



# SUPERIOR COURT

COUNTY OF MADERA  
STATE OF CALIFORNIA

ERNEST J. LICALSI  
PRESIDING JUDGE

DALE J. BLEA  
ASSISTANT PRESIDING JUDGE

ADRIENNE CALIP  
COURT EXECUTIVE OFFICER/JURY COMMISSIONER

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## Summary of Proposed Amendments to Local Rules

### SUMMARY:

The proposed amendments to the Court's Local Rules ("Rules"), are part of the Court's continuing effort to review, correct, and update its Rules as needed.

Below is the full text of proposed local rules with deletions noted in ~~strikethrough~~ and additions noted in underline.

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### Division 1 COURT ORGANIZATION AND GENERAL PROVISIONS Chapter 2 Definitions and Preliminary Provisions

1.2.2 Effective Date of Rules. These rules are effective ~~July 1, 2024~~ January 1, 2025 and on the effective date shall supersede any previous local rules of the Madera County Superior Court and Madera County Municipal Court. Effective 7/1/08, amended 1/1/13, 1/1/15, 1/1/17, 7/1/20, 7/1/21, 1/1/22, 1/1/23, 7/1/23, 1/1/25).

### Chapter 4 Court Reporter, Interpreter and Translator

1.4.2 Fee of Court Reporter in Civil Proceedings.

(a) Court reporting services will not be provided for court or jury trials in civil proceedings. Instead, parties will be required to provide court reporting services at their own expense.

~~(a)(b)~~ In any civil case in which a ~~trial~~ hearing is expected to last more than one (1) hour, but not more than four (4) hours, and official reporting services are required, the parties

Proposed Revisions to Madera County Local Rules  
Effective January 1, 2025

shall deposit with the Civil Division their pro rata shares of the fee for one-half (½) day of official reporting services. In any civil case in which the ~~trial or~~ hearing is expected to last less than one (1) hour, the fee shall be \$30.00. If a hearing which was expected to last less than one (1) hour goes beyond the one (1) hour requiring reporting services, then the difference in the fees must be paid by the end of the day of the hearing.

~~(b)(c)~~ In any civil case in which a ~~trial or~~ hearing is expected to last more than four (4) hours and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one (1) full day of official reporting services.

~~(c)(d) The fee for any trial shall be deposited by the time motions in limine are heard, or trial otherwise commences.~~ The fee for any hearing shall be due at the time the hearing is scheduled. The fee for any subsequent day of the ~~trial or~~ hearing shall be deposited with the Civil Division at the beginning of each subsequent day.

~~(d)(e)~~ The receipt issued by the Civil Division for payment of the above fees shall be shown to the Judge's Clerk at the beginning of the proceeding, ~~or the trial~~ or hearing will not proceed. Further, where a party or attorney has a record of failing to pay fees under this (or any other) section, the Court, in its discretion, may condition the scheduling of any matter on pre-payment of fees, or the payment of any or all due and owing fees.

(Effective 7/1/08, section (a) amended 1/1/13, sections (a), (c), and (d) amended 7/1/13, section (c) amended 7/1/14, [1/1/25](#))

## **Division 2 TRIAL COURT RULES**

### **Chapter 1 General Filing Requirements**

#### **2.1.3 Factors for Clerk Authorized Rejection**

In any civil, family law, probate, or small claims cases, the Clerk is authorized to reject filings that do not comply with the following factors, but may not necessarily reject a filing for all factors specified within California Rules of Court Title 2, Division 2, Chapter 1:

- (a) Case number
- (b) Parties' names
- (c) Court name
- (d) Failing to sign a document [whenever applicable for a filing party or their attorney to sign.](#)

(Effective 7/1/24, [amended 1/1/25](#))

[2.1.5 Conformed Copies of Stamped Pages Only. In any civil, family law, probate, or small claims case, the Clerk will provide conformed copies of documents provided in paper form only](#)

of the pages which contain a stamp affixed by the Court after submission by the party. It is the filing party's responsibility to insert the stamped pages in their document to make complete copies of the document that match the document stored electronically with the Court. E-mailed copies of any filed document may be provided to any party, or their attorney, upon request at no charge. Full copies of documents will accrue the copy fees consistent with the statewide civil fee schedule, and the supporting code sections referenced within. (Effective 1/1/25)

## **Chapter 5 Unlawful Detainer**

2.5.1 Unlawful Detainer Proceedings. The following policy shall apply to all unlawful detainer proceedings.

(a) Where plaintiff seeks eviction, for failure to pay rent, a three-day notice to quit or pay rent clearly showing the amount presently owed must be served on the defendant at least three (3) days prior to the filing of the case. In the case of a 30-day notice of termination of tenancy, the notice must be served on the defendant at least thirty (30) days prior to the filing of the case.

