

YUBA COUNTY SUPERIOR COURT

SUPPLEMENT TO THE LOCAL RULES OF COURT



Effective July 1, 2018

YUBA COUNTY SUPERIOR COURT
EFFECTIVE DATE OF SUPPLEMENT TO LOCAL RULES
July 1, 2018

RULE	EFFECTIVE OR LATEST AMENDMENT DATE
CHAPTER 1. ORGANIZATION OF THE COURT	
1.0	PRESIDING JUDGE 7/01/99
1.1	JUDGES' MEETINGS 1/01/17
1.2	COURT EXECUTIVE OFFICER 7/01/07
1.3	JUDICIAL DEPARTMENTS AND ASSIGNMENTS 7/01/18
CHAPTER 2. GENERAL	
2.0	PAPERS 7/01/07
2.1	PAYMENT OF FILING FEES 7/01/07
2.2	TIME FOR FILING PAPERS 1/1/13
2.3	CALENDARED MATTERS 1/01/17
2.4	LOCAL FORMS 1/01/17
2.5	FACSIMILE FILINGS/FEES 7/01/18
2.6	SUBSTITUTION OF ATTORNEYS 7/01/01
2.7	CONSOLIDATION WITH THE LOWEST NUMBER 7/01/01
2.8	PROHIBITION OF FIREARMS IN THE COURTROOM 1/01/05
2.9	DRESS POLICY 1/01/05
2.10	COURT REPORTERS 1/01/17
2.11	COURT INTERPRETERS 1/01/17
2.12	SANCTIONS 1/01/05
CHAPTER 3. CIVIL	
3.0	CASE MANAGEMENT 1/01/17
3.1	SETTLEMENT CONFERENCE 7/01/07
3.2	ALTERNATIVE DISPUTE RESOLUTION 1/01/17
3.3	REMOVAL TO HIGHER COURT/BANKRUPTCY STAY 1/01/03

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3.4	LAW & MOTION	1/1/13
3.5	POLICY CONCERNING USE OF PRIVATE JUDGES	7/01/01
3.6	COURTESY COPIES IN WRIT PROCEEDINGS	7/01/07
CHAPTER 4. PROBATE DEPARTMENT		
4.0	GENERAL	1/01/17
4.1	APPOINTMENT OF EXECUTORS AND ADMINISTRATORS	7/01/01
4.2	GUARDIANSHIPS OF MINORS	1/01/17
4.3	CONSERVATORSHIPS	7/01/99
CHAPTER 5. FAMILY LAW DEPARTMENT		
5.0	HEARINGS & TRIALS IN GENERAL	1/1/13
5.1	CHILD CUSTODY RECOMMENDING COUNSELING	1/01/17
5.2	EVALUATIONS	1/01/17
5.3	INVESTIGATIONS	1/1/13
5.4	PENALTY	1/01/17
5.5	STIPULATION MODIFYING EXISTING ORDER	1/1/13
5.6	UNCONTESTED TRIALS-DOCUMENTS REQUIRED	7/01/07
5.7	CONTESTED TRIALS	7/01/07
5.8	STEPPARENT VISITATION	1/1/13
5.9	GRANDPARENT VISITATION	1/1/13
5.10	FAMILY LAW FACILITATOR	1/1/13
5.13	COMMUNICATION REGARDING CRIMINAL PROTECTIVE ORDERS, etc	1/01/17
CHAPTER 6. CRIMINAL LAW DEPARTMENT		
6.0	LAW & MOTION CALENDAR	7/01/07
6.1	DISCOVERY	1/01/10
6.2	CONTINUANCES	7/01/07
6.3	JURY INSTRUCTIONS	7/01/07
6.4	EVIDENCE AT VEHICLE INFRACTION TRIALS	7/01/07
6.5	LODGING OF SPEED SURVEY EVIDENCE	7/01/07
CHAPTER 7. JUVENILE LAW DEPARTMENT		

