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Superior Court of California *County of Los Angeles*

February 14, 2022

PROPOSED REVISIONS TO LOCAL COURT RULES

Pursuant to California Rules of Court, Rule 10.613(g), the following proposed amendments to the Local Rules are hereby distributed for comment. The affected rules are:

- Rule 2.17 PHOTOGRAPHING, RECORDING AND BROADCASTING IN COURT
Updates office name from the Public Information Office to the Communications Office.
- Amend the following Chapters making language gender neutral.

Chapter 1 – Definitions and Governance

Chapter 2 – Distribution of Court Business and General Provisions

Chapter 3 – Civil Division Rules

Chapter 4 – Probate Division Rules

Chapter 5 – Family Division Rules

Chapter 6 – Adoption Rules

Chapter 7 – Juvenile Division Rules

Chapter 8 – Criminal Division Rules

Chapter 9 – Appellate Division Rules

The proposed amendments were reviewed and approved by both the Los Angeles Superior Court's Rules Committee and Executive Committee. Comments must be submitted via email at localrulescomments@lacourt.org no later than 5:00 p.m. on Monday, **March 31, 2022**.

View LASC Local Rules at <http://www.lacourt.org>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 2.17 PHOTOGRAPHING, RECORDING AND BROADCASTING IN COURT

2 (a) Definitions. This rule adopts the definitions contained in California Rules of Court, rule
3 1.150(b), except as follows:

4 1) The term “media coverage” means any photographing, recording or broadcasting
5 in court by the media;

6 2) The term “court” means any courtroom or courthouse in the County where the
7 court conducts business, including all entrances, exits, hallways, escalators, elevators, and adjacent or
8 subterranean court parking areas. It does not include the offices in any courthouse occupied by
9 independent agencies such as the County of Los Angeles, including the Offices of the District
10 Attorney and the Public Defender;

11 3) The term “designated media area” means any area so designated by the Presiding
12 Judge, Supervising Judge, or site judge.

13 (b) Court Order Required. While in court, no one may engage in photographing, recording,
14 or broadcasting, or activate any camera, microphone, recorder or broadcasting device, except:

15 1) in a courtroom where the judge has issued an order allowing media coverage
16 under California Rules of Court, rule 1.150 and Local Rule 2.17(d), or expressly granted permission,
17 under California Rules of Court, rule 1.150(d) or otherwise, to photograph, record, and/or broadcast;
18 or

19 2) outside the courtroom, if it is: i) in a designated media area, or ii) with prior
20 written permission from the Presiding Judge, Supervising Judge, or site judge. No one may carry any
21 camera, microphone, or recording equipment, or activate the image or sound capturing feature of any
22 computer, mobile telephone, watch or other similar equipment in a courtroom without express
23 written permission from the appropriate judicial officer.

24 (c) No Obstruction of Public Access. Persons engaged in photographing, recording and
25 broadcasting must not obstruct pedestrian traffic, create traffic congestion or otherwise impede
26 access to court proceedings, offices, services or facilities.

27 (d) Written Media Requests Required. Persons requesting media coverage of any type,
28 including pool cameras, must complete and submit for judicial approval Judicial Council form MC-
29 500, specifying: i) the time estimate for coverage; ii) the proposed placement of cameras,
30 microphones and other equipment; and iii) whether the coverage will be disseminated live or
31 recorded for future dissemination.

32 (e) Submission of Media Requests to ~~Public Information~~ the Communications Office.
33 Before filing Judicial Council Forms MC-500 and MC-510 in court or submitting them to any judge,
34 persons requesting media coverage must deliver or electronically submit originals or copies to the
35 ~~Public Information~~ Communications Office.

36 (f) Responsibility for Compliance with Rules. Media (as defined in California Rules of
37 Court, rule 1.150(b)(2)), and any other person seeking to photograph, record or broadcast in court
38 must be familiar with, and comply with this rule and the California Rules of Court, rule 1.150.

39 (g) No Restriction On Judicial Discretion. This rule does not restrict a judge’s discretion to
40 regulate sound or image capturing, photographing, recording or broadcasting in his or her courtroom.

41 (h) Court Reporter Use of Audio Software. Except as may be ordered pursuant to
42 subdivision (g), “media coverage” does not include the use of audio software as personal notes of
43 a court reporter to assist in the preparation of verbatim records of court proceedings, providing
44 recording capabilities are turned off and not used during any break or recess in the proceedings
45 when stenographic notes are not being taken. Such personal notes are not an official record of

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 the court, and may be used only by the court reporter, or by a substitute court reporter in the
47 absence of the court reporter who reported the proceedings, to assist in accurately transcribing
48 the verbatim record, and must not be retained after the verbatim record is transcribed.
49 (Rule 2.17 [7/1/2011, 1/1/2016, 1/1/2017, 7/1/2020] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 1.1 DEFINITIONS AND USE OF TERMS

2 As used in these Local Rules, unless the context or subject matter otherwise requires:

- 3 a) The term “action” includes a special proceeding.
- 4 b) The term “attorney” means a member of the State Bar of California and any lawyer admitted
5 to practice *pro hac vice* before the court.
- 6 c) The term “branch court” means a district courthouse in which no Supervising Judge sits.
- 7 d) The term “civil case” means a case prosecuted by one party against another for the
8 declaration, enforcement, or protection of a right or the redress or prevention of a
9 wrong. Civil cases include all cases except criminal cases and petitions for writ of
10 habeas corpus.
- 11 e) The term “clerk” means the Clerk and any deputy clerks of the Superior Court of Los
12 Angeles County, except that for purposes of service of a statement of disqualification
13 for cause on the judge’s clerk, pursuant to Code of Civil Procedure section 170.3(c)(1),
14 “clerk” means the judicial assistant serving in a courtroom as ~~his or her~~ **the judge’s**
15 clerk.
- 16 f) The term “court” means the Superior Court of Los Angeles County.
- 17 g) The term “court day” means a day on which the court is open.
- 18 h) The term “counsel” means an attorney of record; when the Local Rules impose a duty, the
19 term “counsel,” includes self-represented litigants.
- 20 i) The term “County” means Los Angeles County.
- 21 j) The term “criminal case” means a proceeding by which a party charged with a public offense
22 is accused and prosecuted for the offense.
- 23 k) The term “day” means calendar day.
- 24 l) The term “declaration” means either a declaration that complies with Code of Civil
25 Procedure section 2015.5 or an affidavit.
- 26 m) The term “direct calendar judge” means a judge assigned to handle cases on an individual
27 or all purpose calendar. “Direct calendar cases” means cases so assigned.
- 28 n) “Judge” and “judicial officer” includes judges, commissioners, and referees, except as used
29 in this chapter for the election of (1) the Presiding Judge (Rule 1.5), (2) the Executive
30 Committee (Rule 1.7), and (3) commissioners (Rule 1.9).
- 31 o) The term “limited civil case” and “unlimited civil case” are defined in Code of Civil
32 Procedure section 85 *et seq.*
- 33 p) The term “Local Rules” means the “Los Angeles County Superior Court Rules.”
- 34 q) The term “master calendar assigned judge” means a judge who will handle cases assigned
35 from a master calendar court. “Master calendar cases” means cases so assigned.
- 36 r) The term “party” is a person appearing in an action. Parties include both self-represented
37 persons and persons represented by an attorney of record.
- 38 s) The term “person” includes a corporation or other legal entity as well as a natural person.
- 39 t) The term “Presiding Judge” and “Assistant Presiding Judge” are those judges elected by the
40 eligible judges of the Court pursuant to Local Rule 1.2 *et seq.*
- 41 u) The term “self-represented litigant” or “*pro per*” means a party not represented by counsel.
- 42 v) The term “service” means service in the manner prescribed by a statute or rule.
- 43 w) The term “site judge” means that judge appointed by the Presiding Judge under Local Rule
44 1.2 to preside in a branch court.
- 45 x) The term “subordinate judicial officer” means a commissioner or referee.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

- 46 y) The term “Supervising Judge” means a judge appointed by the Presiding Judge under Local
47 Rule 1.2 to preside in a district other than the Central District. The term “Supervising
48 Judge” shall also mean a judge appointed by the Presiding Judge to preside over each
49 division (which in the case of the Juvenile Division shall be referred to as the “Presiding
50 Judge of the Juvenile Court”).
- 51 z) Words of authority:
- 52 (1) “Must” is mandatory.
 - 53 (2) “May” is permissive.
 - 54 (3) “May not” and “must not” mean ‘is not permitted to.’
 - 55 (4) “Will” expresses a future contingency or predicts action by a court or person in the
56 ordinary course of events, but does not signify a mandatory duty.
 - 57 (5) “Should” expresses a preference or a nonbinding recommendation.
 - 58 (6) “Shall” means ‘has a duty to,’ but when referring to an action of a judge, does not
59 signify a mandatory duty.
- 60 (Rule 1.1 [7/1/2011, 7/1/2020] amended and effective _____)
- 61
- 62

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 1.2 PRESIDING JUDGE

2 The business of the court shall be supervised by one of the judges who shall be elected by the
3 eligible judges of the court, as provided in Local Rule 1.5 and designated as the Presiding Judge. The
4 Presiding Judge shall be a member and chair of the Executive Committee. ~~He or she~~ **The Presiding**
5 **Judge** shall assign judges to sit in various departments of the court, other than the Appellate Division,
6 pursuant to California Rules of Court, rule 10.603. The Presiding Judge shall designate a judge as the
7 Supervising Judge for each division, and to preside in each district other than the Central District, and
8 a site judge for each branch court. In making judicial assignments, the Presiding Judge shall take into
9 account those factors listed in California Rules of Court, rule 10.603(c).

10 (Rule 1.2 [7/1/2011, 7/1/2020] amended and effective _____)
11

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 (g) Less Than Majority Vote Run-off Election. If an office is not filled by majority vote, the
47 committee shall certify to the Presiding Judge the names of the two judges receiving the highest and
48 second highest number of votes without specification of the number of votes received. On or before
49 the second Wednesday in October, the Presiding Judge shall cause a ballot containing those names in
50 random order consistent with subdivision 1.5(b) to be distributed to the judges eligible to vote.

51 Each judge voting in the run-off election must send ~~his or her~~ **the judge's** ballot as provided
52 above. Ballots must be received in the office of the Executive Officer not later than noon on the third
53 Wednesday in October. Any ballot received after that hour must not be counted.

54 A committee, comprised as provided in subdivision (e), shall meet at noon on the third
55 Wednesday in October and count the second ballots. The judge receiving the highest number of votes,
56 or in case of a tie vote the judge having the greater seniority, is elected. The committee shall certify
57 the results of the election to the judges of the court.

58 (h) Term of Office. The term of office of the Presiding Judge and Assistant Presiding Judge is
59 two years commencing on January 1 following the election. (Cal. Rules of Court, rule 10.602(c).)

60 (i) Vacancy in Office of Presiding Judge. If, for any cause, the office of Presiding Judge
61 becomes vacant during any year, it shall be filled by election in the manner provided above, but
62 nominations shall be filed no later than noon on the tenth court day following the date the Executive
63 Committee declares the office vacant. The steps provided above shall then be taken at the time intervals
64 indicated above without reference to the specific months named. A judge elected to fill a vacancy
65 serves for the remainder of the incomplete term.

66 (j) Uncontested Offices. If election to either office is uncontested after the time for filing
67 nomination forms has expired, ballots for that office need not be distributed, and an election committee
68 as provided in subdivision (e) shall forthwith certify the election of the sole candidate for the office by
69 the unanimous vote of the court.

70 (k) Removal of Presiding Judge or Assistant Presiding Judge. A majority of the judges of the
71 court at any time may, by written order, call a meeting of the judges at the time and place specified in
72 the order for the purpose of considering whether the Presiding Judge or Assistant Presiding Judge
73 should be removed from office. A copy of the order must be sent to each judge not a signatory to the
74 order at least five days prior to the date of the meeting. An affirmative vote equal in number to the
75 majority of the judges of the court removes the incumbent from office.

76 (l) Filling Mid-Year Vacancy in Office of Assistant Presiding Judge. If a vacancy exists in
77 the office of Assistant Presiding Judge, the Presiding Judge may call for an election to fill that vacancy
78 for the unexpired portion of the term. The election will be held on a date specified in the call for that
79 election. The sequence of events provided for by subdivisions (a) through (i) will apply to the election
80 provided for by this subdivision, except for the months in which those events are to occur.

81 (Rule 1.5 [7/1/2011] amended and effective _____)
82

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 1.6 EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

2 (a) Intent of Rule. It is the intent of the court by adopting this rule to provide that the duties of
3 the Executive Officer be performed by one individual who will not hold any other position in state or
4 county government.

5 (b) Overall Administrative Supervision. All the court's trial court employees (Gov. Code, §
6 71601(1)), although treated as County employees for purposes of salary and benefits in accordance with
7 Government Code section 69894.3 and the memorandum of understanding entered into with the
8 County pursuant to Government Code section 71627(e)(2)(B), nevertheless serve and are responsible
9 to the court, and the overall administrative supervisor of all trial court employees other than subordinate
10 judicial officers is the Executive Officer.

11 (c) Selection.

12 (1) The Executive Officer serves at the pleasure of the judges of the court.

13 (2) In filling the position of Executive Officer, or in the event of a vacancy in the office,
14 the Presiding Judge shall appoint a selection committee and its chair, consisting of an odd number of
15 members and no fewer than five for the purpose of identifying and recommending a proposed
16 Executive Officer to fill the vacancy. The selection committee shall consist of sitting judges of the
17 court.

18 (3) The selection committee shall review the background, experience and
19 qualifications of the applicants and interview those best qualified for the position.

20 (4) The selection committee shall recommend the most qualified candidate(s) to the
21 Executive Committee for nomination.

22 (5) The Executive Committee shall review the background, experience and
23 qualifications of the candidate(s) recommended by the selection committee and vote on the candidate's
24 nomination to fill the position or vacancy. A majority vote of the Executive Committee is required to
25 nominate the Executive Officer.

26 (6) Upon nomination by the Executive Committee, the Presiding Judge shall place the
27 candidate's name before the judges of the court for confirmation and appointment. The judges shall
28 vote on the candidate by secret ballot. A majority of the judges voting is required to confirm and
29 appoint the Executive Officer.

30 (d) Qualifications. The qualifications of the Executive Officer are as follows:

31 (1) ~~He or she~~ **The Executive Officer** must be a citizen of the United States;

32 (2) ~~It is preferable that he or she has had~~ **Preferably, the Executive Officer should**
33 **have** experience in a highly responsible administrative capacity in private or public employment; and

34 (3) ~~It is also preferable that he or she has~~ **Preferably, the Executive Officer should**
35 **have** substantial knowledge of government, judicial administration, personnel management, finance
36 administration, and the legislative process, a working knowledge of systems and procedure analysis
37 and automation techniques, access and fairness, and public relations, either in private or public
38 employment, and the ability to work with others.

39 (e) Powers and Duties. Pursuant to Government Code section 71620 and California Rules of
40 Court, rule 10.610, the court declares that, under the direction of the Presiding Judge, the powers and
41 duties of the Executive Officer include:

42 (1) To execute, on behalf of the court and subject to the supervision and direction of
43 the Presiding Judge, the administrative supervision and control of the non-judicial activities of the
44 court;

45 (2) To establish those divisions in the office of Executive Officer as may be deemed
46 advisable, subject to the approval of the Executive Committee;

47 (3) To delegate ~~his or her~~ **the Executive Officer's** duties where necessary, and to
48 assign or supervise and direct the work of all non-judicial officers and employees of the court;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

- 49 (4) To administer a system of personnel administration in accordance with written
50 policies approved by the Executive Committee;
- 51 (5) To prepare and administer the budget of the court and to represent the court in any
52 matters pertaining to the budget which may be under consideration by the Board of Supervisors and/or
53 the Trial Court Budget Commission, as directed by the Presiding Judge;
- 54 (6) To maintain all accounting and property control records, including payroll records
55 of the court and records with respect to compensation of assigned judges;
- 56 (7) To purchase law libraries, supplies and equipment for the judges and for supporting
57 court personnel, and to control their storage and distribution;
- 58 (8) To represent the court in its negotiations relative to the establishment and
59 maintenance of courtrooms, chambers and offices, as directed by the Presiding Judge;
- 60 (9) To initiate studies and prepare appropriate recommendations and reports to the
61 Presiding Judge, to committees of the court and to the court relating to the business of the court and its
62 administration, including studies relating to the operations of special departments and branches;
- 63 (10) To collect, compile and analyze statistical data on a continuing basis concerning
64 the status of judicial and non-judicial business of the court, and the preparation of periodic reports
65 based on such data;
- 66 (11) To serve in a liaison capacity for the court, as directed by the Presiding Judge,
67 with the Judicial Council, committees of the Legislature, the Board of Supervisors, the County Chief
68 Executive Officer, County Sheriff, State Bar of California, bar associations and civic groups, with
69 reference to matters relative to the administration of the court;
- 70 (12) To make arrangements for and to attend all meetings of the judges of the court,
71 assist the Presiding Judge in the preparation of agenda, and as Secretary of the Court, to prepare
72 minutes of all meetings of the judges. The Executive Officer must also attend meetings of committees
73 of the court upon request of the committee chair or the Presiding Judge;
- 74 (13) To serve as Jury Commissioner of the Court;
- 75 (14) To prepare an annual report concerning the operation of the office during the
76 preceding calendar year, together with recommendations to improve the administration of the court
77 and the expeditious disposition of its business;
- 78 (15) To employ and assign officers or attachés to perform the duties outlined in
79 Government Code section 69894.5 and 71800 *et seq.* (Trial Court Interpreter Employment and Labor
80 Relations Act);
- 81 (16) To exercise and perform all of the powers, duties and responsibilities of the
82 County Clerk and Clerk of the Superior Court required or permitted by the court to be exercised or
83 performed by the Executive Officer in connection with judicial actions, proceedings and records under
84 Government Code section 69841 *et seq.* Those powers, duties and responsibilities include:
- 85 a) To accept, process and file papers in connection with any action or proceeding
86 before the court, including but not limited to those relating to the court's original jurisdiction, appellate
87 jurisdiction and appeals from the court; to maintain and manage court records; to microfilm court
88 records; to keep and dispose of papers, documents, files and exhibits in accordance with law;
- 89 b) To maintain indexes of all court files; to keep a register of actions or its
90 alternate;
- 91 c) To issue process and notice; to accept service on parties; to enter defaults; to
92 transmit transcripts on change of venue;
- 93 d) To be present at each session of court and with the judge in chambers when
94 required; to administer oaths; to keep the minutes and other records of the court;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

95 e) To enter orders, findings, judgments and decrees; to accept confessions of
96 judgment for filing; to authenticate records; to certify abstracts of judgment; to keep a judgment book
97 or its equivalent;

98 f) To collect, receipt, deposit and account for fees for filing, for preparing or
99 certifying copies and for other fees; to receive jury fees, bonds, undertakings, fines, forfeitures and
100 revenues; to keep money deposited in court, including but not limited to funds received in connection
101 with minor's compromises; to recover county costs in judicial commitment proceedings;

102 g) To maintain statistical and financial records; to prepare reports to the Judicial
103 Council and other state and county offices as required by law or policy;

104 h) To prepare the clerk's transcript on appeal and transmit the record and exhibits
105 to the reviewing court;

106 i) To receive wills of decedents;

107 j) To take bail and related matters as provided in the Penal Code;

108 k) To manage court calendars, including the calendaring of cases and hearings
109 and the maintenance of court calendars and schedules;

110 l) To print and sell court forms and rules of court; to procure supplies;

111 m) To keep and affix the seal of the court to appropriate instruments;

112 n) To keep and maintain in ~~his or her~~ **the Executive Officer's** office in each
113 district, a separate file for each civil action or proceeding pending in that district, in which ~~he or she~~ **the**
114 **Executive Officer** must place and keep, except as otherwise provided in these rules, the original of all
115 pleadings and other papers on file in the action or proceeding, whether filed before or after the adoption
116 of this rule;

117 o) To keep in ~~his or her~~ **the Executive Officer's** office in each city in which a
118 department of a district is or shall be established a register of actions in paper or electronic form for all
119 civil actions and proceedings pending in the department or departments there established;

120 p) To enter the minutes of the proceedings of the court in minute books or in
121 electronic form;

122 q) To execute documents on order of the court. (*See* Local Rule 3.213(c).);

123 r) Subject to approval of the Presiding Judge, to appoint those deputies pursuant
124 to Government Code section 71620 as are necessary to ensure the prompt and faithful execution and
125 discharge of the duties and responsibilities of ~~his or her~~ **the Executive Officer's** office;

126 (17) To negotiate contracts on behalf of the court, in accordance with established
127 contracting procedures and all applicable laws; and

128 (18) To perform other duties as the Presiding Judge directs.

129 (f) Directives to the Executive Officer. Except as otherwise authorized by the Presiding Judge,
130 all orders and directives of the court to the Executive Officer shall be transmitted by the Presiding
131 Judge. All requests by judges or by committees of the court for the assistance of the Executive Officer
132 or of ~~his or her~~ **the Executive Officer's** staff shall be directed to the Presiding Judge.

133 (g) Executive Officer Pro Tempore. In the temporary absence of the Executive Officer/Clerk
134 of the Superior Court, ~~he or she~~ **the Executive Officer/Clerk** may, with the approval of the Presiding
135 Judge, designate one of ~~his or her~~ **the Executive Officer's/Clerk's** principal subordinates as Executive
136 Officer *pro tempore*. In the event of a vacancy in the office or the temporary absence of the Executive
137 Officer, without having designated a subordinate to act in ~~his or her~~ **the Executive Officer's/Clerk's**
138 place, the Presiding Judge may temporarily designate an Executive Officer *pro tempore*, who will have
139 all the powers and duties of the Executive Officer.

