means the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases set out in rules 3.850-3.860 of the California Rules of Court.
2. "Court –Program Mediator" means a mediator who:
    a. Has agreed to be included on the Court's list or panel of mediators for general civil cases and is notified by the Court or the parties that they have been selected to mediate a case within the Court's mediation program; or,
    b. Has agreed to mediate a general Civil case in the Court's mediation program after being notified by the Court or the parties that they were recommended, selected, or appointed by the Court or will be compensated by the Court to mediate that case.
3. "Inquiry" means an unwritten communication presented to the Court's complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.
4. "Complaint" means a written communication presented to the Court's complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.
5. "Complainant" means the person who makes or presents a complaint.
6. "Complaint Coordinator" means the person designated by the Presiding Judge to receive complaints and inquiries about the conduct of mediators.
7. "Complaint proceeding" means all of the proceedings that take place as part of presenting, receiving, reviewing, responding to, investigating, and acting on any specific inquiry or complaint.
8. "Mediation communication" means any statement that is made or any writing that is prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation, as defined in Evidence Code section 1115, and includes any communications, negotiations, and settlement discussions between participants in the course of a mediation or a mediation consultation.

(Eff. 1/1/10; Renum. 7/1/18)

C. Confidentiality

1. Preserving the confidentiality of mediation communications. All complaint proceedings will be conducted in a manner that preserves the confidentiality of mediation communications, including but not limited to the confidentiality of

any communications between the mediator and individual mediation participants or subgroups of mediation participants.

2. Confidentiality of complaint proceedings. All complaint proceedings will occur in private and will be kept confidential. No information or records concerning the receipt, investigation, or resolution of an inquiry or a complaint will be open to the public or disclosed outside the course of the complaint proceeding except as provided in rule 3.871(d) of the California Rules of Court or as otherwise required by law.

(Eff. 1/1/10; Renum. 7/1/18)

D. Submission of Inquiries and Complaints to the Complaint Coordinator

All inquiries and complaints should be submitted or referred to the complaint coordinator. *(Eff. 1/1/10; Renum. 7/1/18)*

E. Addressing Inquiries

If the complaint coordinator receives an inquiry, the coordinator must inform the person making the inquiry that the complaint procedure provides for investigation of written complaints only and that the person should submit a written complaint if they want the Court to conduct an investigation or take action. If the person does not submit a complaint, the complaint coordinator may prepare a written summary of the inquiry. *(Eff. 1/1/10; Renum. 7/1/18)*

F. Acknowledgement and Preliminary Review of Complaints

1. Acknowledgment of Complaints

When the complaint coordinator receives a complaint, the coordinator will send the complainant a written acknowledgment of this receipt.

2. Preliminary Review of Complaints

a. The complaint coordinator will review each complaint to determine whether it warrants investigation or can be promptly, informally, and amicably resolved or closed. The coordinator may:
   (1) Informally contact the complainant to obtain clarification or additional information or to provide information that may address the complainant's concern.
   (2) Communicate informally with the mediator to obtain the mediator's perspectives.
b. If it appears to the complaint coordinator that the mediator may have violated a provision of the rules of conduct, the complaint coordinator must inform the mediator about the complaint and give the mediator an opportunity to provide an informal response.

c. The complaint coordinator may close a complaint without initiating an investigation if:
   (1) The complaint is withdrawn by the complainant;
   (2) No violation of the rules of conduct appears to have occurred or the complaint is without sufficient merit to warrant an investigation;
   (3) The conduct alleged would constitute a very minor violation of the rules of conduct, the coordinator has discussed the complaint with the mediator, and the mediator has provided an acceptable explanation or response; or
   (4) The complainant, the mediator, and the complaint coordinator have agreed on a resolution to the complaint.

(Eff. 1/1/10; Renum. 7/1/18)

G. Appointing an Investigator or a Complaint Committee

The Presiding Judge will appoint an investigator who has experience as a mediator and is familiar with the rules of conduct, or a complaint committee that includes at least one such individual, to investigate and make recommendations concerning any complaint that is not resolved or closed by the complaint coordinator as a result of the preliminary review. *(Eff. 1/1/10; Renum. 7/1/18)*

H. Investigations

1. Application

The procedures in this rule apply only if a complaint is not resolved or closed through the preliminary review or if the complaint coordinator initiates an investigation under (c).

2. Referral of a Complaint for Investigation

If a complaint is not closed as a result of the preliminary review, the complaint coordinator will refer it to the investigator or complaint committee for investigation. The complaint coordinator will provide the investigator or complaint committee with a summary of the preliminary review that includes:

a. A copy of the complaint;
b. A copy or summary of any response from the mediator;
c. A list of any violations of the rules of conduct that it appears may have occurred; and
d. Copies of any previous complaints about the mediator and any written summaries of inquiries that are relevant to the current complaint.

3. Initiation by the Complaint Coordinator

The complaint coordinator may initiate an investigation based on information received from any source, including an inquiry, indicating that a mediator may have violated a provision of the rules of conduct. To initiate the investigation, the complaint coordinator must refer the information received to an investigator or complaint committee with a list of the violations of the rules of conduct that is appears may have occurred.

4. Mediator's Notice and Opportunity to Respond

    a. The investigator or complaint committee must provide the mediator with a copy of the materials provided to the investigator or complaint committee by the complaint coordinator under (b) or (c).
    b. The mediator will be given an opportunity to respond to the complaint and the list of apparent violations.

5. Preparing Report and Recommendation

The investigator or complaint committee will conduct the investigation that the investigator or complaint committee considers appropriate. Thereafter, the investigator or complaint committee will prepare a written report that summarizes the investigation and states the investigator's or complaint committee's recommendation concerning the final decision on the complaint. The investigation or complaint committee may recommend one or more actions that are permissible under rule 3.870 of the California Rules of Court.

6. Informing Mediator of Recommendation

The investigator or complaint committee may inform the mediator of its recommendation and inquire whether the mediator accepts that recommendation. If the mediator accepts the recommendation, the investigators or complaint committee's report must indicate this.

7. Report and Recommendation

The investigator or complaint committee must submit its report and recommendation to the complaint coordinator. The complaint coordinator must promptly forward a copy of the report and recommendation to the Presiding Judge or to their designee.

8. Final Decision on a Complaint That Was Investigated

    a. Responsibility for Final Decision

        The Presiding Judge is responsible for making the final decision about the action to be taken on any complaint that was investigated under rule 3.7 or for designating another Judicial Officer or a committee that includes a Judicial Officer to perform this function.

b. Acting on Recommendation

(1) Within thirty days (30) after the investigator's or complaint committee's recommendation is forwarded to the Presiding Judge or the Presiding Judge's designee, the Presiding Judge or designee may submit to the complaint coordinator a decision:

(i) Affirmatively adopting the investigator's or complaint committee's recommendation as the final decision on the complaint; or
(ii) Directing a different action that is permissible under rule 3.870 of the California Rules of Court.

(2) If the Presiding Judge or their designee does not submit a decision within thirty days (30) after the complaint committee's recommendation is forwarded, as provided in (1), the investigator's or complaint committee's recommendation will become the final decision on the complaint.

c. Notification of final action

The complaint coordinator must promptly notify the complainant and the mediator in writing of the final action taken by the Court on the complaint.

d. Authorized disclosures

After the decision on a complaint, the Presiding Judge, or a person whom the Presiding Judge designates to do so, may authorize the public disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized under this subdivision include the name of a mediator against whom action has been taken, the action taken, and the general basis on which the action was taken. In determining whether to authorize the disclosure of information or records under this subdivision, the Presiding Judge or designee should consider the purposes of the confidentiality of complaint proceedings stated in rule 3.871 of the California Rules of Court.

9. Interim Suspension Pending A Final Decision on A Complaint

If the preliminary review or the investigation indicates that a mediator may pose a threat of harm to mediation participants or to the integrity of the Court's mediation program, the Presiding Judge or the other judicial officer or committee designated by the Presiding Judge to make the final decision about the action to be taken on any complaint may suspend the mediator from the Court's panel or list pending final decision on the complaint. The complaint coordinator may make a recommendation to the Presiding Judge or the designee regarding such a suspension.

(Eff. 1/1/10; Renum. 1/1/17; Rev. & Renum. 7/1/18; Rev. 1/1/13, 1/1/16, 7/1/21)

RULE 3.8: NOTICE OF STAY

Any party who requests a stay must immediately file a notice of the stay and attach a copy of the order or document showing that the proceedings are stayed. If the person who requests the stay has not appeared or is not subject to the jurisdiction of the Court, the plaintiff must immediately file a notice of the stay and attach a copy of the order or other document showing the proceedings are stayed. This section applies to cases stayed for the following reasons:

A. Order of a Federal Court or higher State Court;
B. Contractual arbitration under section 1281.4 of the Code of Civil Procedure;
C. Arbitration of attorney fees and costs under section 6201 of the Business and Professions Code; or
D. Automatic stay caused by a filing in another Court.

(Eff. 7/1/04; Renum. 7/1/18)

RULE 4: CIVIL JURY TRIALS

A. Deposit of Jury Fees

The deposit of advance jury fees, and of daily fees and mileage, shall be made as required by California Code of Civil Procedure section 631. *(Eff. 7/1/04; Rev. 1/1/13, 1/1/14; Renum. 7/1/18)*

B. Failure to Post

Failure to deposit advance or daily fees as required will be deemed a waiver of trial by jury. The Court, in its discretion, may proceed to trial without a jury, dismiss an empaneled jury, or upon such terms as may be just, proceed with a jury. *(Eff. 7/1/04; Rev. 1/1/13; Renum. 7/1/18)*

C. Payment for Food, Lodging and Other

Expenses in a civil action in which a jury has been sworn, the expenses for food, lodging and other reasonable necessities which are incurred shall be borne by the depositing parties. Before any such expenses are incurred, the Clerk at the trial shall require the depositing parties to advance such sums of money as the Court deems reasonably necessary in order to pay for the anticipated expenses, but in no event less than $125.00 per panel meal. Any surplus amount of money remaining after said expenses have been paid in full shall be returned to the payer. If a depositing party fails, upon the request of the Court, to advance such necessary expense money, the Court, will forthwith consider

whether to dismiss the jury and proceed as if no jury had been selected and sworn. *(Eff. 7/1/04; Rev. 1/1/13; Renum. 7/1/18)*

D. No Jury Trials Scheduled for Certain Holiday Weeks

No jury trials will be scheduled for the week in which the Thanksgiving or Christmas holiday falls. *(Eff. 7/1/04; Renum. 7/1/18)*

E. In Limine Motions

1. The following motions in limine are deemed granted. Written motions should not be submitted on these issues:

   a. Motion excluding evidence of collateral source;
   b. Motion excluding evidence of, or mention of, insurance coverage;
   c. Motion excluding offers to settle and/or settlement discussions.

2. All other motions in limine shall be filed and served on opposing counsel no later than 4:00 p.m., six (6) Court days prior to the trial call date. Written opposition to in limine motions, if any, shall be filed and served on opposing counsel no later than 4:00 p.m., three (3) Court days prior to the initial trial call date. Failure to submit written opposition to In Limine motions will not preclude oral opposition to the motions at the time of trial.

3. Motions in limine shall be prepared in the form prescribed as follows: The title of each in limine motion shall identify the moving party and describe the nature of the motion, and shall be numbered sequentially, indicating the total number of in limine motions submitted by the moving party. Example: "Plaintiff JANE DOE'S Motion in Limine to Exclude the Testimony of Joe Expert [No. 1 of 6]." Written opposition to in limine motions, if any, shall identify both the party filing the opposition, and the specific motion which is being opposed by name of moving party and motion number. Example: "Defendant RICHARD ROE'S Opposition to Plaintiff JANE DOE'S Motion in Limine No. 1."

(Eff. 7/1/04; Rev. 1/1/13; Renum. 7/1/18)

F. Mandatory/Voluntary Expedited Jury Trials

The rules and procedures applicable to expedited jury trials are governed by the Code of Civil Procedure section 630.01, et seq. and the California Rules of Court unless the parties agree otherwise as permitted by law. *(Eff. 7/1/16; Renum. 7/1/18)*

RULE 4.1: CIVIL JURY INSTRUCTIONS

A. Use of Pre-Approved Instructions

To the extent possible parties must use instructions promulgated or sponsored by the California Judicial Council.

B. Service of Jury Instructions

At the commencement of trial in all civil jury matters, counsel shall serve upon all other parties participating in the trial and deliver to the trial judge a written request captioned in the action and entitled "Instructions Requested by (name of party)," to which shall be attached an edited copy of all instructions requested, with one instruction per page and a five-inch margin at the top of the page which may, however, include typical CACI headings, which will not be read to the jury. The parties may submit additional typewritten or printed instructions which shall contain the authorities relied upon, shall be sequentially numbered and shall follow standard CACI format. The parties should be prepared to provide to all jurors and alternates a copy of all written instructions, if so required by the trial judge.

(Eff. 7/1/04; Renum. 7/1/18)

RULE 5-15: [RESERVED]

RULE 16: CRIMINAL RULES

A. Direct Calendaring of Criminal Cases

The Court maintains a direct calendar system with cases assigned to one Judge for all purposes. Assignment to a Judge for all purposes means assignment for all proceedings in the matter from arraignment on the complaint through trial and sentencing. The assigned judge will be reflected on the first paper filed in any action. The Presiding Judge, Assistant Presiding Judge, Criminal Department Presiding Judge, or designee may assign and re-assign cases to other courtrooms. Any judicial officer sitting in Los Banos is a designee authorized to re-assign cases to other Judges for all purposes. *(Eff. 1/1/13; Rev. 7/1/23)*

B. Writ of Habeas Corpus

The Clerk shall not file any petition for writ of habeas corpus that is not accompanied by a complete copy including any exhibits, attachments or other materials sent with the original. All the papers shall be returned to the petitioner with the admonition to comply with this rule if the petition is resubmitted. *(Eff. 7/1/04)*

C. Discovery

All parties shall comply with Penal Code Sections 1054-1054.9. *(Eff. 7/1/04)*

D. Jury Instructions

Counsel shall file, on the first day of trial, a list of CALCRIM (latest edition) instructions requested. If any proposed additional instructions are requested, they shall be submitted in writing with authorities placed at the top of the writing. Proposed pattern jury instructions which have been modified by a party, shall clearly indicate any proposed change. *(Eff. 7/1/04; Rev. 1/1/13; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19)*

E. Felony Bail Schedule

The Judges shall adopt a Felony Bail Schedule for use by the Court and Merced County law enforcement agencies and can be accessed at www.merced.courts.ca.gov. *(Eff. 7/1/04; Rev. 1/1/17; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19)*

F. Notice of Motion

The notice of motion designating a motion pursuant to Penal Code Section 1538.5 shall specifically describe and list the evidence which is the subject of the motion to suppress; and shall specifically state the theory or theories which shall be relied upon and urged for the suppression of evidence; and cite the specific authority or authorities which will be offered in support of the theory or theories upon which suppression of the evidence is urged. *(Eff. 7/1/04; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19)*

G. Filing of Motions

1. Unless otherwise ordered or specifically provided by law, all pretrial motions, accompanied by a memorandum, must be served and filed at least ten (10) court days, all papers opposing the motion at least five (5) court days, and all reply papers at least two (2) court days before the time appointed for hearing. Proof of service of the moving papers must be filed no later than five (5) court days before the time appointed for hearing.
2. The court may consider the failure without good cause of the moving party to serve and file a memorandum within the time permitted as an admission that the motion is without merit.
3. Motions shall contain a notice of motion, the motion itself, a declaration or affidavit in support thereof and a memorandum of points and authorities.
4. Each paragraph of any declaration shall be numbered sequentially. The original and all copies of exhibits and attachments shall be tabbed and shall be referred into the pleadings or papers by tab identification.
5. A memorandum of points and authorities shall not exceed fifteen (15) pages, excluding exhibits, declarations or attachments. Any party may file an ex-parte, application with the court scheduled to hear the motion, requesting to exceed the fifteen (15) page limitation, two (2) days before the motion is to be filed or response due. Such written request must set forth good cause why the fifteen (15) page limit needs to be exceeded. A memorandum that exceeds 15 pages must include a table of contents, a table of authorities and opening

summary of argument. A written notice of the ex-parte application must be served on the other party.

6. Sanctions-The court may impose sanctions for failure to comply with rules pertaining to criminal law and motion which may include, but not limited to: monetary sanctions, refusal to hear the motion, continuance, exclusion of evidence, issue preclusion, or any other relief or sanction the Court deems appropriate.
7. Courtesy Copies. A courtesy copy of any Motion, Opposition, Reply or Exhibits shall be provided to the court in which a hearing was set at the time of the filing.

(Eff. 1/1/09; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19. 7/1/24, 7/1/25)

H. Motions *In Limine* and Other Trial Motions

The purpose of a Motion in Limine is to seek to include or exclude a specific piece of evidence. Motions in Limine must be filed by close of business the Thursday preceding the trial call or by alternative order of the court. All other trial motions must be noticed as required by the Rules of Court and Local Rules, e.g., a Motion to Exclude Defendant's Statement Made in Violation of *Miranda* must be filed at least ten court days before trial call. All Motions in Limine must include the following:

1. Declaration: Motions made for the purpose of including or excluding evidence must be accompanied by a Declaration that includes:
    a. Specific identification of the piece of evidence sought to be included or excluded;
    b. A representation that counsel has met and conferred with opposing counsel and no stipulated agreement has been achieved as to the specific piece of evidence;
    c. A statement of the probative value or the unduly prejudicial nature of the specific piece of evidence;
2. Timing of Ruling: The court may defer ruling on a Motion in Limine, and may order that no mention or display of the matter that is the subject of the motion be made in the presence of the jury
3. Compliance with Order Granting a Motion in Limine: if the Motion in Limine is granted, it is the duty of counsel to instruct associates, clients, witnesses, and other persons under their control that no mention or display of the matter that is the subject of the motion be made in the presence of the jury.

