

Summary of Local Rules & Forms Changes for January 1, 2019

New Forms

CIV9
CL03
CL04
CL05
CL06
CL07
FL4
JV6

Amended Forms

FL16 (remove references to Courtcall)

New Rules

Standing Order dated 7-6-18 added as S05 (relating to juvenile records for military)
Rule 6.09.1 (regarding Termination of Dependency Jurisdiction)
Rule 7.09.2 (regarding Request for New Trial in Traffic Infractions)
Rule 7.09.5 (regarding Brief Preliminary Evaluations)
Rule 9.11 (allows electronic recording as record)

Amended Rules

4.02 (regarding telephonic appearances of insurance adjusters at civil MSCs)
4.00.8 (remove reference to Courtcall)
4.05.3A (remove reference to Courtcall)

5.03R (adding a deadline for date when documents are to be filed)
5.04B (correcting corresponding Family Code section number)
5.09E (correcting deadline for filing the request)

6.01.8G (adding a reference to the CRC)
6.01.8J (deleting references to two CRCs no longer in effect)
6.01.8K (correcting reference to Family Code section number)

10.00.1 (regarding fee waivers and court reporters in civil and family)
10.00.3 (regarding fee waivers and court reporters in civil and family)
10.00.4 (regarding fee waivers and court reporters in civil and family)

Old	New
(New)	<p>RULE 6.01.9 TERMINATION OF JURISDICTION AFTER ADOPTION Pursuant to W&I Code §366.3(a) and California Rule of Court 5.740(a)(3), within 35 calendar days after an adoption is granted, the County shall file a memo to the Court seeking termination of dependency along with the mandatory Judicial Council Form JV-364, Termination of Dependency. Upon receipt of the memo and form, the Court shall terminate its jurisdiction without notice or hearing.</p>
(New)	<p>7.09.2 REQUEST FOR NEW TRIAL (TRIAL DE NOVO) Pursuant to California Rules of Court 4.210(b)(7) and 4.210(c), the due date for filing a Request for New Trial (Trial de Novo) (form TR-220) is extended to 25 calendar days after the date of delivery or mailing of the Decision and Notice of Decision, whichever occurs first.</p>
(New)	<p>7.09.5 BRIEF PRELIMINARY EVALUATIONS OF THE MENTAL COMPETENCY OF A CRIMINAL DEFENDANT (a) Brief Preliminary Evaluation Reports. A brief preliminary evaluation of the mental competency of a criminal defendant may be conducted by a forensic psychiatrist. The evaluation shall be memorialized in a written report, which shall be submitted to the mental health court in which the defendant's competency case is pending. The report shall specify the defendant's name, the date of the evaluation, and the case number or numbers. The report shall also specify the reasons for the psychiatrist's opinion as to the defendant's competence, including observed symptoms, and the defendant's ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental disorder. If the psychiatrist opines that the defendant is not competent to stand trial, the report shall address the issues regarding antipsychotic medication as specified in Penal Code section 1369(a). The report shall be</p>