140 (Rule 1.6 [7/1/2011, 1/1/2013] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 1.7 EXECUTIVE COMMITTEE

2 (a) Powers. There shall be an Executive Committee of the judges of the court. Unless
3 otherwise ordered by the judges or provided by law, the California Rules of Court, or these Local
4 Rules, the Executive Committee has authority to act for and on behalf of the judges on any matters
5 affecting the court as to which the judges have the power to act, other than the adoption of an
6 amendment of these rules. In addition, except for rules contained in Chapter One, the Executive
7 Committee at the request of the Presiding Judge may temporarily suspend any of these Local Rules as
8 may be necessary to permit the Presiding Judge to carry out ~~his or her~~ **the Presiding Judge's**
9 responsibilities under California Rules of Court, rule 10.603, to deal with budgetary shortfalls,
10 provided a formal amendment is promptly submitted to the judges for their consideration without
11 unreasonable delay. Any temporary suspension will remain in effect only as long as is reasonably
12 necessary for the formal amendment to be considered and become effective.

13 (b) Meetings.

14 (1) Timing and Procedure. The committee shall meet at least once each calendar month
15 and a majority of the members of the committee will constitute a quorum. The Presiding Judge shall
16 act as chair. Meetings must be open to any judge or commissioner of the court, except under
17 unanimous vote of the members present. A non-member of the committee may be heard only by the
18 consent of the committee.

19 (2) Proxy Voting. Before or during a meeting, a voting member of the committee who
20 cannot attend all or a portion of a meeting may designate any judicial officer to attend and exercise
21 that member's vote in the member's absence by notifying the chair and requesting that the designation
22 be recorded in the minutes.

23 (3) Telephone/Video Appearance. The chair may permit members to attend, vote and
24 participate by telephone, video conference, or other means that reasonably permit participation in
25 matters before the committee.

26 (4) Minutes. Minutes of each meeting must be kept and a copy distributed to each
27 judge of the court within 25 days after the meeting.

28 (5) Request by Non-Member. Any judge, not a member of the committee, who desires
29 the committee to consider any matter, shall submit a written request to the chair not less than one day
30 prior to the meeting of the committee.

31 (c) Eligibility. Only a judge currently sitting and who will be in office on the ninth day of the
32 ensuing year is eligible to vote as a member of or be elected to the Executive Committee. Additionally,
33 judges will only be eligible to vote in the election for the district to which they will be assigned on the
34 date the successful candidate takes office. A judge who has been an elected member of the Executive
35 Committee during any two of the three years preceding the election is not eligible for election by
36 ~~his/her~~ **that judge's** district.

37 The limitation on eligibility contained in this section does not apply to a judge who has been
38 elected to fill an unexpired term on the Executive Committee of less than nine months.

39 (d) Nomination. A judge may **self-nominate or** nominate ~~himself or herself, or~~ another judge
40 for election to the Executive Committee by completing the following form and filing it with the
41 Presiding Judge between noon on the first Monday in November and noon on the third Wednesday in
42 November. (If, when judicial assignments are announced for the forthcoming year, a nominated judge
43 is not assigned for the forthcoming year to the district for which ~~he or she~~ **the judge** was nominated,
44 the nomination period for that district shall be reopened from 9:00 a.m. on the first Monday following
45 Thanksgiving and close at 4:00 p.m. on the second Monday following Thanksgiving, to permit one or
46 more additional nominations to be made by completing the following form and filing it with the

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 Presiding Judge during that one-week period.) If nominated, the nominee shall designate ~~his or her~~
48 **the nominee's** acceptance of nomination on the form.

49

50 NOMINATION

51 I, the undersigned, nominate Judge _____ for election as _____
52 District's representative to the Executive Committee.

53

54

55

(Signature of Nominating Judge)

56 ACCEPTANCE OF NOMINATION/ANNOUNCEMENT FOR ELECTION

57 I accept nomination/announce for the office of _____ District's representative to
58 the Executive Committee.

59

60

(Candidate's Signature)

61

(e) Membership and Representation.

62

(1) The Executive Committee shall be comprised of twenty-two voting members.

63

(2) Eighteen members shall be elected by the judges for a term of one year.

64

a) one member shall be elected by and from among the judges assigned to each
65 of the 11 outlying districts.

66

b) seven members shall be elected by and from among the judges assigned to the
67 Central District.

68

(3) The Presiding Judge and Assistant Presiding Judge are voting members.

69

(4) Two commissioners shall be elected by the court's commissioners as voting
70 members. Commissioner members are not permitted to vote on matters concerning commissioners.

71

(f) Distribution of Ballots. On the first Wednesday following Thanksgiving, after the
72 announcement of judicial assignments for the forthcoming year, the Presiding Judge shall distribute to
73 the members of each district a ballot containing the names of the nominated judges for the district. (If
74 the nomination period is extended pursuant to subdivision (d) the ballots shall be distributed in the
75 affected district(s) by the second Wednesday after Thanksgiving.) If more than one judge is nominated,
76 each district ballot must contain in random order, the names of the judges who have been nominated
77 for election as Executive Committee representative.

78

The Executive Officer will determine the order in which judges' names will be listed on the
79 ballots by a random draw of the letters of the alphabet following the close of nominations at noon on
80 the third Wednesday of November. All judges who are eligible candidates, but did not submit a
81 "Declaration of Candidacy/Nomination," will be listed on the ballot in alphabetical order.

82

(g) Voting by Judges.

83

(1) To vote, each eligible judge, in a district other than the Central District, shall place
84 a mark opposite the name of ~~his or her~~ **the judge's** choice, place the ballot in a blank envelope, place
85 this envelope in a second envelope, sign ~~his or her~~ **the judge's** name on the outer envelope and send it
86 to the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, so that
87 it is received no later than noon on the second Wednesday after Thanksgiving.

88

(2) Each judge in the Central District eligible to vote shall place a mark opposite the
89 name of up to seven of ~~his or her~~ **the judge's** choices, then shall place the ballot in a blank envelope,
90 place this envelope in a second envelope, sign ~~his/her~~ **the judge's** name on the outer envelope and

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

91 send it to the judge having the greatest seniority on the court, in care of the Presiding Judge’s Office,
92 so that it is received no later than noon on the second Wednesday after Thanksgiving.

93 (3) If the nomination period is extended pursuant to subdivision (d), voted ballots from
94 the affected district(s) shall reach the judge having the greatest seniority on the court, in care of the
95 Presiding Judge’s Office, no later than noon on the third Wednesday after Thanksgiving.

96 (h) Count of Vote. The Canvassing Committee shall meet at noon on the second Wednesday
97 after Thanksgiving, remove all blank envelopes from the outer envelopes, remove all ballots from the
98 blank envelopes and tabulate the ballots of each district. (If the nomination period is extended pursuant
99 to subdivision (f), the tabulation of the ballots from the affected district(s) shall occur at noon on the
100 third Wednesday following Thanksgiving.)

101 (i) Majority Vote. Any judge who receives a majority of the votes cast by a district is elected
102 the representative of that district on the Executive Committee. “Majority” vote has the same meaning
103 as described in Local Rule 1.5(f) of these rules.

104 (j) Failure to Elect.

105 (1) In any district other than the Central District, if no nominee receives a majority
106 vote, the Canvassing Committee shall give the Presiding Judge the names of the two judges receiving
107 the highest and second highest number of votes from the district. In case of a tie vote in a two person
108 contest, the committee shall give the Presiding Judge the names of the judges who received the tie vote.

109 (2) If fewer than seven Central District representative candidates receive a majority of
110 the votes cast, the canvassing committee shall give the Presiding Judge the names of the judges who
111 were not elected but who otherwise received the highest number of votes so that there are twice as
112 many names as there are unfilled representative positions. The committee shall include on the list the
113 name of the judge receiving the lowest number of votes qualifying him or her to be named on the list
114 submitted.

115 (k) Second Ballot. On or before the third Monday after Thanksgiving, the Presiding Judge shall
116 distribute to the members of each district with representative positions remaining unfilled a second
117 ballot containing only the names of the judges who are on the list of remaining candidates for unfilled
118 positions in the district(s) as determined pursuant to subdivision (j). (If the nomination period is
119 extended pursuant to subdivision (d), any necessary second ballot in the affected district(s) will be
120 distributed by the fourth Tuesday following Thanksgiving.) The judges of the district(s) eligible to
121 vote shall mark and transmit their ballots to the judge having the greatest seniority on the court, in care
122 of the Presiding Judge’s Office, on or before noon on the fourth Monday after Thanksgiving, at which
123 time the Canvassing Committee shall count the vote. (If the nomination period is extended pursuant
124 to subdivision (d), the count of the second vote for the affected district(s) will be conducted on the first
125 Thursday following the first Saturday of the new year.) The number of judges equal to the number of
126 unfilled positions in the district(s) receiving the highest number of votes will be deemed elected and in
127 case of a tie vote, the judge having the greatest seniority will be deemed elected.

128 (l) Vacancies. A vacancy on the Executive Committee occurs if a member is assigned to
129 another department outside the boundaries of the district ~~he or she~~ **the member** was elected to
130 represent. Other causes of vacancies include but are not limited to extended illness, leave, or
131 assignment to another court.

132 A vacancy on the Executive Committee will be filled by a vote of the district from which the
133 member was originally elected. The election must be held and completed within 40 days after the
134 vacancy occurs. The voting shall conform to the procedures set forth in this Section except that (1) the
135 Presiding Judge shall distribute the ballots to the members of the district within ten days following the
136 vacancy; (2) the marked ballots shall reach the senior judge before the 20th day; (3) if no judge receives
137 a majority vote, a second ballot shall be distributed before the 30th day, and within ten days thereafter

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

138 the marked ballots shall be sent to the senior judge at which time the Canvassing Committee shall
139 count the vote and certify to the Presiding Judge the name of the judge elected.

140 (m) Ex officio members. The Presiding Judge of the Juvenile Court, the Supervising Judge of
141 the Criminal Division, the Supervising Judge of the Civil Division, the Supervising Judge of the Family
142 Law Division, the Supervising Judge of the Probate Division, and the Chair of the Personnel and
143 Budget Committee are *ex officio* members of the Executive Committee. An *ex officio* member may
144 vote only when serving as chair of the committee, and then only when a vote is required to break a tie.

145 (n) Commissioner members. The two commissioner members will be elected at-large to one
146 year terms by the commissioners of the court in the manner and by the procedures as the commissioners
147 may decide. The names of the commissioner members elected for the following calendar year shall be
148 set forth in a notice signed by three commissioners of the court, which notice shall be delivered to the
149 Presiding Judge between the last Monday in November and the first Wednesday in December of each
150 year.

151 (o) Cumulative Voting Not Permitted. Cumulative voting is not permitted for election of
152 Executive Committee members.

153 (Rule 1.7 [7/1/2011, 7/1/2012] amended and effective ____)

154

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 1.9 COURT COMMISSIONERS

2 (a) Eligibility. An applicant for appointment as a court commissioner must be a member of the
3 State Bar and have been admitted to practice before the Supreme Court of California for at least ten
4 years. (Cal. Rules of Court, rule 10.701.)

5 (b) Application Form. The Committee on Personnel and Budget shall prescribe the form of
6 written application for appointment as a court commissioner.

7 (c) Selection Process. The Presiding Judge shall appoint a committee of not less than ten
8 judges to review the application of each applicant. The committee shall designate which applicants it
9 finds to be qualified and rank them in the order of preference.

10 (d) Vacancy. When the Presiding Judge determines that a vacancy is to be filled in the office
11 of court commissioner, ~~he or she~~ **the Presiding Judge** shall designate the date by which all judges
12 must cast their votes. Not less than ten days prior to that date, a ballot containing the names of all
13 approved applicants in the order in which they have been ranked shall be delivered to each judge of
14 the court.

15 (e) Optional Procedure. After distribution of the ballot and prior to the last day for casting
16 ballots, the Presiding Judge may call a special meeting of the judges at which the approved applicants
17 are introduced.

18 (f) Voting. Each judge voting to fill a vacancy in the office of court commissioner shall cause
19 ~~his or her~~ **the judge's** secret ballot to be delivered to the Office of the Presiding Judge no later than
20 4:00 p.m. on the date previously designated by the Presiding Judge. The Office of the Presiding Judge
21 will cause the Canvassing Committee to count the ballots cast and certify to the Presiding Judge the
22 name of the applicant or applicants, not exceeding the number of vacancies to be filled, who received
23 the highest votes. Those persons are selected as commissioners.

24 If two candidates receive the same number of votes, the candidate with the highest ranking
25 established by the Selection Committee will be appointed to the court commissioner position.

26 (g) Removal from the List. The Personnel and Budget Committee may remove a candidate's
27 name from the certification list for good cause and ~~he or she~~ **the candidate** will not be eligible for
28 appointment.

29 (h) Order of Appointment. The Presiding Judge shall issue a written order appointing each
30 applicant certified to be a court commissioner.

31 (i) Expiration of List. When the list of approved applicants consists of less than three names,
32 or the Executive Committee or a majority of all the judges of the court so orders, the list of approved
33 applicants will expire and a call for applicants shall be made.

34 (j) Bail Setting Duty. Each commissioner, in rotation, will serve in setting bail both during
35 and after court hours and on Saturdays, Sundays, and legal holidays. No compensatory pay or time will
36 be afforded for this service. This service may be concurrent with TRO/EPO service.

37 (k) Temporary Telephonic Restraining Orders/Emergency Protective Orders (TRO/EPO).
38 Each commissioner, in rotation, will serve in hearing requests for temporary telephonic restraining
39 orders and emergency protective orders after court hours and on Saturdays, Sundays and legal holidays
40 and during court hours when the judicial officer assigned to this duty is unavailable. The commissioner
41 will not be required to attend to ~~his or her~~ **the commissioner's** regular duties on days assigned to this
42 service. No compensatory pay or time will be afforded for this service.

43 (l) Status and Benefits.

44 (1) Status. Commissioners are elected by the judges of the court and appointed to the
45 office of commissioner, on the policy-making level with respect to the exercise of the constitutional
46 judicial power of the state, and, like judges, are not employees for the purposes of the protections

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 provided by Titles 29 and 42 of the United States Code. (29 U.S.C.A., §§ 5621 and 2601 *et seq.*, 42
48 U.S.C.A., §§ 2000e(f) and 12101.) Commissioners serve at the pleasure of the court and are not subject
49 to other vested terms of service. Commissioners are judges within the meaning of the Code of Judicial
50 Conduct (Canon 6A) and must comply with that Code, as well as with these Local Rules and such
51 policies and procedures related to their service as commissioners as the court adopts.

52 (2) Sick leave and vacation. Commissioners shall be treated as County employees with
53 an “L” sub-item for purposes of participating in County benefit plans. As provided in Los Angeles
54 County Code section 5.27.200, for both judges and commissioners, participation in the County
55 MegaFlex plan is in lieu of any similar court-provided benefits, including specified number of vacation
56 and sick leave days. Although there is no vested right to leave for vacation or illness, commissioners
57 shall be treated as judges for the purposes of time off under the guidelines set forth in the court's
58 vacation plan.

59 (3) Absences in excess of vacation plan guidelines. Unless the Presiding Judge
60 authorizes additional days in furtherance of the interests of the court as authorized by the California
61 Rules of Court, absences in excess of the guidelines set forth in the court's vacation plan shall be
62 without pay, and may result in separation from court service.

63 (4) Disability. To provide for the continuation of salary in the event of an extended
64 absence caused by illness, injury or disability, the MegaFlex plan currently available to designated
65 court employees includes a core short term disability benefit. Commissioners who are absent in excess
66 of 14 consecutive calendar days due to reasons of illness, injury or disability are required to apply for
67 Short-Term Disability (“STD”) benefits. Failure to do so may result in salary discontinuance. A
68 commissioner who remains absent from the court after applying for and being denied STD benefits
69 will be placed on no-pay status while the court determines whether to effect a separation from service.
70 A commissioner who has purchased Long-Term Disability (“LTD”) insurance coverage and who
71 remains absent from the court after exhausting STD benefits, having applied for and been denied LTD
72 benefits, will be placed in a no-pay status while the court determines whether to separate ~~him or her~~
73 **the commissioner** from service.

74 (m) Ninety Days to Determine Matters.

75 (1) It is the duty of a commissioner to determine promptly all matters pending before
76 ~~him or her~~ **the commissioner** and in all cases to do so within 90 days after a matter has been submitted
77 for decision.

78 (2) Each subordinate judicial officer shall monthly make and subscribe an affidavit
79 stating that no cause before ~~him or her~~ **the subordinate judicial officer** remains pending and
80 undetermined for 90 days after it has been submitted for ruling or decision.

81 (3) Any subordinate judicial officer who fails to comply with any provision of this
82 subsection shall be reported to the Presiding Judge who shall take appropriate action including, but not
83 limited to, suspension of salary or any other appropriate disciplinary action.

84 (n) Complaints Re Commissioners. Complaints regarding commissioners will be processed
85 pursuant to California Rules of Court, rule 10.703.

86 (o) Procedures for Suspension or Removal. The Presiding Judge shall initiate and carry out
87 suspension or termination of services of a commissioner in accordance with the following procedures.

88 The Presiding Judge may:

89 (1) Suspend a commissioner with or without pay and advise the Commissioner
90 of the reason(s) for the action in writing;

91 (2) Place the commissioner on administrative leave pending further review; or

92 (3) Terminate the services of the commissioner.

93 (Rule 1.9 [7/1/2011, 7/1/2019] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 2.3 FILING AND TRANSFER OF ACTIONS

2 (a) Filing of Actions.

3 (1) Mandatory and Optional Filing.

4 (A) *Mandatory Filing*: Every unlimited civil tort action for bodily injury,
5 wrongful death, or damage to personal property (hereinafter referred to as “Personal Injury Action”)
6 must be filed in the Central District at the Stanley Mosk Courthouse, or in the North District at the
7 Michael Antonovich Antelope Valley Courthouse. The filing court locator on the Los Angeles
8 Superior Court website (www.lacourt.org) should be used to determine the appropriate filing
9 location. A “Personal Injury Action” is an unlimited civil case described on the Civil Case Cover Sheet
10 Addendum and Statement of Location (LACIV 109) as Motor Vehicle-Personal Injury/Property
11 Damage/Wrongful Death; Personal Injury/Property Damage/Wrongful Death-Uninsured Motorist;
12 Product Liability (other than asbestos or toxic/environmental); Medical Malpractice-Physicians &
13 Surgeons; Other Professional Health Care Malpractice; Premises Liability; Intentional Bodily
14 Injury/Property Damage/Wrongful Death; or Other Personal Injury/Property Damage/Wrongful Death.
15 An action for intentional infliction of emotional distress, defamation, civil rights/discrimination, or
16 malpractice (other than medical malpractice), is not included in this definition. An action for injury to
17 real property is not included in this definition.

18 Every asbestos-related case must be filed in the Central District.

19 Every class action must be filed in the Central District.

20 All Proceedings under the Probate Code. All Conservatorship, Guardianship,
21 Probate, and Trust proceedings must be filed in the Central District except in the following cases which
22 may be filed in the North District: Conservatorship and Guardianship when the petitioner or proposed
23 conservatee/ward reside in the North District, Decedent’s Estates when the decedent resided or the
24 Petitioner resides in the North District, or Trust where the trustee’s principal place of administration is
25 the North District.

26 Every appeal under Labor Code section 98.2 must be filed in the district where
27 the office of the Labor Commissioner rendering the decision appealed from is located.

28 Every proceeding seeking a writ of prohibition or mandate (except as provided
29 in subsection (B) below) must be filed in the Central District.

30 Every petition seeking freedom from parental custody and control must be filed
31 at the Edmund D. Edelman Children’s Court.

32 Every petition for adoption must be filed at the Edmund D. Edelman Children’s
33 Court.

34 Every petition for consent to adoption outside California must be filed at the
35 Edmund D. Edelman Children’s Court.

36 (B) *Optional Filing*: Except as set forth in subsection (A) above, (Mandatory
37 Filing), or in subsection (C) (Northeast District), or (D) (Northwest District) below, an unlimited civil
38 or Family Code action may be filed in the Central District or may be filed in a district other than the
39 Central District, as determined by the description of the case below, in the following cases:

40 Civil harassment, where one or more of the parties litigant reside, or in any
41 district necessary to ensure the safety of the requesting party;

42 Contract, where performance is required by an express provision or where
43 defendant resides;

44 Elder or Dependent Adult Abuse restraining orders, when a general civil
45 complaint has not been filed, where one or more of the parties reside(s)
46 or in any district necessary to ensure the safety of the requesting party;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 Eminent domain or inverse condemnation, where the property is located;
48 Employment cases, where the contract of employment was performed or
49 where the employer resides or does business;
50 Family law (all matters under the Family Code), where one or more of the
51 parties litigant reside or in the case of restraining orders, in any district
52 necessary to ensure the safety of the requesting party (see also
53 subsection (a)(1)(D) below);
54 Forcible entry, where the property is located;
55 Gun violence restraining order, where one or more of the parties reside(s)
56 or in any district necessary to ensure the safety of the requesting party;
57 Habeas corpus, no prior or pending action, where the person is held;
58 Mandate, where the defendant functions wholly therein;
59 Name change, where the petitioner resides;
60 Prohibition, where the defendant functions wholly therein;
61 Real property, where the property is located;
62 Receivership, where the defendant functions wholly therein;
63 Review, where the defendant functions wholly therein;
64 Small claims appeal, where the original small claims court is located;
65 Title to real property, where the property is located;
66 Tort, where the cause of action arose;
67 Transferred action, where the lower court is located;
68 Unlawful detainer, where the property is located.