The Court may direct the Clerk of the Superior Court to place under seal any sexually explicit material filed with the Court pending further order of the Court to unseal the material. This rule shall not preclude the rights of the parties to access any material not shall it modify their otherwise applicable discovery obligations. *(Eff. 1/1/27)*

~~H.~~I. Defendant's Clothing

The attorney representing a defendant in the custody of the Sheriff in a criminal matter shall make timely and appropriate arrangements to ensure that the defendant is suitably dressed for trial before the case is assigned to a trial courtroom. *(Eff. 1/1/09; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19)*

~~I.~~J. Motions Made for Release on Own Recognizance or Bail Modification

When a motion for release on own recognizance or bail modification has been made to the Court, and granted in whole or in part, or granted conditionally or with limiting terms, and a subsequent motion is made by the same party in the same case for a similar order upon materially changed circumstances, the subsequent motion shall be accompanied by a disclosure that:

a. A prior motion has been made,
b. When and to what Judge it was made,
c. What the nature of the motion was,
d. What order or decision was made thereon, and
e. What materially changed circumstances are claimed to be shown.

Any order made on subsequent applications failing to comply with these requirements may be vacated or set aside on ex parte application or on the Court's own motion at any time.

(Eff. 1/1/09; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19)

~~J.~~K. Sound Recordings to Be Offered as Evidence at Trial

1. Any party intending to offer a sound recording in evidence at a trial on a felony shall prepare a transcript of the sound recording at least ten (10) court days before trial and serve such transcript and a copy of the recording on all other parties. Any party disputing the accuracy of the transcript shall prepare his own transcripts of the sound recording identifying the disputed portions and serve that transcript on all other parties no later than three (3) court days before trial. When disputed, the parties shall meet and confer in a good faith effort to resolve their differences.
2. Any party intending to offer a sound recording in evidence at a trial on a misdemeanor shall prepare a transcript of the sound recording at least three (3) court days before trial and serve such transcript and a copy of the recording on all other parties. Any party disputing the accuracy of the transcript shall prepare his own transcripts of the sound recording identifying the disputed portions and serve that transcript on all other parties no later than one (1) court day before trial.
3. In the event that the differing versions cannot be resolved by the parties, they shall alert the Judge assigned to the hearing or trial at the trial readiness conference to reserve an appropriate amount of time in the assigned trial Court to settle the dispute before requesting a jury panel.

4. Nothing herein is intended to contravene the applicable rules of discovery or valid claims of confidentiality provided by law. If a party is entitled to maintain the confidentiality of a sound recording and chooses to do so until trial, a proposed settled transcript shall be lodged with the Court when the sound recording is marked for identification. The opposing party shall be allowed a reasonable opportunity to listen to the sound recording, prepare a proposed transcript and lodge objections before the sound recording is received as evidence.
5. Each transcript shall be certified by the person preparing it. In the event the sound recording is in a language other than English, the certification shall also include a certification by the person translating the sound recording.
6. The propounding party shall prepare a sufficient number of copies of the transcript for distribution as ordered by the Court.
7. Any party intending to electronically present an exhibit at trial shall procure their own technical assistance for such a presentation. If the Court's technical assistance is to be requested, each party making such a request must comport with the Court's procedures, including but not limited to submitting the request on the Court's form at least two (2) Court days prior to the scheduled presentation date. See rule 2.5 for court procedure. Local Form #MSC-AD-011, Court Audio-Video Equipment Request Form can be obtained on our website at www.merced.courts.ca.gov.

(Eff. 1/1/09; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19; Rev. 1/1/10, 1/1/19, 1/1/20)

~~K.~~L. Dangerous, Large, or Bulky Exhibits

1. Permission from the Judge assigned to the hearing or trial must be obtained before a party may bring dangerous, hazardous, large or bulky exhibits into the courthouse. If possible, the party should substitute a photograph, technical report, or dummy object for proposed exhibits which are either:

   a. Inherently dangerous, such as:
      (1) Firearms;
      (2) Any type of explosive powder;
      (3) Explosive chemicals, toluene, ethane;
      (4) Explosive devices, such as grenades or pipe bombs;
      (5) Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, ethyl-ether;
      (6) Canisters containing tear gas, mace;
      (7) Rags which have been soaked with flammable liquids;
      (8) Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine;
      (9) Samples of any bodily fluids, liquid or dried; or
      (10) Controlled or toxic substances;
      (11) Corrosive or radioactive substance.

(12) Large and cumbersome, such as a ladder, sewer pipe, or automobile chassis.

2. If a party believes the exhibit should be brought into the courtroom without substitution, an application for permission must be made in writing and describe the materials to be brought into the courtroom and the reason a substitution should not be made. The option of viewing the materials at another location may be considered by the Court. (Refer to rule 2.3 for required written statement).

3. Evidence received in any case shall be limited to those items required in the case and shall be retained by the Court for the minimum time required by law, unless good cause is shown to retain the evidence for a longer period of time.

4. No exhibits shall be accepted by the Clerk or exhibits custodian unless:

   a. All containers of controlled substances are securely sealed and protected against breakage to safeguard Court personnel, so that the contents cannot be spilled and odors cannot be emitted;
   b. All containers of liquid substances, including bodily fluids, are securely sealed and protected against breakage to safeguard Court personnel, so personnel are not exposed to the contents and odors;

   c. All objects containing bodily fluids or dangerous, controlled or toxic substances (e.g., bloody shirt, gasoline-soaked rag, etc.) are placed in containers that are securely sealed and protected against breakage so that odors cannot be emitted and Court personnel are safeguarded;
   d. All firearms are secured by a nylon tie or trigger guard, and have been examined by the bailiff to determine that they have been rendered inoperable;
   e. All sharp objects, such as hypodermic needles, knives, and glass, are placed in containers that are securely sealed and protected against breakage, which will safeguard personnel;
   f. All containers with liquid substances are clearly marked and identified as to type and amount;
   g. All containers of controlled substances are clearly marked, identified, weighed, and sealed;
   h. All cash is specifically identified, whether individually or packaged, as to the total amount and number of each denomination.

5. All exhibits must be individually tagged with the proper exhibit tag, properly completed, and securely attached to the exhibit. Any exhibit improperly tagged, marked, weighed, or identified will not be accepted by the Court. Unless otherwise ordered, unidentified or improperly identified liquids, containers, controlled substances, or other suspect substances shall be returned to the party offering them.

6. When a dangerous, large or bulky exhibit that has been marked and identified or received in evidence poses a security, storage or safety problem, on recommendation of the Clerk, the Court may order that all or a portion of it be returned to the party that offered it. In the case of exhibits offered by the prosecutor in a criminal case, the Court may order that the exhibits be returned to the law enforcement agency involved. The order shall require that a full and complete photographic record of the exhibit or the portion returned be substituted for the exhibit. The party who offered the exhibit shall provide the photographic record. The party or agency to whom the exhibit is returned shall be responsible for maintaining and preserving the exhibit until there is a final disposition of the action or proceeding. All exhibit tags and other identifying markings or information concerning each exhibit shall remain in place and shall not be disturbed. Each exhibit shall be maintained intact and in the same condition as during trial. In the event further proceedings of any Court having jurisdiction of the matter require the presence of the exhibit, the party or agency to whom it was returned shall promptly deliver the exhibit to the appropriate Court, with notice to all parties.

(Eff. 1/1/09; Renum. 1/1/12, 7/1/14, 7/1/18, 7/1/19, 1/1/20)

~~L.~~M. Pass Request

1. The Court has approved a form for use in the courtroom whenever an inmate requests a pass from the jail. The form is available in the courtroom.
2. If the pass is requested for medical reasons, the inmate should complete a release of information form which is also available at the local jail facilities.

(Eff. 1/1/09; Rev. & Renum. 1/1/12; Renum. 7/1/14, 7/1/18, 7/1/19, 1/1/20)

~~M.~~N. Destruction of Exhibits-Criminal Matters PC 1417.1-1417.9

1. No order shall be made for the destruction of an exhibit prior to the final determination of the action or proceeding. The date when a criminal action or proceeding becomes final is as follows:

    a. When no notice of appeal is filed, thirty (30) days after the last day for filing notice of appeal.
    b. When a notice of appeal is filed, thirty (30) days after the date the clerk of the Court receives the remittitur affirming the judgment.
    c. When an order for a rehearing, a new trial, or other proceeding is granted and the ordered proceedings have not been commenced within one (1) year thereafter, one (1) year after the date of that order.
    d. In cases where the death penalty is imposed, thirty (30) days after the date of execution of sentence.

e. In cases where the death penalty is imposed and the defendant dies while awaiting execution, one (1) year after the date of defendant's death.

2. Upon the final determination of the action or proceeding the custodian of exhibits shall notice the parties of proposed exhibit destruction, and all exhibits shall be disposed of as follows:

a. Pursuant to Penal Code section 1417.7, not less than fifteen (15) days before any proposed disposition of an exhibit pursuant to Section 1417.3, 1417.5, or 1417.6, the Court shall notify the District Attorney (or other prosecuting attorney), the attorney of record for each party, and each party who is not represented by counsel of the proposed disposition.
b. If no party requests exhibits be returned, the Clerk of the Court shall return all exhibits both prosecution and defense to the office of the District Attorney for disposition, with the exception of any exhibits as described by Section 11474 of the Health and Safety Code
c. All exhibits described by section 11474 of the Health and Safety Code shall be returned to the Office of the Sheriff of Merced County to be destroyed by order of the Court.

(Eff. 1/1/12; Rev. 1/1/13; Renum. 7/1/14; Rev. 7/1/15; Renum. 7/1/18, 7/1/19, 1/1/20, Rev. 7/1/25)

~~N.~~O. Case Calendar Requests

Case calendar requests are allowed for both misdemeanor and certain felony cases and are handled in-person at the Clerk's office. If the case has an active warrant, the defendant will be informed that the warrant will remain active and that they are subject to arrest even though a hearing date has been set. In addition, the defendant will be informed that a $75.00 fee will be imposed if the defendant fails to appear in court on the date requested. Once a fee is imposed, the defendant will not be permitted to place the case on calendar for another hearing until the fee is paid in full. *(Eff. 7/1/14; Renum. 7/1/18, 7/1/19, 1/1/20; Renum 7/1/25)*

~~O.~~P. Exhibits Offered for Admission into Evidence

If an exhibit consists of more than one page, the exhibit shall be numbered sequentially. If the original document offered as an exhibit is not numbered sequentially, it shall be Bates labeled by the party seeking to introduce the exhibit. Every page requires an identifying mark. *(Eff. 7/1/25)*

Q. Transferring Overpayments:

In the event a defendant remits more money than is due on a case, the overpayment shall be refunded to the defendant, unless the defendant has an outstanding balance in any other case with a disposition, in which case Court staff is authorized to transfer the

overpayment to the case with an outstanding balance. Any remaining balance will then be refunded to the defendant. *(Eff. 1/1/27)*

~~P.~~R. Evidence Ancillary Funding Requests

Counsel requesting court funding for an expert, investigator, paralegal, law clerk, interpreter, transcription or any other ancillary services must get written pre-approval. Counsel must apply for pre-approval by submitting a declaration that includes: *(Eff. 1/1/26)*

1. The specific ancillary service sought;
2. A curriculum vitae for any expert, investigator, law clerk, paralegal or any other professional whose services are sought;
3. A statement specifying any and all prior approvals for ancillary funding, including the ancillary services already provided and funded;
4. The hourly rate at which services will be provided;
5. The total amount of funds sought;
6. The factual and procedural history of the case:
7. A statement explain why the funds are reasonably necessary for the defense;
8. A statement explaining that the resources obtained with the ancillary funding will lead to evidence likely to be admissible.

RULE 17: TRAFFIC RULES

A. Traffic Notice to Appear Pursuant to VC Section 40500

Pursuant to California Vehicle Code Section 40902, the Court hereby provides that a defendant may elect to have a trial by declaration upon any alleged infraction involving a violation of the California Vehicle Code or any local ordinance adopted pursuant to said code. Testimony and other relevant evidence may be introduced in the form of a notice to appear issued pursuant to Vehicle Code Section 40500, a business record or receipt, a sworn declaration of the arresting officer, or a written statement or letter signed by the defendant. A request for a trial de novo pursuant to Vehicle Code Section 40902(d) must be filed no later than twenty (20) days from the date of mailing of the Court's original decision. *(Eff. 7/1/04; Rev. 1/1/13, 1/1/18; Renum. 7/1/18)*

B. Traffic Procedures Re: Failures to Appear (FTA)

1. FTA Deemed Election for Trial by Declaration

Pursuant to Vehicle Code section 40903(a), the judicial officer presiding over a traffic matter may deem a defendant's failure to appear as an election for trial by written declaration upon any alleged infraction(s). In the defendant's absence, pursuant to Vehicle Code section 40903(b), the judicial officer will determine the issue of guilt on the alleged infraction(s) based on the notice to appear signed by the officer under penalty of perjury. *(Eff. 7/1/18)*

2. First Notice - Civil Assessment

The Court's Courtesy Notice includes notice to the defendant that FTA or comply with one of the options listed on the Courtesy Notice may result in civil assessments of up to one hundred dollars ($100). *(Eff. 1/1/23; 7/1/24)*

3. Second Notice – Referral for Debt Collection

The Court will provide an additional FTA/Pay notice to the defendant as a warning. FTA or pay bail on or before the due date will result in the case being referred for debt collection. A civil assessment of up to one hundred dollars ($100) may be added to the original bail amount, pursuant to Penal Code Section 1214.1. *(Eff. 1/1/23)*

4. Final Notice -Report to DMV

The Court will provide a final FTA/Pay notice to the defendant for FTA in court on or before the due date, and for failure to respond to the Court's Courtesy Notice and Failure to Appear warning. This will result in the case being referred to the Court Collections Division. A civil assessment of up to one hundred dollars ($100) may be added to the original bail amount pursuant to Penal Code Section 1214.1. *(Eff. 1/1/23; 7/1/24)*

C. Proof of Correction

1. The Clerk has authority to waive the mandatory appearance on Veh. Code § 40616 cases and accept proof of correction including the $25.00 proof of correction fee. For cases without proof of correction, the Clerk must accept the total bail due.

2. If a citation is issued as correctable, the Clerk will accept the signed off citation, along with the $25.00 proof of correction fee, and dismiss the charge.

3. If a citation is issued for tinted windows, Veh. Code § 26708(a)(1), the Clerk will accept the signed off citation along with the $25.00 proof of correction fee if the citation is marked correctable.

4. If a citation is issued for tinted windows, Veh. Code § 26708(a)(1), and Unlawful Operation after Notice of Unsafe Condition by Officer, Veh. Code § 24004, the Clerk will accept proof of correction on the Veh. Code § 26708(a)(1) and the $25.00 proof of correction fee. However, Veh. Code § 24004 is not correctable and is considered a moving violation with one point. The defendant may pay the bail and, if eligible, attend traffic school.

5. If a citation is issued for operating an unsafe vehicle, Veh. Code § 24002(a), and the officer has listed tinted windows as the offense, the Clerk will not accept proof of correction as this is also considered a moving violation with one point. The defendant may pay the bail and, if eligible, attend traffic school.

6. When a citation is issued for no proof of insurance, Veh. Code § 16028(a), if defendant brings or submits valid insurance showing valid coverage on or before the citation date, the Clerk may accept with $25.00 proof of correction fee and dismiss the charge. Defendants may take care of this matter without an appearance in court. This can be handled over the counter and/or through the mail.

7. When a citation is issued for driving without a valid driver's license, Veh. Code § 12500(a), if defendant provides proof that their license was valid at the time of the citation, or if defendant shows proof that they obtained their license after the citation date, the Clerk may dismiss the charge with a $25.00 proof of correction fee. Payment in full is accepted over the counter.

8. When a citation is issued for no vehicle registration, Veh. Code § 4000(a), if defendant provides proof that their registration was valid at the time of the citation, or if defendant shows proof that they obtained their registration after the citation date, the charge may be dismissed with a $25.00 proof of correction fee. Payment in full is accepted over the counter.

(Eff. 1/1/24)

D. Not Guilty Plea on a Misdemeanor

A defendant may not enter a plea of not guilty on a misdemeanor citation through the mail or over the counter. The defendant must appear in court. *(Eff. 1/1/24)*

E. Post Bail Prior to Setting a Trial by Declaration

If a defendant enters a plea of not guilty and requests a Trial by Declaration, payment of bail may be submitted at the time the declaration is submitted. Otherwise, the Clerk will notify the defendant of the date their payment is due. When a defendant posts bail for a trial by declaration, the money is placed in trust. *(Eff. 1/1/24)*

G. Change of Proceeding Type

A defendant may request to change the type of proceeding from Court Trial to Trial by Declaration, or from Trial by Declaration to Court Trial one (1) time. Any additional changes must be submitted in writing and will require judicial approval. *(Eff. 1/1/24)*

H. Traffic School

1. The Clerk shall grant traffic school if the defendant is eligible.

2. The Clerk cannot grant Traffic school for defendants with more than three (3) infractions or one (1) misdemeanor on their driving record in the last two years, including traffic school dismissals. Traffic School in these cases would require judicial approval, either by personal appearance or by letter. If a defendant has

a misdemeanor on their driving record that is over two years old, traffic school may be granted if otherwise eligible.

3. Out-of-State Driver License: Upon request and if otherwise eligible, a defendant with an out-of-state driver license shall be granted traffic school.

4. Community Service: Veh. Code § 42007 states bail associated with the citation, upon a Court's order to grant Traffic School, shall become a fee. Therefore, the fee in a case resulting in Traffic School cannot be converted to Community Service.

5. Request after Case is Forfeited and Paid in Full: The Clerk may approve traffic school requests up to six (6) months after the defendant forfeited bail and paid in full, if the defendant is eligible. If the time exceeds six months, the defendant is required to appear in court. If travel time is more than an hour away, the request may be made by letter.

(Eff. 1/1/24; Rev. 01/01/26)

I. Requests for Continuance / Extensions of Time

1. General: A Clerk shall have the authority to grant one 30-day extension without judicial approval. Requests for extensions beyond 30 days shall require judicial approval.

2. Traffic School: A Clerk shall have the authority to grant one 45-day extension on all Traffic School cases whether or not a court appearance was made. Request for extensions beyond 45-days shall require judicial approval.