	<p>signed by the psychiatrist.</p> <p>(b) Application. This local rule is intended to comply with Rule 4.130(a)(3) of the California Rules of Court, so that Brief Preliminary Evaluation Reports prepared in accordance with this rule need not comply with Rule 4.130(d)(2).</p>
(New)	<p>9.11 RECORD IN INFRACTION APPEALS</p> <p>(a) The use of an official electronic recording is permitted to serve as the record of the oral proceedings.</p> <p>(b) The trial court judge may order that the original of an electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision.</p> <p>(c) Alternatively, the trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision.</p> <p>(d) This local rule is intended to comply with Rule 8.916(d)(6).</p>
<p>4.02 ALL LONG CAUSE CIVIL TRIALS WILL BE SET FOR A JUDICIALLY SUPERVISED MANDATORY SETTLEMENT CONFERENCE BEFORE A REGULARLY ASSIGNED JUDGE OR DESIGNATED JUDGE</p> <p>Any long cause case, and any short cause case at the discretion of the court, shall be set for a judicially supervised mandatory settlement conference before a regularly assigned judge or designated judge pro tem... All parties shall attend the conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith and reach settlements. Telephone standby is not permitted without prior approval of the presiding judge or judge assigned to conduct the mandatory settlement conference. Each party attending a settlement conference shall</p>	<p>4.02 ALL LONG CAUSE CIVIL TRIALS WILL BE SET FOR A JUDICIALLY SUPERVISED MANDATORY SETTLEMENT CONFERENCE BEFORE A REGULARLY ASSIGNED JUDGE OR DESIGNATED JUDGE</p> <p>Any long cause case, and any short cause case at the discretion of the court, shall be set for a judicially supervised mandatory settlement conference before a regularly assigned judge or designated judge pro tem... All parties shall attend the conference, together with adjusters, corporate officers or other designated persons with authority to negotiate in good faith and reach settlements. Telephone standby is not permitted without prior approval of the presiding judge or judge assigned to conduct the mandatory settlement conference. Any party that files a request for a telephonic</p>

<p>have a thorough knowledge of the evidence and shall be prepared to discuss the facts and law pertaining to both liability and damages...</p>	<p>appearance at an MSC for an adjuster or principal must do so at least 10 court days prior to the scheduled MSC, and must accompany any such filing with that party's MSC statement that must include that party's latest settlement demand or offer. Each party attending a settlement conference shall have a thorough knowledge of the evidence and shall be prepared to discuss the facts and law pertaining to both liability and damages...</p>
<p>4.00.8B CASE MANAGEMENT CONFERENCE B. Mandatory appearance or telephone conference. The court may require counsel and parties to be personally present in court for a case management conference. Alternatively, the court may conduct the case management conference, in its entirety, pursuant to a telephone conference. If a party intends to appear by CourtCall, the party is to give notice to the other side of this intent. The court may on its own motion change the type of case management conference specified in the original notice. It is the present policy in reviewing files for the case management conference to determine if appearances at the conference are necessary. If it is determined a conference is not necessary, a case management order is issued and the parties are advised that an appearance is not required. At the present time, such orders are posted to the court's website (www.nevadacountycourts.com) prior to the scheduled hearing. This policy is subject to change without further notice or amendment of these rules.</p>	<p>4.00.8B CASE MANAGEMENT CONFERENCE B. Mandatory appearance or telephone conference. The court may require counsel and parties to be personally present in court for a case management conference. Alternatively, the court may conduct the case management conference, in its entirety, pursuant to a telephone conference. If a party intends to appear by telephonic appearance, the party is to give notice to the other side of this intent. The court may on its own motion change the type of case management conference specified in the original notice. It is the present policy in reviewing files for the case management conference to determine if appearances at the conference are necessary. If it is determined a conference is not necessary, a case management order is issued and the parties are advised that an appearance is not required. At the present time, such orders are posted to the court's website http://nccourt.net/ prior to the scheduled hearing. This policy is subject to change without further notice or amendment of these rules.</p>
<p>4.05.3A TENTATIVE RULINGS; OBLIGATIONS OF COUNSEL; HEARING OF LAW AND MOTION BY TEMPORARY JUDGE The tentative ruling shall become the final ruling of the court if the court has not directed oral argument in its tentative ruling and notice of intent to appear has not been given whereby a party desiring to be heard advises all</p>	<p>4.05.3A TENTATIVE RULINGS; OBLIGATIONS OF COUNSEL; HEARING OF LAW AND MOTION BY TEMPORARY JUDGE The tentative ruling shall become the final ruling of the court if the court has not directed oral argument in its tentative ruling and notice of intent to appear has not been given whereby a party desiring to be heard advises all</p>