69 (C) *Northeast District*: An unlimited civil action may not be filed in the Northeast
70 District. An unlimited civil action which could otherwise be properly filed in the Northeast District or
71 Central District as an optional filing under Rule 2.3(a)(1)(B) above, must be filed either in the North
72 Central District or Central District.

73 (D) *Certain Family Law Matters in Northwest District*: Family law matters which
74 under these rules could be filed in Central or the Northwest District in the following zip codes must be
75 filed in Central or the North Valley District: 91301, 91302, 91303, 91304, 91306, 91307, 91326,
76 91361, and 91367. This subpart does not affect family law matters arising out of those portions of zip
77 codes 91301 and 91302 located within the West District.

78 (E) *Civil Case Cover Sheet Addendum Required for All New Civil Case Filings*:
79 In addition to the Civil Case Cover Sheet required by the California Rules of Court, a civil action or
80 proceeding presented for filing in any district, other than electronically filed family law cases initiated
81 by the district attorney, must be accompanied by the Civil Case Cover Sheet Addendum and Statement
82 of Location (form LACIV 109), signed by counsel for plaintiff, or the **self-represented** plaintiff ~~if he~~
83 ~~or she is self-represented~~. A copy of the completed form must be served with the summons and
84 complaint or petition.

85 (2) Mandatory Filing of Small Claims, Limited Collections, Limited Unlawful
86 Detainer, and Other Limited Civil Actions.

87 (A) Small claims, collections, and unlawful detainer. Every small claims action
88 must be filed in one of the courthouses listed in Appendix 2.B. Every limited collections case (as
89 defined in California Rules of Court, rule 3.740) must be filed in one of the courthouses listed in
90 Appendix 2.C. Every limited unlawful detainer case must be filed in one of courthouses listed in
91 Appendix 2.D. The location in which to file is determined according to the following method.

92

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

- 93 First: By determining what city or community contains the location that
94 determines the proper venue for the trial of the case as specified in Code
95 of Civil Procedure sections 392 through 395, 760.050 or 872.110, or in
96 Civil Code sections 1812.10 or 2984.4.
97
- 98 Second: By then determining the proper postal zip code that the United States
99 Postal Service has assigned to the location determining venue as
100 described above.
101
- 102 Third: By then referring to the charts set forth in Appendices 2.B, 2.C, and
103 2.D to determine which courthouse serves the zip code and community
104 area that determines the proper venue for trial. A case must be filed in,
105 and will be assigned to, the courthouse serving the zip code and
106 community area that would be a proper place for trial determined
107 according to the foregoing method.
108

109 (B) Other limited civil actions. All other limited civil actions must be filed in the
110 Central District, Stanley Mosk Courthouse.

111 (3) Mandatory Filing of Criminal and Traffic Cases. Every indictment by the Grand
112 Jury must be filed in Department 100 in the Central District. Every criminal complaint must be filed
113 within the judicial district, as delineated on the Maps of Superior Court Districts (Appendix 2.A),
114 where the offense is alleged to have occurred. Within a judicial district, criminal complaints must be
115 filed at the courthouse handling criminal matters which serves the city or unincorporated area where
116 the offense is alleged to have occurred. Where more than one offense is alleged to have been
117 committed, and the offenses were committed in different districts, the complaint may be filed in any
118 district where one of the offenses was allegedly committed. The Supervising Judge of the Criminal
119 Division, by written order, may require, and, upon a showing of good cause, permit, a case or a class
120 of cases to be filed in a district or at a courthouse other than in accordance with this rule.

121 (b) Transfer of Actions to Another District.

122 (1) Whenever, in the opinion of the Presiding Judge, the calendar in any district,
123 including the Central District, has become so congested as to jeopardize the right of a party to a speedy
124 trial or to materially interfere with the proper handling of the judicial business in the district, or for the
125 convenience of witnesses or to otherwise promote the ends of justice, ~~he or she~~ **the Presiding Judge**
126 may order the transfer of one or more cases pending in that district to another district, or may order
127 that a case which by this Chapter is to be filed in that district must be filed in a different district.

128 (2) The Supervising Judge of the Civil Division may, for the convenience of witnesses
129 or to promote the ends of justice, transfer a civil case from one district to another. Except for
130 proceedings concerning transfer of a Personal Injury Action, as defined in subsection (a)(1)(A),
131 motions to transfer a civil action from one district to another, including motions based upon a failure
132 to file the case in accordance with the requirements set forth in this Chapter must be made in
133 Department 1 in the Central District. Proceedings concerning transfer of a Personal Injury Action shall
134 be determined in the Central District or in the North District in one of the departments designated to
135 hear those matters (“Personal Injury Court”).

136 (3) The Supervising Judge of the Criminal Division may, for the convenience of
137 witnesses or to promote the ends of justice, transfer a criminal case from one district to another.
138 Motions to transfer a criminal action from one district to another, including motions based upon a

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

139 failure to file the case in accordance with the requirements set forth in this Chapter, must be made in
140 Department 100 in the Central District.

141 (4) The Supervising Judge of the Family Law Division may, for the convenience of
142 witnesses or to promote the ends of justice, transfer a family law case from one district to another.
143 Motions to transfer a family law action from one district to another, including motions based upon a
144 failure to file the case in accordance with the requirements set forth in this Chapter, must be made in
145 Department 2 in the Central District.

146 (5) The Presiding Judge of the Juvenile Court may, for the convenience of witnesses
147 or to promote the ends of justice, transfer a juvenile case from one district to another. Motions to
148 transfer a juvenile case from one district to another, including motions based upon a failure to file the
149 case in accordance with the requirements set forth in this Chapter, must be made in Department 400 in
150 the Central District.

151 (6) The Supervising Judge of the Probate Division may, for the convenience of
152 witnesses or to promote the ends of justice, transfer a probate case between the Central and North
153 Districts, or provide that a probate or mental health proceeding be heard in a district other than the
154 Central District. Motions to transfer a probate case between the two districts, including motions based
155 upon a failure to file the case in accordance with the requirements set forth in this Chapter must be
156 made in Department 5 in the Central District.

157 (Rule 2.3 [7/1/2011, 5/17/2013, 7/1/2014, 7/1/2015, 1/1/2016, 7/1/2016, 7/1/2017, 7/1/2018]
158 amended and effective _____)
159

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 2.4 MASTER CALENDAR DEPARTMENTS

2 The following departments are designated as master calendar courts:

- 3 1. Department 1 - Central Civil;
- 4 2. Department 100 - Felony Master Calendar - Foltz;
- 5 3. Department 56 - Misdemeanor Trial Master Calendar - Foltz;
- 6 4. Departments of the Supervising Judges of the Civil, Criminal, Probate and Mental
- 7 Health, Family Law, and Juvenile Court Divisions;
- 8 5. The department where the district Supervising Judge presides;
- 9 6. The department where the courthouse site judge presides;
- 10 7. A department that is acting as a master calendar court at the direction of a
- 11 Supervising Judge or site judge; and
- 12 8. Other departments that may be designated by order of the Presiding Judge, or ~~his~~
- 13 ~~or her~~ **the Presiding Judge's** designee, including Supervising Judges.
- 14 (Rule 2.4 [7/1/2011, 5/17/2013, 7/1/2014, 7/1/2020] amended and effective _____)
- 15

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 2.17 PHOTOGRAPHING, RECORDING AND BROADCASTING IN COURT

2 (a) Definitions. This rule adopts the definitions contained in California Rules of Court, rule
3 1.150(b), except as follows:

4 1) The term “media coverage” means any photographing, recording or broadcasting
5 in court by the media;

6 2) The term “court” means any courtroom or courthouse in the County where the court
7 conducts business, including all entrances, exits, hallways, escalators, elevators, and adjacent or
8 subterranean court parking areas. It does not include the offices in any courthouse occupied by
9 independent agencies such as the County of Los Angeles, including the Offices of the District Attorney
10 and the Public Defender;

11 3) The term “designated media area” means any area so designated by the Presiding
12 Judge, Supervising Judge, or site judge.

13 (b) Court Order Required. While in court, no one may engage in photographing, recording, or
14 broadcasting, or activate any camera, microphone, recorder or broadcasting device, except:

15 1) in a courtroom where the judge has issued an order allowing media coverage under
16 California Rules of Court, rule 1.150 and Local Rule 2.17(d), or expressly granted permission, under
17 California Rules of Court, rule 1.150(d) or otherwise, to photograph, record, and/or broadcast; or

18 2) outside the courtroom, if it is: i) in a designated media area, or ii) with prior written
19 permission from the Presiding Judge, Supervising Judge, or site judge. No one may carry any camera,
20 microphone, or recording equipment, or activate the image or sound capturing feature of any computer,
21 mobile telephone, watch or other similar equipment in a courtroom without express written permission
22 from the appropriate judicial officer.

23 (c) No Obstruction of Public Access. Persons engaged in photographing, recording and
24 broadcasting must not obstruct pedestrian traffic, create traffic congestion or otherwise impede access
25 to court proceedings, offices, services or facilities.

26 (d) Written Media Requests Required. Persons requesting media coverage of any type,
27 including pool cameras, must complete and submit for judicial approval Judicial Council form MC-
28 500, specifying: i) the time estimate for coverage; ii) the proposed placement of cameras, microphones
29 and other equipment; and iii) whether the coverage will be disseminated live or recorded for future
30 dissemination.

31 (e) Submission of Media Requests to Public Information Office. Before filing Judicial Council
32 Forms MC-500 and MC-510 in court or submitting them to any judge, persons requesting media
33 coverage must deliver or electronically submit originals or copies to the Public Information Office.

34 (f) Responsibility for Compliance with Rules. Media (as defined in California Rules of Court,
35 rule 1.150(b)(2)), and any other person seeking to photograph, record or broadcast in court must be
36 familiar with, and comply with this rule and the California Rules of Court, rule 1.150.

37 (g) No Restriction On Judicial Discretion. This rule does not restrict a judge’s discretion to
38 regulate sound or image capturing, photographing, recording or broadcasting in ~~his or her~~ **the judge’s**
39 courtroom.

40 (h) Court Reporter Use of Audio Software. Except as may be ordered pursuant to
41 subdivision (g), “media coverage” does not include the use of audio software as personal notes of
42 a court reporter to assist in the preparation of verbatim records of court proceedings, providing
43 recording capabilities are turned off and not used during any break or recess in the proceedings
44 when stenographic notes are not being taken. Such personal notes are not an official record of the
45 court, and may be used only by the court reporter, or by a substitute court reporter in the absence
46 of the court reporter who reported the proceedings, to assist in accurately transcribing the verbatim
47 record, and must not be retained after the verbatim record is transcribed.

48 (Rule 2.17 [7/1/2011, 1/1/2016, 1/1/2017, 7/1/2020] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 3.3 ASSIGNMENT OF DIRECT CALENDAR CASES

2 (a) Proportionate Assignment. A *pro rata* share of all cases filed in or transferred to any district
3 shall be assigned for all purposes to each judge assigned to hear direct calendar cases in that district.

4 (b) Regulation of Case Assignment. The clerk must take all reasonably appropriate steps,
5 including a system of random use of case numbers, to ensure that neither any party nor any counsel
6 will be able to anticipate a case assignment. The name of the judge to whom the case is assigned will
7 be designated by the clerk on the summons and the complaint.

8 (c) Notice of Case Assignment. At the time that a civil case is filed, the clerk must provide a
9 Notice of Case Assignment, which must indicate the name of the judge to whom the case has been
10 assigned. Each plaintiff (and cross-complainant) must serve a copy of the notice, with the complaint
11 (and cross-complaint), and give notice of any date set for a case management or status conference.

12 (d) Improper Refiling. A party must not dismiss and then refile a case for the purpose of
13 obtaining a different judge. Whenever a case is dismissed by a party or by the court prior to judgment
14 and a new action is later filed containing the same or essentially the same claims and the same or
15 essentially the same parties, the new action will be assigned, unless the Supervising Judge for good
16 cause orders otherwise, to the judge to whom the first case had been assigned. When multiple cases
17 involving the same or essentially the same claims, and the same or essentially the same parties, are
18 filed on the same date, the cases shall be assigned to the judge to whom the low numbered case (or
19 first filed case) has been assigned, whether or not that case has been dismissed.

20 (e) Duty of Counsel. Every counsel in the second action referred to in subdivision (d) above
21 must immediately bring the fact of the dismissal and refile to the attention of the court. Counsel for
22 plaintiff or cross-complainant (if the earlier action is renewed in a cross-complaint) must do so at the
23 time that pleading is filed. Counsel for all other parties must do so upon their first appearance, or as
24 soon thereafter as they discover the facts. The notice must be given in a “Notice of Related Case” as
25 provided in California Rules of Court, rule 3.300.

26 (f) Related Cases. (Cal. Rules of Court, rule 3.300.)

27 (1) Where one of the cases listed in a Notice of Related Cases has been assigned to a
28 Complex Litigation department, the judge in the Complex Litigation department shall determine
29 whether the cases will be ordered related and assigned to the Complex Litigation department;

30 (2) Where the cases listed in a Notice of Related Cases contains a probate or family
31 law case, Department 1 shall determine whether the cases shall be ordered related and, if so, to which
32 department they shall be assigned if the cases are all pending in the Central District or pending in two
33 different districts. If the cases are all pending in one district that is other than the Central District, the
34 Supervising Judge of that district shall determine whether the cases shall be ordered related and, if so,
35 to which department they shall be assigned. In addition to filing the Notice of Related Cases in the
36 departments of all pending cases, a copy of the Notice of Related Cases must be filed in Department 1
37 for matters to be determined in Department 1, and in the courtroom of the Supervising Judge of a
38 district if the matter is to be determined by the Supervising Judge of that district;

39 (3) In the event that the judge designated under California Rules of Court, rule
40 3.300(h)(1)(A)(B)(C) to make the decision, does not order related any of the cases set forth in the
41 Notice of Related Cases, any party may file a motion to have the cases related. Department 1 shall
42 hear the motion, if the cases are all pending in the Central District or are pending in two or more
43 different districts. If the cases are all pending in one district that is other than the Central District, the
44 motion shall be heard by the Supervising Judge of that district. The motion must be served on each
45 party in every case listed in the Notice of Related Cases, with proof of service attached; and

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 (4) Complex cases. Under California Rules of Court, rule 3.300(h)(3), the provisions
47 in (3) of this subdivision do not apply in cases that have been designated as complex by the parties or
48 determined to be complex by the court.

49 (g) Consolidation of Cases.

50 (1) Cases may not be consolidated unless they are in the same department. A motion
51 to consolidate two or more cases may be noticed and heard after the cases, initially filed in different
52 departments, have been related into a single department, or if the cases were already assigned to that
53 department.

54 (2) Upon consolidation of cases, the first filed case will be the lead case, unless
55 otherwise ordered by the court. After consolidation, all future papers to be filed in the consolidated
56 case must be filed only in the case designated as the lead case.

57 (3) Before consolidation of a limited case with an unlimited case, the limited case must
58 be reclassified as an unlimited case and the reclassification fee paid.

59 (h) Coordination of Non-Complex Cases. A civil case which is not complex as defined by
60 Standard 3.10 of the Standards of Judicial Administration may be transferred to the court from a
61 superior court in another county, if it involves a common question of fact or law within the meaning
62 of Code of Civil Procedure section 403. The coordination motion shall be made in compliance with
63 the procedures established by California Rules of Court, rule 3.500. Coordination motions seeking to
64 transfer a case or cases to the Central District shall be filed and heard in Department 1. Coordination
65 motions seeking to transfer a case or cases to a district other than the Central District shall be heard by
66 the Supervising Judge in that district.

67 (i) Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except
68 as the Presiding Judge may otherwise direct, each judge shall schedule, hear and decide all matters for
69 each case assigned.

70 (j) Effect of Judge Unavailability. Whenever a judge is unavailable to perform ~~his or her~~ **that**
71 **judge's** duties, the cases previously assigned to that judge shall be reassigned to another judge as the
72 Supervising Judge determines.

73 (k) Complex Litigation.

74 (1) The Complex Litigation Program of the Los Angeles Superior Court will consist
75 of the departments designated by order of the Presiding Judge. Complex cases must be filed in the
76 districts designated according to Local Rule 2.3. Complex cases must be designated or counter-
77 designated in the civil cover sheet as provided by California Rules of Court, rules 3.401-3.402.

78 (2) Except as provided in subsection (8) below concerning class actions, the Assistant
79 Supervising Judge, Civil/Complex, (or ~~his or her~~ **the Assistant Supervising Judge's** designee)
80 (collectively, "Assistant Supervising Judge Civil/Complex") will review all cases in which a
81 plaintiff/petitioner or a defendant/respondent has designated or counter-designated the case as complex
82 and all cases that are designated on the civil cover sheet as "provisionally" complex (*see* California
83 Rules of Court, rule 3.400(c)). This review will be conducted as soon as feasible after the case is filed,
84 but before the case is assigned to a judge. The Assistant Supervising Judge, Civil/Complex will
85 determine (with or without a hearing) whether to designate the case as complex pursuant to California
86 Rules of Court, rule 3.403. If the matter is designated as complex and if any party has not yet paid the
87 complex case fee required by Government Code section 70616(a), the court shall order payment of
88 that fee. If the case is designated complex, the Assistant Supervising Judge, Civil/Complex will assign
89 the case to a judge in the Complex Litigation Program. If the case is not designated complex, the
90 Supervising Judge, Civil will assign the case.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

91 (3) The judge who manages the complex case should do so with due consideration of
92 Standard 3.10 of the Judicial Administration Standards and the case management concepts set forth in
93 the Deskbook on Complex Civil Litigation published by the Judicial Council of California.

94 (4) If a party wishes to seek a designation that a case is a complex case, the party may
95 seek to transfer the case to the Complex Litigation Program in the following manner. The party must
96 complete the Complex Civil Case Questionnaire designated by the Assistant Supervising Judge,
97 Civil/Complex. The Questionnaire must be filed in the court in which the case is pending. A courtesy
98 copy of the Questionnaire must be provided to the Assistant Supervising Judge, Civil/Complex, who
99 shall determine, with or without a hearing, but with notice to the assigned judge, whether the case
100 should be assigned to the Complex Litigation Program in light of the caseload of the Program, the
101 relative complexity of the case compared with cases then assigned to the Program, and the length of
102 time the case has been pending.

103 (5) Nothing in this rule will be construed to alter the continuing power of a judge
104 assigned to a case to decide at a later date that the case is complex or that a case previously declared
105 to be complex is not. (*See* Cal. Rules of Court, rule 3.403(b).)

106 (6) If the judge to whom a case is assigned determines that a case is a complex case,
107 the judge may seek to transfer the case to the Complex Litigation Program in the following manner.
108 The judge or the party, on order of the court, shall complete the Complex Civil Case Questionnaire
109 designated by the Assistant Supervising Judge, Civil/Complex. The Questionnaire must be filed in the
110 court in which the case is pending. A courtesy copy of the Questionnaire must be provided to the
111 Assistant Supervising Judge, Civil/Complex, who shall determine, with or without a hearing, but with
112 notice to the assigned judge, whether the case should be assigned to the Complex Litigation Program
113 in light of the caseload of the Program, the relative complexity of the case compared with cases then
114 assigned to the Program, and the length of time the case has been pending.

115 (7) A decision by the assigned judge to deem the case complex does not cause the case
116 to transfer into the Complex Litigation Program. Only the Assistant Supervising Judge, Civil/Complex
117 decides if a case will transfer into the Complex Litigation Program.

118 (8) Recognizing that class actions are defined as provisionally complex pursuant to
119 California Rules of Court, rule 3.400(c), considering the factors which make a case complex
120 enumerated in California Rules of Court, rule 3.400(b), and consistent with the policy to determine as
121 soon as reasonably practicable whether a case is complex under California Rules of Court, rule 3.403,
122 all class actions are presumed to be complex and at filing are assigned to the Complex Litigation
123 Program of the court. Pursuant to Government Code Section 70616(a), the complex case fee and first
124 appearance fee must be paid at the time of the filing of the first paper in a class action proceeding. If
125 class action claims are added to the case after the original filing of the complaint, and a party wants
126 the case transferred to the Complex Litigation Program, the party must follow the procedure provided
127 in subsection (4).

128 (Rule 3.3 [7/1/2011, 1/1/2012, 7/1/2012, 1/1/2013, 5/17/2013, 1/1/2015, 1/1/2020, 7/1/2020])
129 amended and effective _____
130

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 3.9 JUDICIAL REFERENCE (Code Civ. Proc., § 638 *et seq.*; Cal. Rules of Court, rules 3.900,
2 3.920; Local Rule 2.24.)

3 (a) Availability of Referee. Prior to entry of an order of reference, counsel must discuss the
4 availability of a proposed referee and ~~his or her~~ **the referee's** charges and required terms of payment.

5 (b) Form for Approval. For pretrial matters, the referee must include in the report a place for
6 the judge to enter an order if the judge accepts the report. If the referee's report is rejected, the judge
7 will prepare a new order or direct a party to prepare it.

8 (c) Judgment. If by stipulation the referee will hear the entire case, the prevailing party must
9 file a noticed motion requesting the court issue judgment consistent with the report of the referee.
10 (Code Civ. Proc., § 644.)

11 (Rule 3.9 [7/1/2011] amended and effective _____)
12

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.37 PETITION TO DETERMINE TITLE TO REAL OR PERSONAL PROPERTY

2 (a) Caption and Setting. The caption of the petition must reference Probate Code section 850.
3 Because of the 30-day notice requirement in Probate Code section 851, petitions will not be set for
4 hearing sooner than six weeks from the date of filing. If counsel anticipates that there may be
5 difficulties in completing the required service, a later date should be requested to avoid continuances.