(Eff. 1/1/24)

J. Payment Plans

The Clerk has authority to set up payment plans utilizing Plea by Mail instructions and forms through the mail, or over the counter utilizing a minute order and plea form. *(Eff. 1/1/24)*

K. Community Service – Juvenile Matters:

Upon request of the minor or their parent/legal guardian, or as ordered by the Court, the minor may be granted community service.

The minor must appear in court as scheduled (1st Thursday of each month at 1:30 p.m.). Fines are converted as required by Penal Code section 1209.5(c)(1) at an hourly rate of double the minimum wage established in Labor Code section 1182.12(b)(2). The Clerk's office is authorized to accept the completion of community service over the counter and vacate the future hearing date as long as no other matters are pending on the case, except when charged with Health and Safety Code § 11357(b).

A minor charged with Health & Safety Code § 11357(b) must appear in court as scheduled to present proof of completion of community service.

L. Motions and Petitions

All motions and petitions shall be filed in the Traffic Department in Merced or the Traffic Division of the Los Banos Clerk's Office. Motions cannot be accepted as a walk-in and shall be scheduled on an arraignment calendar at least one week from the date received in the designated courtroom, unless assigned elsewhere by the court.

In Merced, Traffic matters are set in Courtroom 9. In Los Banos, Traffic matters are set in Courtroom 12. *(1/1/24)*

1. Reduce or Vacate Civil Assessments – California Rules of Court, Rule 4.106

    a. If the defendant received a notice that a civil assessment was added to the citation, the defendant may petition the court to reduce or vacate the assessment.

    b. The defendant may appear as a walk-in to be scheduled for a hearing or appear remotely by video (see Local Rule 2.2).

    c. A petition to reduce or vacate an assessment does not stay (stop) any order requiring payment of bail, fines, penalties, fees, or assessments unless specifically ordered by a judicial officer.

    d. If the defendant does not establish good cause as to why they did not appear or did not pay, the Court may still impose the civil assessment.

    e. The Court may consider such factors as a defendant's due diligence in appearing or for payments made after notice of the assessment has been given.

    (Eff. 1/1/23)

2. Ability-to-Pay Determination – California Rules of Court, Rule 4.335

    a. The defendant may request an ability-to-pay determination at the time of sentencing, if they are currently on an installment plan, or while the judgment remains unpaid, including when the defendant's case is delinquent or in collections.

    b. The defendant has the right to a review by a judicial officer. A request for an ability-to-pay determination may be submitted in writing unless the Court directs a court appearance. The Court will consider any information or documentation the defendant provides that support the request. Judicial Council Form TR-320 may be used to make this written

request and can be found at https://selfhelp.courts.ca.gov/jcc-form/TR-320. The defendant may also apply online for a fee reduction, payment plan, and/or community service hours at https://mycitations.courts.ca.gov/home.

c. The Court will make a determination based on the information and supporting documentation provided in the written request. Specific documentation as to defendant's financial status will be required for the Court to make a determination.

d. If an ability-to-pay determination has already been requested and a determination, made, a subsequent ability-to-pay determination may be requested only in the event of a change in financial circumstances. In order for the Court to consider an additional request, proof of the change in circumstance must be provided with the written request.

e. Parties may use judicial council form TR-320, which can be found at Can't Afford to Pay Fine: Traffic and Other Infractions | California Courts | Self Help Guide or apply online at https://mycitations.courts.ca.gov/home.

(Eff. 1/1/23; Rev 01/01/26)

M. Transferring Overpayments:

In the event a defendant remits more money than is due on a case, the overpayment shall be refunded to the defendant, unless the defendant has an outstanding balance in any other case with a disposition, in which case Court staff is authorized to transfer the overpayment to the case with an outstanding balance. Any remaining balance will then be refunded to the defendant.

(Eff. 01/01/27)

RULE 18-99: [RESERVED]

RULE 100: PROBATE RULES – PREFACE

It is not the Court's intent in adopting these rules to cover every anticipated question or concern, or to be a research tool, but rather to provide a few additional guidelines, which are considered important for local practice. The Probate Department of the Merced Superior Court encourages the use of the Probate Code, California Rules of Court, Judicial Council forms, and the publications of the Continuing Education of the Bar as valuable guidelines and references with respect to local practice.

Merced Superior Court

The Probate Department of the Merced Superior Court is a court of general jurisdiction pursuant to Probate Code § 800 having jurisdiction over all matters governed by the Probate Code, and, in the discretion of the Judge assigned to Probate Department, having concurrent jurisdiction over all Probate-Related Civil Matters, including all Estate-related civil matters, all Trust related civil matters, all probate related family law matters, and all civil matters alleging a breach of fiduciary duty by a trustee, administrator, conservator, guardian or attorney-in-fact. *(Eff. 7/1/04; 1/1/18; Renum. 7/1/18; Rev. 1/1/09, 7/1/21)*

A. Time and Place of Hearing

In Merced, all uncontested probate hearings and contested matters, which are not expected to exceed ten (10) minutes in length, shall be set at 8:15 a.m. on Monday, Wednesday, Thursday, and Friday. All hearings which are likely to exceed ten (10) minutes in length should be set at 1:30 p.m., on a Monday or Wednesday.

In Los Banos, all probate hearings shall be set at 8:30 a.m. Monday through Friday.

(Eff. 7/1/04; Rev. & Renum. 7/1/18; Rev. 1/1/13, 1/1/14, 1/1/18, 7/1/21)

B. Applicable Rules

Except as otherwise provided in these rules, all provisions in the local general and civil law and motion rules apply to probate proceedings. *(7/1/04; Renum 7/1/18)*

C. Appearances

1. There is no Probate Commissioner in Merced County.
2. Appearances are required on all petitions for appointment of conservators, and/or guardians and confirmation of sale of real or personal property and on any petition to which objections are filed.
3. If the moving party does not appear on any calendared matters, cases involving issues which are incomplete or questionable may be continued one to two weeks or may be dropped from calendar, depending on the circumstances.
4. See rule 3.1(E) for telephone appearances.

(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/22)

D. Forms Approved by the Judicial Council

All probate forms printed and approved by the Judicial Council are mandatory in Merced County. Failure to use such forms may result in the Clerk's refusal to file a submitted document. *(Eff. 7/1/04; Renum. 7/1/18)*

E. Orders

Except in the case of confirmation of sales, contested matters and orders requiring information from a governmental agency, the moving party shall submit the proposed order at least three (3) Court days prior to the hearing date. Orders shall have the scheduled hearing date, time, and department noted on the face sheet below the title of the document. *(Eff. 7/1/04; Renum. 7/1/18)*

F. Appointment of Representative(s)

1. Where a petition seeks the appointment as personal representative of a person or persons other than the petitioner, a written consent to serve as personal representative must be filed for each such proposed personal representative.
2. Each personal representative must execute and file an Acknowledgement of Receipt of Judicial Council Form "Duties and Liabilities of Personal Representative" (Form DE – 147) before the Court issues letters.

(Eff. 7/1/04; Renum. 7/1/18)

G. Notices

1. In a petition for probate of a will, all persons and organizations named in the will or codicils shall be listed.
2. If a named devisee predeceased the decedent, that information must be provided in the notice. In cases where the devisee dies after the decedent, the date of death must be stated and notice must be mailed in care of their personal representative if one has been appointed, or alternatively, to another appropriate representative.
3. A declaration specifying good faith efforts to identify and locate heirs or beneficiaries is required where the petitioner cannot determine the name or address of an heir or beneficiary to whom notice is required.
4. If there are no known heirs of the decedent and no heirs of a predeceased spouse, a declaration to that effect shall be filed setting forth the basis for the declaration and the efforts made to locate all such heirs.
5. The trustee of a living trust who is a beneficiary of a will shall be listed as a devisee and noticed.
6. The Clerk does not handle the preparation, mailing or publication of notices. Notices must be prepared and submitted at the time of filing the applicable petition, and the moving party is responsible for all required mailings and newspaper publications.

(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/12, 7/1/21)

H. Spousal Property Petitions

A copy of the last vesting deed to real property must accompany the spousal property petitions. *(Eff. 7/1/24)*

I. Defective Notice

If the publication is correct but the mailing is defective, the hearing normally will be continued to allow enough time for the mailing of the required amended notice, and republication is not required. If the mailing is correct but the publication is defective, the matter must be taken off calendar and a new notice must be given by publication and mailing. *(Eff. 7/1/04; Renum. 7/1/18)*

J. Bond

1. Pursuant to section 10453 of the Probate Code, if a bond is otherwise required, if full authority under the Independent Administration of Estates Act (IAEA) is sought, and if the personal representative at the time of the initial petition for probate intends to sell real property through a notice of proposed action (without Court confirmation), the latter fact shall be stated in the petition to enable the Court to determine whether the initial qualifying bond should be fixed to include anticipated proceeds from the sale of real property.
2. Every person appointed as personal representative shall give a bond approved by the Court before letters are issued unless otherwise waived in the will or in writing. If two (2) or more persons are appointed the Court may require a separate bond from each or a joint and several bond. If a joint bond is furnished, the liability on the bond is joint and several.
3. If written waivers are attached to the petition, bond will be waived by the Court pursuant to section 8481 of the Probate Code, provided all heirs or beneficiaries are competent to act. If any such person is incompetent (e.g. minors) an appropriate representative is required to waive bond on behalf of such person. This section does not apply if the will requires a bond.
4. A personal representative who is a non-resident of California and who is nominated to serve without bond still may be required to post such bond as the Court may require, where good cause of such a requirement is shown.
5. If the will names two or more persons to serve as executors but not all serve and the will does not expressly waive bond if fewer than all serve, the Court shall require each executor to give a bond unless the Court waives this requirement under section 8481(a)(2) of the Probate Code.
6. It is the duty of the fiduciary or fiduciary's attorney, upon becoming aware a bond is insufficient to immediately apply for an order increasing the bond. Such application accompanied by a proposed order, may be made ex parte. See CEB publications for forms.

(Eff. 7/1/04; Rev. 1/1/18; Renum. 7/1/18)

K. Creditor's Claims

1. Creditors shall file their claims with the Clerk's office and mail a copy to the personal representative. The disposition of all such claims must be reported to the Court on the Judicial Council "Allowance or Rejection of Creditor's Claim"

form, prior to any distribution. This requirement also applies to fiduciaries acting under the IAEA.

2. If the personal representative is acting under the IAEA, the Court will not review the personal representative's allowance or rejection of a creditor's claim unless good cause is shown, except as to claims of the personal representative or the attorney. All claims of the personal representative or the attorney must be submitted to the Court for approval.

(Eff. 7/1/04; Rev. & Renum. 7/1/18)

L. Probate Examiner's Notes

Probate calendar notes for future cases specific to Probate Estates, Conservatorship Estates and Guardianship Estates cases on the 8:15 am calendar are available from the time they are created until the morning of the scheduled hearing on the courts website at www.merced.courts.ca.gov.

Updates to the Probate Examiner's Notes typically will be posted 2 days prior to the hearing by 3:00 pm. If you are filing documents to cure a technical defect, documents should be filed a minimum of 3 court days prior to the hearing. Documents filed late will not be reviewed except on the date of the hearing at the Judge's discretion and could result in a continuance of your case.

When a case is recommended for approval, the petitioning party or counsel may elect to not appear at the hearing. A non-appearance at the hearing by the petitioning party may be deemed to be a submission on the recommendation in the Probate Notes. A non-appearance that is not excused by the Court or by the Probate Notes may result in dismissal of the Petition, an Order to Show Cause or other appropriate action the Court deems appropriate.

Parties intending to appear in Court regarding their hearing must notify all other parties and call (209) 725-4240 to notify the Court of such intent by 4:00 pm on the court day before the hearing. *(Eff. 7/1/19)*

M. Medical Records

Medical records are to be submitted in a manner that maintains the confidentiality of the sensitive information contained. This can be accomplished by:

1. Submitting a redacted copy of the records to be filed as a public record, together with a copy of the unredacted copy to be filed confidentially pursuant to California Rules of Court, rule 2.550(c).
2. Submitting the medical records together with an application to seal in compliance with California Rules of Court, rule 2.551.

Access to sealed and confidential medical records shall be sought by application to the court. Each application will be assessed on a case-by-case basis, taking into consideration the applicant's lawful ability to access such information, as well as the matters addressed in California rules of Court, rule 2.550(c)-(e). *(Eff. 7/1/23)*

RULE 101: PETITION FOR APPROVAL OF MINOR'S COMPROMISE

A. Contents of Petition

A petition for Court approval of a compromise or covenant not to sue under the Probate Code or CCP 372 must be verified by Petitioner and contain a full disclosure of all relevant information bearing upon the reasonableness of the compromise, including:

1. Name, birthdate, age and sex of minor;
2. An account of the facts and circumstances which gave rise to the claim or injury;
3. A description of the nature and extent of the injury and whether it is permanent or temporary;
4. All doctors' reports containing a diagnosis, prognosis and present condition of the claimant;
5. Where payment for medical treatment is sought all medical expenses, insurance payments and net amounts owed to each provider;
6. The amount of attorney fees, their basis and an itemization of costs;
7. The gross and net amount of the proposed settlement;
8. How the proceeds of the settlement will be distributed;
9. Amounts paid to other claimants;
10. Whether or not the petitioner is a plaintiff in the same action as the minor or a claimant against the recovery, and if so whether the pendency or disposition of petitioner's claim has affected the minor's compromise;
11. If settlement money is to be deposited in an account subject to withdrawal only upon order of the Court, the name and address of the depository;
12. Whether notice pursuant to Welfare and Institutions Code Section 14124.73 has been given;
13. If an order for payment to special needs trust is requested, a statement of the method by which all statutory liens will be satisfied under Probate Code 3604.

Confidential records in a petition for approval of Minor's Compromise including but not limited to medical and financial records must be filed as a confidential document as directed in Rule 100.

(Eff. 7/1/04; Renum. 7/1/18, Rev. 7/1/24)

B. Attorney Disclosure

If the petitioner has been represented or assisted by an attorney the petition must disclose the name, state bar number, law firm and business address of the attorney. It must

also disclose whether the attorney became involved at the instance of any party against whom the claim is asserted, or an insurance carrier employed by any other party. If any fees or other compensation has been paid the petition must disclose who paid those fees or other compensation; if no fees have been paid, then whether the attorney expects any fees and if so the amount and who will pay them. The terms of the agreement between the petitioner and the attorney must also be set forth in the petition. *(Eff. 7/1/04; Renum. 7/1/18)*

C. Personal Appearance

The person compromising the claim and the minor must attend the hearing unless the Court, for good cause, dispenses with the requirement of personal appearance. *(Eff. 7/1/04; Renum. 7/1/18)*

D. Attendance of Witnesses

The Court may require witnesses, including the treating physician, to attend the hearing. *(Eff. 7/1/04; Renum. 7/1/18)*

E. Withdrawal of Funds

A petition for withdrawal of funds from the account may be considered ex parte or set for hearing at the discretion of the Court. Parents are advised that monies in blocked accounts are not available for payment of services ordinarily provided by parents. *(Eff. 7/1/04; Renum. 7/1/18)*

RULE 102-199: [RESERVED]

RULE 200: ACCESS TO JUVENILE COURT RECORDS

A Juvenile Case File, as defined in California Rules of Court, rule 5.552(a), may not be obtained or inspected by either civil or criminal subpoena. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

A. Access Without a Court Order

Persons or agencies entitled to inspect a juvenile case file without a court order pursuant to Welfare and Institutions Code § 827(a)(1)(A)-(O), and persons or agencies entitled to inspect and receive copies of a juvenile case file without a court order pursuant to Welfare and Institutions Code § 827(a)(5), must present identification and file mandatory local form MSC-JV-002 Declaration for Access to Juvenile Case File in Possession of Juvenile Court with the Juvenile Court where the records are maintained. The form can be obtained from the Juvenile Justice Clerk's Office, Juvenile Dependency Clerk's Office, and the court's website. To access a file in possession of an agency, the agency must be contacted directly for instructions on disclosure. *(Eff. 1/1/09; Renum. 7/1/18; Rev. & Renum. 1/1/13, 7/1/21)*

B. Petition for Court Order Authorizing Access to Juvenile Case File

If a person/agency is not entitled to access under Welfare and Institutions Code sections 827-830.1, a person/agency must petition the Juvenile Court where the records are maintained, using Judicial Counsel form JV-570 Petition for Access to Juvenile Case File, to obtain a Court order from the Presiding Judge of the Juvenile Court, the Presiding Judge of the Superior Court, or their designee. An intentional violation of Welfare and Institutions Code section 827 is punishable by a fine of up to $500.00. *(Eff. 1/1/09; Renum. 7/1/18; Rev. & Renum. 7/1/21)*

C. Access to Delinquency Records where Petition Sustained on Offense Listed in Welfare and Institutions Code section 676(a).

Pursuant to Welfare and Institutions Code section 676(d), when a petition has been sustained for an offense, the following information contained in the Court file shall be available for public inspection in the Juvenile Justice clerk's office: (a) the charging petition, (b) the minutes of the proceedings, and (c) the orders of adjudication and disposition of the Court. The name of a minor found to have committed one of the serious violent offenses listed in Welfare and Institutions Code section 676(a) shall not be confidential, unless the Court orders it to be confidential based on good cause. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

D. Petitions to Prohibit Disclosure of Delinquency Records

Pursuant to Welfare and Institutions Code section 676(e), any party may petition the Juvenile Court where the records are maintained to prohibit disclosure to the public of any file or record. The Juvenile Court shall prohibit disclosure of such record if it finds that the harm to the child, victims, witnesses, or public from the disclosure outweighs the benefit of public knowledge. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 7/1/21)*

E. Welfare and Institutions Code Section 827 & 828 Petitions

Request for Disclosure of Juvenile Case File and Petition to Obtain Report of Law Enforcement Agency (Judicial Council Form JV-570 and JV-575, respectively) shall be filed at the Juvenile Court where the records are maintained. *(Eff. 1/1/09; Renum. 7/1/18; Rev. 1/1/19; 7/1/21)*

F. Court Reporter Transcripts in Juvenile Matters

Persons or agencies entitled to inspect a juvenile case file without a court order pursuant to Welfare and Institutions Code § 827 may request access to, or copies of, the court reporter's transcripts for inspection purposes only by completing mandatory local form MSC-JV-001 Application for Transcript of Juvenile Hearing and Order, which is available on Merced Superior Court's website. The person/agency must submit the completed application at the Clerk's Office where the records are maintained. Upon approval by the Juvenile Court Presiding Judge, the person/agency will be contacted with information regarding payment and time estimate for transcript preparation. If use is

intended, a WIC § 827 Petition MUST be filed and granted prior to use or dissemination. *(Eff. 1/1/19; Rev. 7/1/21, 1/1/22)*

RULE 201: COURT APPOINTED SPECIAL ADVOCATES PROGRAM- JUVENILE DEPENDANCY

Court Appointed Special Advocates (CASA) of Merced County volunteers are appointed on behalf of children ~~and only~~ in ~~dependency~~ juvenile proceedings. CASA serve at the pleasure of the Court having jurisdiction over the proceeding in which the CASA has been appointed. Rules 201, 201.1, and 201.2 shall govern CASA in juvenile dependency proceedings.