(b) The original or a copy of the three-day notice to quit or 30 day notice of termination of tenancy must be served and filed in accordance with California Code of Civil Procedure § 1166.

(c) Service of the three-day notice or 30 day notice can be made by the plaintiff or by a person other than the plaintiff or by a person 18 years of age or older acting as plaintiff's agent.

(d) Service by the sheriff can be made under the provisions of Code of Civil Procedure § 1162(a)(3), which provides for posting on the property and mailing of a copy to the defendant when defendant cannot be served personally. Plaintiff (or plaintiff's agent) must file a declaration which shows what efforts have been made to serve the defendant at his residence or place of business, or by substituted service, that the efforts were not successful, and why the defendant cannot be served at any other location or other means likely to give defendant actual notice.

~~(e) Setting Case for Trial. Upon the filing of defendant's Answer, the Division Clerk shall set the matter for trial pursuant to Rule 3.714, California Rules of Court, within the time period prescribed by Code of Civil Procedure § 1170.5. Where a counter at issue memorandum is filed, the provisions of § 1013 of the Code of Civil Procedure shall be applied so as to deem the date of demand for trial five days after the date of mailing of the demand for trial for purposes of compliance with Code of Civil Procedure § 1170.5.~~

(Effective 7/1/08, part (b) amended 1/1/10, [1/1/25](#))

**Division 4 CRIMINAL LAW MATTERS**  
**Chapter 2 Traffic Matters**

4.2.1 ~~Trial by Written Declaration. Any defendant, regardless of where he or she resides, may elect to have a trial by written declaration for traffic violations described in Vehicle Code § 40902. A trial by declaration shall be processed and determined in accordance with Vehicle Code § 40902. A request for trial de novo pursuant to Vehicle Code § 40902 shall be filed within 20 days after mailing of the notice. (Effective 7/1/08, amended 7/1/10).~~ Extension for Pay or Appear Date. A party may request from the clerk one extension not to exceed 30 days from the pay or appear date listed on the citation or mandatory reminder notice. The extension will be granted only if the request is made on or before the original pay or appear date. (Effective 1/1/25)

4.2.3 Insurance Vehicle Code § 16028 Fine Reduced by Clerk. A defendant may submit to the Court proof of insurance to have the fine reduced. If the insurance was valid at the time the citation was issued, a proof of correction fee equal to \$25.00 will be collected and the citation dismissed as proof of correction. If valid insurance was obtained after the citation was issued, the base fine will be reduced to the minimum base fine specified in Vehicle Code § 16029. (Effective 1/1/25)

~~4.2.3~~ 4.2.4 Policies for Attendance at Traffic Violator School.

~~(a)~~ The following shall apply to all applications for Traffic Violator School:

- (1) Fine and fee is payable at the Superior Court in the county of violation according to that court's policy; ~~branch court according to branch policy~~
- (2) Any speed violation must be less than 26 miles per hour over the applicable limit;
- (3) The alleged violator shall have no prior traffic school in last 18 months (from violation date to violation date);
- (4) The time to complete school is 90 days from receipt of payment. If more time is needed, the defendant may submit a request to the division which granted the traffic school;
- (5) Defendant must request traffic school on or before the due date on the citation, mandatory reminder notice, or any court-granted extension to the due date.
- (6) Defendants must contact the Traffic Division if they wish to request traffic school after the due date on the citation, mandatory reminder notice, or any court-granted

extension to the due date. Granting traffic school after the due date will be at the discretion of the court.