6 (b) Notice of Hearing. The notice of hearing must contain the following:

7 (1) A description of the subject property sufficient to provide adequate notice to any
8 party who might be interested in the property. For real property, the notice must state the street address
9 or, if none, a description of the property's location.

10 (2) A statement advising any person interested in the property that ~~he or she~~ **the**
11 **interested person** may file an answer to the petition.

12 (Rule 4.37 [7/1/2011] new and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.57 CREDITOR'S CLAIMS

2 (a) Creditor's Claim by Personal Representative or Representative's Attorney

3 (1) Personal Services. A creditor's claim by a personal representative or by the
4 representative's attorney for fees for services personally rendered to the decedent must attach detailed
5 invoices or other itemization of such services.

6 (2) Reimbursement for Debts. A creditor's claim by a personal representative or
7 ~~his/her~~ **by the representative's** attorney for reimbursement of debts or funeral expenses of the
8 decedent must attach detailed invoices or other evidence of payment.

9 (b) Funeral and Interment Claims. Interest on creditor's claims for funeral interment will be
10 awarded commencing 60 days after the date of death.

11 (Rule 4.57 [7/1/2011] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.86 APPOINTMENT OF CONSERVATORS

2 (a) Form Filed with Petition. A Notification to Court of Address on
3 Conservatorships/Guardianship and its Addendum (LASC form PRO 003) must be submitted with the
4 petition for appointment of conservator (or successor conservator), and at the time letters of
5 conservatorship are presented for issuance.

6 (b) Appointment of Private Professional Conservator. When appointment of a private
7 professional conservator is sought, the petition must include the fiduciary's California Fiduciary
8 Bureau's license number and a statement verifying ~~his or her~~ **the fiduciary's** active status.

9 (Rule 4.86 [7/1/2011] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.101 ACCOUNTS AND INVENTORIES AND APPRAISALS - CONSERVATORS AND
2 TRUSTEES OF TRUSTS SUBJECT TO THE COURT'S CONTINUING JURISDICTION

3 (a) Copies for the Court Investigator's Office. Conservators of the estate must mail, or cause
4 to be mailed, copies of all accountings and Inventories and Appraisals to the Court Investigator's
5 Office, 111 N. Hill Street, Room 250, Los Angeles, CA 90012. When a conservatee is a beneficiary
6 of a trust subject to the court's continuing jurisdiction or supervision, the trustee must mail, or cause
7 to be mailed, copies of the trust's accounting to the Court Investigator's Office.

8 (b) Lodging Original Financial Statements. All original financial account statements submitted
9 by private professional fiduciaries in support of their account as required by Probate Code section 2620
10 must be lodged separately from the accounting with LASC form PRO 021. To facilitate return of the
11 original documents, the fiduciary must submit a self-addressed, postage pre-paid, envelope, or else
12 written instructions or authorization for pick-up by the fiduciary or ~~his or her~~ **the fiduciary's** designee.

13 (Rule 4.101 [7/1/2011] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.123 COURT-APPOINTED COUNSEL GENERAL ELIGIBILITY REQUIREMENTS AND
2 PROCEDURE FOR APPOINTMENT TO THE PANEL

3 All Court-Appointed Counsel must meet the following general requirements:

4 (a) Counsel must meet the qualifications of California Rules of Court, rule 7.1101.

5 (b) Counsel may not have **been the subject of** any disciplinary proceedings pending or filed
6 ~~against him or her~~ during the preceding 12 months.

7 (c) Counsel must complete at least 12 hours of MCLE during ~~his/her~~ **counsel's** State Bar
8 reporting period in the subjects of decedent estates, conservatorship/guardianships, or trust
9 administration.

10 (d) Counsel must complete the Los Angeles County Bar Association Court-Appointed Counsel
11 training every three years.

12 (e) Counsel seeking inclusion on the court appointed counsel list must submit the following
13 documents, then resubmit them annually:

14 (1) An Application for Appointment to the Court-Appointed Counsel Panel (LASC
15 PRO 057);

16 (2) A Compliance Statement with the Application (LASC PRO 057);

17 (3) If seeking appointment in Conservatorship and/or Guardianship proceedings,
18 Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court
19 Appointment in Conservatorship/Guardianships.

20 (Rule 4.123 [7/1/2011, 7/1/2019, 1/1/2020, 1/1/2022] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.131 JUDICIAL COMMITMENT

2 (a) Requirements. A petition for commitment must generally allege the statutory basis for
3 commitment. Every petition must include a sworn affidavit or declaration signed under penalty of
4 perjury and documentary evidence in support of the commitment. Petitioner must give notice to
5 respondent personally and to the Public Defender's Office. A petition for an extended commitment
6 must be timely filed. A petition must have a proof of service attached.

7 (b) Counsel's Duty to Advise Respondent of Rights. Counsel for respondent must advise
8 respondent of the right to appear at all proceedings, including the hearing on the petition for
9 commitment. Counsel for respondent must also advise respondent of the right to a jury trial or a trial
10 by the court, the right to confront and cross-examine adverse witnesses, to present evidence on
11 respondent's behalf using the free subpoena power of the court, and the privilege against self-
12 incrimination. Counsel must advise respondent that if a commitment is granted, the People may
13 subsequently seek renewed commitments.

14 (c) Waiver. Counsel must advise respondent of the consequences of waiving these rights. The
15 court may accept a written waiver of each of these rights if the waiver is signed by respondent and
16 notarized or witnessed by counsel. The waiver must specify that respondent understands that ~~he or she~~
17 **the respondent** faces the possibility of renewed commitments which could last for ~~his or her~~ **the**
18 **respondent's** lifetime.

19 (Rule 4.131 [as Rule 8.50 7/1/2011])

20 Moved to Probate Chapter and effective May 17, 2013. Amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.132 MEDICATION CAPACITY/RIESE HEARINGS (FACILITY-BASED)

2 (a) Hearing Request Procedure. Medication Capacity Hearings pursuant to Welfare &
3 Institutions Code section 5332 are facility-based hearings which may be requested by filing a “Petition
4 and Declaration of Service Regarding Capacity to Give Informed Consent to Medication.” A petition
5 may be filed by facsimile at (323) 223-3538. The petition must indicate the availability of the treating
6 physician and, if an interpreter is necessary for the patient, the language required. The person filing
7 the petition must telephone the court’s hearing coordinator at (323) 226-2911 to ensure that the court
8 has received the request for the medication capacity hearing.

9 (b) Notice. The treating facility representative who filed the petition must personally inform
10 the patient in writing of the time and place of the hearing on the same day that the court receives notice
11 in compliance with Welfare and Institutions Code section 5334(a).

12 (c) Patients’ Rights Advocate Access To Patient’s Record. A patient’s rights advocate will be
13 provided in accordance with Welfare and Institutions Code section 5333(d). Facilities must allow
14 patient’s rights advocates unabridged access to the patient, the patient’s record, and any other
15 information needed in preparation for the hearing.

16 (d) Hearing Coordinator. The court’s hearing coordinator will determine the schedule of
17 medication capacity hearings and must notify the facility’s patients’ rights office and the appropriate
18 hearing office of the next day’s schedule of hearings. The hearing coordinator must also notify the
19 advocate of any patient transfers, discharges, or changes of status which would affect the hearing. The
20 court’s hearing coordinator must notify all involved facility liaison persons of the time of the hearing(s)
21 scheduled for the next court day. The court’s hearing coordinator must arrange to provide an interpreter
22 at the hearing if one is indicated.

23 (e) The Hearing. The facility must ensure that the patient is present at the appointed time of
24 the hearing unless the patient has waived ~~his or her~~ **the patient’s** presence. The hearing will be closed
25 to all but necessary participants except for persons expressly invited by the patient, and permitted to
26 attend in the hearing officer’s discretion, and persons permitted to attend by the hearing officer for
27 safety reasons or training purposes.

28 (1) Presentation of Evidence. The current treating physician must be the person
29 presenting evidence that the patient lacks the capacity to refuse prescribed medication. The physician
30 must be a member of the facility staff designated by the facility director and must have personally
31 discussed the prescribed treatment with the patient.

32 (2) Standard. The hearing officer will apply the clear and convincing evidence
33 standard to determine the patient’s capacity to consent to medication.

34 (3) Decision. At the conclusion of the hearing, the decision shall be announced orally
35 followed by a written decision given to the patient, advocate and facility director to be placed in the
36 patient’s chart by the facility director or ~~his or her~~ **the facility director’s** designee.

37 (f) Appeal. The facility or the patient may request judicial review following an adverse
38 determination. A patient may request judicial review by notifying a member of the facility staff, the
39 mental health courts, or the patients’ rights office. A patient requesting a judicial review will be
40 represented by the Public Defender’s Office or privately retained counsel. A private facility requesting
41 judicial review must be represented by a privately retained attorney. A public facility will be
42 represented by a county counsel or district attorney. On a patient’s petition, the treating physician may
43 appear with counsel. The mental health court will conduct the review hearing within two court days
44 after a petition is filed. A petition is deemed filed when it is sent by facsimile to the mental health
45 court at (323) 223-3538 and petitioner has also telephoned to the court’s hearing coordinator at (323)
46 226-2911 to verify receipt of the petition.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 (g) Holding periods. Each additional holding period necessitates a new medication capacity
48 hearing if the patient continues to refuse medication, unless the hearing was conducted during the
49 initial 72-hour evaluation period, in which case, the finding of the hearing officer continues through
50 the expiration of the 14-day hold. If a refusing patient is placed on Temporary Conservatorship under
51 Welfare and Institutions Code section 5352.1, the treating facility may request a judicial hearing by
52 contacting County Counsel's Office.

(Rule 4.132 [as Rule 8.51 7/1/2011])

Moved to Probate Chapter and effective May 17, 2013. Amended and effective ____)

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54
55

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 5.19 FAMILY COURT SERVICES

2 (a) Order to Participate in Court-Connected Mediation Related to Child Custody and
3 Visitation.

4 Court-connected mediation (hereafter, “mediation”) assists parents in reaching a parenting plan
5 agreement on the custody and visitation of their children. Parental agreement is a preferred method of
6 determining custody and visitation. Family Court Services is a unit of the court that employs
7 professional child custody mediators available to assist parents with custody and visitation mediation.

8 A party seeking an initial or modified child custody and/or child visitation court order (whether
9 presented by request for order, request for domestic violence restraining order, or petition for
10 parentage, marital dissolution or support and custody) shall participate in mediation.

11 There are two ways to satisfy the participation requirement: (1) by participating in a mediation
12 session with a Family Court Services Specialist or (2) by reaching a full agreement at the Family Law
13 On-Line Dispute Resolution website <https://losangelescafam.modria.com/>. However, parents who do
14 not reach an agreement, or only reach a partial agreement, with the Family Law On-line Dispute
15 Resolution program must attend their scheduled mediation appointment with a Family Court Services
16 Specialist.

17
18 Usually the mediation involves **both the** parents participating together at the same time. But a
19 party in a domestic violence restraining order case may request a mediation which will not involve the
20 parents participating together at the same time.

21 The parent seeking the custody and/or visitation order will receive an Order to Participate in
22 Mediation and must serve a copy of the order on the other party **or parties**.

23 Parents involved in an existing family law case may also voluntarily seek assistance in creating
24 or modifying a child custody and/or visitation parenting plan from Family Court Services by requesting
25 a voluntary mediation appointment.

26 (b) Orientation to Mediation.

27 (1) The court provides a mandatory mediation orientation entitled “Our Children First”.
28 The orientation provides an explanation of the mediation process, the effects on children of parental
29 separation and conflict, and information and referrals about domestic violence. The court offers the
30 Our Children First orientation program online at www.lacourt.org. It may also be viewed at the Family
31 Court Services office at the courthouse.

32 (2) Each parent must complete the orientation before attending mediation. Parents will
33 receive a certificate of completion which the parent must file with the Clerk of the Court as proof of
34 completion.

35 (3) Parties in domestic violence restraining order cases may complete the orientation
36 program but are not required to do so.

37 (4) The court may impose a monetary penalty on any party required but failing to complete
38 the orientation.

39 (5) A parent’s failure to complete the orientation will not prevent the Family Court
40 Services Specialist from proceeding with mediation and will not prevent a judicial officer from making
41 custody and visitation orders.

42 (c) Mediation Session and Parenting Plan Agreements.

43 (1) Mediation proceedings are confidential. What the parties say to each other and to the
44 Family Court Services Specialist in the mediation may not be revealed to the judicial officer presiding
45 over the case. But the fact that a mediation took place, the time and place of that session, and the

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 identities of participants are not confidential. The fact that an agreement was or was not reached and
47 the contents of any signed agreement resulting from mediation also are not confidential.

48 (2) Family Court Services personnel may not be compelled to testify in court or deposition
49 concerning any communications or observations made in connection with mediations.

50 (3) The Family Court Specialist will assist the parties in writing their parenting plan
51 agreements, if any, reached in the mediation. A party has five calendar days within which to cancel
52 any agreement reached in the mediation proceedings. Upon expiration of this five-day period, the
53 parenting plan agreement will be submitted to the assigned judicial officer for approval. The Parenting
54 Plan Agreement will usually become an enforceable order of the court once signed by the judicial
55 officer. The judicial officer may, however, require the parents to appear at a hearing to discuss the
56 parenting plan before making it a court order.

57 (d) Child Custody Evaluations.

58 (1) The Child Custody Evaluation Unit of Family Court Services may conduct a child
59 custody evaluation, including a parenting plan assessment or a child interview, on order of the court.
60 Any written report or recommendation from the Child Custody Evaluation Unit of Family Court
61 Services is confidential. Family Court Services staff must not disclose information or produce records
62 in violation of this rule to persons other than participants and their counsel.

63 (2) The court shall assess a fee in accordance with Government Code section 70671(d) and
64 Family Code section 3112 for child custody evaluation services provided by the court. The name and
65 address of any person who becomes delinquent in paying said fee and the amount owed may be
66 disclosed by the court for collections proceedings.

67 (e) Ex Parte Communication and Exemptions to Confidentiality.

68 (1) A Family Court Services Specialist shall not have *ex parte* communication with a
69 judicial officer regarding information obtained as part of a mediation or child custody evaluation except
70 as otherwise indicated in this rule.

71 (2) The Family Court Services Specialist may meet with the judicial officer hearing a
72 contested custody matter in an in-chambers off the record conference with all parties and counsel if the
73 judicial officer determines that the parties have both consented to such a conference.

74 (3) At all times, whether conducting a mediation, a child custody evaluation, or providing
75 any other service, Family Court Services Specialists must comply with any law requiring reporting of
76 child abuse. Additionally, nothing in this rule prevents any person from reporting or serving as a
77 witness where a crime has been committed, or is alleged to have been committed, in ~~his or her~~ **the**
78 **person's** presence; or from complying with any law requiring reporting of child abuse; or from
79 complying with the duties identified in *Tarasoff v. The Regents of the University of California* (1976)
80 17 Cal.3d 425 to warn an intended victim of a threat of bodily harm. The fact that any such report was
81 made or exists shall not be deemed confidential.

82 (4) Nothing in this rule prevents a Family Court Services Specialist from recommending
83 that a child be referred for a child custody evaluation, child interview, or parenting plan assessment, or
84 that an attorney be appointed for a child.

85 (f) Challenge to Appointment of Family Court Services Specialist and Complaint Process.

86 (1) A Family Court Services Specialist appointed to perform mediation or a child custody
87 evaluation, including a parenting plan assessment or a child interview, may be challenged for cause if
88 the Family Court Specialist is personally acquainted with a party or the child, or has a conflict of
89 interest relative to a party, attorney or the child, or it appears to the court that ~~he or she~~ **the Specialist**
90 is otherwise unable to perform ~~his or her~~ **the mediator's or evaluator's** duties in a fair and impartial
91 manner.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 5.22 MINOR'S CONTRACT PROCEDURE

2 (a) Use of Mandatory Forms. A petitioner must use the mandatory forms, as applicable,
3 denominated as Petition to Approve Contract(s) of Minor(s) (FAM 172), Additional Minors-
4 Attachment B to Petition (FAM 174), Parental Quitclaim-Attachment C to Petition (FAM 175), Waiver
5 of Notice-Attachment D to Petition (FAM 176), Additional Contracts-Attachment E to Petition (FAM
6 177), Declaration of Lender-Attachment F to Petition (FAM 178), Additional Facts-Attachment G to
7 Petition (FAM 179), Order Approving Contract(s) of Minor(s) (FAM 180), Additional Minors-
8 Attachment A to Order (FAM 181), and Additional Contracts-Attachment B to Order (FAM 182).

9 (b) Filing Of Petition. A petition for the confirmation of a minor's contract under Family Code
10 section 6750 *et seq.* must be filed in Department 2. The contract for which confirmation is sought must
11 be attached as an exhibit to the petition. The petition must be accompanied by a separately filed
12 proposed order.

13 (c) Compliance With Family Code Section 6752(d). A proposed order confirming a minor's
14 contract must direct petitioner, through ~~his or her~~ **petitioner's** counsel, to file a declaration under
15 penalty of perjury evidencing: (1) compliance with Family Code section 6752(b), and (2) that petitioner
16 forwarded a copy of the order to the minor's guardian *ad litem* with a cover letter which included the
17 language under Family Code section 6752(d).

18 (d) Continuing Jurisdiction. Department 2 has continuing jurisdiction over the petition and any
19 funds blocked pursuant to court order until the funds are released. A petition for withdrawal of funds
20 from blocked account pursuant to Family Code section 6752(b)(7) or section 6752(c)(5), must be
21 supported by adequate declarations setting forth the reason and necessity of the requested action.

22 (e) Fees. The clerk will assess a fee for processing petitions for withdrawal of funds from
23 blocked minors accounts.

24 (Rule 5.22 [7/1/2011, 1/1/2012, 7/1/2017, 7/1/2020, 7/1/2021] amended and effective _____)

25

CHAPTER FIVE FAMILY LAW DIVISION

APPENDIX 5.A

FAMILY LAW MEDIATION NON-CUSTODY PANEL REQUIREMENTS

SELECTION PROCESS:

I. Random Select Panel

To utilize the Random Select Panel, the parties must provide the case criteria, which includes the type of ADR process requested, area of law, jurisdiction, location, and special needs, if any, to the ADR staff. The ADR staff will enter the case criteria on the Court website which then selects, on a random basis, one neutral who meets the case criteria. The fact that the randomly selected mediator is not an attorney will not be a ground for disqualification.

II. Party Select Panel

To utilize the Party Select Panel, the parties may enter the case criteria on the Court website and make their choice of a particular neutral from the Party Pay Panel. In order to avoid neutral conflict or unavailability, the parties may select the names of two neutrals and enter their names on the ADR Case Referral Intake in order of preference.

QUALIFICATION PROCESS

The following qualifications are required to join the Court's Family Law Non-Custody Mediation Panel:

I. Random Select Panel

- A. The applicant must be a member in good standing with the California State Bar with two (2) years experience in family law;
- B. A minimum of 40 hours mediation training in the following areas:
 - 1. Core/Classroom Training

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

A minimum of 20 hours training from a single mediation training provider whose curriculum includes the following content:

- a. Principles of Alternative Dispute Resolution, including mediation theories and styles
- b. Confidentiality
- c. Ethics
- d. Initiating the mediation process – convening, opening
- e. Managing the mediation process – negotiating, caucus strategies, managing parties/relationships, managing content
- f. Effective communication techniques – between parties and mediator and between parties
- g. Managing challenges in dealing with different cultures, gender differences, language barriers, and other unique situations
- h. Methods for breaking impasse
- i. Methods of bringing closure to the process – emotional and documentary

2. Practical Training

- a. A minimum of ten hours mediating the litigated case training, which may include role play, observation and lecture, from a single training provider (the provider may be the same one used to complete Part A.1. or it may be a different provider); and
- b. Completion of five mediations (either litigated cases or community-based cases) that are at least two hours in length;
- c. Eight hours of CLE on an annual basis.

II. Party Select Panel

- A. The applicant must be a member in good standing with the California State Bar with 80% of their practice Family Law for the past five years;
- B. Minimum of 40 hours mediation training as described in I.B;
- C. Completion of at least ten Random Select Court-annexed mediations from the L.A. Superior Court, each with a minimum hearing time of two hours or the case settled at mediation in less than two hours. Mediators who have previously met this requirement through prior service on the Court's panel will be eligible;
- D. Available to accept one random select mediation case per month with a minimum of three hour hearing time;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

- E. \$150.00 per hour with a minimum of a three hour session. After three hours the parties may stipulate to continue at the mediator's private rate;
- F. Eight hours of CLE on an annual basis.

REQUIREMENTS FOR ALL FAMILY LAW NON-CUSTODY PANEL MEMBERS

1. Complete an Application for Appointment to ADR Panel (LAADR 006), available at www.lasuperiorcourt.org/adr.
2. Certificate of completion of Core/Classroom Training required in part B.1. of the Qualification Process section.
3. Certificate of completion of Practical Training required in part B.2. of the Qualification Process section.
4. Maintain a place of business to conduct mediations, or have the ability to conduct mediations in an attorney's or client's place of business. If the place of business is the mediator's home, the mediator must have space to accommodate confidential discussions and have technological support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the mediator or ~~his/her~~ **the mediator's** staff). Indicate if place of business is ADA compliant.

Any neutral inactive for one year will be removed from the panel. The neutral may reapply for appointment in accordance with the requirements set forth above.

[amended 7/1/2011, 1/1/2012, ____]

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.2 CONFIDENTIALITY OF JUVENILE CASE FILES

2 (a) General Confidentiality. Generally, juvenile case files are confidential except in certain
3 circumstances. Documents in a juvenile case file also may be privileged or confidential because of
4 other state law or federal law or regulation. Juvenile case files may not be obtained or inspected by
5 either civil or criminal subpoena.

