

CHAPTER 4 COURT PLEADINGS, FORMS AND DOCUMENT FORMAT

RULE 4.04 FACSIMILE FILING

- A. The Superior Court of Ventura County hereby adopts ~~Title 2, Division 3, Chapter 3 California Rules of Court, r~~Rules 2.300 et seq., ~~of the California Rules of Court~~, allowing for the facsimile filing of civil documents.
- B. The court elects to allow the filing of documents by facsimile transmission directly with the courts through an automated facsimile filing system.
- C. ~~The court's facsimile machine shall be available 24 hours a day, although filings received after 5 p.m. or on court holidays shall be deemed filed on the next court day.~~
- D. ~~The a~~Automated Fax Filing service must be activated by calling the telephone number listed on the court's website. ~~The filer's Filing attorney's~~ credit card number, expiration date and fax number of sending fax will be required. Confidentiality of the credit card number will be maintained.
- E. ~~The automated facsimile filing telephone is available on the court's website. All facsimile filings received after 4 p.m. or on court holidays shall be deemed filed on the next court day.~~

(Revised effective January 1, 2017~~3~~, subdivision C repealed effective September 6, 2016.)

CHAPTER 9 FAMILY LAW RULES/GENERAL RULES

RULE 9.01 MATTERS ASSIGNED TO THE FAMILY LAW DEPARTMENT

All proceedings filed in the following matters are assigned to the Family Law Department, to be governed by these family law rules:

- A. Proceedings related to the dissolution, nullity or legal separation of partners of a domestic partnership.
- B. Matters arising from the Family Law Act, including cases where the District Attorney appears on behalf of Ventura County or any other party;
- C. Matters arising from the Uniform Divorce Recognition Act;
- D. Matters arising from the Uniform Child Custody Jurisdiction and Enforcement Act;
- E. Matters arising from the Uniform Parentage Act;
- F. Matters arising from *Family Codes* §§~~5700.1014900~~ through ~~5700.9054978~~ (UIFSA);
- G. Matters arising from *Family Code* §3900 (support of adult children or parents);
- H. Post-dissolution judgment actions involving omitted or reserved property issues; and
- I. Non-marital property right actions consolidated with Family Law Act or Uniform Parentage Act proceedings.
- J. Matters arising from the Domestic Violence Prevention Act, *Family Code* §6200 et seq.
- K. Requests for ~~Order Prohibiting~~ Civil Harassment Restraining Order.
- L. Matters arising from Domestic Partnership Act;
- M. Requests for Elder or Dependent Adult Abuse Restraining Order;
- N. Petitions for Workplace Violence Restraining Order
- O. Petitions for Private Post-secondary School Violence Restraining Order; and,-
- ~~L-P.~~ Petitions for Order Prohibiting Abuse or Program Misconduct.

(Revised effective January-1, 201~~0~~76)

RULE 9.06 NOTICE

A. NOTICE REQUIREMENT.

Except as provided in *Family Code* §6300, ~~and~~ *Code of Civil Procedure* §§527.6, 527.8, 527.85, *Welfare & Institutions Code* §15657.03 and *Health & Safety Code* §50585 a party seeking an ex parte order shall give notice to all parties pursuant to *California Rules of Court*, rule 5.167 and serve papers pursuant to rule 5.167(a) absent a declaration showing exceptional circumstances why notice should not be given. The notice shall include, with specificity, the relief requested, and the date, time and courtroom where the Ex Parte request will be presented.

B. EXCEPTIONS TO NOTICE REQUIREMENT.

1. The notice required by ~~CRC Rule~~ *California Rule of Court*, rule 5.167 may be excused upon establishing to the satisfaction of the court the following facts by declaration: (1) the giving of such notice would frustrate the very purpose of the order sought and lead the applicant to suffer immediate and irreparable injury; or (2) the giving of such notice is not possible, following a good faith attempt.

2. A hearing is not required and notice need not be given for applications seeking: (1) to have an order or judgment signed, where the responding party has approved the same; (2) to have an order or judgment signed where a default proceeding was the basis upon which the order or judgment was made; (3) issuance of an ~~Order to Show Cause~~ *Request for Order* ("RFOOSC") which does not request relief pending the hearing; (4) ~~re-issuance~~ *continuance of an un-served of an RFOOSC*; (5) a wage assignment after issuance of a support order; (6) approval of an in forma pauperis fee waiver application; or (7) restoration of a former name after entry of judgment.