~~(b) — However, it is the procedure of this Court that persons with the following situations must appear in court to request traffic school:~~

~~———— (1) — Defendant did not request traffic school prior to the due date on the citation or any court-granted extension to the due date;~~

~~———— (2) — A speeding violation is in excess of 25 miles per hour over the applicable speed limit;~~

~~———— (3) — More than one (1) point for a moving violation appears on the defendant's DMV record in the last 18 months (from violation date to violation date).~~

(Effective 7/1/08, amended 1/1/10, 7/1/10, 1/1/25).

~~4.2.44.2.5~~ Added Fees for Traffic Violator School. Each person permitted or ordered to attend traffic violator school shall pay a fee equal to the bail for the offense for which he or she was cited. In addition each person shall also pay administrative fees as authorized by law. Payment for both such fees shall be made to the Division which permitted or ordered the traffic violator school attendance. (Effective 7/1/08, amended 7/1/10, 1/1/16, 1/1/25)

4.2.6 Trial by Written Declaration. Any defendant, regardless of where he or she resides, may elect to have a trial by written declaration for traffic violations described in Vehicle Code § 40902. A trial by written declaration shall be processed and determined in accordance with Vehicle Code § 40902. The defendant has 20 calendar days from the date of delivery or mailing of the TR-215 to submit a Request for New Trial (Trial de Novo) (form TR-220). (Effective 7/1/08, amended 7/1/10, 1/1/25).

4.2.7 Trial in Absentia. Pursuant to Vehicle Code § 40903, any person who fails to appear as provided by law may be deemed to have elected to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, involving a violation of the Vehicle Code or any local ordinance adopted pursuant to this code.

(a) — When a defendant does not respond to the mandatory reminder notice by the Pay or Appear date, the court shall initiate the trial by written declaration process (in absentia). The Court shall send the defendant a Notice of Trial by Written Declaration and Request (form TR-205). The notices, forms, due dates, and all other requirements for the trial by written declaration process shall be consistent with Rule 4.210 of the California Rules of Court.

(b) — Should the officer(s) submit their declaration(s) timely, the Court shall hold a trial by declaration and issue a ruling in the matter.

(c) Should the officer(s) fail to submit their declaration(s) or submit their declaration(s) after the due date, a trial by declaration will not be held. The case will be dismissed for lack of prosecution.

(d) If there is a guilty finding, the conviction shall be reported to DMV (if the charge is reportable), and a Notice of Decision (TR-215) sent to the defendant. The defendant has 20 calendar days from the date of delivery or mailing of the TR-215 to submit a Request for New Trial (Trial de Novo) (form TR-220). The defendant will be responsible for paying the ordered fine or timely submitting form TR-220 and posting the bail amount with the court. The case will be referred to collections if the defendant does not respond to the Notice of Decision.

(Effective 1/1/25)

#### ~~4.2.5~~ 4.2.8 Transcripts.

(a) Where a party or attorney has been found to have repeatedly ordered transcripts of hearings or trials in preparation for appeal, but continually failed to file such an appeal, the Traffic Court judge has the discretion to deny the request pending the filing of an affidavit by the party or attorney that he or she has a good faith and reasonable suspicion that appealable error occurred at the hearing or trial.

(b) If the trial court proceedings were reported by a court reporter and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal, 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.

(Effective 7/1/10, amended 7/1/20, 1/1/25)

#### ~~4.2.6~~ 4.2.9 Remote Video Proceedings.

(a) Traffic infraction trials and proceedings may be conducted by two-way remote video communications pursuant to California Rules of Court, Rule ("CRC") 4.220(a).

(b) "Remote video proceedings" ("RVP") are available in any infraction case involving an alleged violation of the Vehicle Code, or any local ordinance adopted under the Vehicle Code, that does not involve drugs or alcohol, or cases that are filed in informal juvenile or traffic court; except as specifically excluded by CRC Rule 4.220(b)(1).

(c) RVP are available for arraignments, trials, or related proceedings conducted by two-way electronic audiovisual communication between the defendant, witnesses, the prosecution, including any law enforcement officer, and the court in lieu of the physical presence of both the defendant and any witness or law enforcement officer in the courtroom.

(d) RVP may only be requested by the defendant. If RVP is not requested by the defendant, the trial will be heard in Department 17.