6 Welfare and Institutions Code section 827 governs access to juvenile case files. “Access” may
7 include the inspection, copying, and/or dissemination of documents or information from the juvenile
8 case file. If a person or agency is not entitled to access, ~~he or she~~ **the person or agency** must file a
9 petition with the Presiding Judge of the Juvenile Court.

10 (1) Definition of Juvenile Case File. Pursuant to Welfare and Institutions Code section
11 827 and California Rules of Court, rule 5.552(a), a “juvenile case file” include(s):

- 12 a) All documents filed in a juvenile court case;
13 b) Court reports prepared by probation officers, social workers, or court
14 appointed special advocate (“CASA”) volunteers;
15 c) Documents made available to probation officers, social workers, or CASA
16 volunteers in preparation of a court report;
17 d) Documents relating to a child concerning whom a petition has been filed
18 in juvenile court that are maintained in the office files of probation officers, social workers, or CASA
19 volunteers;
20 e) Transcripts, records, or reports relating to matters prepared or released by
21 the court, probation department, or child welfare services program;
22 f) Documents, video or audio tapes, photographs, and exhibits admitted into
23 evidence at juvenile court hearings; and
24 g) Documents relating to juvenile contacts or investigations that are
25 maintained by a law enforcement agency, the Probation Department, or DCFS, which are part of the
26 juvenile case file even if juvenile court proceedings have not been initiated.

27 Documents that are not part of a juvenile case file and thus not under the
28 jurisdiction of the juvenile court include, but are not limited to, i) documents in the file of an attorney
29 for a party, ii) any document where the subject child has had no contact with law enforcement, DCFS,
30 the Probation Department, or the juvenile court, and iii) documents in the personnel file of a social
31 worker or probation officer.

32 (2) Persons or Entities Entitled to Inspect Juvenile Case Files. Welfare and Institutions
33 Code section 827(a)(1) and California Rules of Court, rule 5.552(b), set forth the persons and entities
34 entitled to inspect a juvenile case file without a court order. This right to inspect does not include: (i)
35 court file documents that are placed in confidential envelopes (unless the person seeking to inspect
36 these documents is the subject of the documents or attorney for the subject); and (ii) privileged
37 documents in the DCFS or Probation Department file.

38 Persons or entities entitled to inspect a juvenile case file pursuant to Welfare and Institutions
39 Code section 827 include:

- 40 a) Court personnel;
41 b) An attorney authorized to prosecute adult criminal or juvenile matters
42 under California law (district attorney, city attorney, city prosecutor), or ~~his or her~~ **the attorney’s** agent
43 with proper proof of affiliation;
44 c) The subject child;
45 d) The subject child’s parent or legal guardian;

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 e) An attorney for a party in a juvenile court proceeding, including an
47 appellate attorney, and the agent of such an attorney with proper proof of affiliation, a judge, probation
48 officer and law enforcement officer actively participating in a criminal or juvenile proceeding
49 involving the child as a party, victim, or witness;

50 f) The superintendent and designee of the school district where the child is
51 enrolled or attending school (*see* Welf. & Inst. Code, § 828.3);

52 g) A member of child protective agencies per Penal Code section 11165.9
53 (police, sheriff, Probation Department, DCFS);

54 h) The State Department of Social Services for the purposes delineated in
55 Welfare and Institutions Code section 827(a)(1)(I);

56 i) The State Department of Social Services legal staff or special investigators
57 for the purposes delineated in Welfare and Institutions Code section 827(a)(1)(J);

58 j) A member of a children's multi-disciplinary team (*see* also Welf. & Inst.
59 Code, §§ 830 & 830.1, and 18951(d)), and a person or agency currently providing treatment or
60 supervision of the minor including but not limited to: i) a physician, surgeon, or other health care
61 provider as defined in Business and Professions Code section 6146(c)(2) and Penal Code section
62 11165.7(a)(21); ii) a psychotherapist as defined in Evidence Code section 1010; iii) a sexual assault or
63 domestic violence counselor as defined in Evidence Code sections 1035.2 and 1037.1; iv) a group
64 home or foster family agency social worker/case manager (*see* also Welf. & Inst. Code, § 18951(d)(4));
65 and v) a Regional Center consumer service coordinator;

66 k) A family law judge hearing issues of custody and/or visitation in a
67 particular case, and the following active participants in that case: i) a court-appointed counsel for the
68 child; ii) a family court mediator; iii) a court-appointed evaluator; and iv) a person conducting a court-
69 connected child custody evaluation, investigation, or assessment pursuant to Family Code section 3111
70 or 3118;

71 l) A court-appointed investigator actively participating in a guardianship
72 case;

73 m) A local child support agency for the purpose of establishing paternity and
74 establishing and enforcing child support orders; and

75 n) A juvenile justice commission established under Welfare and Institutions
76 Code section 225.

77 (3) Persons or Entities Entitled to Copy Juvenile Case File Documents Without Court
78 Order. A person or entity entitled to inspect a juvenile case file may obtain a copy of the file's
79 documents except for documents that are confidential pursuant to a protective order or documents that
80 are confidential pursuant to other state law or federal law or regulation (*e.g.*, psychotropic medication
81 authorization requests and Evidence Code section 730 evaluations). Such documents must be placed
82 in confidential envelopes.

83 The court may issue a protective order upon the motion of a party or attorney for a
84 party in a juvenile matter to keep certain records confidential (*e.g.*, mental health, medical or
85 educational records, criminal history printouts, or police reports). However, a subject of, or an attorney
86 for a subject of, records under a protective order may obtain a copy of the records regardless of a
87 protective order.

88 The requesting party bears the cost of copying documents from the juvenile case file
89 except for the following persons or entities: a) a child in a pending juvenile court matter, and counsel
90 appointed to represent a child pursuant to Welfare and Institutions Code section 317 or 634; b) a State,
91 county or other governmental agency, and its counsel; and c) a person who has obtained a waiver of
92 court fees and costs pursuant to California Rules of Court, rule 3.50 *et seq.*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

93 (4) Persons or Entities Entitled to Disseminate Juvenile Case File Documents Without
94 Court Order. A person or entity entitled to inspect and copy a juvenile case file may disseminate a
95 document or information from that file only a) to other persons or entities that are also entitled to
96 inspect and copy the file, and b) by attaching the document or information to a record in connection
97 with and in the course of a criminal investigation or a proceeding brought to declare a person a
98 dependent child or ward of the juvenile court.

99 This rule does not purport to supersede the right of a defendant in a criminal matter to
100 obtain exculpatory juvenile case file evidence from the prosecution in accordance with *Brady v.*
101 *Maryland* (1963) 373 U.S. 83. Records released pursuant to *Brady* may be used in the criminal
102 proceeding without obtaining an order from the Presiding Judge of the Juvenile Court.

103 A person or entity entitled to copy a juvenile case file must file a petition with the
104 Presiding Judge of the Juvenile Court in order to disseminate a document or information except as
105 stated above.

106 (5) Persons or Entities That Need a Court Order to Access Juvenile Case Files. A
107 person or entity not listed in Local Rule 7.2(a)(2) above must file a petition with the Presiding Judge
108 of the Juvenile Court to inspect, copy, or disseminate a juvenile case file document or information.

109 (6) Access to Delinquency Records or Information Involving Offense(s) Listed in
110 Welfare and Institutions Code section 676(a). The name of a child alleged to have committed one of
111 the offenses listed in Welfare and Institutions Code section 676(a) is not confidential, unless the
112 juvenile court orders the name to be confidential based on good cause. For a child accused of
113 committing such an offense, the following documents are available for public inspection after the
114 petition against the child has been sustained: a) the charging petition; b) the minutes of the proceeding;
115 and c) the orders of adjudication and disposition of the court.

116 The court may grant a request by any party or probation officer to prohibit disclosure
117 of the above documents if it appears that the harm to the child, victims, witnesses, or public from the
118 public disclosure outweighs the benefit of public knowledge. If the court finds that the reason for
119 prohibition is to protect the safety of the child, the court should make the finding in writing.

120 (b) Welfare and Institutions Code Section 827 Petitions. A Petition for Disclosure of Juvenile
121 Court Records (Judicial Council Form JV-570) must be filed at the Children's Court clerk's office.
122 The forms are available at the clerk's Office or on the Judicial Council website at
123 www.courtinfo.ca.gov/forms. The petition will be forwarded to the office of the Presiding Judge of
124 the Juvenile Court for review and decision.

125 (1) Filing Petition. The petitioner must submit the original petition for filing. An
126 additional copy with a self-addressed stamped envelope must be included if the petitioner wants a
127 conformed copy.

128 (2) Completing Petition. A failure to complete the petition as specified below may
129 result in denial of the petition without prejudice.

130 a) Specific Information Must be Provided. The petition must provide the
131 following information in order to establish good cause for access:

- 132 i) The specific records being sought; and
- 133 ii) The type of access. If the petitioner seeks to inspect or copy records,
134 the petition must state the specific reasons for such access. If
135 the petitioner is seeking to disseminate the records, the petition
136 must indicate to whom dissemination is sought and the purpose
137 of dissemination.

138 b) Records Including More Than One Child. Where more than one child is
139 included in a juvenile case file, the court may order the names and/or information of the other children

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

140 redacted as a condition to granting access or copies of the record. Alternatively, the court may prohibit
141 disclosure of the record where redaction is not practical or possible. In such cases, the petitioner may
142 specifically request access to the file concerning all children.

143 c) Access for Purposes of Civil Litigation. If access is sought in relation to a
144 pending civil litigation, the petitioner must attach a copy of the complaint, if any. Access will be
145 granted consistent with the guidelines set forth in *Navajo Express v. Superior Court of San Mateo*
146 *County* (1986) 186 Cal.App.3d 981.

147 d) Medical, Psychiatric, and Education Records. Except in limited situations
148 where medical, psychiatric, and education records, including Evidence Code section 730 evaluations
149 and psychotropic medication authorization requests, are available to a child's parent, legal guardian,
150 or holder of a child's education rights, such confidential records will be placed in confidential
151 envelopes in the court file, and may be accessed only by the subject of the record or ~~his or her~~ **the**
152 **subject's** attorney. (This is not meant to preclude the parties and attorneys in a pending proceeding
153 from obtaining a copy of a report that was previously distributed to all parties.) To obtain access to
154 medical, psychiatric, or education records in the juvenile case file, a petitioner must: (1) specifically
155 request the records; and (2) state specific reasons why the records should be disclosed. The Presiding
156 Judge of the Juvenile Court or ~~his or her~~ **that Presiding Judge's** designee will determine if good cause
157 exists for the release of medical, psychiatric, or education records.

158 e) Subpoenaed Records. Confidential or privileged records received by
159 subpoena and not used and/or distributed to the parties during the proceedings must be placed in a
160 separate confidential envelope. The subpoenaed records will be available only to the subject of the
161 records and the subject's attorney. Any other access to the subpoenaed records may occur only through
162 court order pursuant to Welfare and Institutions Code section 827.

163 f) Child Abuse Reports. A child abuse report not in the court file is
164 confidential pursuant to Penal Code section 11165 *et seq.*, and may be disclosed only to the persons
165 and agencies provided in those sections, or by court order. To obtain access to a child abuse report, a
166 petitioner must: (1) specifically request such reports; and (2) state specific reasons why the reports
167 should be disclosed. The Presiding Judge of the Juvenile Court or ~~his or her~~ **that Presiding Judge's**
168 designee will determine if good cause exists for the release of the child abuse report based on the stated
169 reasons.

170 (3) Notice. At least five calendar days before the petition is filed with the court, the
171 petitioner must serve, or attempt to serve, a copy of the petition on the appropriate parties either
172 personally or by first class mail.

173 a) Dependency Proceedings.

174 i) If the petitioner seeks access to juvenile case file records of a child
175 currently under the jurisdiction of the dependency court, notice
176 of the petition must be served on the child (if ten years or older),
177 the attorney of record for the child, the parent(s) or legal
178 guardian(s) of the child, County Counsel, and DCFS.

179 ii) If the petitioner seeks access to juvenile case file records of a child
180 who is a former dependent of the juvenile court, notice of the
181 petition shall be served on the child (if ten years or older), the
182 parent(s) or legal guardian(s) of the child, County Counsel, and
183 DCFS.

184 iii) If the petitioner seeks access to juvenile case file records of a child
185 who had contact with DCFS but no dependency petition was
186 filed, notice of the petition shall be served on the child (if ten

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

187 years or older), the parent(s) or legal guardian(s) of the child,
188 County Counsel, and DCFS.

189 b) Delinquency Proceedings.

190 i) If the petitioner seeks access to juvenile case file records of a child
191 currently under the jurisdiction of the delinquency court, notice
192 of the petition shall be served on the child (if eight years or
193 older), the attorney of record for the child, the parent(s) or legal
194 guardian(s) of the child (if under 18 years old), the District
195 Attorney, and the Probation Department.

196 ii) If the petitioner seeks access to juvenile case file records of a child
197 who was formerly under the jurisdiction of the delinquency
198 court, notice of the petition shall be served on the child (if eight
199 years or older), the parent(s) or legal guardian(s) of the child (if
200 under 18 years old), the District Attorney, and the Probation
201 Department.

202 iii) If the petitioner seeks access to juvenile case file records of a child
203 who has had contact with the Probation Department but no
204 delinquency petition was filed, notice of the petition shall be
205 served on the child (if eight years or older), the parent(s) or
206 legal guardian(s) of the child (if under 18 years old), the District
207 Attorney, and the Probation Department.

208 c) Informal Juvenile and Traffic Court Proceedings. If the petitioner is
209 seeking access to juvenile case file records of a child who appeared or has a pending matter in the
210 Informal Juvenile and Traffic Court, notice of the petition must be served on the child (if eight years
211 or older) and the parent(s) or guardian(s) of the child (if under 18 years old).

212 (4) Objections. Any objections to the petitioner's request for access to the juvenile
213 case file must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court
214 no later than (a) 15 calendar days after date of service, if the petition was served by fax or personal
215 service, or (b) 20 calendar days after date of service, if the petition was served by mail. In order to
216 receive a copy of the court's decision on the petition, the person or agency filing an objection must
217 include a self-addressed, stamped envelope.

218 a) Time for Objection Shortened for Good Cause. The petitioner may request
219 that the time for filing an objection be shortened to a specific date. The request for shortened time
220 must be supported by a separate declaration stating specific reasons why the objection period should
221 be shortened. The Presiding Judge of the Juvenile Court or ~~his or her~~ **that Presiding Judge's** designee
222 will approve or deny the request based on whether good cause has been established in the declaration,
223 or the matter may be set for a hearing.

224 (5) Court Ruling on Petition. The Presiding Judge of the Juvenile Court or ~~his or her~~
225 **that Presiding Judge's** designee will approve or deny the petition, or set the matter for a hearing. If
226 a petition involves an active case, the petition may be delegated to the court of record. The court may
227 approve or deny the petition, or set the matter for a hearing within seven court days of the petition's
228 receipt.

229 (6) Case Files of Deceased Dependent Children. If a child dies while ~~he or she~~ **the**
230 **child** is under the jurisdiction of the dependency court, the juvenile case file of that child must be
231 released to the public upon the filing of a petition, and after notice and an opportunity to object have
232 been provided to interested parties.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

233 The Presiding Judge of the Juvenile Court or ~~his or her~~ **that Presiding Judge's**
234 designee may limit or prohibit release of the juvenile case file, or any portion thereof, if that judge
235 finds by the preponderance of evidence that release of the information is detrimental to the safety,
236 protection, or physical, or emotional well-being of another child who is directly or indirectly connected
237 to the dependency case that is the subject of the petition. The procedure for releasing records of a
238 deceased child is pursuant to Welfare and Institutions Code section 827(a)(2).

239 Information relating to another child or which could identify another child must be
240 redacted from any records prior to release, unless the court orders otherwise.

241 (c) Access to Probation and Department of Children and Family Services Records. A person
242 or entity who is entitled to inspect a juvenile case file pursuant to Welfare and Institutions Code section
243 827(a)(1), or who has a court order from the Presiding Judge of the Juvenile Court or ~~his or her~~ **that**
244 **Presiding Judge's** designee, may access DCFS or Probation Department files by contacting the
245 respective agency listed below:

246
247 Los Angeles County Probation Department
248 Custodian of Records
249 Hall of Records
250 320 W. Temple St., Suite 180
251 Los Angeles, California 90012
252 TEL: (213) 974-9029

253
254 Department of Children and Family Services
255 Subpoena Liaison
256 201 Centre Plaza Dr., First Floor
257 Monterey Park, California 91754-2159
258 TEL: (323) 526-6891

259 (Rule 7.2 [7/1/2011, 1/1/2012, 7/1/2014] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.3 PUBLIC AND MEDIA COURTROOM ACCESS

2 (a) General Rule. Pursuant to Welfare & Institutions Code sections 346 and 676, dependency
3 and delinquency proceedings are closed to the public unless the judge handling the proceeding grants
4 access.

5 (1) Access to Dependency Court Proceeding. Pursuant to Welfare and Institutions
6 Code section 346, a member of the public will not be admitted to a dependency court hearing unless
7 (a) a parent/guardian makes a request for admission of a person, and the minor who is the subject of
8 the petition consents, (b) the subject minor makes a request for admission of a person, or (c) the judge
9 admits a person deemed to have a direct and legitimate interest in a particular case or the work of the
10 court.

11 (2) Access to Delinquency Court Proceeding. Pursuant to Welfare and Institutions
12 Code section 676, a member of the public will not be admitted to a delinquency court hearing unless:
13 (a) the minor who is the subject of the petition and any parent/guardian who is present request
14 admission of a person, or (b) the judge admits a person deemed to have a direct and legitimate interest
15 in the particular case or the work of the court.

16 *Exceptions for Serious Violent Offenses*. The public must be admitted to a delinquency
17 court hearing that concerns a delinquency petition alleging the minor has violated one of the serious
18 violent offenses listed in Welfare and Institutions Code section 676(a). If, however, the petition alleges
19 that the minor has committed rape, sodomy, oral copulation, or rape with a foreign or unknown object,
20 the public must not be admitted to a juvenile delinquency hearing where: (a) the district attorney makes
21 a motion for a closed hearing upon the victim's request; or (b) during the victim's testimony, if the
22 victim was under 16 years of age at the time of the offense.

23 (3) Conditions of Admission. Where a member of the public/media is admitted into a
24 juvenile court proceeding, that person a) must provide appropriate identifying information to the court
25 bailiff or clerk upon request, b) must ~~conduct himself or herself~~ **behave** in a manner consistent with
26 the decorum and dignity of the courtroom, and c) must make any request to photograph, record, or
27 broadcast the proceeding in accordance with California Rules of Court, rule 1.150.

28 (b) Observation Orders for Educational Purposes. For the purpose of general education
29 regarding the juvenile court system, a request to observe a juvenile court proceeding may be filed in
30 the office of the Presiding Judge of the Juvenile Court. The request must specify the reason for
31 observation and must be filed so that the Presiding Judge of the Juvenile Court has time to consider
32 the request and make the appropriate arrangements. An authorization for court observation will not
33 permit (1) interviews of the parties, attorneys, or court staff, (2) photography, voice recording, and/or
34 videotaping, and (3) public release of any information that identifies individuals or cases. An
35 authorization for court observation remains subject to the discretion of the judge handling a particular
36 proceeding.

37 (c) Requests for Interviewing, Photographing, Videotaping, or Voice Recording of
38 Dependent/Delinquent Children. A member of the public or media representative must obtain a court
39 order from the Presiding Judge of the Juvenile Court prior to contacting a child if (1) the person seeks
40 to interview, photograph, videotape or voice record a child, who that person knows, or has reason to
41 know, is under juvenile court jurisdiction and has been removed from the physical custody of the parent
42 or legal guardian, and (2) confidential information regarding the child's case or dependency or
43 wardship status may or will be disclosed as a result.

44 (1) Access to Dependent or Delinquent Children Without Court Permission. This rule
45 does not prevent dependent or delinquent children from initiating contact with a person or media
46 representative without court permission. This rule does not limit contact between a person or media

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 representative and families, attorneys, detention facilities, or court-ordered placements. Finally, the
48 rule does not suggest that children, their families, attorneys, or personnel of detention facilities or
49 placements have any obligation to agree to an interview or to provide information to a media
50 representative.

51 (2) Request Forms. A request for a court order permitting contact with a child must be
52 sent to the office of the Presiding Judge of the Juvenile Court. (Juvenile Form 2) All of the court's
53 juvenile forms are available on the court's website or in Room 2700 at the Children's Court. A failure
54 to fully complete all sections of the form may result in a denial of the request without prejudice.

55 (3) Notice. At least five calendar days before filing, the person initiating the request
56 must serve, or attempt to serve, a copy on the appropriate parties either personally, by fax, by first class
57 mail, or email.

58 In a dependency proceeding, notice must be served on the child, the attorney of record
59 for a child who is a dependent of the court, the parent(s) or guardian(s) of the child (who is under 18
60 years old) or their attorney, County Counsel, and DCFS.

61 In a delinquency proceeding, notice must be served on the child, attorney of record for
62 a child who is a ward of the court, the parent(s) or guardian(s) of the child (who is under 18 years old),
63 the District Attorney, and the Probation Department.

64 (A) Objections. Any objections to the request must be submitted in writing to,
65 and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date
66 of service, if the request was served by fax, email, or personal service, or (b) 20 calendar days after
67 date of service, if the request was served by mail. In order to receive a copy of the court's decision on
68 the request, the person or agency filing an objection must include a self-addressed, stamped envelope.