In general, a CASA's functions in juvenile dependency proceedings are as follows:

A. Support the child throughout the Court proceedings.
B. Explain the Court proceedings to the child.
C. Establish a relationship with the child to better understand the child's needs and desires.
D. Review available records regarding the child's family history, school behavior, medical or mental health history, et cetera.
E. Identify and explore potential resources that will facilitate family preservation, early family reunification, or alternative permanency planning.
F. Explain the CASA volunteer's role, duties and responsibilities to all parties associated with a case.
G. Communicate the child's needs to the Court through written reports to the Court and make recommendations to the Court on what placement, permanent plan, and services are best for the child.
H. Consider whether appropriate services, including reasonable efforts, are being provided or offered to the child and the child's family.
I. Ensure that the Court-approved plans for the child are being implemented.
J. Attend Court hearings.
K. Investigate the interests of the child in judicial or administrative proceedings outside of Juvenile Court.

In any action pursuant to Welfare and Institutions Code Sections 300 et seq., the Court may, in an appropriate case and in addition to any counsel appointed for a child, appoint a CASA to represent the best interests of the child who is the subject of the proceedings. If the Court determines that a child would not benefit from the appointment of counsel pursuant to Welfare and Institutions Code Section 317 and California Rules of Court 5.660, the Court must appoint a CASA for the child to serve as guardian ad litem, as required by Welfare and Institutions Code Section 326.5. The CASA has the same duties and responsibilities as guardian ad litem and must meet the requirements set forth in California Rules of Court, rule 5.660, subdivision (e). *(Eff. 1/1/11; Rev. 1/1/12, 1/1/18; Renum. 7/1/18; Rev. 1/1/27)*

RULE 201.1: COURT APPOINTED SPECIAL ADVOCATES – JUVENILE DEPENDENCY

A CASA is an officer of the Court and is bound by all Court rules. Each CASA shall be sworn in by a Superior Court Judge before beginning their duties. *(Eff. 1/1/11; Renum. 7/1/18; Rev. 1/1/13, 7/1/21)*

A. Specific Duties

1. The Court shall, in its initial order of appointment, and thereafter in subsequent orders as appropriate, specifically delineate the CASA's duties in each case. Typically, a CASA is expected to conduct an independent investigation of the circumstances surrounding the case; to interview and observe the child and other appropriate individuals (that is, the parties involved in the case as well as other persons having significant information about the child); and to review appropriate reports and records, including relevant records pertaining to the child from any agency, hospital, school, organization, division or department of the state, physician and surgeon, nurse, or other health care provider, psychologist, psychiatrist, law enforcement agency, or mental health clinic. A CASA is required to report the results of their investigation to the Court and, if ordered to do so, provide the Court with any other information the Court specifically requests.
2. If no specific duties are outlined by Court order, the CASA shall discharge their obligation to the child and Court in accordance with the general duties set forth above.
3. A CASA volunteer shall serve under the guidance and supervision of the Merced County CASA program staff and is expected to comply with operational policies and procedures approved by the program's Board of Directors, Sections 100 through 109 of the Welfare and Institutions Code, rule 5.655 of the California Rules of Court, and any and all Judicial Council guidelines, Local Rules of Court , and the provisions of any agreement entered into by the Merced County CASA program with the Juvenile Court.

(Eff. 1/1/11; Renum. 7/1/18; Rev. 7/1/21)

B. Appeal and Grievance Procedures

1. A CASA volunteer serves at the pleasure of the Court, the appointment is a privilege and not a right. The Judicial Officer presiding over the juvenile dependency Court or their designee has the sole authority and power to appoint and/or remove a CASA to or from a case. There is no appeal process from the Court's decision.
2. The Merced County CASA Program has established an internal process for the submission and investigation of grievances which process shall be followed.

(Eff. 1/1/11; Renum. 7/1/18; Rev. 7/1/21)

C. Case Referral and Appointment

1. A child's dependency case may be referred by the Court to the CASA program for appointment at any point in the proceeding.
2. Upon acceptance of the case by the program and acceptance by an available CASA volunteer, an Order for Appointment shall be submitted to the Court by the CASA program staff, requesting appointment of the identified volunteer. The Court may appoint a CASA volunteer at any time following the jurisdictional hearing and, in extraordinary cases, the Court may appoint a CASA volunteer prior to the establishment of jurisdiction. In cases where the appointment is made prior to the establishment of jurisdiction, the Court order shall specify that the duties of the child's advocate are limited to supporting the child and advocating for needed services prior to establishment of jurisdiction and shall admonish the child's advocate not to investigate jurisdictional issues.
3. Where the referral is not made by the Court at an appearance hearing, the CASA staff will notice parties of the CASA program appointment and the name of the specific CASA volunteer assigned to the case.

(Eff. 1/1/11; Renum. 7/1/18)

D. Criteria for Referral to CASA Program

1. Severe physical/sexual abuse cases where the child is not released to a parent or relative, and the child is seriously traumatized.
2. Specific needs cases (e.g., educational, developmental, medical health needs) that involve conflicting opinions as to assessment and/or treatment for the child, or where treatment plans or resources will be difficult to arrange.
3. Cases of repeated abuse that involve a number of issues or a number of interested parties.
4. Children ten (10) years and under who have experienced multiple placements and whose parents have consistently failed to show progress toward or interest in fulfilling treatment plans or goals for family reunification.
5. Children age newborn to five (5) years old in foster care, where a CASA volunteer might expedite the case toward family reunification or adoption, if reunification is not appropriate.
6. Short term CASA intervention/involvement is required in case resolution or clarification of issues or by gathering or researching information, e.g., contacting out-of-state relatives or investigating medical concerns to assists the Court in reaching a decision.
7. Children age newborn to eighteen (18) years who experienced three or more separate placements during any consecutive twelve-month period or who have been detained at a residential care institution (excluding group homes) for thirty (30) days or more and who have been diagnosed as having or have a history of any of the following:
   a. Conduct disorder with aggressive tendencies or antisocial behavior.

b. Attention Deficit Hyperactive Disorder treated by psychotic drugs.
c. Self-destructive or suicidal behavior.
d. Use of psychotropic drugs.
e. Developmental disability.
f. Fire setting.
g. Manifestation of psychotic symptoms such as delusion, hallucination, or disconnected or incoherent thinking.
h. Somatizing or psychosomatic problems such as sleeping or eating disorder.
i. Chronic depression.
j. Severe sexual acting-out behavior.
k. Substance abuse.

8. Any dependent child whose particular circumstances warrant or otherwise support the appointment of a CASA.

(Eff. 1/1/11; Renum. 7/1/18)

E. Release of Information to CASA *(Repealed 7/1/2018)*

F. Report of Child Abuse

A CASA is a mandated child abuse reporter with respect to the case to which they are appointed. As such, a CASA is required to report any reasonable suspicion that the child is a victim of child abuse or serious neglect as described by Penal Code Section 11165.6. *(Eff. 1/1/11; Renum. 7/1/18; Rev/ 1/1/23)*

G. Communication

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments maintained among the CASA, the social worker, the child's attorney, attorneys for parents, relatives (to the extent permitted by law), foster parents (to the extent permitted by law), and any therapist for the child (to the extent permitted by law). *(Eff. 1/1/11; Renum. 7/1/18)*

H. Right to Timely Notice and Right to Appear, Calendar Priority for Advocates

1. The CASA shall be properly and timely noticed for all proceedings held in cases to which the CASA has been appointed.
2. The CASA has the right to be personally present at all hearings and to be heard at all Court hearings. A CASA shall not be subject to exclusion by virtue of the fact that they may be called to testify at some point in the proceedings. A CASA shall not be deemed to be a "party" as described in Title 3 of Part 2 of the Code of Civil Procedure. However, the Court, in its discretion, shall have the authority to grant the CASA amicus curiae status, which includes the right to appear with counsel.

3. Subject to the Court's discretion, the CASA shall have the right to participate in any chambers conferences which are held in the proceedings to which the CASA has been appointed. If the child is allowed to testify in chambers or to otherwise participate in any chambers conference, the CASA shall have the right to accompany the child.
4. In light of the fact that CASAs are rendering a voluntary service to the children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible.

(Eff. 1/1/11; Renum. 7/1/18; Rev. 7/1/21)

I. Access to Records

1. All information concerning children and families in the Juvenile Court process is confidential. A CASA shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff. Any request for access to these records must be made to the Judicial Officer presiding over the Juvenile Dependency Court through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code Section 827 (Form JV-570).
2. The child's case file shall be maintained in the Merced County CASA office by a custodian of records. No one shall have access to that file except upon approval of the Executive Director of Merced County CASA.
3. A CASA volunteer's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the Merced County CASA's executive director (or their designee), and the Judicial Officer presiding over the Juvenile Dependency Court. Parties to a proceeding may access the personnel records of a CASA volunteer appointed in that proceeding through use of the Court's subpoena power. All subpoenas are to be served on the CASA program's executive director at the Merced County CASA program's office.

(Eff. 1/1/11; Renum. 7/1/18; Rev. 7/1/21)

RULE 201.2: FILING AND DISTRIBUTION OF CASA COURT REPORTS – JUVENILE DEPENDENCY

A. In any case in which a CASA has been appointed by the Court and is now serving on that case, the CASA must file and serve written reports to the Court and on the parties and/or their counsel at least ten (10) calendar days before each of the following hearings: those dispositional hearings that have been continued pursuant to Welfare and Institutions Code Section 358, subdivision (a) six-month review; twelve-month review (permanency hearing); eighteen-month review (permanency review hearing); selection and implementation hearing (366.26 hearing); and post-permanency planning reviews.

The CASA may also submit reports for any special hearings noticed to CASA of Merced County and if submitted, those written CASA reports must be filed and served on the parties and/or their counsel at least five (5) calendar days before the hearing.

If the CASA is appointed before jurisdiction is established under Welfare and Institutions Code section 300, the CASA may submit a written report to the Court for consideration by the Court at the jurisdictional hearing; and such report must be filed and served on the parties and/or their counsel at least two (2) Court days before the jurisdictional hearing.

B. Only parties and their counsel are entitled to receive copies of CASA reports prepared in connection with pending hearings. De facto parents are entitled to receive copies of CASA reports only if there is a Court order directing distribution of the report to the de facto parents. Relatives, foster parents, and service providers are not entitled to receive copies of CASA reports in the absence of a specific Court order.

C. CASA Court reports shall be copied and distributed by CASA of Merced County staff.

(Eff. 1/1/11; Renum. 7/1/18)

RULE 201.3: COURT APPOINTED SPECIAL ADVOCATES PROGRAM JUVENILE JUSTICE

Court Appointed Special Advocates (CASA) of Merced County volunteers are appointed on behalf of children in juvenile proceedings. CASA serve at the pleasure of the Court having jurisdiction over the proceeding in which the CASA has been appointed. Rule 201.3 shall govern CASA in juvenile justice proceedings.

In general, a CASA's functions in juvenile justice proceedings are as follows:

1. Support the child throughout the Court proceedings.
2. Establish a relationship with the child to better understand the child's needs.
3. Review available records.
4. Explain the CASA volunteer's role, duties and responsibilities.
5. Communicate the child's needs to the Court through written reports to the Court.
6. Attend Court hearings.

In any action pursuant to Welfare and Institutions Code Sections 600 et seq. involving a youth declared as a ward, the Court may, in an appropriate case and in

addition to any counsel appointed for a child, appoint a CASA to represent the best interests of the child who is the subject of the proceedings.

A CASA is an officer of the Court and is bound by all Court rules. Each CASA shall be sworn in by a Superior Court Judge before beginning their duties.

A. Specific Duties

1. Conduct an independent review, examine documents, interview persons with direct knowledge of the youth's and/or family's situation, and visit potential caregivers to formulate an objective understanding of what may be in the youth's best interests.
2. Request case conferences when necessary and participate in Child and Family or Multidisciplinary Team Meetings involving the youth in order to keep informed of the youth's status and to seek cooperative solutions whenever possible.
3. Contact the Probation Placement Officer in advance to arrange a time to review the youth welfare records at the Probation Office, take notes, and make copies, if appropriate.
4. Monitor the case, visit and/or contact the youth (at least) twice a month, and determine whether the youth's needs are being met.
5. Help the youth understand the Court process as trained by Probation.
6. Communicate and coordinate efforts with the Probation Placement Officer to support the case plan and other Court-ordered services, including initiating and maintaining regular communications regarding:
    a. The youth's best interests, current status, and significant developments.
    b. Developing issues or concerns regarding the youth's placement.
    c. Compliance or non-compliance by parents, agencies, or others with the case plan and Court orders.
    d. Potential resources or suggested services to ensure youth safety, well-being, and permanency.
7. Advocate for the youth and needed services promptly. Once the Advocate receives the Order to Appoint, they have authorization to transport their assigned out of custody youth, as approved by Probation. If transporting across county lines, the Advocate must receive prior authorization from Probation.
8. Assist the Court in assuring that the best interests of the youth are being served at all times.
9. Attend Court hearings and submit a written report to the CASA Advocate Coordinator outlining the Advocate's findings and recommendations at least fifteen (15) days prior to the hearing. The CASA Advocate Coordinator will file the report with the Court at least ten (10) days before the hearing.
10. Provide Probation with timely copies of reports generated by CASA by placing the reports in the designated Probation box in the Court Clerk's Office with the Probation Placement Officer's name noted on the top of the report.
11. Remain actively involved in the case until formally discharged by the Court.
12. Refrain from providing case management or direct services to the youth or family.

13. Make an immediate mandated report directly to Child Protective Services (CPS) Intake of unreported incidents of suspected youth abuse and follow up by providing a written Suspected Child Abuse form.
14. A CASA volunteer shall serve under the guidance and supervision of the Merced County CASA program staff and is expected to comply with operational policies and procedures approved by the program's Board of Directors, Sections 100 through 109 of the Welfare and Institutions Code, rule 5.655 of the California Rules of Court, and any and all Judicial Council guidelines, Local Rules of Court , and the provisions of any agreement entered into by the Merced County CASA program with the Juvenile Court.

B. Appeal and Grievance Procedures

1. A CASA volunteer serves at the pleasure of the Court, the appointment is a privilege and not a right. The Judicial Officer presiding over the Juvenile Justice Court or their designee has the sole authority and power to appoint and/or remove a CASA to or from a case. There is no appeal process from the Court's decision.
2. The Merced County CASA Program has established an internal process for the submission and investigation of grievances which process shall be followed.

C. Appointment of a CASA Advocate

When a CASA Advocate is appointed on behalf of the youth, the Court will make specific orders regarding CASA's ability to view and copy records from relevant agencies, including the Court's records and those of Probation. Once the Judicial Officer signs the Order of Appointment, a copy of the order will be provided by the COURT to all parties of record and their counsel. A copy of the order will be provided to CASA and the youth's caregiver such as but not limited to: Resource Family Approval (RFA) home, Short-Term Residential Therapeutic Program (STRTP), Non-Relative Extended Family Member (NREFM), Foster Family Agency (FFA), or Transitional Housing Program (THP).

D. Priorities for Case Referral

1. All youth declared as wards who have been removed from the home or are at imminent risk of being removed from the home.
2. Youth with unique medical, mental health, educational, developmental, or other special needs who have been declared as wards who have been removed from or are at imminent risk of being removed from the home.

E. Right to Timely Notice and Right to Appear, Calendar Priority for Advocates

1. The CASA shall be properly and timely noticed for all proceedings held in cases to which the CASA has been appointed.
2. The CASA has the right to be personally present at all hearings and to be heard at all Court hearings.

3. Subject to the Court's discretion, the CASA shall have the right to participate in any chambers conferences which are held in the proceedings to which the CASA has been appointed.
4. In light of the fact that CASAs are rendering a voluntary service to the children and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible.

F. Access to Records

1. All information concerning children and families in the Juvenile Court process is confidential. A CASA shall not give case information to anyone other than the Court, parties, their attorneys, and CASA staff. Any request for access to these records must be made to the Judicial Officer presiding over the Juvenile Justice Court through a Petition for Disclosure of Juvenile Court Records pursuant to Welfare and Institutions Code Section 827 (Form JV-570).
2. The child's case file shall be maintained in the Merced County CASA office by a custodian of records. No one shall have access to that file except upon approval of the Executive Director of Merced County CASA.
3. A CASA volunteer's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the Merced County CASA's executive director (or their designee), and the Judicial Officer presiding over the Juvenile Justice Court. Parties to a proceeding may access the personnel records of a CASA volunteer appointed in that proceeding through use of the Court's subpoena power. All subpoenas are to be served on the CASA program's executive director at the Merced County CASA program's office.

G. Filing And Distribution of Casa Court Reports

1. In any case in which a CASA has been appointed by the Court and is now serving on that case, the CASA must file and serve written reports to the Court and on the parties and/or their counsel at least ten (10) calendar days before the hearings.
2. The CASA may also submit reports for any special hearings noticed to CASA of Merced County and if submitted, those written CASA reports must be filed and served on the parties and/or their counsel at least five (5) calendar days before the hearing.
3. Only parties and their counsel are entitled to receive copies of CASA reports prepared in connection with pending hearings. De facto parents are entitled to receive copies of CASA reports only if there is a Court order directing distribution of the report to the de facto parents. Relatives, foster parents, and service providers are not entitled to receive copies of CASA reports in the absence of a specific Court order.
4. CASA Court reports shall be copied and distributed by CASA of Merced County staff.