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7.0	JUVENILE LAW DEPARTMENT CALENDAR	1/01/17
7.1	ATTENDANCE AT HEARINGS	1/01/17
7.2	COMPETENCY OF COUNSEL	1/01/17
7.3	COURT-APPOINTED COUNSEL AND/OR GUARDIANS AD LITEM	1/01/17
7.4	CONFIDENTIALITY	1/01/17
7.5	PRE-HEARING DISCOVERY	7/01/07
7.6	CASE RECORDS AND REPORTS	1/01/17
7.7	PRESENTATION OF EVIDENCE	1/01/17
7.8	SETTLEMENT CONFERENCES	1/01/17
7.9	SUSPENSION OF FAMILY COURT PROCEEDINGS	1/01/17
7.10	CREATION OF A FAMILY COURT ORDER IN JUVENILE COURT	1/01/17
7.11	PATERNITY FINDINGS	1/01/17
7.12	MEDICAL ISSUES	1/01/17
7.13	AUTHORIZATION FOR USE OF PSYCHOTROPIC DRUGS	1/01/17
7.14	NO REUNIFICATION SERVICES	1/01/17
7.15	APPEALS FROM ORDERS OR JUDGMENTS TERMINATING PARENTAL RIGHTS	1/01/17
CHAPTER 8. LOCAL FORMS		
8.0	ADOPTION OF LOCAL FORMS	1/01/10
CHAPTER 9. ELECTRONIC FILING AND SERVICE		
9.0	ADOPTION OF ELECTRONIC FILING AND SERVICE	7/01/18

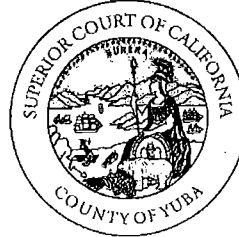
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**SUPPLEMENTAL TO THE RULES OF COURT
SUPERIOR COURT OF YUBA COUNTY**



Rule 1.3 Revised

Effective July 1, 2018 Local Rule 1.3 is revised and the following will be substituted for the existing rule:

1.3 JUDICIAL DEPARTMENTS AND ASSIGNMENTS

Superior Court of California, County of Yuba's judicial officers serve in the following departments:

- Department 1 Hon. Debra L. Givens
- Department 2 Hon. Benjamin Z. Wirtschafter
- Department 3 Hon. Julia Scrogin
- Department 4 Hon. Stephen W. Berrier
- Department 5 Hon. Kathleen R. O'Connor
- Department 6 Hon. Dennis A. Umanzio, Family Support Commissioner

The following assignments are effective July 1, 2018:

- | | |
|-------------------------------------|---|
| Presiding Judge | Hon. Debra L. Givens |
| Presiding Judge, Appellate Division | Hon. Benjamin Wirtschafter |
| Probate and Civil Law | Hon. Stephen W. Berrier |
| Case Management | Hon. Stephen W. Berrier |
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| Family Law | Hon. Benjamin Wirtschafter |
| Misdemeanor Trials | Hon. Kathleen R. O'Connor |
| Criminal Law | Hon. Kathleen R. O'Connor & Julia Scrogin |
| Juvenile Law/Guardianships | Hon. Debra L. Givens |
| Unlawful Detainer | Hon. Stephen W. Berrier |
| Felony Trials | Hon. Julia Scrogin |
| Traffic Court Trials | Hon. Kathleen R. O'Connor |
| Family Support Commissioner | Hon. Dennis A. Umanzio |
| Small Claims | Hon. Stephen W. Berrier |
| LPS Conservatorship | Hon. Debra L. Givens |
| Drug Court/Prop 36 | Hon. Debra L. Givens |

The presiding judge may from time to time issue general orders that certain classes of cases, or some or all cases filed in a particular division shall be automatically assigned to a particular judge for all purposes. Unless and until changed by such an order, all cases filed in the Civil Division of the Superior Court of California, County of Yuba are assigned to the Hon. Stephen W. Berrier for all purposes. Cases in the Civil Division already pending as of the effective date of these rules, and not otherwise already assigned are likewise assigned to the Hon. Stephen W. Berrier for all purposes. All cases filed in the Family Law Division of the Superior Court of California, County of Yuba are assigned the Hon. Benjamin Wirtschafter for all purposes. All felony trials are hereby assigned to the Honorable Julia Scrogin.