69 (B) Time for Objection Shortened for Good Cause. The requesting party may
70 request the time allowed for objections to be shortened. The request for shortened time must provide
71 timely notice to ensure any person/agency has an opportunity to object, and establish good cause why
72 the objection period should be shortened. The Presiding Judge of the Juvenile Court will approve or
73 deny the request based on whether good cause has been established, or set the matter for a hearing.

74 (4) Ex Parte Requests. The Presiding Judge of the Juvenile Court may grant a request
75 on an *ex parte* basis, without the notice otherwise required, upon a showing of good cause.

76 (5) Evaluation on Case-by-Case Basis.

77 (A) Detrimental to Child's Best Interests. The Presiding Judge of the Juvenile
78 Court, or ~~his or her~~ **that Presiding Judge's** designee, may deny the request if the court finds a
79 reasonable likelihood that the requested contact will be detrimental to the child's best interests.

80 (B) Burden of Proof. The person or agency opposing the request bears the
81 burden of showing detriment to the child.

82 (C) Pertinent Factors. In making its determination, the court may consider, but
83 is not limited to, the following factors: age of the child, nature of the allegations in the case, child's
84 expressed desire, child's physical and emotional health, extent of the present or expected publicity and
85 its effect, if any, on the child and ~~his or her~~ **the child's** family.

86 (D) Protective Orders. Where it is necessary to protect the best interests of a
87 child, the court may issue additional protective orders to maintain the confidentiality of the child's
88 name and/or identity.

89 (6) Prompt Determination of Request. Within five court days after the deadline for an
90 opposition, the court will make a determination on the request, or set a hearing.

91 (7) Particularized Findings Where Request Is Denied. If the court denies the request,
92 it will issue particularized findings as to why such denial is necessary to serve the child's best interests.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

93 (d) Research Requests. A person or agency seeking to conduct research involving children
94 under juvenile court jurisdiction for educational, scientific, or public policy purposes must petition the
95 Presiding Judge for permission to do so. (Juvenile Form 3.)

96 (1) Petition Process.

97 (A) Notice. At least five calendar days before filing, the petitioner must serve,
98 or attempt to serve, a copy of the petition on the appropriate agencies and other interested parties either
99 personally, by first class mail, or by email.

100 Research proposals involving dependent children must be sent to the following:

101
102 Department of Children and Family Services
103 Bureau of Information Services, Research Unit
104 425 Shatto Place, Room 401
105 Los Angeles, CA 90020

106
107 County Counsel's Office
108 201 Centre Plaza Drive, Suite 1
109 Monterey Park, CA 91754

110
111 Children's Law Center of Los Angeles
112 101 Centre Plaza Drive
113 Monterey Park, CA 91754
114 Attn: Executive Director

115
116 Los Angeles Dependency Lawyers, Inc.
117 1000 Corporate Center, Suite 308
118 Monterey Park, CA 91754

119
120 Research proposals involving delinquent children must be sent to the head of
121 each delinquency panel for distribution to the other panel members, as well as to the following:

122
123 Los Angeles County Probation Department
124 Gary Akopyan, (or other designee)
125 9150 E. Imperial Highway
126 Downey, CA 90242

127
128 District Attorney's Office
129 Head Deputy — Juvenile Division
130 100 Oceangate, Suite 500
131 Long Beach, CA 90802

132
133 Public Defender's Office
134 Head Deputy — Juvenile Division
135 590 Hall of Records
136 320 W. Temple Street
137 Los Angeles, CA 90012

138
139 Alternate Public Defender's Office

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

140 Juvenile Division
141 210 W. Temple Street, 18th floor
142 Los Angeles, CA 90012

143
144 Independent Juvenile Defender Program
145 Los Angeles County Bar Association
146 P.O. Box 55020
147 Los Angeles, CA 90055-2020
148

149 (B) Objections. Any objection to a research request for access to juvenile
150 records must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no
151 later than (a) 15 calendar days after date of service, if the request was served by fax, personal service,
152 or email, or (b) 20 calendar days after date of service, if served by mail. In order to receive a copy of
153 the court's decision on the petition, the person/agency filing an objection must include a self-addressed
154 envelope.

155 (2) Completing the Petition. The petition for access to juvenile records for research
156 purposes must be submitted using the "Petition and Order for Research" form (Juvenile Form 6) and
157 include a copy of any materials/questions to be utilized in the research. Any petition for research
158 proposing to conduct human subject research, as defined in 45 Code of Federal Regulations section
159 46, must be accompanied by approval from an Institutional Review Board ("IRB"). If the petitioner is
160 a student, that request must be accompanied by an approval letter from the IRB of the student's
161 university and an approval letter from a faculty advisor. The petitioner must provide in detail a) the
162 purpose of the research project, b) a description of the information for which access is requested, c) a
163 description of the subjects of the research, d) the methodology to be used to obtain the information, e)
164 estimated start and completion dates, and f) any benefits the proposed project may have for the court,
165 DCFS or the Probation Department.

166 (3) Requirements. The petitioner must agree to all of the following: a) pay any and all
167 costs incidental to the research/record search; b) abide by all laws regarding confidentiality and the
168 policies and procedures of DCFS, the Probation Department, and the court; c) insure no unauthorized
169 person or agency has access to case specific information released to the petitioner; d) insure names and
170 identifying information of minors are not used in any published documents (i.e., reports, evaluations);
171 e) schedule access with the appropriate departments; f) submit all reports using case specific
172 information for approval, prior to publication; and g) provide a copy of all research reports upon
173 completion to the appropriate agency and the court.

174 (Rule 7.3 [7/1/2011, 7/1/2019] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.6 PROCEDURES FOR HIV/AIDS TESTING OF DEPENDENT CHILDREN

2 (a) Policy. The juvenile court finds that it is necessary to engage in early intervention and to
3 provide treatment for dependent children who are infected with the human immunodeficiency virus
4 (“HIV”), the probable causative agent of acquired immune deficiency syndrome (“AIDS”).

5 (b) Subject to Testing Without Court Order. If a child is taken into temporary custody pursuant
6 to Welfare and Institutions Code sections 306(a)(2) and 309(b) and no petition has been filed with the
7 dependency court, DCFS may conduct HIV testing without a court order if the child meets all of the
8 following criteria:

9 (1) The child is under the age of 12 years as of the date the consent form is signed by
10 DCFS;

11 (2) The child is placed in out-of-home care;

12 (3) The child’s parent(s)/legal guardian(s) have refused to provide consent or their
13 whereabouts are unknown; and

14 (4) The child (i) has a parent with a history of prostitution, intravenous drug use,
15 hypodermic needle-sharing, and/or multiple sex partners whose personal histories are either unknown
16 or known to include one or more of these risk behaviors, or (ii) is a victim of sexual abuse, the nature
17 of which has placed the child at risk of exposure to HIV.

18 Pursuant to Welfare and Institutions Code section 369 and order by the Presiding Judge of the
19 Juvenile Court, the Director of DCFS or the Director’s designee, is authorized to consent to the child’s
20 evaluation for the presence of HIV infection and to receive the results of such testing and any
21 diagnosis(es) derived therefrom.

22 If a Welfare and Institutions Code section 300 petition is subsequently filed, DCFS must submit
23 a request for disclosure of the test result or diagnosis to the court prior to releasing the test result or
24 diagnosis to any party or individual. (Welf. & Inst. Code, § 369; Health & Saf. Code, § 121020.)

25 (c) Authorization for Testing by Court Order. If a child is detained and a petition has been
26 filed with the dependency court, DCFS must obtain a court order for HIV testing under the following
27 circumstances.

28 (1) Children under the age of 12 years. If a child is under the age of 12, the child is
29 deemed not competent to give consent for testing. DCFS must request a court order for testing of
30 children under the age of 12 where the parent or legal guardian refuses to provide consent or there is
31 no parent or legal guardian capable of providing consent.

32 (2) Children 12 years of age or older. If a child is 12 years of age or older and
33 competent, the child must be given an opportunity to consent for testing. DCFS may seek a court order
34 for testing only if the child refuses to consent to testing or the child is incompetent to make an informed
35 decision.

36 (3) Factors for Court Authorization to Test. Where DCFS requests a court order for
37 testing, the court may consider the following factors in determining whether to grant the request:

38 a) Age of the child;

39 b) The child is placed in out-of-home care;

40 c) The child’s parent(s) or legal guardian(s) have refused to provide consent
41 or their whereabouts are unknown; and

42 d) The child (i) has a parent with a history of prostitution, intravenous drug
43 use, hypodermic needle-sharing, and/or multiple sex partners whose personal histories are either
44 unknown or known to include one or more of these risk behaviors, or (ii) is a victim of sexual abuse,
45 the nature of which has placed the child at risk of exposure to HIV.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 (4) Notification of Request for Testing. In any case where DCFS seeks an order for
47 testing, the clerk must ensure that notice of the request is given to the child’s attorney and CASA, if
48 any, at the earliest practicable time. (Health & Saf. Code, § 121020; Fam. Code, § 6926.)

49 (d) Disclosure of Confidential Test Result or Diagnosis.

50 (1) Children 11 years of age and under. If authorization for testing is obtained for a
51 child 11 years of age or younger, DCFS must provide the court with the result of such test in a sealed
52 envelope marked “confidential.” DCFS must also submit a request to disclose the test result or
53 diagnosis to pertinent persons, including the child’s attorney, out-of-home placement caregivers,
54 parents (unless their parental rights have been terminated), legal guardian, prospective adoptive
55 parents, and dentist or mental health practitioner who is currently providing professional services to
56 the child, the nature of which creates a legal need to know the child’s HIV status.

57 (2) Children 12 years of age and older. If authorization for testing is obtained for a
58 child 12 years of age or older, the child must be taken to ~~his or her~~ **the child’s** health care provider to
59 discuss the result or diagnosis(es). DCFS must obtain a court order prior to releasing confidential test
60 result or diagnosis(es) to pertinent persons if the child refuses to give consent for such release and
61 DCFS believes there is a compelling reason to disclose against the child’s wishes.

62 (3) Court Order for Disclosure of Test Results. DCFS may not disclose the test results
63 and any diagnosis(es) derived therefrom to any other parties, but may petition the judicial officer
64 hearing the matter for such disclosure, upon a showing of good cause.

65 (e) Report for Presiding Judge. DCFS must report the names and case numbers of the children
66 who have been tested pursuant to this rule to the Supervising Judge on a quarterly basis.

67 (Rule 7.6 [7/1/2011] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.15 REHEARING ON ORDER OF A COMMISSIONER OR REFEREE PURSUANT TO
2 WELFARE AND INSTITUTIONS CODE SECTION 252

3 (a) General Procedure. Applications and requests for rehearing pursuant to Welfare and
4 Institutions Code section 252 must be filed in the juvenile court clerk's office in the courthouse where
5 the order was made within the time frames authorized by that section and California Rules of Court,
6 rule 5.542.

7 An application for rehearing must be personally served on all counsel. Within three
8 court days of service of the application, responses, if any, must be served in the same manner as the
9 application and filed in the clerk's office where the application was filed. The application, will
10 thereafter be assigned to a judge for review.

11 (1) Rehearing Pursuant to Welfare and Institutions Code section 252. An application
12 for rehearing may be filed by a child, parent, legal guardian, or DCFS. These rules, adopted pursuant
13 to the provisions of Welfare and Institutions Code section 251, apply only to referees and
14 commissioners sitting in juvenile proceedings. (Welf. & Inst. Code, § 247.) If there is a stipulation
15 authorizing a commissioner or referee to sit as temporary judge, no rehearing right is available.

16 (2) Request for Stay on an Order of a Commissioner or Referee. If counsel intends to
17 file an application or request for a rehearing, ~~he or she~~ **counsel** may request a stay of the order of a
18 commissioner or referee. The request for a stay must be made before the same commissioner or referee
19 who made the order. The commissioner or referee may grant a stay for a reasonable period of time, or
20 until a judge has ruled on the application for rehearing. If the application or request for rehearing is
21 accompanied by a request for a stay, the clerk shall refer the stay request to the commissioner or referee
22 who made the order. That judicial officer will immediately rule on the request for the stay, and send
23 the ruling to the clerk's office for service.

24 A denial of a request for a stay by a commissioner or a referee may not be referred to
25 a judge for review. The applicant's only remedy upon denial of a request for a stay is a petition for a
26 writ of mandate or prohibition filed with the Court of Appeal. (Cal. Rules of Court, rule 5.585.)

27 (b) Forms. Application for Rehearing forms are available on the court's website or in the
28 juvenile court clerk's office.

29 (Rule 7.15 [7/1/2011] amended and effective ____)
30

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.16 MOTION REQUIREMENTS AND PROCEDURE

2 (a) Policy. A motion must be in writing and accompanied by a supporting affidavit or
3 declaration and points and authorities, if applicable. The motion must be filed with the clerk in the
4 department where the case is pending, and a date and time for the hearing of the motion must be
5 obtained from the court clerk. If the department is closed, the motion must be filed in the clerk's office.

6 (b) Service. The moving party must serve the motion upon all other counsel in the case at least
7 five calendar days but not less than three court days before the date of the hearing if served personally
8 or by facsimile, and at least seven calendar days before the hearing if served by mail.

9 Any documents in opposition to the motion must be filed with the clerk where the
10 matter is pending no later than the day before the date set for hearing. The opposition must be served
11 on other counsel in the case at least the day before the hearing if served personally or by facsimile, and
12 at least three calendar days before the hearing if served by mail.

13 (c) Emergency Application for Hearing. A party may file an *ex parte* application for hearing
14 on an emergency basis, on condition that the date has been approved by the court and telephonic notice
15 was given to all counsel not less than 24 hours in advance of the hearing date. The application must
16 comply with California Rules of Court, rule 3.1200 *et seq.*

17 (d) Demurrer and Motion to Strike. A party may file a demurrer to challenge the legal
18 sufficiency of a dependency petition that alleges facts which, even if determined to be true, (a) are not
19 sufficient to state a cause of action, or (b) are not sufficiently clear or precise for the party to prepare a
20 defense. A party may also move to strike certain allegations from the petition. (For convenience, both
21 demurrers and motions to strike are referred to as "demurrers.")

22 Unless otherwise agreed upon, a demurrer must be made in writing and shall be before
23 the entry of a denial or admission or plea of "no contest." Notice must be given at the detention hearing
24 or first appearance after the petition or amended petition is filed.

25 A hearing on a demurrer shall be set on the calendar no later than ten calendar days
26 following the notice of the demurrer. Counsel must file and serve personally or by facsimile the
27 supporting memorandum of points and authorities no later than three court days prior to the hearing.
28 The responding party must file and serve personally or by facsimile an opposing points and authorities
29 no later than one day before the hearing.

30 If the demurrer is sustained, the court may grant leave to amend the petition upon terms
31 as may be just and calendar a date within which any amendment or amended pleading must be filed.
32 Absent unusual circumstances, the court will not continue the adjudication of the petition's merits in
33 order for the amendment to occur. Counsel for DCFS should be prepared to amend the petition in a
34 timely manner.

35 (e) Motion for Continuance. (Welf. & Inst. Code, §§ 322, 352, and 358.) Counsel must regard
36 a date calendared for a dependency proceeding under Welfare and Institutions Code section 300 *et seq.*
37 as definite court appointments. A case in which a child is detained under the sole allegation that a
38 child is a person described in Welfare and Institutions Code section 300 shall be granted precedence
39 on the court's calendar (Welf. & Inst. Code, § 345). Counsel appearing in other courts on the same
40 date for which a dependency case is set shall advise the other courts of the precedence of the
41 dependency matter.

42 If counsel intends to seek a continuance, counsel must inform opposing counsel of that
43 fact at the first opportunity after the need for the continuance becomes apparent. The parties may not
44 assume that a continuance motion will be granted. None of a stipulation between counsel, the
45 convenience of the parties, a pending criminal prosecution, or a pending family law matter is sufficient
46 by itself to establish good cause. A continuance will be granted only upon a showing of good cause,

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 provided it is not contrary to the interests of the child. The court will give substantial weight to a
48 child's need for prompt resolution of ~~his or her~~ **the child's** custody status, the child's need for a stable
49 environment, and the damage caused by prolonged temporary placements. If granted, the continuance
50 will be only for that period shown to be necessary to establish good cause. When a continuance is
51 granted, the reasons for granting the continuance request shall be entered in the minute order.

52 A motion for continuance must be in writing, attach declarations which allege facts
53 sufficient to establish good cause for a continuance, and be filed at least two court days prior to the
54 hearing date. In exceptional circumstances, the court may entertain an oral motion for continuance.

55 If a child has been removed from a parent or guardian's custody, no continuance will
56 be granted that would result in completion of a disposition hearing pursuant to Welfare and Institutions
57 Code section 361 more than 60 days after the hearing at which the child was removed or detained,
58 unless there are exceptional circumstances. In that circumstance, the continuance may not cause
59 completion of the disposition hearing more than six months after the detention hearing.

60 (Rule 7.16 [7/1/2011] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.17 LEGAL REPRESENTATION

2 (a) Appointment of Counsel for Adults. An adult “client” is defined as any parent, guardian,
3 de facto parent, or other adult who has been determined by the court to have standing. A client is
4 entitled to be represented by competent legal counsel. “Competency” is defined by Rule 5.660 of the
5 California Rules of Court.

6 When it appears that a parent or guardian is presently financially unable to afford an
7 attorney, the court shall appoint an attorney unless the parent or guardian has made a knowing and
8 intelligent waiver of the right to counsel. When a de facto parent, or another adult who has been
9 determined by the court to have standing, is presently financially unable to afford an attorney, the court
10 may appoint an attorney.

11 In a dependency case, an attorney shall be appointed to represent a client at the earliest
12 possible stage of the proceeding. The appointed attorney must continue to represent the client unless
13 relieved by the court.

14 An attorney representing a client in dependency court shall affirmatively inquire of
15 their client as to whether ~~he or she~~ **the client** has reason to believe that any child appearing in the
16 dependency court has Indian heritage under the ICWA. Every effort should be made by counsel to
17 assist confirmation of a child’s Indian status and tribal membership.

18 A client who receives legal counsel appointed by the court must meet with the financial
19 office in the Children’s Court for a determination of the client’s ability to reimburse the County for the
20 cost of appointed counsel. The appointed attorney bears the responsibility of ensuring that the client
21 has the necessary paperwork for the financial office and knows where the office is.

22 (b) Appointment of Counsel for Children.

23 (1) At the arraignment and detention hearing, or as soon thereafter as possible, the
24 court will appoint for each child who is the subject of any dependency petition an attorney who shall
25 also serve in the capacity of a Child Abuse Prevention and Treatment Act (“CAPTA”) guardian *ad*
26 *litem* for the child, unless the court finds on the record that the child would not benefit from the
27 appointment of an attorney for any purpose. California Rules of Court, rule 5.660.

28 (2) If the court does not appoint an attorney for the child, the court will make a referral
29 for the appointment of a Court-Appointed Special Advocate (“CASA”) for the child to act in the
30 capacity of a guardian *ad litem* (“GAL”).

31 (3) If the court does appoint an attorney for a child, that representation shall occur
32 through the Children’s Law Center of Los Angeles (“CLC”).

33 (4) No child may be represented by the County Counsel, or any other attorney
34 representing DCFS.

35 (c) Eligibility for Appointment as Counsel for Adults.

36 (1) California State Bar Membership. An attorney must be in good standing with the
37 California State Bar at all times in order to be appointed to represent an adult client in a dependency
38 proceeding.

39 (2) Education/Training. The attorney must complete a minimum of 8 hours of training
40 or education in the area of juvenile dependency law or be able to show recent experience which
41 demonstrates a competency in the area of juvenile dependency law.

42 (A) The attorney must be familiar with Welfare and Institutions Code statutory
43 requirements, the Evidence Code, local and state court rules, court policies, relevant case law, the
44 practice guidelines set forth in the Local Rules, and the substantive, ethical, and procedural issues
45 unique to the dependency court.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 (B) The attorney must be familiar with the various stages of the court
47 proceedings from arraignment and detention through review of permanency hearings. This includes,
48 but is not limited to, the structure and functioning of the juvenile court, the CASA program, DCFS
49 programs, policies, and procedures, issues related to reunification, placement, reasonable efforts,
50 adoption, and permanency, and familiarity with the juvenile court's mediation program.

51 (C) The attorney must be familiar with appellate and other review procedures
52 including writs, rehearings, appeals, and other extraordinary remedies.

53 (D) An attorney who is new to dependency court must observe and/or be
54 available to participate in each type of dependency hearing from detention through review of a
55 permanency plan prior to accepting an appointment.

56 (E) An attorney who is new to dependency court must visit three types of
57 placements used to house dependent children such as emergency shelters, foster homes, or group
58 homes.

59 (F) The attorney must be familiar with the effects of racial, cultural, ethnic,
60 sexual orientation issues, and language differences with regard to child rearing, treatment, and
61 placement practices and issues.

62 (d) Eligibility for Appointment as Counsel for Children. In addition to meeting the eligibility
63 requirements for appointment as counsel for adults as provided in subdivision (c) above, an attorney
64 seeking appointment as counsel to a child must be familiar with the following:

65 (1) Child development stages including a child's cognitive, emotional, and social
66 growth stages, language development, and patterns of child growth related to neglect and non-organic
67 failure to thrive;

68 (2) Interviewing techniques for children, including techniques that are age-appropriate
69 and take into consideration the type of abuse the child is alleged to have suffered;

70 (3) Child development as it relates to children as witnesses and the impact of the court
71 process on a child;

72 (4) The types of placements available to children, and issues related to placement
73 including, but not limited to (i) a working knowledge of licensing requirements for foster care and
74 relative placements, (ii) the impact of multiple placements on the child, and the importance of
75 maintaining sibling groups versus the best interests of each child in the sibling group, and (iii) the
76 effect placement will have on visitation issues and on the delivery of services to children in placement;

77 (5) The educational, medical, mental health, dental, and other resources available for
78 children in the dependency court system, the funding therefor, and the means of identifying the need
79 for and the accessing of such resources;

80 (6) The emancipation laws, and the resources available to assist the dependent child to
81 emancipate, including, but not limited to, DCFS's Independent Living Program, the requirements for
82 and the availability of transitional housing, and the availability of funding to assist emancipating
83 children in living independently; and

84 (7) The court's policy regarding joint reports for Welfare and Institutions Code section
85 300/602 children pursuant to Welfare and Institutions Code section 241.1, and all other policies and
86 protocols regarding dependent children contained in this chapter.