RULE 202: REPRESENTATION IN JUVENILE PROCEEDINGS

A. Representation of Children

1. Juvenile Dependency Proceedings

   The Court has contracted with Central Valley Youth Legal Services PC to represent all minors in dependency matters, except in cases of conflict.

2. Juvenile Justice Proceedings

   Appointments for minors are referred to the Merced County Public Defender's Office. In cases where the Public Defender has declared a conflict, the Court has contracted with Fitzgerald, Alvarez and Ciummo to represent the minors.

3. Procedures to Determine Appropriate Caseloads for Attorneys Representing Children

   The attorney for a child must have a caseload that allows the attorney to perform the duties required, and to otherwise adequately counsel and represent the child. Attorneys appointed to represent children must not maintain a maximum full-time caseload that is greater than that which allows them to meet the requirements. The appointed attorney must notify the Court once their maximum caseload has been reached.

B. Representation of Other Parties

The Court has contracted with Dependency Administration of Merced County, LLC (DAMC) to represent parents, and any other parties entitled to appointment of counsel, in Dependency matters.

C. Minimum Standards of Experience, Training, and Education of Attorneys Representing Parties

1. General Competency Requirements

   All attorneys appearing in juvenile 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.

2. Minimum Standards of Education and Training

   a. Dependency Proceedings

Each court-appointed or retained attorney appearing in a Dependency matter must complete the following minimum training and educational requirements. The attorney must have either:

(1) Participated in at least eight (8) hours of training and education in Juvenile Dependency law and practice, which training must include, in addition to those topics required for general competency, the following:
   a. The Child Witness;
   b. W & I § 366.26 Hearings, etc.;
   c. Indian Child Welfare Act (ICWA) Issues;
   d. W & I Code §§ 202, 213.5, 241.1, 300 et seq.;
   e. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA);
   f. Restraining Orders; and
   g. Rights of De Facto Parents.

OR

(2) At least six (6) months of experience within the last twelve (12) months in Dependency proceedings in another county in which the attorney has had primary responsibility for representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the Court will consider whether the attorney's performance has substantially complied with the requirements of these Rules.

b. Delinquency Proceedings

Each court-appointed or retained attorney appearing in a Delinquency matter must have either:

(1) Completed a minimum of 12 hours of training or education during the most recent 12-month period in the area of juvenile justice.

OR

(2) Dedicated at least 50 percent of their practice to juvenile justice in the last three years.

3. Standards of Representation

All attorneys appearing in juvenile proceedings must meet the following minimum standards of representation:

a. Attorneys are expected to meet regularly with clients, including clients who are children, to contact social workers and other professionals associated with the client's case, to work with other counsel and the Court

to resolve disputed aspects of a case without hearing, and to adhere to the mandated timelines.

b. If the client is a child, the attorney or attorney's agent should have contact with the client prior to each hearing. The attorney or attorney's agent must interview all children four (4) years of age or older in person unless it is impracticable. Whenever possible, the child must be interviewed at the child's placement. The attorney or attorney's agent should also interview the child's caretaker, particularly when the child is under four (4) years of age.

c. If the client is not the child, the attorney or attorney's agent must interview the client at least once prior to the jurisdictional hearing unless that client is unavailable. Thereafter, the attorney or the attorney's agent must contact the client at least once prior to each hearing unless that client is unavailable.

D. Procedure for Screening to Ensure Parties are Represented by Competent Appointed and Retained Counsel

Attorneys who wish to be considered for appointment in cases of conflict, or who have been retained to represent any party in a juvenile proceeding, must submit a declaration of eligibility to the court's Administration Department. To remain on the court's list of counsel eligible for appointment, a declaration must be filed and approved before March 31 of each calendar year.

If retained, counsel should file the declaration into the case in the appropriate clerk's office at least five (5) court days prior to their first court appearance, if time permits, or present it to the Court at their first appearance. A declaration shall be filed in each case in which counsel has been retained. Retained counsel that do not meet the minimum education at their initial appearance must complete the required education within five (5) court days of their first court appearance.

In Juvenile Justice matters, Judicial Council form JV-700 is to be filed.

In Juvenile Dependency matters, counsel must file local form MSC-JV-010, available on the court's website at www.merced.courts.ca.gov.

E. Procedures for Reviewing and Resolving Complaints Regarding Performance of Appointed Counsel

Any party to a Juvenile Court proceeding may complain about the performance of their appointed attorney in a Juvenile Court proceeding. The complaint may be made orally during a court proceeding or in writing and filed with the Juvenile Clerk's Office. In the case of a complaint concerning the performance of an attorney appointed to represent a minor, the Court Appointed Special Advocate (CASA), the social worker, a caretaker relative or foster parent may make the complaint on the child's behalf. After reviewing the complaint, the response and any additional information, the Court may find cause to relieve the attorney and

appoint new counsel. This procedure is available in addition to any other remedy available under the law.

(Eff. 1/1/23)

RULE 203-399: [RESERVED]

RULE 400: FAMILY LAW - GENERAL POLICY STATEMENT

It is the policy of the Merced Superior Court to manage all family law cases from the time of filing to focus on settlement at the earliest possible date, to reduce the cost of litigation and to reach a fair and final resolution of the case expeditiously. These rules are intended to provide generally uniform practice and procedures among departments involved in family law matters in Merced County. Due to often unique facts or procedural inconsistencies, these rules should be considered as guidelines to which the Court will generally adhere. *(Eff. 1/1/04; Renum. 1/1/13; Rev. 7/1/19)*

RULE 401: MATTERS ASSIGNED TO THE FAMILY LAW DIVISON

All proceedings filed in the following matters are currently assigned to the Family Law Division:

A. Matters arising from the California Family Code, including cases where the Local Child Support Agency appears on behalf of the County of Merced or any party.
B. Matters arising from the Uniform Divorce Recognition Act, Family Code §§2090-2093.
C. Matters arising from the Uniform Child Custody Jurisdiction Act, Family Code §§3400-3425.
D. Matters arising from the Uniform Parentage Act, Family Code §§7600-7643.
E. Matters arising from the Domestic Violence Prevention Act, Family Code §§6200-6305.
F. Matters arising from the UIFSA provision of the Family Code and, request for orders or trials in actions brought by the local child support agency under the provisions of Family Code Sections 17000 et. seq.
G. Matters arising from Family Code §§5700.101-5700.104, Support of Adult Child(ren) or Parents.
H. Post-dissolution judgment actions, involving omitted or reserved property issues.
I. Non-marital property right actions consolidated for trial with Family Code, except those cases in which a jury trial has been demanded.
J. Mediation proceedings in Guardianship actions.

(Eff. 7/1/04; Rev. 1/1/13, 1/1/18, 7/1/20)

RULE 402: REQUEST FOR ORDER & TITLE IV-D CALENDAR

A. Calendar Management – Short and Long Cause Family Law Matters/Place of Hearing/Courtroom 7

1. Commencing January 2017, the Merced Superior Court accepts filings in Family Law matters at the Los Banos Courthouse. All cases pending as of January 2017 shall be considered "Merced" cases and will continue to be set for hearing at the Merced Courthouse in Courtroom 7. All cases opened after January 2017 for persons living in the Los Banos area can be, at the litigants' choice, set for hearing at the Los Banos Courthouse in Courtroom 13 as set forth in this rule hereinbelow. Whether a case is to be heard in Merced or Los Banos, litigants will be able to file documents and obtain copies of documents from their file at either Courthouse.
2. Short Cause matters are those matters requiring no more than fifteen (15) minutes of the Court's time. Counsel shall be prepared to present their case based upon pleadings, declarations, and offers of proof. Counsel shall be prepared to explain why any live testimony is necessary. Short Cause matters shall be set for hearing on Mondays, Tuesdays, Wednesdays, or Fridays at 8:~~30~~ 45 a.m. or on Mondays, Tuesdays (except the Second and Fourth Tuesday of the Month), Wednesdays at 1:30 p.m. for all cases scheduled to be heard at the Merced Courthouse (Courtroom 7). Short Cause matters shall be set for hearing on the second and fourth Tuesday of each month at 8:45 a.m. for all cases scheduled to be heard at the Los Banos Courthouse (Courtroom 13).
3. Long Cause Matters are those matters requiring more than fifteen (15) minutes of the Court's time. All long cause matters shall be heard on Thursdays at 8:~~30~~ 45 a.m. and 1:30 p.m. Counsel shall meet and confer prior to the call of the case and determine if the anticipated hearing time exceeds fifteen (15) minutes. If both concur, they shall appear in Court and obtain a long cause date. If the time estimate of either party is exceeded, the Court may in its discretion, rule without further hearing defer the matter to the end of the calendar if time permits, continue the matter to the next available date or order the matter off calendar. All long cause matters shall be set for hearing at the Merced Courthouse (Courtroom 7).
4. All Case Management Conferences and Settlement Conferences shall be heard as set by the Court on Mondays at 11:00 a.m. at the Merced Courthouse (Courtroom 7) and on the Second and Fourth Tuesday of each month at 8:30, 9:30 and 11:00 a.m. The Court has the discretion and may set Case Management or Settlement Conferences at other times.
5. All Trial Setting conferences shall be set for hearing by the Clerk on Mondays at 8:30 a.m. or 1:30 p.m. unless the case has been opened in Los Banos for hearing in which instance Trial Setting Conferences shall be set on the second and fourth-Tuesday of each month at 8:45 a.m.
6. All short cause domestic violence cases shall be set for hearing on Wednesdays and Thursdays at 9:30 a.m. at the Merced Courthouse in either Department 4 or 7.
7. These dates and times are subject to change. Refer to the Court's website.

(Eff. 7/1/04; Rev. 1/1/13; 1/1/14; 7/1/14; 1/1/17; 7/1/19; 7/1/21; 7/1/24; 1/1/26)

B. DCSS (Title IV-D) Calendaring/Courtroom 4

1. Except as stated below, DCSS Contempt/work search reviews may be calendared in Courtroom 4 on Tuesday at 1:30 p.m. except the second and fourth Tuesday of each month. Short cause DCSS motions of hearings will be heard Monday at 1:30 p.m., Tuesday at 9:00 a.m., Wednesday at 9:00 a.m., or Thursday at 9:00 a.m. Long cause motions or hearings will be heard on Thursday afternoon at 1:30 p.m.
2. Los Banos cases only will be heard by video on the second and fourth Tuesday of each month at 8:30 a.m. and1:30 p.m. Merced cases will not be scheduled during this time.

(Eff. 7/1/19; Rev. 7/1/21; 7/1/24; 1/1/26; 1/1/27)

RULE 407: LACK OF APPEARANCE OR TARDINESS

A. Failure of the moving party or attorney to be present at the calendar call, or to have informed the Court staff of his/her presence in another department, may result in the matter being removed from the calendar and, if the responding party has appeared, attorney's fees and costs may be awarded to the appearing party.
B. In the event the responding party or attorney fails to appear, the Court may continue the matter and award attorney's fees or enter an order on the pleadings and the declaration or testimony of the moving party.
C. If, for any reason, the attorney or client is unable to be present at the time of the calendar call, the Court and opposing party shall be notified as soon as possible in person or by phone of the reasons for, and the extent of, such delay.

(Eff. 7/1/04)

RULE 408: TELEPHONE APPEARANCES – Please refer to Rule 2.2

RULE 410: RULES GOVERNING CUSTODY AND VISITATION ISSUES

A. General

1. All Child Custody Evaluations shall include a Recommended Custody and Visitation Order as a part of the report.
2. The Child Custody Evaluation Report and Recommendation shall be ~~deemed admissible without a foundation, but~~ subject to cross examination. An evaluation report is admissible only as provided by Family Code section 3111 and California Rules of Court, rule 5.220. A mediator's or child custody recommending counselor's recommendation is admissible only as provided by Family Code section 3183.
3. When a Request for Order ("RFO") seeking orders for custody or visitation is filed, the filing party shall also file a declaration under the Uniform Child

Custody Jurisdiction Enforcement Act using Judicial Council Form FL-105. RFOs seeking child custody or visitation orders will be assigned two hearing dates at the time of filing: 1) a Child Custody Recommending Counseling (CCRC) date and 2) a further hearing date unless the parties have attended CCRC within six (6) months of the date of filing the RFO. If the parties have attended CCRC within six (6) months of the date of filing the RFO, the clerk shall assign only one date for appearance before the court at which hearing the court will determine whether the parties should be permitted to return to CCRC.

4. Parties are required to view a CCRC orientation video on-line, at the court website at www.merced.courts.ca.gov, located in the Family Court Services hyperlink. The video is available in English and Spanish.
5. Parties are required to complete the Intake Form (CRC, Rule 5.215 (e) Intake) identified as the CCRC Form (MSC-FL-036) located in the Family Court Services hyperlink. The CCRC Form is available in English. Parties must submit the completed CCRC Form with the Family Law Clerk's Office at the time that they file their moving papers. In addition, they must also serve a blank Intake Form on the responding party along with their moving papers. If the CCRC appointment is scheduled on the same date as the court hearing then parties will be required to complete the form on the date of the scheduled CCRC.
6. Moving papers must be served before the scheduled CCRC date and a Proof of Service must be filed with the Court. Failure to file a Proof of Service prior to the CCRC appointment may result in the CCRC appointment being dropped.
7. All CCRC appointments for designated parties are held via Zoom video/phone unless otherwise ordered by the court. All child/ren interviews are conducted in-person unless the court orders that the interview shall be conducted via a Zoom video/phone.
8. Parties will be contacted one (1) business day before the scheduled CCRC proceeding via the phone or email to remind them of the appointment time and date. If the CCRC is not able to contact the Party at least one (1) day prior to the CCRC appointment, then the party will be contacted by phone or email on the day of the CCRC appointment.
9. Parties shall ensure that the Court has their current phone number and email address two (2) working days prior to the CCRC proceeding. Parties shall contact the Family Law Clerk's office to update each parties phone number and email address.
10. Parties will be directed to contact the Family Court Services Director or the Family Law Clerks Office via the phone if they have not been contacted by the CCRC on the date and time of the CCRC proceeding. All reasonable measures shall be made to ensure that the CCRC appointment or child/ren interview shall take place.
11. At the CCRC proceeding, a parenting plan, that includes legal and physical custody, a weekly schedule, holiday/vacation schedules, exchange locations, concerns regarding the health, safety and welfare of the children, and issues contained in the Request for Order will be addressed.

12. Counsel shall not participate in the meeting with the CCRC. However, counsel shall have the right to review any agreement prior to being signed by electronically their client.
13. If the parties reach an agreement at the meeting with the CCRC regarding custody and visitation, that agreement will be adopted by the Court and immediately become effective.
14. If the parties do not reach an agreement during the meeting with the CCRC, the CCRC will make a recommendation to the Court that is in the best interests of the child(ren). The recommendation will also contain a separate rationale, which will be contained in a confidential file. The recommendation and rationale will generally be available one (1) week prior to the further court hearing and can be picked up at the Clerk's office for review.
15. Unless otherwise ordered by the Court, all child custody/visitation orders will be subject to the standard orders contained in local form #MSC-FL-047, Standard Orders – Child Custody Attachment, which can be found at www.merced.courts.ca.gov.

(Eff. 7/1/04; Renum. 7/1/18; 7/1/24 Rev. 1/1/13; 1/1/14; 7/1/14; 1/1/17; 7/1/20; 7/1/21; 7/1/24; 1/1/26; 1/1/27)

B. Standard Orders When Private Evaluation Ordered by Court

The following standard orders shall apply when the Court orders a partial or full scope evaluation under either Family Code section 3111 or Family Code section 3118 unless otherwise specifically ordered by the Court. These orders are in addition to the specific orders contained in the Order Appointing Child Custody Evaluator (form FL-327). For more information on evaluation services, review the "Child Custody Evaluation Information Sheet" (form FL-329), discuss the service with the CCRC, or consult with your family law attorney.

1. After the hearing, the Court will direct the parties regarding choosing the private custody evaluator. Once an evaluation is appointed by the Court, the Family Court Services Director will generally be ordered to prepare the necessary order appointing evaluator (FL-327).
2. After the Evaluator has been appointed, the parties are to contact the appointed Evaluator to make the necessary arrangements for the services to commence. The parties are to make arrangements to pay their share of the service as ordered by the Court. Unless otherwise specified by the Court, each party is responsible for half of the cost(s) of the evaluation service. The cost for the service is determined by the private Evaluator.
3. Both parties are ordered to attend all scheduled appointments to conduct the partial-scope or full custody evaluation services and to make the child(ren) available for any appointment with the Evaluator. The parties are further ordered to provide any documentation requested by the Evaluator and sign any releases of information requested by the Evaluator. Office procedures

regarding scheduling of appointments, cancellations, and no shows for appointments and the cost for any late cancellations or no shows is determined by the individual Evaluators in accordance with his/her private practice policies and procedures.

4. Once the evaluation is completed, the parties will be mailed a copy of the recommended custody order, the evaluation report and objection paperwork. Copies will be mailed to the parties' last address on file with the Court. Parties and their attorneys are responsible to ensure that there are no unwarranted disclosures of the report. Such unwarranted disclosures occur when it is "done either recklessly or maliciously and is not in the best interest of the child." For further information regarding dissemination of the report, unwarranted disclosures, and potential consequences for violations please refer to form FL-328, "Notice Regarding Confidentiality of Child Custody Evaluation Report." Each party will have twenty (20) days (plus 5 days for mailing) from the date the Family Law Clerks' office mails out the recommended order to file an objection with the Court. If no objections are filed within the above time allowances, the Court shall adopt the recommendation. If either party files an objection, the Family Law Clerks' office shall set the matter for hearing on the objection and notify the parties of the time and date of the Court hearing by mail at their last address on file with the Court.