(e) To request arraignment and trial on the same day by RVP, the defendant must complete and submit Judicial Council form TR-505, *Notice and Waiver of Rights and Request for Remote Video Arraignment and Trial*. To request arraignment and trial on different days by RVP, the defendant must complete and submit Judicial Council form TR-510, *Notice and Waiver of Rights and Request for Remote Video Proceeding*.

(f) Judicial Council forms TR-505 and TR-510 must be submitted, either in person or by mail, to the Traffic Division for filing. The mailing address for the Traffic Division is:

Madera County Superior Court  
Traffic Division  
200 South "G" Street  
Madera, California 93637

The Traffic Division is located on the first floor of the Madera County courthouse located at 200 South "G" Street, Madera, California 93637.

(g) The forms requesting RVP must be submitted for filing no later than one (1) day prior to the appearance date indicated on the traffic citation issued by the officer or other notice to appear. Forms submitted in person must be received at least five (5) court days prior to the appearance date indicated on the traffic citation issued by the officer or other notice to appear. Forms submitted by mail must be postmarked no less than ten (10) court days prior to the appearance date indicated on the traffic citation issued by the officer or other notice to appear.

(h) All documents the defendant, prosecution or law enforcement officer intends to request the court to consider on the date of the RVP trial must be submitted prior to the date set for trial, in order for the documents to be in the file and available to the judicial officer on the date of the trial.

"Document" means any writing, handwritten, typed or printed, diagram, map, drawing, photograph and reproduction of any electronic image.

**All documents submitted must clearly and legibly indicate the full name of the defendant and the case number or citation number.** All documents must be submitted with Madera County local form MAD-CSD-0007, *Notice of Exhibits Associated with Remote Video Trial*. At least two (2) copies of all documents submitted must be brought to the RVP trial by the party submitting the documents. One (1) of those documents must be provided to the opposing party prior to the beginning of the trial.

The judicial officer, in his or her discretion, may accept documents for consideration on the date of the trial by RVP. If any party to an RVP trial wishes to have the court consider documents on

the date of the RVP, those documents must be provided to the court clerk no later than 9:30 a.m., on the day of the trial. The original document must be submitted to the court. The submitting party must bring two (2) copies of each original document to the RVP trial and provide one (1) of those copies to the opposing party prior to the beginning of the trial.

(Effective Date 7/1/19, [amended 1/1/25](#))

**Division 5 DOMESTIC RELATIONS AND JUVENILE MATTERS**  
**Chapter 1 General**

**5.1.26 Family Court Services Child Custody Recommending Counseling/Mediation Policies and Charges.**

(b) There shall be no charge for the Child Custody Recommending Counseling/Mediation orientation or the initial Child Custody Recommending Counseling/Mediation appointment. Family Court Services may charge fee of \$200.00 to a party who [fails](#) to [attend entirely or who fails to make themselves available within a 15-minute grace period for](#) a scheduled Child Custody Recommending Counseling/Mediation session without notifying the Family Court Services office personnel no less than 48 hours in advance. For each subsequent Child Custody Recommending Counseling/Mediation, the Family Court Services division of the Court shall collect a charge of \$100.00 per parent. This charge may increase from time to time by Policy Memorandum. For each child interview conducted by Family Court Services there shall be a \$100.00 fee collected from each parent prior to the interview. Parties shall pay all fees at the time of their appointment with Family Court Services, unless they have a valid fee waiver on file. Nonpayment of fees may result in appointment cancellation.

(c) Family Court Services child custody recommending counseling/mediation services are ordered by the Court. A scheduled mediation appointment shall only be cancelled in the event that the Court orders the matter off calendar or otherwise vacates the referral to Family Court Services, one or both parties do not attend (in which cases fees noted in section (b) shall apply), or if both parties stipulate to the appointment cancellation AND the parties have filed their stipulation prior to the date of the appointment with Family Court Services.