<p>other parties and the court of a request for a hearing. Notification of intent to appear shall be made by contacting the law and motion/probate judicial assistant at a number designated by the court in the tentative ruling not later than 4:00 p.m. the court day preceding the hearing and it shall include confirmation that all other parties have been notified of the intent to appear. At the present time, the Nevada City number is (530) 265-1273 and the Truckee number is (530) 582-7835. Neither the Notice of Motion nor an arrangement with CourtCall will satisfy the requirement to give notice to the other party and the court.</p>	<p>other parties and the court of a request for a hearing. Notification of intent to appear shall be made by contacting the law and motion/probate judicial assistant at a number designated by the court in the tentative ruling not later than 4:00 p.m. the court day preceding the hearing and it shall include confirmation that all other parties have been notified of the intent to appear. At the present time, the Nevada City number is (530) 265-1273 and the Truckee number is (530) 582-7835. Neither the Notice of Motion nor an arrangement for telephonic appearance will satisfy the requirement to give notice to the other party and the court.</p>
<p>5.03 CONDUCT OF HEARINGS ON LAW AND MOTION; CONTENTS OF PLEADINGS</p> <p>R. Documents Offer at Hearing: Except for documents that impeach the truthfulness of a party or witness, a party shall provide a copy of each document to be offered to the Court before any hearing or trial to all counsel and self-represented parties. Parties shall bring to the court three copies of any document to be offered at the hearing or trial. Parties shall also be prepared to provide to the Court at the hearing or trial copies of all pleadings, proofs of service and earlier orders relied upon or sought to be modified.</p>	<p>5.03 CONDUCT OF HEARINGS ON LAW AND MOTION; CONTENTS OF PLEADINGS</p> <p>R. Documents Offered at Hearing: Except for documents that impeach the truthfulness of a party or witness, a party shall provide a copy of each document to be offered to the Court before any hearing or trial to all counsel and self-represented parties not less than seven days before the evidentiary hearing or trial. Parties shall bring to the court three copies of any document to be offered at the hearing or trial. Parties shall also be prepared to provide to the Court at the hearing or trial copies of all pleadings, proofs of service and earlier orders relied upon or sought to be modified.</p>
<p>RULE 5.04 TEMPORARY ORDERS, MISCELLANEOUS PROVISIONS</p> <p>B. Recipients of public assistance benefits. If a party is receiving public assistance benefits, the temporary support order must comply with Family Code Sections 4200 -4203.</p>	<p>RULE 5.04 TEMPORARY ORDERS, MISCELLANEOUS PROVISIONS</p> <p>B. Recipients of public assistance benefits. If a party is receiving public assistance benefits, the temporary support order must comply with Family Code Sections 4204.</p>
<p>RULE 5.09 MISCELLANEOUS PROVISIONS; SANCTIONS</p> <p>2. Requests</p> <p>Absent good cause, request for appearance by telephone in all hearings, except Case Management Conferences, Status Conferences and Pretrial Conferences, shall be made by submitting a separate local form, form number</p>	<p>RULE 5.09 MISCELLANEOUS PROVISIONS; SANCTIONS</p> <p>2. Requests</p> <p>Absent good cause, request for appearance by telephone in all hearings, except Case Management Conferences, Status Conferences and Pretrial Conferences, shall be made by submitting a separate local form, form number</p>