87 (e) General Practice for Court-Appointed Attorneys in Dependency Court.

88 (1) The court-appointed attorney should make inquiries necessary to determine at the
89 outset of the proceedings whether a conflict exists in the representation of a party.

90 (2) At a party's first appearance, the attorney should verify with the client, to the extent
91 the information is known, the names, addresses, telephone numbers, and relationships of all persons
92 entitled to receive notice of the proceedings, including the birth dates of each party and child. The

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

93 attorney should also inquire as to the name, address, telephone number, and relationship of all known
94 relatives and/or non-relative family members for possible placement of any detained child. If any
95 relative and/or non-relative family member is identified, then the dependency court form entitled
96 “Relative Information Sheet” must be completed and filed with the court.

97 (3) At a mother and/or father’s first appearance, the attorney should make inquiry of
98 the client as to the applicability of ICWA, and so inform the court.

99 (4) At a mother and/or father’s first appearance, the attorney should make inquiry of
100 the client as to paternity issues. The dependency court paternity questionnaire form must be completed
101 by the mother and father in all cases and filed with the court in all cases. The “Paternity — Waiver of
102 Rights” form (Judicial Council form JV-505) must be completed by any person claiming paternity
103 status or non-paternity, which shall also be filed with the court.

104 (5) The attorney should have a complete familiarity with the facts of the case by
105 reviewing the court file, especially when appointed to represent a party during the pendency of a case,
106 and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise
107 conducting an independent investigation.

108 (6) The attorney should make all reasonable efforts to ensure that the client
109 understands the court processes, proceedings, and the potential and actual consequences of the
110 proceedings. Special efforts should be taken to ensure that a client understands these matters if the
111 client demonstrates any evidence of being developmentally delayed, or exhibits signs that ~~he/she~~ **the**
112 **client** is suffering from any cognitive or emotional problems which would affect the client’s ability to
113 comprehend any aspect of the dependency proceedings.

114 (7) The attorney must maintain a current business address and working telephone
115 number and promptly notify a client of any change of address or telephone number. The attorney
116 should provide the client with ~~his or her~~ **the attorney’s** business card.

117 (8) The attorney must show courtesy and respect to judicial officers, DCFS social
118 workers, CASA, DCFS court officers, courtroom personnel, witnesses and all counsel.

119 (9) The attorney must be aware of children present in the courtroom, so that
120 discussions of sensitive case issues, whether pertaining to a particular child or other children, are not
121 overheard by the children or made in an insensitive manner.

122 (10) Settlement should be considered as soon as enough information is known about
123 the case to make settlement discussions meaningful. In every case, the attorney should consider
124 whether the client’s interests could best be served and whether the case could be more appropriately
125 resolved by mediation or other settlement discussions. The attorney must be familiar with the juvenile
126 court’s mediation program.

127 (f) Practice Guidelines for Representing Children in Dependency Court. In addition to the
128 general practice, attorneys representing children have the following additional duties and
129 responsibilities:

130 (1) The attorney must be familiar with the requirements of Welfare and Institutions
131 Code section 317(e) for the representation of children, California Rules of Court, rule 5.660, regarding
132 standards of representation, and 5.660, regarding caseload size;

133 (2) The attorney or ~~his/her~~ **the attorney’s** staff should separately interview each child
134 four years of age or older, and should interview a younger child if it is determined that the child has
135 sufficient language skills to communicate. The attorney should ascertain the child’s wishes, needs,
136 and background. Interviews should be done in an atmosphere where the child feels comfortable and
137 privacy is ensured;

138 (3) At the initial interview, where possible, the attorney should inform the child, in
139 language the child can comprehend, the nature of dependency proceedings, the role of a lawyer, the

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

140 child's rights, including the right to confidentiality, and the nature of the subject matter of any petition
141 and the contents of any related report; and

142 (4) The attorney should be actively involved in, and vigorously advocate at, every
143 stage of the proceedings involving a child client and take any necessary legal steps that would promote
144 and advance a child's right to receive all appropriate reunification and permanent placement services
145 and all other services and resources to meet the child's educational, dental, medical, and mental health
146 needs.

147 (g) Eligibility for Continued Practice in Dependency Court.

148 (1) Education/Training. A court-appointed attorney in dependency court must
149 complete a total of 12 hours of continuing education credits each year. This training shall include
150 mandatory attendance at the annual conference sponsored by the juvenile court and California State
151 University, Los Angeles, and at least five hours of training offered at the Children's Court or other
152 training approved by the juvenile court.

153 Ongoing training shall also include summaries of current changes in the dependency
154 laws and statutes, summaries of recent and relevant case law, and information and instruction on child
155 development, child abuse and neglect, family reunification and preservation, reasonable efforts,
156 domestic violence, substance abuse, special education, mental health, government benefits, and
157 cultural diversity issues.

158 (2) Evidence of Competence. The attorney must file in the office of the Presiding
159 Judge of the Juvenile Court a certification of satisfaction, signed under penalty of perjury, of the
160 continuing education requirements not later than February 15 of each year (Juvenile Form 4). An
161 attorney's failure to comply with this requirement may result in the court's refusal to appoint the
162 attorney.

163 (h) Caseloads for Children's Attorneys. The court adopts any caseload standards for children's
164 attorneys established by the Judicial Council.

165 (Rule 7.17 [7/1/2011, 7/1/2019] amended and effective ____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.18 COURT-APPOINTED SPECIAL ADVOCATE

2 (a) Program. The CASA Program was established to serve the needs of abused and neglected
3 children in the dependency court. The CASA Program recruits, trains, supervises, and supports
4 community volunteers (“CASA volunteer”) who investigate the circumstances of the child, facilitate
5 the provision of services, monitor compliance with the orders of the court, and advocate in court and
6 in the community for the best interests of the child. CASAs serve only at the pleasure of, and report
7 directly to, the juvenile court. Their duties, responsibilities, and the limits of their authority are
8 contained in and described by Welfare and Institutions Code sections 100-109.

9 (b) Referrals. The judicial officer, or any party may refer a case to the CASA Program at any
10 point in the dependency proceedings. The CASA Program also may request that a referral be made by
11 the judge in a case brought to the attention of the CASA Program. All referrals must be signed by the
12 judge.

13 (c) Referral Criteria.

14 (1) Appropriate Referrals. Referrals to the CASA Program are appropriate when:

15 i. The court needs specific information or would benefit from an independent
16 investigation in order to make a decision regarding the child’s welfare, except for information
17 pertaining to allegations made in the petition;

18 ii. There is an unnecessary delay in achieving family reunification, legal
19 guardianship, adoption, or emancipation; and

20 iii. The child has a specific unmet need and requires advocacy to obtain
21 educational, medical, or other services. This does not include the need for a mentor, big brother or
22 sister, or special friend.

23 (2) Inappropriate Referrals. Referrals are not appropriate when:

24 i. The child’s behavior and/or the circumstances of the case would place the
25 CASA volunteer at risk;

26 ii. The child is unwilling to participate in the services or cooperate with the
27 advocate;

28 iii. The child frequently is absent without permission; and

29 iv. The child is placed outside of the County.

30 (d) Evaluation of a Referral. The CASA Program will evaluate the referral to determine if it
31 is appropriate. In the event that the case is not accepted, the CASA Program will submit a report to
32 the court stating the basis for declining the referral.

33 (e) Acceptance of a Referral. Once a case is accepted by the CASA Program, the court will
34 sign an order appointing the identified CASA volunteer.

35 (f) Status of CASA Volunteers.

36 (1) Appointment. The CASA volunteer is appointed as a sworn officer, and serves at
37 the pleasure of the court, and is bound by all the rules and standards set forth in Welfare and Institutions
38 Code sections 102 and 103, and California Rules of Court, rule 5.655.

39 (2) Participation of CASAs, CASA Program Supervisors, and Attorneys for the CASA
40 Program.

41 i. A CASA volunteer may be present at all hearings, sit at counsel table, and
42 participate in reported conferences held in chambers. An advocate will not be excluded from reported
43 proceedings for any reason, including the fact that ~~he or she~~ **the advocate** may give testimony in the
44 case.

45 ii. A CASA volunteer for a child who has a child may participate in the
46 dependency proceedings for both children.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 7.23 MEDIATION

2 (a) Program (Purpose of Mediation; Process/Procedures to Arrange Mediation Conference).

3 (1) Purpose of Mediation Conference; Preference for Mediation. The purpose of
4 dependency mediation is to involve family members and other parties in a confidential, non-adversarial
5 process to understand and, where possible, resolve some or all of the issues, including the language of
6 the petition, disposition, and questions of fact and law. The purpose of mediation is early and fair
7 resolution of disputes for families involved in the court system. Some of the goals are to:

- 8 i. Reduce trauma and promote communication among the parties;
9 ii. Bring the parties and professionals together to ensure their understanding of
10 the issues and individual perspectives of the participants in the case and the reasons for State
11 intervention;
12 iii. Orient parents, children, social workers, and other parties to the process and
13 procedures related to the case;
14 iv. Clarify the roles of the participants and preserve the rights of the parties;
15 v. Seek early resolution and implementation of family treatment or permanency
16 plans;
17 vi. Clearly define issues and make a prompt determination whether a case can
18 be resolved by mediation or should be returned to the court; and
19 vii. Reach agreements designed to protect the safety of all participants and to
20 protect children from future acts of abuse or neglect, as well as protect children's relationships with
21 their siblings.

22 The court prefers the mediation process as opposed to contested hearings wherever
23 possible, reserving contested hearings exclusively for unresolved questions of fact and law.

24 Mediation as defined in this rule shall meet the requirements of California Rules of
25 Court, rule 5.518, governing the standards of practice for court-connected child protection/dependency
26 mediation.

27 (2) Referrals to Mediation Conference. Pursuant to Welfare and Institutions Code
28 section 350, the court may order all parties and counsel to calendar a case for a confidential mediation
29 conference. In addition, upon the agreement of all participating counsel, counsel may schedule a
30 mediation conference in the absence of a court order by contacting the juvenile court mediation
31 department's secretary.

32 A case may be referred to mediation at any stage of the dependency court process. A
33 mediation conference shall be scheduled by appointment. A case referred to mediation on the day of
34 a court appearance without a prior appointment shall be accommodated based on mediator availability.

35 (3) Scheduling of Mediation Conference. After a mediation conference is ordered or
36 requested without court order and the mediation department has been contacted, the mediation
37 secretary or clerk will schedule a conference with a mediator. Conferences will be scheduled for time
38 slots as available on the mediation department calendar.

39 If, on the date scheduled for mediation, the identified mediator becomes unavailable,
40 the mediation department will make available another mediator, whenever possible at the same time
41 as originally scheduled. In branch courts providing mediation services, the clerk will send the
42 mediation clerk a fax copy of the court's order for mediation, and the mediation clerk will record the
43 date, time and case information.

44 A mediation conference referred at the time of the arraignment and detention hearing
45 shall be calendared on an appointment basis for a time as close as possible to three weeks from the

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

46 arraignment and detention hearing, and may be calendared later than the three week date only upon a
47 showing of good cause and a court order with specific findings.

48 (4) Notification of Mediation Conference Date and Time; Appearance for Mediation
49 Conference. The court will order the parties and counsel to return to the courthouse on the date and
50 time set for mediation and report first to the courtroom before contacting the mediation secretary or
51 designated mediator.

52 When the mediation conference is requested without a court order, the counsel who
53 schedules the mediation conference must provide all other counsel with written notice of the
54 conference, and all counsel must so inform their clients. On the date indicated in the notice, all parties
55 and counsel (including Children’s Social Worker (“CSW”) when present) must report for mediation at
56 or before the time scheduled, either report to the mediation secretary in the Children’s Court, Room
57 2110 or to the identified mediator’s office. DCFS liaisons to mediation also must check in with the
58 mediation secretary or scheduled mediator prior to the time scheduled for the mediation conference,
59 and confirm which liaison will be responsible for and participate in each mediation conference.

60 Counsel must advise the parties to telephone the courtroom (when the matter appears
61 on calendar) and also the mediation secretary at the Children’s Court at (323) 526-6671 if they expect
62 to be late or are unable to attend the conference due to an emergency. This rule applies regardless of
63 whether the case is scheduled in the Children’s Court or a branch courthouse.

64 (5) Reports for Use at Mediation Conference. The court will order DCFS to provide
65 the appropriate reports to counsel, parties, the mediator and, where applicable, the CASA volunteer.
66 DCFS shall submit the reports to the department where the case is pending, with copies each to the
67 mediation department and the DCFS liaison to mediation, no later than 2:00 p.m. two court days before
68 the conference.

69 (6) Participation in Mediation Conference; Counsel Availability. In addition to
70 counsel, the persons attending the mediation conference shall include as decision makers the parents,
71 children (when appropriate), the assigned CSW or DCFS liaison, any appointed guardian *ad litem*, and
72 any other person identified by the court as a party. At the discretion of the mediator, other persons
73 may be permitted to participate, including family members, therapists, program representatives,
74 caregivers, domestic violence support persons, and CASA volunteers appointed for the children.

75 When the CSW is not present, the DCFS liaison shall serve as the DCFS representative
76 and have authority to make case-related decisions on behalf of DCFS without further approval.

77 All counsel must remain available to the mediator to participate in the mediation
78 conference until the mediation conference concludes.

79 (7) Need for Timely Proceedings; Consequences of Noncompliance. The child’s
80 interests and the legislative intent that dependency cases proceed in a timely fashion require that
81 hearings proceed on the date calendared. The failure of any person to comply with any court order
82 described above — including attendance at a mediation conference and timely submission of court-
83 ordered reports — may result in the imposition of monetary sanctions pursuant to Code of Civil
84 Procedure section 177.5 upon written motion of another party or by the court.

85 (b) Confidentiality. The mediation conference will be deemed confidential. All forms of
86 communication between and among the mediator, parties, counsel, and other participants in the
87 mediation conference are confidential and may not be released except for the social study, the
88 mediator’s document for the court for the court at the conclusion of the mediation conference, and as
89 compelled by statute. Welfare and Institutions Code section 350, California Rules of Court, rule 5.552,
90 and California Evidence Code sections 703.5, 1115-1125(a)(4), and 1125(b) through 1128 apply to the
91 dependency court mediation process.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

92 (c) The Mediation Process. Initially, the mediator will meet with all counsel and the DCFS
93 liaison to mediation concerning their perceptions of both the factual and legal issues in dispute and the
94 areas of potential agreement. The parties will not be present during this phase of the conference. At
95 various times, the mediator will meet with the parties, counsel, and others as a group and/or
96 individually, at the mediator's discretion, prior to finalizing the written agreement and case plan.

97 If the initial discussion with the mediator produces a proposed agreement with respect to all or
98 some of the issues, the proposed agreement will be presented to the parties. Where there is partial or
99 no agreement on substantive issues, the parties shall identify any points of agreement and those issues
100 that remain to be resolved. After the parties have discussed the proposed agreement and any other
101 matters which the mediator deems relevant, the mediator will prepare a document recording interim,
102 partial, full or no agreement, including the identification of unresolved issues, have the document
103 signed by counsel and the parties, and submit it with the court file to the judge for review, approval,
104 findings and orders.

105 (d) Mediation Conference Continued. Subject to the court's approval, a mediation conference
106 that has begun but has not been concluded on the date scheduled may be continued to a future date at
107 the mediator's discretion for the purpose of facilitating resolution of the matter. The mediator and
108 counsel may agree to continue to a specific date without the need for court appearance where that date
109 is available on the mediation department calendar. Additional continuances will be allowed only upon
110 written stipulation of the parties based on adequate reasons and subject to court approval.

111 If the court adjourns prior to completion of the mediation conference and the parties and
112 mediator want to further mediate, the court will order the attorneys and parties to remain and participate
113 until the mediation conference concludes, with the matter trailing on the court calendar for submission
114 of the mediation conference results, and without the requirement that the parties return on the date to
115 which the matter trailed. Once a matter has been trailed in this manner and judicial findings and orders
116 have been made, counsel must advise their clients of said orders and or any future court date requiring
117 the appearance of the parties.

118 The judge will decide, on a case by case basis, whether or not to grant any continuance of the
119 mediation conference if the parties fail to appear when proper notice or oral direction was previously
120 given.

121 (e) Domestic Violence Protocol; Security. The mediation department's secretary must be
122 advised at the time a conference is set or as soon thereafter as the information is known, when (1)
123 counsel or any member of court staff is aware of a serious risk of violence, or (2) a restraining order
124 has been issued against one or more persons involved in the mediation. The mediation department
125 shall note this information by a means which preserves the confidentiality of these proceedings.

126 When the mediator has been advised of a serious risk of violence, ~~he or she~~ **the mediator** shall
127 take steps to ensure that parties who pose an identified risk are seated and conferred with separately
128 from the other parties or participants. The mediation department shall accommodate any party or
129 participant who requests separate seating or conference session.

130 A counsel representing a client against whom a restraining order has been issued must contact
131 the mediator at or before the time set for mediation conference, and wait until separate sessions for the
132 restrained person can be arranged before directing that person to the mediator's office.

133 When the mediator has reason to believe that there is an imminent risk of violence by or to any
134 of the parties to the mediation, the Sheriff's Office located at the facility where the mediation is
135 occurring must be immediately notified for assistance. Mediation proceedings shall be suspended until
136 peace is restored and/or the risk of violence eliminated. Court security personnel may be requested to
137 accompany parties or participants within the courthouse in order to safeguard them from violence or
138 the threat of violence.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

139 Any alleged victim of domestic violence has the right to have a designated support person
140 present during the mediation conference. The designated support person is controlled by the same
141 confidentiality standards as any participant in the mediation conference, but unless otherwise ordered
142 is not a participant in the discussion and decision-making process.

143 (Rule 7.23 [7/1/2011] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 8.2 FILING AND TRANSFER OF CASES

2 (a) Filing of Cases. Indictments, criminal complaints, and informations must be filed in
3 accordance with Local Rule 2.3(a)(3).

4 (b) Transfer of Cases. Whenever the Presiding Judge or the Supervising Judge determines that
5 the calendar in any district, including the Central District, has become so congested as to jeopardize
6 the right of a party to a speedy trial or to interfere with the proper handling of the judicial business in
7 that district, for security or calendar administration reasons, or in the interests of justice, ~~he or she~~ **the**
8 **Presiding Judge or the Supervising Judge** may order the transfer of one or more pending criminal
9 matters to another district for trial or hearing, or, Local Rule 2.3(a)(3) notwithstanding, may order the
10 filing of cases in a different district.

11 (Rule 8.2 [7/1/2011, 1/1/2016] amended and effective ____)

12

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 8.11 SCHEDULING CONFLICTS

2 (a) Scheduling Appearances. Counsel must attempt to avoid scheduling conflicts, and make
3 every effort to avoid scheduling appearances in more than one district in the same morning or
4 afternoon.

5 (b) Punctuality. It is counsel's responsibility to determine the time at which ~~his or her~~
6 **counsel's** presence is required in each courtroom. Counsel must appear punctually at that time, unless
7 ~~he or she~~ **counsel** has another scheduled appearance at the same time and the other matter has statutory
8 priority. If counsel has conflicting appearances, counsel must contact the court that does not have
9 statutory or rule priority at least one court day prior to the scheduled appearance and provide the
10 location, the time and case name and number of the other appearance, and the time when counsel
11 expects to be able to appear.

12 (Rule 8.11 [7/1/2011] amended and effective _____)
13

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 8.32 MODIFICATION, TERMINATION, OR REVOCATION OF PROBATION/SENTENCE

2 (a) Applications for Revocation, Modification or Termination of Probation. An application to
3 revoke, modify or terminate probation or a conditional sentence, or to recall a warrant thereon, must
4 be made and determined as follows:

5 (1) No Open Case. If there is no new criminal case (“open case”) pending against the
6 probationer, the application must be filed and determined in the court where the plea or verdict was
7 taken, unless:

8 (A) at the time probation was granted or reinstated, the judge granting
9 probation filed a written request in the case file and had it entered into the docket, that ~~he or she~~ **the**
10 **judge granting probation** hear and determine all probation violations. In that case, the judge
11 originally granting probation may hear and determine all applications; or

12 (B) probation was granted after a guilty or no contest plea was taken in an Early
13 Disposition Program court. In that case the application must be filed and determined in the court to
14 which the case would have been transferred for arraignment on the information, had the defendant been
15 held to answer on the complaint, unless, pursuant to Local Rule 8.1 and 8.2, the Presiding Judge, the
16 Supervising Judge of Criminal, or the Supervising Judge of the District to which the case is assigned,
17 orders otherwise.

18 (2) With an Open Case. If there is an open case pending against the probationer, the
19 application must, except as provided hereinafter, be heard and determined by the judge handling the
20 open case, at or before the time the open case is determined. If, however, the judge who granted
21 probation, at the time probation was granted or reinstated, filed a written request in the case file and
22 had it entered into the docket that ~~he or she~~ **the judge granting probation** hear and determine all
23 violations, then the judge originally granting probation may hear and determine all probation
24 violations. Probationary matters ordinarily shall follow the open case. This rule applies, regardless of
25 whether the open case is a misdemeanor and the probationary case is a felony, or *vice versa*, and
26 regardless of whether the open case and the probationary case are in the same district or different
27 districts.