(Effective 7/1/08, amended 1/1/13, 1/1/17, 7/1/18, 1/1/20, 7/1/23, [1/1/25](#))



**DIVISION 6 ELECTRONIC FILING**  
**Chapter 2 Exclusions and Exceptions**

6.2.1 Exceptions to E-filing. Certain documents/filings are not eligible for submission through electronic filing and must be filed through conventional methods. A notice that identifies the existence, content, and physical filing of the document/filing must be electronically filed by the Court user as specified or instructed. These documents/filings include:

Affidavits re Real Property of Small Value;  
Any and all documents deemed sealed by the California Rules of Court or statute;  
Any and all documents requested or intended to be sealed by the Court;  
Any appeal-related documents, including, but not limited to, Labor Commissioner Appeals;  
Any order for Deposit into Trust Bearing Account;  
Any order with an original judicial officer's signature;  
Bonds/Undertaking documents;  
Claims of Right to Possession;  
~~Copy Requests~~ Copy or Certified Copy Requests, including a certificate of no appeal;  
Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means;  
Exhibits to be lodged for Hearings or Trials;  
Family Law Request for Entry of Default, Notice of Entry of Judgment, and Child Support Case Registry Forms;  
Orders of Examination;  
Original Contracts/Instruments;  
Original Wills/Codicils;  
Out-of-State Commission;  
Out-of-State Judgments or Orders to be Registered;  
Subpoenaed documents;  
Subpoenas for Out of State Actions;  
Any paper document ordered by the Court to be filed through conventional methods in the clerk's office. (Effective 1/1/22, amended 1/1/25)

**DIVISION 7 PROBATE, ADOPTION, AND RELATED MATTERS**  
**Chapter 8 Guardianship & Conservatorship Investigations**

7.8.1 Investigation of Proposed Guardian or Proposed Conservator. In conducting the investigation required under Probate Code § 1513 or Probate Code § 1826 the Court investigator at his/her discretion may require the proposed guardian or guardians or the proposed conservator or conservators to submit a fingerprint card, and/or or undergo a background check through the California Law Enforcement Telecommunications System (CLETS). The results of this check may be referred to in the investigator's report to the Court. Upon referral to Family Court Services, it is the parties' responsibility to contact Family Court Services to initiate the intake process. (Effective 7/1/08, amended 1/1/17, 1/1/22, 1/1/25)

**LIST OF LOCAL FORMS NEW/REVISED FOR 2025**

OLD FORM NUMBER	OLD FORM NAME	PREV. REV. DATE	NEW FORM NUMBER	NEW FORM NAME	NEW REV. DATE
		<a href="#">NEW FORM</a>	<a href="#">MAD-CIV-021</a>	<a href="#">Consent to Confer Separately During Settlement Conferences</a>	<a href="#">4/25/2024</a>
		<a href="#">NEW FORM</a>	<a href="#">MAD-CIV-022</a>	<a href="#">Consent and Waiver of Statutory Notice</a>	<a href="#">9/1/2024</a>
MAD-CIV-002	Request for Records Search-Civil Division	4/15/2020	MAD-CIV-002	Request for Records Search-Civil Division	<a href="#">9/13/2024</a>
MAD-CIV-010	Confidential Declaration	3/15/2022	MAD-CIV-010	Confidential Declaration	<a href="#">9/15/2024</a>
MAD-CIV-007	Objection to Guardianship	4/15/2020	MAD-CIV-007	Objection <del>to</del> Guardianship	<a href="#">9/20/2024</a>
		<a href="#">NEW FORM</a>	<a href="#">MAD-TRC-005</a>	<a href="#">Modification Request Form - Traffic Division</a>	<a href="#">5/1/2024</a>
		<a href="#">NEW FORM</a>	<a href="#">MAD-CRM-027</a>	<a href="#">Order-Commitment to the State Department of Mental Health (PC-1370)</a>	<a href="#">6/4/2024</a>
MAD-JUV-001	Request for Records Search-Juvenile Division	3/6/2024	MAD-JUV-001	Request for Records Search-Juvenile Division	<a href="#">6/6/2024</a>
MAD-JUV-016	Adult Adoption Order	4/15/2020	MAD-JUV-016	Adult Adoption Order	<a href="#">9/15/2024</a>
MAD-FCS-005	Child Custody Investigation Intake Questionnaire	4/15/2020	MAD-FCS-005	Child Custody Investigation Intake Questionnaire	<a href="#">9/12/2024</a>