(Eff. 1/1/13; Renum. 7/1/18; Rev. 1/1/17, 1/1/19)

C. Minor's Counsel

The appointment of counsel to represent children in Family Law cases is authorized by Family Code Section 3150, California Rules of Court Rule 5.240, 5.241, and 5.242. *(Eff. 7/1/04; Rev. 7/1/14, 7/1/24; Renum. 7/1/18)*

D. Disqualification of Child Custody Recommending Counselor;

1. There is no peremptory challenge to a CCRC.
2. A CCRC can be disqualified for good cause. Any party wishing to challenge a CCRC for cause shall complete the Merced Superior Court local form MSC-FL-021 Ex-Parte Request and Order re: Disqualification of CCRC as soon as they first become aware of the conflict of interest or other cause which is the basis of the challenge. The local form can be obtained at the Family Law Clerk's Office or at www.merced.courts.ca.gov. Once completed, the form shall be submitted to the Court Administration Office for review and approval. Upon approval of any challenge, the Court will appoint an alternate CCRC for the matter.
3. All Family Court Services (FCS) staff shall disclose any known, actual or potential conflicts of interest at the first meeting with the parties. These conflicts shall be resolved by the Court or the CCRC shall recuse themselves.

(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/13, 7/1/14, 1/1/17, 1/1/19, 7/1/20, 7/1/21, 1/1/23,7/1/24)

E. Motion by the Child Custody Recommending Counselor

Upon meeting with the parties, the CCRC has the authority to make an ex parte request to the Court seeking:

1. Temporary Orders for the protection of the child or children involved;
2. A more extensive evaluation/investigation be ordered; or
3. Copies of records from Child Protective Services, law enforcement agencies, medical providers for the child or any and all other reports, records, or other tangible documents previously made relating to the issues of custody and visitation. Any Order made upon the CCRC's request shall be immediately served on the parties or their attorney by the Clerk's office. Any party objecting to same may file an ex parte motion with the Court seeking review and modification of any such Order made.

(Eff. 7/1/04; Rev. 1/1/13, 1/1/17; Renum. 7/1/18)

F. Complaints Regarding Child Custody Recommending Counselors per Family Code section 3163/Rule 5.210(d)(1)(C)(i)

Any complaint regarding a CCRC appointed by the Court shall be provided in writing to the Court Executive Officer. The Court Executive Officer shall then forward the complaint to the FCS Director. The FCS Director will review and investigate the complaint. If the complaint is against the FCS Director, either in their role as director, CCRC or the FCS Director has a conflict of interest, the complaint will be handled by the Court Executive Officer.

Upon completion of the investigation, the FCS Director shall forward a written response to the Court Executive Officer. The FCS Director may set a meeting with the Court Executive Officer, Family Law Judge or FCS CCRC to discuss the complaint, any concerns, findings, or responses as deemed appropriate. Upon completion of the investigation, the FCS Director shall then provide the Court Executive Officer with their finding of the investigation and review of the complaint. The Court Executive Officer shall then respond in writing to the complaining party of the decision and reasoning.

If the complainant is dissatisfied with the decision, they may appeal in writing to the Family Court Judge who, after review of the complaint and decision will issue the appropriate order in response to the complaint (Family Code section 3163). A copy of the complaint and response shall be forwarded to the Presiding Judge, Family Law Judge, FCS Director, CCRC. A copy of the letter shall be placed in the confidential envelope of the case file if appropriate. *(Eff. 1/1/13; Renum. 7/1/18; Rev. 7/1/19, 7/1/21,7/1/24)*

G. Supervised Visitation

All supervised visitation providers shall comply with the requirements and qualifications outlined in California Standards of Judicial Administration Standard 5.20 prior to the commencement of any supervised visitation. Failure to comply with these requirements shall be grounds for disqualification to act as a supervised visitation provider.

1. Professional Supervised Visitation Providers

   Professional Supervised Visitation Providers shall utilize form FL-324(P) [Declaration of Supervised Visitation Provider (Professional)] to report their qualifications. This form and any professional provider's original reports required shall be filed confidentially into the relevant Family Law case.

2. Non-Professional Supervised Visitation Providers

   a. All Non-professional supervised visitation providers shall review the guide: Supervised Visitation- A Guide for Non-Professional Providers. A copy of the guide can be obtained from the Family Law Clerk's Office or downloaded from the Court's web site. This guide outlines the role of the provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider. Failure to adhere to these standards can be grounds for removal as a supervised visitation provider.

   b. Non-Professional Supervised Visitation Providers shall utilize form FL-324(NP) [Declaration of Supervised Visitation Provider (Non-Professional)] to report their qualifications. This form shall be filed confidentially into the relevant Family Law case.

All forms are available at: https://www.merced.courts.ca.gov/forms-filing/local-forms. (Eff. 1/1/22, Rev. 7/1/2022, 7/1/2024)

RULE 411: *EX PARTE* ORDERS

A. Ex parte requests for orders shall be presented to the Court in accordance with California Rules of Court, rule 5.151.
B. All ex parte requests for hearing shall be reviewed by a Judicial officer and set for hearing per the Judicial officer's instruction. All requests will be reviewed within 1 to 2 court days of submission.
C. No ex parte hearing will be set unless the appropriate filing fee is paid at the time the request is submitted to the Court.
D. No ex parte hearing will be set unless local form MSC-FL-023 Declaration in Support of Ex Parte Application for Orders, available at the Family Law Clerk's Office or at www.merced.courts.ca.gov, or Judicial Council Form FL-303 has been filed with the Clerk's Office.
E. Ordinarily, an ex parte order will not be issued unless one of the following conditions exists:

1. Notice was given to the adverse party by at least 10:00 a.m. the day preceding submission to the Court of the ex parte request so that adverse party has an opportunity to oppose the application by counter declarations filed with the Clerk as soon as possible; or
2. Reasonable good faith efforts were made to notify the party; or
3. It clearly appears in the declaration that giving notice would frustrate the purpose of the proposed orders; or
4. The applicant would suffer immediate and irreparable injury before the adverse party could be heard in opposition; or
5. It appears by declaration that no significant burden or inconvenience will result to the adverse party.

F. An ex parte order will be issued only if the application is accompanied by a specific declaration adequate to support its issuance. Conclusions, feelings, wishes, or fears will not be adequate to support an ex parte order.
G. An application for an order seeking confirmation of sole custody for a party shall specify the duration and other circumstances justifying continued sole custody.
H. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change of status quo. Failure to disclose or misrepresentation of the facts may result in an award of sanctions.

(Eff. 7/1/04; Renum. 7/1/18; Rev. 1/1/09, 1/1/13, 7/1/13, 7/1/14, 1/1/17, 1/1/19, 7/1/21, 7/1/24)

RULE 413: ORDER CHANGING CUSTODY OF MINOR

A. An application for ex parte order to immediately change the custody of any minor child(ren) must be supported by a declaration showing by clear, specific allegations that the health and welfare of the child(ren) requires immediate change of custody. The declaration shall also set forth, in brief, the circumstances in which the child would be placed pending the hearing.
B. The declaration shall also contain a statement of which party currently has actual physical custody of the child(ren) in question, how such physical custody was obtained and for how long the party has had such physical custody.

(Eff. 7/1/04; Renum. 7/1/18)

RULE 415: INCOME AND EXPENSE DECLARATION

A. In accordance with CRC 5.92, no case in which monetary relief of any kind is requested, including any request for child support, spousal support or attorney's fees and costs, shall be heard unless a current Income and Expense Declaration (Judicial Council Form FL-150) has been completed and filed by the moving and responding parties along with their moving and responding papers. The Income and Expense Declaration filed shall be served on the opposing party with the moving or responding papers.

B. For purposes of this provision "current" means executed within three months of the date the matter is to be heard CRC 5.260.
C. In the event that the moving party fails to comply with this rule, the matter may be dropped from calendar, continued, and/or the Court may impose sanctions. The Court may also impose sanctions if delay results from the failure of either party to comply with this rule.
D. The Income and Expense Declaration shall be considered as received in evidence at the hearing subject to amendment and/or cross-examination at the time of hearing.
E. All blanks on the Income and Expense Declaration must be answered. Notations such as "unknown", "estimate", "not applicable" or "none" should be used to avoid leaving any item blank. If current facts are temporary, both the actual current facts and the estimated prospective facts may be shown if properly identified.
F. Every Income and Expense Declaration shall have attached to it supporting documentation to verify income claimed.

    1. If a party claims wage income, they shall attach their last three pay stubs showing both current and year to date total income paid to the individual. If the party claims that part of his/her wages are from overtime they shall so indicate in an attachment to the declaration and further indicate the amount of regular pay received by them and the frequency and amount of overtime paid.
    2. If a party claims income from sources other than wages, they shall attach schedules establishing the other income earned in the year preceding the preparation of the declaration (i.e. business income and expense, commission income, bonus income, rental income and expense, interest income, etc.). Business expense schedules shall identify clearly any depreciation or other non-cash expenses deductible from income. Self-employed individuals must attach a Profit & Loss Statement for the preceding two (2) years or a Schedule C from their last Federal tax return.
    3. If a party is unemployed they shall attach a factual declaration stating when they were last employed, where they were last employed, gross and net income derived there from, reasons for termination and efforts to seek employment since their last job.
    4. If a party is receiving Social Security income, Disability income, Unemployment compensation, Workman's compensation, or other funds from any other entitlement program they shall so indicate in the declaration and attach to the Income and Expense Declaration a copy of their most recent statement indicating the amount and expected duration of the entitlement income.

(Eff. 7/1/04; Rev. 1/1/09, 1/1/13, 1/1/17, 1/1/19, 7/1/21,7/1/24; Renum. 7/1/24)

RULE 416: STANDARD ORDERS FOR ALL CHILD SUPPORT CASES

A. Standard Orders

Unless otherwise ordered by the Court, all child support orders will be subject to the standard orders contained in local form #MSC-FL-025, Standard Orders – Child Support Attachment, which can be found at www.merced.courts.ca.gov. *(Eff. 1/1/13; Rev. 1/1/17, 1/1/19, 7/1/24; Renum. 7/1/24)*

RULE 417: CASE MANAGEMENT

A. Peremptory Challenges

In the Family Law Department, a single judge is assigned to a regularly presides in a single department. The judge is assigned to Family Law matters for all purposes. Consequently, the time limits for preemptory challenges are governed by Code of Civil Procedure section 170.6.

B. Meet and Confer Obligation

On all requests for order(s), motions and hearings in family law matters, excluding any matters involving domestic violence, each party, or that party's counsel, shall meet and confer in person or by phone before the hearing date and shall make a good faith attempt to settle all issues in the request for order(s), even if a complete settlement is not possible and only conditional agreements are made. The failure to abide by this rule may result in continuance of the hearing date or may, after notice and a hearing, serve as the base for subsequent conduct-based sanctions. (Cal. Rules of Ct., rule 5.98(a); Fam. Code, § 271; Code Civ. Proc., §§ 128.5, 128.7.). Copies of documents, intended to be offered as part of a case in chief, shall be provided to opposing parties/counsel prior to the Court hearing. (Cal Rules of Court, rule 5.98(b).) A party may not wait until the time of the hearing to "surprise" the opposing party with proffered documentary evidence, except to impeach the veracity of a party or witness.

RULE 418: SETTLEMENT CONFERENCES

A. Settlement Conference Policy Statement

It is the policy of the Superior Court of Merced County to settle issues and cases to the extent legally possible, to allow focus on settlement at the earliest possible date, to reduce the cost of litigation, and to reach a final conclusion of the case fairly and expeditiously. Therefore, compliance with these Settlement Conference Rules, attendance at Settlement Conferences, and full participation by both parties and counsel are all mandatory. After a noticed hearing, sanctions will be imposed for non-compliance.

B. Persons Attending

Trial counsel, parties, and persons with full authority to settle the case must personally attend the conference, unless excused by the Court for good cause shown. If any consent to settle is required for any reason, the party with that authority must be personally present at the conference. The Court may impose sanctions in the event of an unexcused

absence of a party or counsel. Experience has demonstrated the importance and necessity of the presence of all persons whose consent will be required for binding settlement agreement. Therefore, only extraordinary circumstances will excuse the non-appearance at the conference of the party or counsel.

C. Each Party to Be Prepared

At the conference each party shall be prepared to make their minimum request. In each case, counsel who attends the conference shall be thoroughly familiar with the case and shall be prepared to discuss it.

D. Mandatory Meet and Confer Requirement

All trial counsel and parties shall meet at least once, or exchange written settlement proposals, at least once prior to the scheduled Settlement Conference.

E. Mandatory Settlement Conference Statements

It is mandatory that all parties or counsel shall, at least fourteen (14) calendar ~~ten (10)~~ days prior to the scheduled hearing, file with the Clerk of the Superior Court and serve on each party, a settlement conference statement on containing the following:

1. The statistical information of the parties.
2. The dates of compliance with paragraph D above.
3. Details of any agreements or conditional agreements.
4. A description of each issue in dispute. The description shall include each party's contentions as to the disputed issue. If spousal support is a disputed issue, the description shall include each party's contentions as to the Family Code §4320 factors.
5. Estimated date that the party will be ready for trial and a good faith time estimate for Trial.

Failure to file a Settlement Statement timely may result in the imposition of monetary sanctions, after a noticed hearing.

(Rev. 1/1/27)

RULE 419: TRIALS/LONG CAUSE HEARINGS

A. Exhibit Lists, Witness Lists, Expert Witness Declarations, and Trial Briefs

All Exhibit Lists, Witness Lists, Expert Witness Declarations and Trial Briefs shall be served and filed no later than fourteen (14) calendar days prior to the first day set for trial/long cause hearing at the Court's discretion. Unless otherwise ordered, in the event of a continuance, this deadline remains firm. Failure to disclose witnesses and

exhibits pursuant to this section may be excluded at the time of trial/long cause hearing pursuant to Cal. Code of Civil Procedure §2034.260.

B. Remote Appearances at Trial/Long Cause Hearing

All parties, counsel, and witnesses are expected to appear in person for the trial or long cause hearing, unless the Court approves a remote appearance. Remote appearances shall be requested using the forms and procedures set forth in California Rule of Court 3.672. If a remote appearance is granted all exhibits, documents, etc shall be lodged with the Court at least two (2) court days prior to the first day of trial/long cause hearing.

C. Electronic Evidence – Please refer to Rule 2.5
(Rev. 1/1/27)

RULE 420-499: [RESERVED]

RULE 500: APPELLATE DIVISION

A. Sessions

Regular sessions of the Appellate Division shall be held on the fourth Monday of each month at 1:15 p.m., unless that day falls on a holiday in which event the session shall be held on the third Monday of that month at 1:15 p.m. Special sessions shall be held at the call of the Presiding Judge of the Appellate Division. *(Eff. 7/1/04; Rev. 1/1/09, 1/1/12; Renum. 7/1/18)*

B. Calendaring

Unless otherwise ordered, all appeals in which the last reply brief was filed (or the time for filing the brief expired forty-five (45) or more days before the date of a regular Appellate Division session) will be placed on the calendar for that session by the Appellate Division Clerk. *(Eff. 7/1/04; Rev. 1/1/09, 1/1/12, 1/1/13; Renum. 7/1/18)*

C. Briefs

Immediately upon the filing of the record on appeal in the Appellate Division, the Clerk of the Appellate Division will promptly mail a notice to each appellate counsel or unrepresented party giving the dates of the briefing schedule. Briefs shall be prepared, served and filed as provided by rules 8.882(e), 8.883, 8.927(c) and 8.928 of the California Rules of Court. Counsel shall also deposit with the Clerk three (3) legible copies for the assistance of the appellate panel.

Noncomplying briefs will be governed by rules 8.883(d) and 8.928(d) of the California Rules of Court. *(Eff. 7/1/04; Rev. & Renum. 1/1/09; Rev. 1/1/12; 1/1/13; Renum. 7/1/18)*

D. Motions

All motions shall comply with rule 8.808 of the California Rules of Court. Although a party may request a hearing on a motion, a hearing will be held only if the Court determines that one is needed. *(Eff. 7/1/04; Renum. 1/1/09; Rev. 1/1/12, Renum. 7/1/18)*

E. Oral Argument

Unless otherwise ordered, counsel for each party shall be allowed ten (10) minutes for oral argument, with the understanding that the Court may apportion or expand the time allowed for oral argument, if they choose to do so. The appellate or the moving party shall have the right to open and close. *(Eff. 7/1/04; Renum. 1/1/09; Rev. 1/1/13; Renum. 7/1/18)*

F. Trial Court File Instead of Clerk's Transcript

This Court elects to use the original trial Court file as the record of the written documents from the trial Court proceedings on all appellate matters in civil, misdemeanor and infraction cases pursuant to rules 8.833(a), 8.863(a) and 8.914(a) of the California Rules of Court. This rule will govern unless the trial Court orders otherwise after notice to the parties. *(Eff. 1/1/12; Renum. 7/1/18)*

G. Procedure for Writ of Mandate or Prohibition Proceedings

This court adopts the writ procedure followed in the courts of appeal. When filing a petition for writ of mandate or prohibition with the appellate division of the superior court, the petitioner must serve a copy of the petition on all real parties and respondent(s). The petition must be filed with the proof of service. Once the petition and proof of service are filed, the court will respond by:

i. Denying the petition.
ii. Requesting the respondent to file a statement in opposition.
iii. Issuing an alternative writ without first requesting an opposition be filed. The alternative writ directs the respondent to do what the writ petition seeks to compel or, in the alternative, to appear and show cause why they should not be compelled to do so.
iv. Issuing an order to show cause, at a certain date and time, why the respondent should not do as requested.
v. Issuing a peremptory writ, if at least 10 days' notice of the application was given to the opposing party (See *Code of Civil Proc. section 1088*). A peremptory writ in the first instance will not issue until the opposing party has filed a formal opposition or has been given an opportunity to do so (See *Code of Civil Proc. section 1107*). Petitioner must give the opposing party at least 10 days' notice of the petition for a peremptory writ. The opposing party must file an opposition within 5 calendar days of receipt of the notice (See *Cal. Rules of Court, rules 8.487(a)(4) and 8.933(a)(4)*).

