



Superior Court of the State of California

County of Madera

209 W. Yosemite Avenue
Phone: 559-675-7944



Madera CA 93637
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby

Assistant Presiding Judge: D Lynn Jones

Court Executive Officer: Bonnie Thomas

October 1, 2012

To Whom It May Concern:

Thank you for taking the time to review the proposed and revised local rules for January 1, 2013. If you have any comments or questions on this topic, please contact me at the above address, or e-mail the Court Research Attorney at john.oconnor@madera.courts.ca.gov, and please include the words "Local Rules 2013" in the subject line. Please send your e-mail no later than November 15, 2012.

Please note that the following changes have been made:

- Throughout, minor spacing and wording issues have been addressed, including updating 2011 to 2013, where appropriate. Such changes are not noted below.
- The list of judges and assignments on the front page has been updated.
- Minor grammatical and/or spelling errors have been corrected.
- Rules 2.7.1 and 2.7.2 have been amended to indicate that Departments 7 and 10 now accept Court Call appearances. These changes are not noted below.
- Family Court Services' mediation or investigation services have been formally renamed as "Child Custody Evaluation" or "Child Custody Recommending Counselor." Further, where applicable, the nomenclature "Request for Orders" was inserted as one of the possible filings for child support matters. Most of the rules affected are found in "Division Five- Domestic Relations and Juvenile Matters," and have not been noted below since substantive changes were not also made.
- Where applicable, the rules were amended throughout to underscore that self-represented parties are subject to certain rules to the same extent that represented parties are. These amendments are not noted below.
- Note that the Table of Contents, List of Effective Rules and the Index may not be updated until the rules are formally adopted or amended.



Superior Court of the State of California County of Madera

209 W. Yosemite Avenue
Phone: 559-675-7944



Madera CA 93637
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby

Assistant Presiding Judge: D Lynn Jones

Court Executive Officer: Bonnie Thomas

Repealed Rules

Local Rule 1.3.14:

Department 11

Juvenile Court is located at 28219 Avenue 14, 93638.

Local Rule 5.1.21:

~~Family Law Default.~~ The Clerk shall not set any Family Law Default for hearing until the party or counsel requesting such setting has provided to the Clerk the following:

- ~~(a) A fully completed current income and expense declaration in the form prescribed by California Rules of Court, Rules 5.122 and 5.124(a); or,~~
- ~~(b) A proposed judgment, and Judicial Council Form 1285.27 has been fully completed and signed by each party; or,~~
- ~~(c) A declaration under penalty of perjury on a form to be provided by the Clerk declaring there are no minor children, there are no requests for child or spousal support, there is no property subject to the jurisdiction of the Court, there is no request for attorney fees, and there is no request for the Court to reserve jurisdiction over any of the above issues. (Effective 7/1/08)~~

Local Rule 5.1.34(b):

~~(b) The party subpoenaing the mediator to appear at a hearing is required to pay the fees incurred for a full day of testimony, even if the hearing is continued or if the mediator is not called as a witness, subject to the mandates and limitations of Government Code § 68097.2, unless the subpoenaing party gives the mediator written notice three court days in advance of the hearing or the Court directs otherwise for good cause shown.~~

~~PLEASE NOTE: Time reasonably spent preparing for any hearing will be charged as expenses pursuant to Government Code § 68097.2.~~

Local Rule Rule 9.4.3:

~~No mediator/investigator may accept ex parte communication from counsel or any party. No mediator/investigator may contact an attorney or party unless in the presence of the opposing counsel or party or in writing. All writings provided to the Child Custody~~



Superior Court of the State of California

County of Madera

209 W. Yosemite Avenue
Phone: 559-675-7944



Madera CA 93637
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby

Assistant Presiding Judge: D Lynn Jones

Court Executive Officer: Bonnie Thomas

Evaluator (or the CCRC, in general) by one attorney or party shall be provided to the opposing counsel or party in a timely fashion. (Effective 7/1/08)

Proposed Rules

Rule 1.4.3 Originals of Transcripts of Proceedings

Where a transcript of a proceeding has been ordered by a litigant or other interested party, the Court shall retain the original of such transcript for its records, except as otherwise required by law.

Rule 5.1.36 Confidential Declaration Sheet

Upon filing of any petition or response in any family law case, the filing party shall file a confidential information sheet entitled "Confidential Declaration" to help the Court identify the parties in the case. The confidential information sheet shall be placed in a confidential envelope within the Court's case file and shall not be made available to any parties other than the Court absent a court order. The Confidential Declaration form is available on the Court's website under the "Forms" link and is available at the Civil window.

(A copy of the "Confidential Declaration" form can be found on this webpage.)

Rule 5.1.37 Family-Centered Case Resolution

(a) All dissolution, legal separation, nullity and parentage cases filed on or after 1-1-13 shall be set for a status conference no later than 120 days from the date of filing of the Petition. Additional status conferences will be set every 180 days or less, as determined by the court, until the case reaches final disposition. If, after 18 months, both parties have failed to participate in the case resolution process as determined by the court, no further hearings will be set except at the discretion of the court or pursuant local rule 5.1.10 until such time as the case qualifies for dismissal pursuant to Code of Civil Procedure section 583.210 or 583.310.

(b) The goal of the Family Centered Case Resolution process is to finalize dispositions as set forth in CRC rule 5.83.



Superior Court of the State of California

County of Madera

209 W. Yosemite Avenue
Phone: 559-675-7944



Madera CA 93637
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby

Assistant Presiding Judge: D Lynn Jones

Court Executive Officer: Bonnie Thomas

(c) Cases involving self-represented litigants shall be referred to the Family Law Facilitator to assist in complying with the case resolution process. Written material as required by California Rule of Court rule 5.83(g) shall be provided by the Clerk upon filing of first papers in dissolution, legal separation, nullity, or parentage actions.

(d) Results of failure to comply with Family Centered Case Resolution Rules All family law cases will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply. Failure of a party or parties to comply with these rules, including failing to appear at a mandatory Court event or failing to file required forms, may result in one or more of the following on the request of the other party or on the Court's own motion:

- 1) Dismissal of the case.
- 2) An award of attorneys fees and costs against the non-complying party, the party's attorney, or both.
- 3) An order based solely upon the pleadings properly before the court.
- 4) Such other orders as the Court deems appropriate.

(e) Reinstatement of dismissed cases

A party to a case dismissed under these rules for failure to appear at a required Court event or failure to file required Court documents may apply within 6 months to have their case reinstated under Code of Civil Procedure section 473(b). The Court may reinstate the case upon such terms and conditions as the Court deems just.

Thank you again for your interest and feedback.

Sincerely,

John M. O'Connor

/enclosure