Effective 1/01/17; Rev. 7/1/18

Effective July 1, 2018 Local Rule 2.5 is revised and the following will be substituted for the existing rule.

CHAPTER 2. GENERAL

2.5 FACSIMILE FILINGS/FEEES

A. COURT FAX NUMBERS

Documents shall be received for fax filing at (530) 740-1801.

Rev. 7/01/18

CHAPTER 9. ELECTRONIC FILING AND SERVICE

9. ELECTRONIC FILING AND SERVICE

(a) Authority and compliance

This rule governs permissive and mandatory electronic filing and service of documents in the Superior Court of California, County of Yuba as authorized by California Code of Civil Procedure section 1010.6 and California Rules of Court, Rules 2.250 et. seq. and CA Rules of Court rule 5.552. Unless this rule provides otherwise, parties filing and serving documents electronically shall comply with all requirements for electronic filing and service set forth in California Code of Civil Procedure section 1010.6 and California Rules of Court, Rules 2.250 et. seq.

(b) Mandatory Electronic Filing and Service

Documents filed in all civil cases, probate cases, family law and juvenile dependency cases must be filed and served electronically. Self-represented parties and non-parties are exempt from the mandatory electronic filing and service requirements, but are encouraged to participate voluntarily. An attorney representing a party may request to be excused from the mandatory electronic filing and service requirement by showing undue hardship or significant prejudice. An attorney requesting to be excused shall file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form EFS-007) with a Proposed Order (Judicial Council Form EFS-008). An attorney who files and serves a Request for Exemption from Mandatory Electronic Filing and Service shall be served with documents in paper form until the Court rules on the Request for Exemption. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing. Self-represented parties, non-parties, and attorneys excused from electronic filing must be served conventionally.

(c) Permissive Electronic Filing and Service

Documents filed in the specific permissive filing case types listed on the court's website at www.yubacourts.ca.gov may be filed and served electronically.

(d) Electronic Filing Requirements

All documents electronically filed, whether mandatory, permissive, by court order, or by stipulation of parties, must be electronically filed with the court using one of the court's approved electronic filing service providers, and must comply with the court's electronic filing requirements. Electronic filing requirements, including a list of approved electronic filing service providers, are available on the court's website at www.yubacourts.ca.gov and in hard copy at the clerk's office.

(e) Electronic Filing Acceptance Deadlines

No document transmitted electronically is deemed filed unless it is accepted for filing by the Clerk. An electronically filed document shall be deemed filed on the date the document was submitted to the court if the submission was received by the court between 12:00 a.m. and 11:59:59 p.m. on a court day. An electronically filed document submitted on a non-court day shall be deemed filed on the next court day.

(f) Electronic Filing Fee Waiver

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the court an Application for Waiver of Court Fees and Costs (Judicial Council Forms FW-001 and FW-002).

(g) Redaction of Confidential and Personal Information

Counsel and parties are solely responsible for redacting personal identifiers and privileged and/or

confidential information. The Clerk will not review documents for compliance. The Court may impose sanctions for violation of these requirements.

(h) Documents Excepted/Excused from Electronic Filing

A list of documents that shall not be filed electronically is included in the court's electronic filing requirements, available on the court's website at www.yubacourts.ca.gov and in hard copy at the clerk's office.

A party may be excused from filing any particular document or exhibit electronically if it is not available in electronic format and it is not feasible for the party to convert the document or exhibit to electronic format, or it may not be comprehensively viewed in an electronic format, including but not limited to exhibits that are real objects. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit shall file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

During trial, a party may submit to the courtroom clerk and serve by hand any documents, as long as the documents are also filed electronically before the close of business no later than the following court day.

(i) Obligation to Keep Information Current

A party whose electronic notification address changes while the action or proceeding is pending must promptly file a Notice of Change of Address with the court electronically and must serve this notice on all other parties or their attorneys of record.