(Eff. 1/1/19; Rev. 7/1/21)

RULE 500.1: ELECTRONIC RECORDING ON APPEAL

A. Stipulation to Use Electronic Recording

Pursuant to California Rules of Court, rule 8.915(a) and 8.917(c) and Merced Superior Court Local Rule 500.1(b) an appellant in a misdemeanor or traffic infraction matter may elect to proceed with a record of the oral proceeding through the use of the official electronic recording of the proceedings. The appellant need not attach a copy of the stipulation required under California Rule of Court, rule 8.917(c) to his/her notice of appellant election. The District Attorney's Office stipulates to the use of the electronic recording as the official record in all Traffic Court appeals, until March 31, 2027. (Eff. 1/1/15; Renum. 7/1/18; Rev. 1/1/18, 7/1/19, 1/1/26)

B. Use of Electronic Recording as Record

Pursuant to California Rules of Court, rule 8.837(d)(6)(A), 8.869(d)(6)(A), or 8.916(d)(6)(A), a judicial officer may order that the original of an official electronic recording of the court proceedings, or a copy made by the court, be transmitted to the Appellate Division as the record of oral proceedings in a limited civil, misdemeanor or infraction case without being transcribed and in lieu of correcting appellant's proposed statement on appeal. Such order may be made when the judicial officer determines that this procedure would save court time and resources. (Eff. 1/1/15; Rev. 1/1/18; Renum. 7/1/18)

C. Use of Electronic Recording in Traffic Infraction Appeals

Pursuant to California Rules of Court, rule 8.917, the original of an official electronic recording of the trial court proceedings, or a copy made by the court, may be transmitted to the Appellate Division as the record of oral proceedings in traffic infraction cases without being transcribed. (Eff. 1/1/15; Rev. 1/1/18; Renum. 7/1/18)

D. Request for Transcripts from Official Electronic Recordings

Due to limited court resources, transcripts of official electronic recordings will not be provided. Accordingly, if an appellant or requesting party is deemed indigent by the court and has requested a transcript be provided at no cost, the original of an official electronic recording of the trial court proceedings, or a copy made by the court, shall be transmitted as a true and complete record of the proceedings without being transcribed. (Cal. Rules of Court, rules 8.830~~(b)~~; 8.910~~(a)(2)(C)~~, and 8.917~~(b)~~.

If appellant or requesting party is not deemed indigent and elects to proceed with a transcript of the oral proceedings instead of a settled statement, the cost and burden to

prepare the transcript is borne by the appellant or requesting party. *(Eff. 1/1/18; Renum. 7/1/18)*

Merced Superior Court

LIST OF RULES AND EFFECTIVE DATES

Rule	Effective Date
Rule 1	7/1/04 *(revised 7/1/24)*
Rule 1.2	7/1/04 *(revised 7/1/21)*
Rule 1.3	7/1/04 *(revised 1/1/04)*
Rule 1.4	1/1/12 *(revised 7/1/21)*
Rule 1.5	7/1/04 *(revised 1/1/20)*
Rule 1.6	1/1/04 *(revised 1/1/12)*
Rule 2	7/1/04 *(revised 1/1/27~~6~~)*
Rule 2.1	7/1/12 *(revised 1/1/22)*
Rule 2.2	7/1/17 *(revised 1/1/26)*
Rule 2.3	7/1/04 *(revised 7/1/21)*
Rule 2.4	1/1/09 *(revised 7/1/21)*
Rule 2.5	1/1/10 *(revised 1/1/19)*
Rule 2.6	1/1/23
Rule 3	7/1/18
Rule 3.1	7/1/04 *(revised 1/1/27~~2~~)*
Rule 3.2	*1/1/23 (revised 7/1/23)*
Rule 3.3	7/1/04 *(revised 7/1/18)*
Rule 3.4	1/1/12 *(revised 7/1/18)*
Rule 3.5	7/1/04 *(revised 7/1/18)*
Rule 3.6	7/1/04 *(revised 7/1/23)*
Rule 3.7	1/1/10 *(revised 7/1/21)*
Rule 3.8	7/1/04 *(revised 7/1/18)*
Rule 4	7/1/04 *(revised 7/1/18)*
Rule 4.1	7/1/04 *(revised 7/1/18)*
Rule 16	7/1/04 *(revised 1/1/2~~6~~7)*
Rule 17	7/1/04 *(revised 1/1/27~~6~~)*
Rule 100	7/1/04 *(revised 7/1/24)*
Rule 101	7/1/04 *(revised 7/1/24)*

Rule	Effective Date
Rule 200	7/1/09 *(revised 1/1/22)*
Rule 201	1/1/11 *(revised 7/1/18)*
Rule 201.1	1/1/11 *(revised 1/1/23)*
Rule 201.2	1/1/11 *(revised 7/1/18)*
Rule 201.3	1/1/27
Rule 202	1/1/23
Rule 400	1/1/04 *(revised 7/1/19)*
Rule 401	7/1/04 *(revised 7/1/20)*
Rule 402	7/1/04 *(revised 1/1/27~~6~~)*
Rule 407	7/1/04
Rule 410	7/1/04 *(revised 1/1/27~~6~~)*
Rule 411	7/1/04 *(revised 7/1/24)*
Rule 413	7/1/04 *(revised 7/1/18)*
Rule 415	7/1/04 *(revised 1/1/26)*
Rule 416	7/1/04 *(revised 7/1/24)*
Rule 417	7/1/18 *(revised 1/1/26)*
Rule 418	1/1/27
Rule 419	1/1/26
Rule 500	7/1/04 (*revised 7/1/21*)
Rule 500.1	1/1/15 *(revised 1/1/27~~6~~)*

Merced Superior Court

LIST OF APPROVED LOCAL FORMS BY FORM NUMBER

Division	Local Form #	Local Form Name	Eff./Rev. Date	Odyssey Form
Family Law	FL-0005	Interpreter Request Form	10/4/2017	Optional
Criminal	MC-P47-1	Petition for Resentencing or Redesignation of Offenses	4/3/2019	Optional
Criminal	MC-P47-2	Pro Se Petition for Resentencing or Redesignation of Offenses	1/28/2022	Optional
Criminal	MC-P47-3	District Attorney Response to Petition	7/1/2018	Optional
Criminal	MC-P47-4	Stipulation and Order for Redesignation of Offenses After Completion of Sentencing	7/1/2019	Optional
Criminal	MC-P47-5	Waiver, Stipulation, and Order for Resentencing	7/1/2019	Optional
Criminal	MC-P47-6	Stipulation and Order for Redesignation of Offenses Prior to Sentencing	7/1/2019	Optional
Criminal	MC-P47-7	Petition and Order	7/1/2018	Optional
Civil	MCS-CV-101	ADR Guide	3/1/2008	Optional
Civil	MCS-CV-102	ADR Stipulation	2/1/2013	Optional
Civil	MCS-CV-103	EMP Statement of Settlement Status Form	2/1/2013	Optional
Civil	MCS-CV-104	Early Mediation Opt-Out Form	2/1/2008	Optional
Civil	MCS-CV-105	ADR Neutral Panel Application	2/1/2008	Optional
Civil	MCS-CV-106	ADR Neutral Survey	2/1/2008	Optional
Court	MSC-AD-002	Payment Plan Enrollment Form	2/1/2022	Optional
Court	MSC-AD-010	Request for Copies of Electronic Recordings	7/1/2018	Mandatory
Court	MSC-AD-011	IT Courtroom Audio Video Equipment Request	7/1/2018	Mandatory
Court	MSC-AD-012-E	Language Access Services Complaint Form (English)	11/14/2018	Optional
Court	MSC-AD-012-P	Language Access Services Complaint Form (Punjabi)	11/14/2018	Optional
Court	MSC-AD-012-S	Language Access Services Complaint Form (Spanish)	11/14/2018	Optional
Court	MSC-AD-013	Bulk Data Request to Access Court Disposition Records	3/25/2022	Optional
Courtroom	MSC-AD-014	Appeal Volume, Page & Index Assignment Sheet	5/9/2022	Optional
Court	MSC-AD-100	Courthouse ICE Arrest Tracking Form	3/2/2020	Optional
Courtroom	MSC-AD-200	Proof of Court Attendance	5/14/2019	Optional
Courtroom	MSC-AD-210	Jail Remand Slip	3/2/2020	Optional
Courtroom	MSC-AD-211	Jail Notification Form	3/2/2020	Optional
Courtroom	MSC-AD-250	Clerk's Memorandum Fee Sheet	3/7/2012	Optional
Criminal	MSC-CR-001	Petition for Cannabis Conviction Resentencing and Order	7/1/2020	Optional

Merced Superior Court

Criminal	MSC-CR-020	Information about Fines and Programs	9/16/2022	Informational
Criminal	MSC-CR-021	Public Defender Appointed Information Sheet	8/8/2022	Informational
Criminal	MSC-CR-022	Sentencing Instruction Handout	7/1/2019	Informational
Criminal	MSC-CR-030	Request for Hearing on Protective Order Modification	7/1/2021	Optional
Criminal	MSC-CR-031	Property Retrieval Order	7/1/2019	Optional
Criminal	MSC-CR-040	Ramey Warrant/Search Warrant Copy Request Form	7/1/2019	Mandatory
Courtroom	MSC-CR-201	Misdemeanor Advisement of Rights, Waiver, and Plea Form	7/1/2021	Optional
Courtroom	MSC-CR-202	Misdemeanor Advisement of Rights, Waiver, and Plea Form - DUI/License	7/1/2021	Optional
Courtroom	MSC-CR-203	Misdemeanor Advisement of Rights, Waiver, and Plea Form - Prop 36/DEJ	7/1/2021	Optional
Courtroom	MSC-CR-204	Juvenile Order Of the Court	4/9/2018	Optional
Courtroom	MSC-CR-205	Misdemeanor Arraignment Advisements	Under Rev.	Informational
Courtroom	MSC-CR-213	Release on Own Recognizance Agreement	6/20/2018	Optional
Courtroom	MSC-CR-214	Advisement and Waiver of Right to Counsel (Farretta Waiver)	6/20/2018	Optional
Courtroom	MSC-CR-215	Release Order	9/13/2018	Optional
Courtroom	MSC-CR-216	Waiver of Defendant's Personal Appearance (PC977)	7/1/2022	Optional
Courtroom	MSC-CR-220	Notice of Psychiatric Appointment	7/1/2022	Optional
Courtroom	MSC-CR-230	Felony Advisement of Rights Waiver and Plea Form	11/8/2021	Optional
Courtroom	MSC-CR-231	Plea in Absentia	10/12/2022	Optional
Courtroom	MSC-CR-232	Advisement of Immigration Consequences	1/1/2023	Optional
Civil	MSC-CV-001	At-Issue Memorandum (Civil)	10/3/2018	Optional
Civil	MSC-CV-002	Notice of Motion and Motion for Order	11/5/2019	Optional
Civil	MSC-CV-003	Order on Defendant's Motion	11/5/2019	Optional
Civil	MSC-CV-004	Ex Parte Application and Declaration to Serve Summons by Posting for Unlawful Detainer	7/1/2020	Optional
Civil	MSC-CV-005	Order on Ex Parte Application to Serve Summons by Posting for Unlawful Detainer	7/1/2020	Optional
Civil	MSC-CV-010	Adoption Agreement	11/1/2019	Optional
Civil	MSC-CV-011	Petition for Approval of Adoption Agreement	11/1/2019	Optional
Civil	MSC-CV-012	Order of Adoption	11/1/2019	Optional
Civil	MSC-CV-013	Consent of Spouse of Adopted Person	11/1/2019	Optional
Civil	MSC-CV-014	Consent of Spouse of Adopting Parent	11/1/2019	Optional
Civil	MSC-CV-015	Request to Set Adoption Hearing	5/19/2020	Optional

Merced Superior Court

Civil	MSC-CV-016	Petition to Declare Minor Free from Parental Custody and Control	5/19/2020	Optional
Civil	MSC-CV-017	Citation to Parent	5/19/2020	Optional
Civil	MSC-CV-018	Order After Hearing Re: Petition to Declare Minor Free From Parental Custody and Control	5/19/2020	Optional
Civil	MSC-CV-050	Declaration of Judgment Debtor Regarding Satisfaction of Judgment (C.C.P. §116.850)	1/1/2022	Optional
Civil	MSC-CV-051	Settlement Conference Statement	7/1/2023	Mandatory
Civil	MSC-CV-052	Stipulation for Settlement	7/1/2023	Mandatory
Family Law	MSC-FL-001	Attention Filing Party	3/4/2020	Informational
Family Law	MSC-FL-002	Hair Follicle Handout	3/2/2020	Informational
Family Law	MSC-FL-021	Ex-Parte Request and Order RE: Disqualification of CCRC	7/1/2018	Optional
Family Law	MSC-FL-022	At-Issue Memorandum (Family Law)	8/27/2018	Optional
Family Law	MSC-FL-023	Declaration in Support of Ex-Parte Application for	7/1/2018	Optional
Family Law	MSC-FL-024	Request for Default Setting	1/1/2020	Optional
Family Law	MSC-FL-025	Standard Orders-Child SupprtAttachment	7/1/2018	Optional
Family Law	MSC-FL-026	Petitioner's/Respondent's Objection to FCS	7/1/2018	Optional
Family Law	MSC-FL-027	Stipulation and Order	7/1/2019	Optional
Family Law	MSC-FL-030	Approval for Confidential Records	7/1/2019	Mandatory
Family Law	MSC-FL-031	Coverpage for Confidential Records	7/1/2019	Optional
Family Law	MSC-FL-032	Statement of Issues and Contentions	7/1/2019	Mandatory
Family Law	MSC-FL-033	Marital Settlement Agreement with Child Support - Addendum to Judgment	2/25/2020	Mandatory
Family Law	MSC-FL-034	Marital Settlement Agreement - Addendum to Judgment	2/25/2020	Mandatory
Family Law	MSC-FL-036	Confidential Information for Child Custody Recommending Counseling	5/13/2022	Optional
Family Law	MSC-FL-036 A	Confidential Information for Child Custody Recommending Counseling	5/13/2022	Optional
Family Law	MSC-FL-041	Alcohol And Drug Assessment Service Providers	1/14/2022	Informational
Family Law	MSC-FL-044	Scope Form	3/1/2022	Optional
Juvenile	MSC-JV-001	Application for Transcript of Juvenile Hearing and Order	1/1/2022	Mandatory
Juvenile	MSC-JV-002	Declaration for Access to Juvenile Case File in Possession of Juvenile Court	10/2/2018	Mandatory
Juvenile	MSC-JV-003	W&I 827 Quick Reference Guide	11/1/2018	Informational
Juvenile	MSC-JV-004	Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional

Merced Superior Court

Juvenile	MSC-JV-005	Proof of Service--Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Juvenile	MSC-JV-006	Response by District Attorney to Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Juvenile	MSC-JV-007	Order on Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Juvenile	MSC-JV-008	Notice of Psychiatric Appointment: Juvenile	12/1/2021	Optional
Juvenile	MSC-JV-010	Declaration of Eligibility for Representation in Dependency Court	1/1/2023	Mandatory
Courtroom	MSC-JV-240	Advise of Rights (Juvenile-602)	8/28/2019	Optional
Courtroom	MSC-JV-241	Waiver Form with Advisements, Stipulations, Declarations, Findings and Orders	7/1/2021	Optional
Courtroom	MSC-JV-242	Order of the Court	9/30/2019	Optional
Juvenile	MSC-JV-243	Notice of Psychiatric Appointment: Juvenile	8/30/2022	Optional
Probate	MSC-PR-001	Court Investigations Guardianship Questionnaire	7/1/2018	Mandatory
Probate	MSC-PR-002	Petition for Visitation Orders – Guardianship	7/1/2018	Optional
Probate	MSC-PR-003	Petition for Modification of Visitation Orders - Guardianship	7/1/2018	Optional
Probate	MSC-PR-004	Proof of Service by Mail - Guardianship	3/6/2019	Optional
Probate	MSC-PR-005	Proof of Service for Personal Service or by Notice and Acknowledgment of Receipt - Guardianship	3/6/2019	Optional
Probate	MSC-PR-006	Petition for Settlement of Final Account/Account Current	7/1/2020	Optional
Probate	MSC-PR-006A	Attachment for Final Accounts	7/1/2020	Optional
Probate	MSC-PR-007	Financial Document(s) Cover Sheet	7/1/2020	Optional
Probate	MSC-PR-008	Petition for Change of Venue Due to Change of Residence	7/1/2020	Optional
Probate	MSC-PR-009	Order on Petition for Change of Venue	7/1/2020	Optional
Probate	MSC-PR-010	Objection to Guardianship/ Termination of	7/1/2022	Optional
Court	MSC-PT-001	Certification, Declaration, and Order of Appointment	4/11/2017	Mandatory
Court	MSC-PT-002	Appointment of Temporary Judge, Waiver of Disqualification, and/or Finding of Extraordinary Circumstance	12/14/2021	Mandatory
Court	MSC-RR-001	Record/Search/Copy Request Form	7/1/2018	Optional
Traffic	MSC-TF-020	Letter to District Attorney *[Included on SO#2021-08]*	11/5/2021	Mandatory
Court	MSC-VC-001	Video Conference Request Form	7/1/2018	Mandatory
Court	MSC-VC-002	Notice of Intent to Appear by Video Conference	7/1/2018	Optional