<p>FL16, to the Family Law Clerk’s Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk’s Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.</p>	<p>FL16, to the Family Law Clerk’s Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk’s Office no later than (10) ten calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.</p>
<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS 1. If the party was present at the hearing when the court ordered a hearing under Welfare and Institutions Code section 366.26, the notice of intent must be filed within 7 days after the date of the order setting the hearing.</p>	<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS 1. If the party was present at the hearing when the court ordered a hearing under Welfare and Institutions Code section 366.26 and CRC 5.590, the notice of intent must be filed within 7 days after the date of the order setting the hearing.</p>
<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS J. Selection Hearing. A selection hearing for permanent placement shall begin no later than 120 days after the hearing under W&I C Section 366.26 was ordered; (W&I C Section 366.31, 399.22; CRC 5.710, 5.715, 5.720.)</p>	<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS J. Selection Hearing. A selection hearing for permanent placement shall begin no later than 120 days after the hearing under W&I C Section 366.26 was ordered; (W&I C Section 366.31, 399.22; CRC 5.720.)</p>
<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS K. Notice of Appeal. A notice of appeal shall be filed within 60 days after the rendition of the judgment. (CRC 8.400(d) and 5.590.)</p>	<p>RULE 6.01.8 TIMELINES FOR JUVENILE DEPENDENCY HEARINGS K. Notice of Appeal. A notice of appeal shall be filed within 60 days after the rendition of the judgment. (CRC 8.406 and 5.590.)</p>
<p>10.00.1 COURT REPORTERS – GENERALLY Except as otherwise provided in Rules 10.00.2, 10.00.3 and 10.00.4 and California Rules of Court 3.50 – 3.58, court reporters are not available at the expense of the court. Court reporters may be used but they shall be obtained by and at the expense of one or more of the parties. Where court reporters are available for certain types of matters, they are available in all departments for those matters.</p>	<p>10.00.1 COURT REPORTERS – GENERALLY Except as otherwise provided in Rules 10.00.2, 10.00.3 and 10.00.4 and California Rules of Court 3.50 – 3.58, court reporters are not available at the expense of the court unless a party has a valid fee waiver on file and the party requested, in writing, the presence of a court reporter at least five court days in advance of the hearing. In all other cases, court reporters may be used but they shall be obtained by and at the expense of one or more of the parties. Where court reporters are available for certain types of matters, they are available in all departments for those matters.</p>
<p>10.00.3 COURT REPORTERS – LIMITED</p>	<p>10.00.3 COURT REPORTERS – LIMITED</p>

<p>AND UNLIMITED CIVIL: EX PARTE, CASE MANAGEMENT, TRIALS DE NOVO, LAW AND MOTION, TRIAL; PROBATE CALENDAR</p> <p>A. Court reporters are not available at the expense of the court for all civil proceedings and hearings, including trials. Court reporters may be used in such proceedings, but they shall be obtained by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.</p>	<p>AND UNLIMITED CIVIL: EX PARTE, CASE MANAGEMENT, TRIALS DE NOVO, LAW AND MOTION, TRIAL; PROBATE CALENDAR</p> <p>A. Court reporters are not available at the expense of the court for all civil proceedings and hearings, including trials, unless a party has a valid fee waiver on file and the party requested, in writing, the presence of a court reporter at least five court days in advance of the hearing. In all other cases, court reporters may be used in such proceedings, but they shall be obtained by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.</p>
<p>10.00.4 COURT REPORTERS – FAMILY LAW: TRIALS, HEARINGS EX PARTE, CASE MANAGEMENT, LAW AND MOTION</p> <p>A. Court reporters are not available at the expense of the court on family law short cause hearings, long cause hearings, or trials, ex parte applications or hearings, case management conferences. Court reporters may be used in such proceedings, but they shall be requested by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.</p>	<p>10.00.4 COURT REPORTERS – FAMILY LAW: TRIALS, HEARINGS EX PARTE, CASE MANAGEMENT, LAW AND MOTION</p> <p>A. Court reporters are not available at the expense of the court on family law short cause hearings, long cause hearings, or trials, ex parte applications or hearings, or case management conferences, unless a party has a valid fee waiver on file and the party requested, in writing, the presence of a court reporter at least five court days in advance of the hearing. In all other cases, court reporters may be used in such proceedings, but they shall be requested by and be at the expense of the party requesting a reporter. The party requesting a reporter shall file five (5) days advance written notice to the clerk of his/her request to have a reporter present during any hearing or trial.</p>