28 (b) Application to Recall and Modify a Sentence. An application to recall and modify a
29 sentence shall be heard and determined in the same manner as an application for revocation,
30 modification or termination of probation as set forth in subdivision (a)(1) above.

31 (Rule 8.32 [7/1/2011, 1/1/2017] amended and effective _____)
32

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 8.34 COURT COMMUNICATION PROTOCOL

2 (a) Purpose. This rule sets forth the court communication protocol for Domestic Violence and
3 Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid
4 the issuance of conflicting orders when possible, and to permit appropriate visitation between a
5 restrained person and ~~his or her~~ **the restrained person's** child while providing for the safety of all
6 victims and witnesses. Furthermore, the best interests of the child, litigants and the court are promoted
7 by early identification and coordination of proceedings involving the same child or the child's
8 caretaker(s). To that end, this rule is also designed to ensure that all judicial officers have information
9 about the existence of overlapping cases. This rule recognizes the statutory requirement that criminal
10 protective orders have precedence over all other contact orders, but acknowledges that there are
11 situations where it is appropriate to permit visitation between a criminal defendant and ~~his or her~~ **the**
12 **criminal defendant's** child.

13 (b) Notice of Pending Cases and Orders.

14 1) Court Inquiry. Before issuing a criminal or non-criminal protective order,
15 or a custody or visitation order, the judicial officer should inquire of the parties and the attorneys
16 whether the court has any cases in which there are criminal or civil protective orders, or custody and
17 visitation orders that involve the child of the parties in the current case. To the extent that resources
18 are available, the names of the children at issue in dependency, family law and probate guardianship
19 cases should be searched in the Children's Index for the existence of other cases involving the same
20 children and this information shall be provided to the judicial officer hearing the current case.

21 2) Duties of Attorneys and Self-Represented Parties in Dependency, Family
22 Law and Probate Guardianship Cases. All attorneys and self-represented parties must inform the
23 judicial officer in the trial court about any cases in another court in which there are criminal or non-
24 criminal protective orders or custody and visitation orders that involve the child of the parties in the
25 current case. In family law and probate guardianship cases, the information must be provided on form,
26 Fl 105/GC 120, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act
27 (UCCJEA), until such time as the Judicial Council publishes a form specifically for this purpose.
28 Additionally, it is the responsibility of all attorneys and self-represented parties to inform the court if
29 at any time subsequent to the filing of the initial petition they become aware that another case exists
30 involving the children at issue in the current case.

31 3) Dependency Court Notification to Family Law and Probate Courts. When
32 there is an open dependency case or when a new petition has been filed and, upon notification and
33 verification of overlapping case, a minute order is executed informing the other court that a petition
34 has been filed in juvenile court and, until that petition has been dismissed or dependency court
35 jurisdiction terminated, all issues regarding custody, including visitation, must be heard by the juvenile
36 court pursuant to Welfare and Institutions Code section 304. The minute order shall be forwarded to
37 appropriate other court administrator(s) who will then send notice to the trial court with the overlapping
38 case(s). The judicial assistant in the trial court with the overlapping case will send out notice to the
39 parties in their case. The judicial assistant in dependency court will send out notice to the dependency
40 court parties and their attorneys.

41 4) Prosecuting Attorney's Duty. Pursuant to Penal Code section 273.75, the
42 prosecuting attorney must investigate whether there are any criminal or civil protective orders or
43 custody and visitation orders that involve a child of a related party in a domestic violence charge. The
44 prosecuting attorney must inform the judicial officer whether or not there are any existing orders. The
45 prosecuting agency must complete and file with the complaint, an information, or an indictment a

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 8.42 *PRO PER* DEFENDANTS IN CRIMINAL CASES

2 (a) Application. This rule governs defendants acting in *pro per* in criminal proceedings and
3 delineates their privileges. This rule has the force and effect of a procedural statute and will be strictly
4 followed. A defendant who fails to follow these rules may lose *pro per* status or *pro per* privileges. A
5 defendant requesting *pro per* status must file an affidavit or declaration stating that ~~he or she~~ **the**
6 **defendant** is familiar with this rule and that ~~he or she~~ **the defendant** understands that the failure to
7 adhere to this rule will result in appropriate sanctions including, but not limited to, the loss of *pro per*
8 status or privileges.

9 (b) Sheriff's Authority. The Sheriff has the exclusive authority to house inmates and take such
10 other action authorized by law as is necessary to maintain jail security, discipline, and safety and
11 provide for the operation of the jail.

12 (c) Procedure.

13 (1) Notice of Hearing and Filing of Papers. Motions, applications for court orders, and
14 other court documents must be filed with the clerk where the case is then pending, and a copy must be
15 served on the prosecuting attorney and all other attorneys or parties in *pro per* ten days in advance of
16 any proposed hearing date, in accordance with applicable law. Service by mail is acceptable. Any
17 kind of writing or typing paper may be used, but all documents must be legibly printed in pencil or
18 typed. Unless a hearing date for the motion was previously scheduled by the court, motions and other
19 applications for hearings must contain a proposed hearing date in the first paragraph. The first
20 paragraph must also contain a brief statement of the order or orders requested.

21 (2) Subpoena Power. A defendant may use the subpoena power of the court to compel
22 the attendance of witnesses. The Sheriff will furnish subpoena forms for use by *pro per* inmates who
23 request them. A *pro per* defendant must not subpoena individuals to annoy, embarrass, or harass any
24 witness. To do so will be deemed an abuse of process.

25 Prior court review is required before a defendant may cause the service of a
26 subpoena on any of the following: 1) an individual who lacks personal knowledge concerning the
27 factual issues of any hearing pending before the court, 2) jail personnel or witnesses in the custody of
28 the Sheriff or other governmental agencies, and 3) the custodian of records of any business or
29 governmental entity.

30 To obtain court review, a defendant must submit an offer of proof setting forth
31 the relevance of the testimony of the witness or of the document sought. The offer of proof may be
32 submitted *in camera* and under seal without serving the opposing party.

33 Violation of Local Rule 8.42(c) may result in the loss of *pro per* status or *pro*
34 *per* privileges.

35 If a subpoena is issued for facility commanders or other Sheriff executives, the
36 Sheriff may substitute officers familiar with jail procedures or specific issues.

37 Any service of subpoenas by the Sheriff must be accomplished through the
38 Sheriff's Civil Division.

39 (3) Motions Concerning Jail Conditions. Before an inmate files a motion or writ with
40 the court complaining of conditions of confinement or alleging violations of jail rules (including
41 alleged violations of this *pro per* rule), ~~he or she~~ **the inmate** must first file a written complaint with
42 the facility commander, unless it can be shown that substantial prejudice would result. The facility
43 commander must investigate the inmate complaint and within ten calendar days provide the inmate
44 with a written response.

45 If the complaint is not resolved by the facility commander's written
46 response and if the inmate chooses to file a motion or writ, the inmate must attach to any papers filed

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

47 with the court a copy of the inmate's complaint and the response of the facility commander. If an
48 inmate claims that substantial prejudice would result from following the facility complaint procedure,
49 the inmate must submit a detailed statement setting forth the basis for the claim of substantial prejudice.

50 All motions, writs or other requests as described in this paragraph must
51 be served on the Office of the County Counsel, Room 407, Sheriff's Department Headquarters, 4700
52 Ramona Boulevard, Monterey Park, CA 91754.

53 Upon receiving a motion concerning a *pro per* defendant's jail
54 conditions, the court may calendar a hearing date; direct that subpoenas be served upon necessary
55 witnesses, direct the inmate's complaint to the Commander in charge of the facility where the inmate
56 is housed for further consideration, or direct the Office of the County Counsel to file an answer. The
57 answer may include recommendations concerning possible resolution. If County Counsel files an
58 answer, the defendant will have an opportunity to file a response. After considering all documents, the
59 court may issue orders without further hearing.

60 (d) Privileges.

61 (1) Library Privileges. The Sheriff must provide and maintain a law library for use by
62 inmates granted *pro per* status. All *pro per* inmates are entitled to a maximum of two hours per day
63 of law library access. The law library must operate seven days per week.

64 The Sheriff must maintain a log which shows the time and date each *pro per*
65 inmate uses the law library. The log must be retained for five years.

66 The Sheriff may designate the time and place of an inmate's law library access,
67 and may assign inmates into groups based upon safety, security, and efficient use of available facilities.

68 It is the inmate's responsibility to ~~avail himself or herself~~ **use** of the law library
69 during ~~his or her~~ **the inmate's** scheduled time. The Sheriff may, but is not required to, provide make-
70 up time. The Sheriff is under no obligation to provide any law books, other legal reference materials,
71 or copies thereof to any inmate in ~~his or her~~ **the inmate's** living area.

72 An inmate exercising *pro per* privileges has an affirmative duty to exercise the
73 privileges in such a manner as not to infringe upon the exercise of *pro per* privileges by other inmates.

74 The use of the library is restricted to legal research and telephone calls directly
75 related to an inmate's case. An inmate violating this section will be orally warned and may be
76 summarily removed from the library for the balance of the particular session. The warning must be
77 documented. Repeated violations will result in further disciplinary action and possible loss of *pro per*
78 status or privileges.

79 All library law books and source materials must be used in the library and must
80 not be removed. Law library materials found in an inmate's cell are contraband and subject the inmate
81 to discipline. Theft, possession or destruction of law books or source materials from the library will
82 result in discipline and will result in the loss of *pro per* status or privileges.

83 (2) Library Telephone Privileges. Telephones will be maintained in the library for use
84 during normal library time. The Sheriff may restrict telephone use to outgoing calls. All phone calls
85 made in the law library must be related to the inmate's case. All phone calls are made at the inmate's
86 expense.

87 (3) Legal Forms. The Sheriff may provide legal forms for inmate use. Any forms not
88 provided may be obtained and given to the inmate by a legal runner or investigator.

89 (4) Legal Runner and Legal Visits. A *pro per* inmate may request one person to act as
90 a legal runner to pick up or deliver items to or from the court, the prosecutor or the investigating
91 agency. Absent a showing of unavailability, the legal runner must be a current member of the Los
92 Angeles Superior Court's Private Investigator Panel ("Panel") designated as eligible to assist *pro per*
93 criminal defendants. In the event a legal runner is not a member of the Panel, the following apply:

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

94 The legal runner must be approved by the Sheriff and may be rejected for security concerns. Inmates
95 granted *pro per* status must receive extended visitation to confer with a legal runner. The legal runner
96 may visit and confer with the inmate during normal hours of inmate visiting for a maximum of thirty
97 minutes each day. The Sheriff may revoke approval of a legal runner's status for disruptive conduct
98 or violations of security procedures.

99 The court may authorize compensation for a legal runner who is not on the
100 Panel at a rate of seven dollars per visit to a maximum of \$105 per case.

101 A *pro per* inmate must submit a list of prospective material witnesses to the
102 Sheriff. An inmate may interview listed witnesses during normal visitation. Witness interviews are
103 limited to one per day and 30 minutes in length.

104 Interviews with material witnesses in the custody of the Sheriff or other
105 governmental agencies are only permitted by court order. A *pro per* inmate must submit to the court
106 a confidential offer of proof as to the anticipated testimony of such witness pursuant to subdivision
107 (b)(2) above. The court may reject a request for an interview if the offer of proof fails to demonstrate
108 good cause for the interview. An interview is limited to 30 minutes.

109 The time allotted for a witness interview will not be extended and cannot be
110 combined with time periods allotted for legal runner visits or regular visits.

111 (5) Legal Materials and Legal Correspondence. A *pro per* inmate may accumulate
112 legal materials, including reports, notes, court documents, other materials relating to ~~his or her~~ **the pro**
113 **per inmate's** criminal case, and legal correspondence. "Legal correspondence" is defined as any
114 confidential communication between an inmate and any state or federal court, with any attorney
115 licensed to practice law in any state or the District of Columbia, the holder of any public office, the
116 Department of Corrections and Rehabilitation, any facility commander where the inmate may be
117 housed, or the Sheriff. An envelope containing legal correspondence must clearly indicate on the
118 outside that it contains confidential legal correspondence.

119 a) It is the inmate's responsibility to store legal materials within ~~his or her~~ **the**
120 **inmate's** living area in a safe and sanitary fashion. If the accumulated materials jeopardize the safety
121 or security of the facility, the Sheriff may request the inmate to take appropriate remedial action. If
122 the inmate fails to take such remedial action within a reasonable time, the Sheriff may remove excess
123 property as designated by the inmate. Property removed must be stored by the Sheriff on behalf of the
124 inmate or released to any person designated by the inmate. If the inmate fails to designate property to
125 be removed, the Sheriff must apply to the court for an order designating which property is to be stored.

126 b) It is the responsibility of the inmate to keep any legal materials separate
127 and apart from ~~his or her~~ **the inmate's** other personal property. The Sheriff may treat any legal
128 materials which are stored with items of personal property such as soap, shampoo, food products,
129 newspapers, and magazines as regular inmate property.

130 c) Legal materials may be searched only in the presence of the inmate. The
131 Sheriff may inspect the materials for contraband, but must not read the contents of the materials.

132 d) Incoming and outgoing legal correspondence may be searched for
133 contraband only in the presence of the inmate. The Sheriff may physically inspect the materials for
134 contraband, but must not read the contents of the materials.

135 e) Upon the transfer of a *pro per* inmate to another facility, ~~he or she~~ **the pro**
136 **per inmate** must be allowed to maintain possession of ~~his or her~~ **the pro per inmate's** legal material
137 during the transfer. If an emergency requires an inmate's separation from ~~his or her~~ **that inmate's**
138 legal material, the legal material must be either sealed and stored in the inmate's name or released to
139 any person designated by the inmate.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

140 (6) Legal Supplies. A *pro per* inmates may use paper, carbon paper, pencils, and
141 erasers. These items may be purchased from the Jail Canteen by the inmate or given to the inmate
142 from an outside source through the legal deputy. Items brought to the jail by outside sources are subject
143 to reasonable security checks and restrictions imposed by the Sheriff.

144 No metal fasteners of any kind will be permitted. Cord or plastic fasteners may
145 be used to secure pages or transcripts. No ink pens or markers of any type are permitted. Inmates may
146 use one personal typewriter in the Law Library. The typewriter must be manual and will only be
147 admitted to the jail after a security check. The typewriter will remain in the custody of the Sheriff
148 when not in use.

149 (7) Indigent Supplies and Funds. Upon order of the court the Sheriff will provide legal
150 supplies to an indigent *pro per* inmate consisting of one legal tablet, ten sheets of typing paper, one
151 pencil, four sheets of carbon paper, and four envelopes. Indigent supplies will be given weekly.

152 Upon order of the court, the Sheriff will deposit a maximum of \$60 in an
153 indigent inmate's jail trust account. These funds may be used for witness phone calls, postage,
154 purchasing additional supplies, or for other needs directly related to the inmate's case. All receipts for
155 purchases of legal supplies must be retained by the inmate. Before indigent funds are allowed, the
156 court may require the inmate to expend personal funds ~~he or she~~ **the inmate** has on deposit in ~~his or~~
157 ~~her~~ **the inmate's** jail trust account.

158 (e) Investigators. An inmate may retain the services of a state licensed investigator to assist
159 in the preparation of the case. Upon proof to the court of an inmate's indigence and need for an
160 investigator, the court may appoint a state licensed investigator.

161 An inmate must be permitted to confer with a licensed investigator during the normal
162 hours of visiting. The Sheriff has the discretion to allow this visitation in an attorney room at such
163 time as the Sheriff deems appropriate. Unless specifically authorized by the Sheriff, an inmate may
164 not use private booths to confer with a licensed investigator.

165 (f) Requests for Additional Privileges or Funds. All requests for additional or special
166 privileges, or treatment different from other *pro per* inmates, must be filed with the trial court. These
167 requests must be accompanied by an affidavit detailing why the additional privilege or treatment is
168 necessary. Requests for additional funds must be accompanied by a detailed accounting showing how
169 the original funds were expended.

170 (g) Inmate Discipline and Revocation of Pro Per Status and Privileges. A *pro per* inmate is
171 subject to discipline for violations of jail rules and regulations in the same manner as all other inmates.
172 All reports of inmate discipline must be filed with the court. After reviewing the discipline report, the
173 court may request the Sheriff to apply for an order modifying or revoking the inmate's *pro per* privileges
174 or status.

175 The Sheriff may apply for an order modifying or revoking some or all of an inmate's
176 *pro per* privileges or status for cause. Except in emergency situations, *pro per* privileges must not be
177 revoked or modified as a concomitant of either jail discipline or administrative segregation without
178 complying with the following procedures:

179 (1) The inmate is given notice of the charges upon which the proposed revocation,
180 modification, or administrative segregation is based at least 24 hours in advance of a hearing before
181 the jail's decision-maker.

182 (2) The inmate is given the opportunity to appear before the decision-maker within 48
183 hours.

184 (3) The inmate is given the opportunity to present witnesses and documentary
185 evidence. The decision-maker may restrict the presentation of live witnesses, if necessary, to preserve
186 the facility's safety or security.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

187 (4) The inmate is given a written statement of the evidence relied upon and the reasons
188 for the action taken. If witness safety or facility security requires, the description of items of evidence
189 maybe redacted from the statement.

190 (5) As soon as practical after the hearing, but not later than two court days after the
191 hearing, the Sheriff must notify the court before which the inmate's case is pending of the request to
192 revoke or modify the *pro per* privileges of the inmate. Where the inmate is *pro per* on multiple cases,
193 the notice must list all cases in which the defendant is acting in *pro per* and must be filed in each court
194 handling the *pro per* matters. This notice must include a copy of the decision-making body's report
195 and all available discipline reports. Unless the safety of the inmate, of other inmates or of jail staff
196 would be jeopardized, the inmate's *pro per* privileges must not be revoked or modified until a court
197 modifies the order granting *pro per* privileges. To avoid multiple hearings and possible conflicting
198 results, each judicial officer receiving the request where multiple cases are involved shall notify the
199 Supervising Judge of the Criminal Division, so that ~~he or she~~ **the Supervising Judge** can exercise ~~his~~
200 ~~or her~~ **the Supervising Judge's** discretion to transfer all of the *pro per's* cases to a single judicial
201 officer for the limited purpose of ruling on the Sheriff's request. In emergency situations the Sheriff
202 may immediately suspend all *pro per* privileges, provided that the notice given to the court specifically
203 states the privileges restricted and the emergency justifying the action taken. The Sheriff must give
204 notice to each court as soon as practical under the circumstances.

205 (6) The court receiving the notice outlined in subdivision (g)(5) shall review the
206 request or decision of the Sheriff. Pending a hearing, the court may direct the Sheriff to reinstate any
207 or all privileges that were suspended due to an emergency. The court shall calendar a hearing within
208 a reasonable time. The inmate will be entitled to appear at the hearing and present material and relevant
209 evidence and objections.

210 (h) Temporary Suspension of Pro Per Privileges for Medical or Psychiatric Necessity. The
211 Sheriff may temporarily suspend any or all of an inmate's privileges based upon a determination by a
212 treating physician or psychiatrist that use of any or all of the privileges afforded *pro per* inmates will
213 endanger the health and welfare of the *pro per* inmate, other *pro per* inmates, or staff. Any temporary
214 suspension under this paragraph may last only as long as the medical or psychiatric conditions require
215 the limitation, and the Sheriff must continue to provide all privileges that medical and/or mental health
216 staff deem consistent with the ongoing care of the *pro per* inmate.

217 (1) The Sheriff must notify all affected courts in writing of the suspension of *pro per*
218 privileges, which *pro per* privileges were suspended, and the reasons for the temporary suspension of
219 *pro per* privileges. Upon the request of the inmate, the court shall calendar a hearing within a
220 reasonable time. The inmate will be entitled to appear at the hearing and to present such evidence and
221 objections as are material and relevant.

222 (2) The fact that a *pro per* inmate is under medical or psychiatric care does not limit
223 the Sheriff's rights to proceed under subdivision (g) in circumstances where the inmate has violated
224 jail rules or the provision of these rules.

225 (3) The Sheriff must promptly notify the court in writing upon the restoration of in-
226 custody *pro per* privileges.

227 (i) Pro Per Committee. The Presiding Judge may appoint a committee of judges to act as the
228 Los Angeles County *Pro Per* Committee within the Criminal Division. The committee shall meet with
229 members of the Sheriff's Department no less than once annually to review, modify or update these
230 rules.

231 (j) Natural Disasters. In the event of a natural disaster or other emergency condition, the
232 Sheriff may temporarily suspend inmate *pro per* privileges. Notice must be given to the Supervising

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

233 Judge of the Criminal Division as soon as practical under the circumstances of the disaster. *Pro per*
234 privileges must resume as soon as possible.

235 (k) Duration of Privileges. An inmate's *pro per* privileges and status as a *pro per* defendant
236 terminate upon sentencing. A request for *pro per* privileges after sentencing must be made to the
237 sentencing court.

238 (l) Withholding Pro Per Privileges Pending Further Order Of The Court. Within five days
239 after receiving information that a defendant has been granted *pro per* status in a pending case, and that
240 ~~his/her~~ **the defendant's** *pro per* privileges were revoked or modified in another pending case, the
241 Sheriff must provide written notice of the revocation/modification to the judicial officer who granted
242 *pro per* status. The Sheriff may withhold any additional privileges pending further order of the court.

243 (Rule 8.42 [7/1/2011, 1/1/2014, 1/1/2017, 7/1/2017] amended and effective _____)
244