Merced Superior Court

LIST OF APPROVED LOCAL FORMS BY FORM NAME

Division	Local Form #	Local Form Name	Eff./Rev. Date	/ Optional
Civil	MSC-CV-010	Adoption Agreement	11/1/2019	Optional
Civil	MCS-CV-101	ADR Guide	3/1/2008	Optional
Civil	MCS-CV-105	ADR Neutral Panel Application	2/1/2008	Optional
Civil	MCS-CV-106	ADR Neutral Survey	2/1/2008	Optional
Civil	MCS-CV-102	ADR Stipulation	2/1/2013	Optional
Courtroom	MSC-JV-240	Advise of Rights (Juvenile-602)	8/28/2019	Optional
Courtroom	MSC-CR-214	Advisement and Waiver of Right to Counsel (Farretta Waiver)	6/20/2018	Optional
Courtroom	MSC-CR-232	Advisement of Immigration Consequences	1/1/2023	Optional
Family Law	MSC-FL-041	Alcohol And Drug Assessment Service Providers	1/14/2022	Informational
Courtroom	MSC-AD-014	Appeal Volume, Page & Index Assignment Sheet	5/9/2022	Optional
Juvenile	MSC-JV-001	Application for Transcript of Juvenile Hearing and Order	1/1/2022	Mandatory
Court	MSC-PT-002	Appointment of Temporary Judge, Waiver of Disqualification, and/or Finding of Extraordinary Circumstance	12/14/2021	Mandatory
Family Law	MSC-FL-030	Approval for Confidential Records	7/1/2019	Mandatory
Civil	MSC-CV-001	At-Issue Memorandum (Civil)	10/3/2018	Optional
Family Law	MSC-FL-022	At-Issue Memorandum (Family Law)	8/27/2018	Optional
Probate	MSC-PR-006A	Attachment for Final Accounts	7/1/2020	Optional
Family Law	MSC-FL-001	Attention Filing Party	3/4/2020	Informational
Juvenile	MSC-JV-011	Authorization	11/9/2022	Optional
Court	MSC-AD-013	Bulk Data Request to Access Court Disposition Records	3/25/2022	Optional
Court	MSC-PT-001	Certification, Declaration, and Order of Appointment	4/11/2017	Mandatory
Civil	MSC-CV-017	Citation to Parent	5/19/2020	Optional
Courtroom	MSC-AD-250	Clerk's Memorandum Fee Sheet	3/7/2012	Optional
Family Law	MSC-FL-036	Confidential Information for Child Custody Recommending Counseling	5/13/2022	Optional
Family Law	MSC-FL-036 A	Confidential Information for Child Custody	5/13/2022	Optional
Civil	MSC-CV-013	Consent of Spouse of Adopted Person	11/1/2019	Optional

Merced Superior Court

Civil	MSC-CV-014	Consent of Spouse of Adopting Parent	11/1/2019	Optional
Probate	MSC-PR-001	Court Investigations Guardianship Questionnaire	7/1/2018	Mandatory
Court	MSC-AD-100	Courthouse ICE Arrest Tracking Form	3/2/2020	Optional
Family Law	MSC-FL-031	Cover page for Confidential Records	7/1/2019	Optional
Juvenile	MSC-JV-002	Declaration for Access to Juvenile Case File in Possession of Juvenile Court	10/2/2018	Mandatory
Family Law	MSC-FL-023	Declaration in Support of Ex-Parte Application for Orders	7/1/2018	Optional
Juvenile	MSC-JV-010	Declaration of Eligibility for Representation in Dependency Court	1/1/2023	Mandatory
Civil	MSC-CV-050	Declaration of Judgment Debtor Regarding Satisfaction of Judgment (C.C.P. §116.850)	1/1/2022	Optional
Criminal	MC-P47-3	District Attorney Response to Petition	7/1/2018	Optional
Civil	MCS-CV-104	Early Mediation Opt-Out Form	2/1/2008	Optional
Civil	MCS-CV-103	EMP Statement of Settlement Status Form	2/1/2013	Optional
Civil	MSC-CV-004	Ex Parte Application and Declaration to Serve Summons by Posting for Unlawful Detainer	7/1/2020	Optional
Family Law	MSC-FL-021	Ex-Parte Request and Order RE: Disqualification of CCRC	7/1/2018	Optional
Courtroom	MSC-CR-230	Felony Advisement of Rights Waiver and Plea Form	11/8/2021	Optional
Probate	MSC-PR-007	Financial Document(s) Cover Sheet	7/1/2020	Optional
Family Law	MSC-FL-002	Hair Follicle Handout	3/2/2020	Informational
Courtroom	MSC-AD-015	How to Safely Turn in Firearms and Ammunition	6/20/2022	Informational
Criminal	MSC-CR-020	Information about Fines and Programs	9/16/2022	Informational
Family Law	FL-0005	Interpreter Request Form	10/4/2017	Optional
Court	MSC-AD-011	IT Courtroom Audio Video Equipment Request	7/1/2018	Mandatory
Courtroom	MSC-AD-211	Jail Notification Form	3/2/2020	Optional
Courtroom	MSC-AD-210	Jail Remand Slip	3/2/2020	Optional
Courtroom	MSC-CR-204	Juvenile Order Of the Court	4/9/2018	Optional
Court	MSC-AD-012-E	Language Access Services Complaint Form (English)	11/14/2018	Optional
Court	MSC-AD-012-P	Language Access Services Complaint Form (Punjabi)	11/14/2018	Optional
Court	MSC-AD-012-S	Language Access Services Complaint Form (Spanish)	11/14/2018	Optional
Traffic	MSC-TF-020	Letter to District Attorney *[Included on SO#2021-08]*	11/5/2021	Mandatory
Family Law	MSC-FL-034	Marital Settlement Agreement - Addendum to Judgment	2/25/2020	Mandatory

Merced Superior Court

Family Law	MSC-FL-033	Marital Settlement Agreement with Child Support - Addendum to Judgment	2/25/2020	Mandatory
Courtroom	MSC-CR-201	Misdemeanor Advisement of Rights, Waiver, and Plea Form	7/1/2021	Optional
Courtroom	MSC-CR-202	Misdemeanor Advisement of Rights, Waiver, and Plea Form - DUI/License	7/1/2021	Optional
Courtroom	MSC-CR-203	Misdemeanor Advisement of Rights, Waiver, and Plea Form - Prop 36/DEJ	7/1/2021	Optional
Courtroom	MSC-CR-205	Misdemeanor Arraignment Advisements		Informational
Court	MSC-VC-002	Notice of Intent to Appear by Video Conference	7/1/2018	Optional
Civil	MSC-CV-002	Notice of Motion and Motion for Order	11/5/2019	Optional
Juvenile	MSC-JV-008	Notice of Psychiatric Appointment: Juvenile	12/1/2021	Optional
Juvenile	MSC-JV-243	Notice of Psychiatric Appointment: Juvenile	8/30/2022	Optional
Courtroom	MSC-CR-220	Notice of Psychiatric Appointment	7/1/2022	Optional
Probate	MSC-PR-010	Objection to Guardianship/ Termination of	7/1/2022	Optional
Civil	MSC-CV-018	Order After Hearing Re: Petition to Declare Minor Free From Parental Custody and Control	5/19/2020	Optional
Civil	MSC-CV-012	Order of Adoption	11/1/2019	Optional
Courtroom	MSC-JV-242	Order of the Court	9/30/2019	Optional
Civil	MSC-CV-003	Order on Defendant's Motion	11/5/2019	Optional
Civil	MSC-CV-005	Order on Ex Parte Application to Serve Summons by Posting for Unlawful Detainer	7/1/2020	Optional
Probate	MSC-PR-009	Order on Petition for Change of Venue	7/1/2020	Optional
Juvenile	MSC-JV-007	Order on Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Court	MSC-AD-002	Payment Plan Enrollment Form	2/1/2022	Optional
Criminal	MC-P47-7	Petition and Order	7/1/2018	Optional
Civil	MSC-CV-011	Petition for Approval of Adoption Agreement	11/1/2019	Optional
Criminal	MSC-CR-001	Petition for Cannabis Conviction Resentencing and Order	7/1/2020	Optional
Probate	MSC-PR-008	Petition for Change of Venue Due to Change of Residence	7/1/2020	Optional
Probate	MSC-PR-003	Petition for Modification of Visitation Orders - Guardianship	7/1/2018	Optional
Criminal	MC-P47-1	Petition for Resentencing or Redesignation of Offenses	4/3/2019	Optional
Probate	MSC-PR-006	Petition for Settlement of Final Account/Account Current	7/1/2020	Optional
Probate	MSC-PR-002	Petition for Visitation Orders - Guardianship	7/1/2018	Optional
Civil	MSC-CV-016	Petition to Declare Minor Free from Parental Custody and Control	5/19/2020	Optional
Juvenile	MSC-JV-004	Petition to Terminate Sex Offender Registration-- Juvenile	8/25/2021	Optional

Merced Superior Court

Family Law	MSC-FL-026	Petitioner's/Respondent's Objection to FCS Evaluation/Assessment/Counsel's Recommendation	7/1/2018	Optional
Courtroom	MSC-CR-231	Plea in Absentia	10/12/2022	Optional
Criminal	MC-P47-2	Pro Se Petition for Resentencing or Redesignation of Offenses	1/28/2022	Optional
Courtroom	MSC-AD-200	Proof of Court Attendance	5/14/2019	Optional
Probate	MSC-PR-004	Proof of Service by Mail - Guardianship	3/6/2019	Optional
Probate	MSC-PR-005	Proof of Service for Personal Service or by Notice and Acknowledgment of Receipt - Guardianship	3/6/2019	Optional
Juvenile	MSC-JV-005	Proof of Service--Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Criminal	MSC-CR-031	Property Retrieval Order	7/1/2019	Optional
Criminal	MSC-CR-021	Public Defender Appointed Information Sheet	8/8/2022	Informational
Criminal	MSC-CR-040	Ramey Warrant/Search Warrant Copy Request Form	7/1/2019	Mandatory
Court	MSC-RR-001	Record/Search/Copy Request Form	7/1/2018	Optional
Courtroom	MSC-CR-213	Release on Own Recognizance Agreement	6/20/2018	Optional
Courtroom	MSC-CR-215	Release Order	9/13/2018	Optional
Court	MSC-AD-010	Request for Copies of Electronic Recordings	7/1/2018	Mandatory
Family Law	MSC-FL-024	Request for Default Setting	1/1/2020	Optional
Criminal	MSC-CR-030	Request for Hearing on Protective Order Modification	7/1/2021	Optional
Civil	MSC-CV-015	Request to Set Adoption Hearing	5/19/2020	Optional
Juvenile	MSC-JV-006	Response by District Attorney to Petition to Terminate Sex Offender Registration--Juvenile	8/25/2021	Optional
Family Law	MSC-FL-044	Scope Form	3/1/2022	Optional
Criminal	MSC-CR-022	Sentencing Instruction Handout	7/1/2019	Informational
Civil	MSC-CV-051	Settlement Conference Statement	7/1/2023	Mandatory
Family Law	MSC-FL-025	Standard Orders-Child Support Attachment	7/1/2018	Optional
Family Law	MSC-FL-032	Statement of Issues and Contentions	7/1/2019	Mandatory
Family Law	MSC-FL-027	Stipulation and Order	7/1/2019	Optional
Criminal	MC-P47-4	Stipulation and Order for Redesignation of Offenses After Completion of Sentencing	7/1/2019	Optional
Criminal	MC-P47-6	Stipulation and Order for Redesignation of Offenses Prior to Sentencing	7/1/2019	Optional
Civil	MSC-CV-052	Stipulation for Settlement	7/1/2023	Mandatory
Court	MSC-VC-001	Video Conference Request Form	7/1/2018	Mandatory
Juvenile	MSC-JV-003	W&I 827 Quick Reference Guide	11/1/2018	Informational
Courtroom	MSC-JV-241	Waiver Form with Advisements, Stipulations, Declarations, Findings and Orders	7/1/2021	Optional

Merced Superior Court

Courtroom	MSC-CR-216	Waiver of Defendant's Personal Appearance (PC977)	7/1/2022	Optional
Criminal	MC-P47-5	Waiver, Stipulation, and Order for Resentencing	7/1/2019	Optional

INDEX

A

ADOPTION AND AMENDMENT OF RULES 13
ADOPTIONS 16, 24, 27
APPEARANCE 23, 43, 45, 68, 73
APPELLATE DIVISION 95, 97
APPLICABLE RULES 58, 68
APPOINTMENT OF REPRESENTATIVE 69
ARRAIGNMENT 55
ASSIGNMENT 44, 55
ATTACHMENTS 38
ATTENDANCE OF WITNESSES 73
ATTORNEY DISCLOSURE 73
ATTORNEY'S FEES 41

B

BAIL SCHEDULE 55
BOND 26, 70
BONUS INCOME 92
BRIEFS 96
BROADCASTING 26

C

CALENDAR MANAGEMENT 84
CALENDARING 55, 95
CAMERAS 23, 27
CASA 75, 79
CASE MANAGEMENT 16
CASE MANAGEMENT CONFERENCE 18, 42, 43, 44, 85
CCRC 86, 87, 89
CEREMONIAL EVENTS 27
CHILD CUSTODY 33, 84, 86
CHILD CUSTODY RECOMMENDING COUNSELING ..... *See* CCRC
CHILD SUPPORT 21, 33, 93
CIVIL 16, 18, 19, 21, 23, 25, 43
CIVIL LAW AND MOTION 38, 39, 68
CLERK 24
CLERK'S TRANSCRIPT 96
COMPLAINTS 47, 89
COMPLEX CASES 25, 44
CONSERVATORSHIP 15
CONTESTED 15, 42, 68, 69
COURT APPOINTED SPECIAL ADVOCATES ..... *See* CASA
COURT ATTIRE 23
COURT COMMISSIONERS 14
COURT EXECUTIVE OFFICER 13, 14, 23, 89
COURT INTERPRETERS 21
COURT ORGANIZATION 13

COURT REPORTER 16, 74
COURT SECURITY 22
COURT-PROGRAM MEDIATORS 47
CREDITOR'S CLAIMS 71
CUSTODY AND VISITATION 33, 86

D

DCSS 83
DEFAULT 24, 41
DEFECTIVE NOTICE 70
DEFENDANT'S CLOTHING 56
DEFINITIONS 24
DIRECT CALENDAR 16, 44, 55
DISCOVERY 55
DISQUALIFICATION 88
DISTRICT 15
DISTRICT ATTORNEY 34, 61
DOMESTIC VIOLENCE 21, 32, 33, 84, 85
DRUG COURT 16

E

ELECTRONIC DEVICES 26
ELECTRONIC EXHIBITS 36
ELECTRONIC FILING 25
ELECTRONIC RECORDING 17, 97
EQUIPMENT REQUEST 36
EVALUATOR 87, 88, 89
EVIDENCE 24, 31, 32, 36, 38, 56, 57, 62, 92
EX PARTE 16, 39, 57, 71, 73, 89
EX PARTE ORDER 90
EXECUTIVE COMMITTEE 13, 14
EXHIBITS 24, 32, 38, 39, 55, 56, 58, 60

F

FAILURE OF SETTLEMENT CONFERENCE 46
FAILURE TO APPEAR 46, 62, 85
FAILURE TO COMPLY WITH RULES 38, 92
FAILURE TO DISCLOSE 91
FAMILY COURT 21, 33, 35
FAMILY LAW 23, 25, 33, 83
FILING OF MOTIONS 56
FILING OF ORDERS 24
FILING PROCEDURE 24
FIREARMS 23, 31, 58, 59
FORMS 40, 42, 68, 69, 71, 88, 100, 106

G

GOOD FAITH 46, 57, 69, 91

GUARDIANSHIP 15, 33, 84

H

HAZARDOUS MATERIALS 31
HOLIDAY 53, 95
HOURS OF JUDICIAL BUSINESS 16

I

IN LIMINE MOTIONS 53, 94
INCOME AND EXPENSE DECLARATION 92
IRIS GARRETT JUSTICE CORRECTIONAL COMPLEX .....*See* JJCC

J

JJCC 16
JUDICIAL OFFICER 24
JURY FEES 53, 94
JURY INSTRUCTIONS.....54, 55
JURY TRIALS 3, 16, 36, 53, 54, 84, 93, 94, 95
JUVENILE COURT 35
JUVENILE COURT RECORDS..... 73
JUVENILE DELINQUENCY 16
JUVENILE DEPENDENCY 15

L

LACK OF APPEARANCE .....*See* FAILURE TO APPEAR
LAW ENFORCEMENT.....23, 55, 60, 74, 76, 89
LIMITED ENGLISH PROFICIENCY (LEP) PLAN..... 21
LOCAL FORMS.....100, 106
LOCAL RULES 99
LOS BANOS 15, 84

M

MEDIA 27
MEETING OF THE JUDGES..... 15
MERCED DISTRICT..... 15
MINOR'S COMPROMISE 24, 72
MINOR'S COUNSEL 88
MOTIONS 41, 96

N

NOTICE.....24, 38, 43, 50, 60, 69, 72, 77, 78, 96
NOTICE OF APPEAL.....32, 60
NOTICE OF MOTION.....15, 55
NOTICE OF SETTLEMENT OR DISMISSAL 46
NOTICE OF STAY 52
NOTICE TO APPEAR PURSUANT TO V.C. § 40500 62

O

ORAL ARGUMENT 96
ORDER AFTER HEARING 39
ORDER CHANGING CUSTODY OF MINOR 91

P

PASS REQUEST 60
PHOTOGRAPHING 26, 45
PRESIDING JUDGE 13, 55
PRE-TRIAL CONFERENCE 43
PRE-TRIAL SETTINGS 43
PRO TEMPORE REPORTERS 18
PROBATE 15, 23, 24, 25, 33
PROBATE COURT 35
PROBATE EXAMINER 71
PROPOSED ORDERS 69
PROTECTIVE ORDER 32, 33, 34, 35, 36

R

RECORDING 26, 45, 57
REMOTE APPEARANCES 27
REQUEST FOR ORDER 84, 86
REQUEST FOR ORDER CALENDAR 84
RESTRAINING ORDER 33, 34, 35
ROBERT FALASCO JUSTICE CENTER 39

S

SANCTIONS 91
SCHEDULING OF TRIALS AND HEARINGS 16
SEARCHES 22
SETTLEMENT CONFERENCE 16, 43, 44, 85
SETTLEMENT STATEMENT 45
SEXUAL HARASSMENT 23
SUMMARY ADJUDICATION 41
SUMMARY JUDGMENT 41

T

TARDINESS 85
TELEPHONE APPEARANCE 38, 43, 44, 68, 86
TENTATIVE RULINGS 38
TIME AND PLACE OF HEARING 68
TIME OF FILING PAPERS 24
TOXIC MATERIALS 31
TRANSCRIPTS 19, 57, 74, 98

U

UNCONTESTED MATTERS 24, 68

V

VISITATION.....33, 86

W

WAIVER OF FEES..... 24
WAIVER OF RIGHT TO APPEAR..... 38
WEST COUNTY DISTRICT..... 15
WITHDRAWAL OF FUNDS..... 73
WRIT OF HABEAS CORPUS..... 55
WRIT OF MANDATE..... 96
WRIT OF PROHIBITION..... 96