(Revised effective ~~January~~ *July* 1, 2017~~3~~)

RULE 9.09 SPECIFIC EX PARTE ORDERS

E. CIVIL HARASSMENT *WORKPLACE VIOLENCE, ELDER & DEPENDENT ADULT ABUSE, PRIVATE POST-SECONDARY SCHOOL VIOLENCE, & TRANSITIONAL HOUSING MISCONDUCT* RESTRAINING ORDERS

When seeking ~~Ceivil Hharassment~~ *Ceivil Hharassment, Workplace Violence, Elder and Dependent Adult Abuse, Private Post-secondary School Violence and Transitional Housing Misconduct* *Temporary Restraining Order*'s, the current forms adopted by the Judicial Council shall be used. ~~These forms include CH-100, Request for Orders to Stop Harassment (Civil Harassment) and CH-120, Notice of Hearing and Temporary Restraining Order (CLETS) (Civil Harassment).~~ A declaration in support of the TRO shall be included setting forth with specificity, the harassing conduct including dates, specific acts and words and any injuries suffered by the ~~plaintiff~~ *requesting party*.

(Revised effective January 1, 2017~~3~~)

**FAMILY LAW REQUESTS~~MOTIONS AND FOR~~ ORDERS
AND MOTIONS~~TO SHOW~~ CAUSE**

RULE 9.10 CALENDARING

A. ~~**A.**~~ **CALENDARING.** Subject to the time requirements imposed by statute and these rules, dates for hearings on Requests for Orders~~OSC's~~ and motions may be selected without "reserving" the date with the clerk. Available days for the family courts are Monday, Tuesday and Wednesday. Counsel is advised that the family courts tend to set on Tuesdays the majority of matters in which litigants are representing themselves. Counsel is further advised that the clerk's office may set a maximum number of cases to be heard on any given day. If the maximum number has been reached, the next available date will be assigned.

(Revised effective January 1, 2017~~6~~)

RULE 9.12 HEARINGS.

L. CONTINUANCE OF UNSERVED REQUEST FOR ORDER.

1. If a Request for Order (form FL-300) without temporary emergency (ex parte) orders is not served on the other party before the date of the hearing, the requesting party may seek a continuance by submitting a Request and Order to Continue Hearing on "Request for Order" (local form VN-252) for filing in the clerk's office. The form should be submitted five (5) court days prior to the hearing date sought to be continued. The fee required under Government Code §70677(c) shall be paid at the time of filing of the request.

The court processing clerk is authorized to continue a Request for Order that requires a mediation date to be rescheduled on two (2) occasions; upon submission of a third request, the clerk is authorized to continue the Request for Order but no new mediation date will be set without an order of the court.

2. If a Request for Order (form FL-300) with temporary emergency (ex parte) orders is not served on the other party before the date of the hearing, and the party granted the temporary emergency (ex parte) orders wishes to proceed with the request, he or she must ask the court to continue the hearing date by submitting a Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders (Judicial Council Form FL-306) no later than five (5) court days before the hearing date, or the party may present the form to the court at the hearing on the Request for Order, as set forth in California Rules of Court, rule 5.94. No fee shall be charged for the extension of the temporary restraining order pursuant to Family Code §245.

If a Request and Order to Continue Hearing and Extend Temporary Emergency (Ex Parte) Orders is submitted to the court prior to the hearing date on the Request for Order, the submitting party must comply with the notice requirements set forth in Ventura County Superior Court Local Rule 9.06.A and B.

(Revised effective January 1, 2017~~5~~)

RULE 9.50 TERMINATION OF PARENTAL RIGHTS IN ADOPTION PROCEEDINGS

A. PETITION TO DECLARE CHILD FREE FROM CUSTODY OR CONTROL/PETITION TO TERMINATE PARENTAL RIGHTS

1a. A petition to declare a child free from parental custody and control, (*Family Code* §§7800 et seq. and *Probate Code* §1516.5) ~~and/or a petition to terminate parental rights, (*Family Code* §7662) and a petition to find a parent's consent is not necessary, (*Family Code* §8604) must be filed under a new case number, separate from the case number for the~~ may be, but is not required to be, filed in the same case as an adoption petition.

2.b. Any petition filed to declare a child free from parental custody and control and/or terminate parental rights must state in the caption the statutory grounds for the petition or alternatively, the petitioner may file Ventura Superior Court Local Form VN-239 "Statement of Legal Grounds for Petition to Terminate Parental Rights." Failure to either state the statutory grounds in the caption of the petition or to file VN-~~239,239~~ will result in the petition being rejected for filing.

3. In any adoption case where a court has made an order finding the child free from parental custody and control, terminating parental rights, or finding a parent's consent is not necessary, the petitioner(s) must lodge a conformed copy of the court's order prior to the scheduling of the final adoption hearing.

(Revised Effective January~~uly~~ 1, 2017~~4~~)

RULE 9.50.1 PETITION AND CITATION TO APPEAR AT HEARING UNDER FAMILY CODE §8604(b).

A. Any person seeking an order that a birth parent's consent to the adoption of the parent's child is not necessary under *Family Code* §8604(b) must file a petition seeking the order.

1. The petition shall be filed as the first document in a new case file and shall be assigned a case number beginning with the letter "T." The petition shall not be filed in the adoption file.
2. The petition shall state the grounds upon which the petition is based and shall state the relief sought. The petition shall be verified.

3. The citation to appear shall issue, upon request, after the petition has been filed.

B. The citation shall include the following information:

1. A petition has been filed for the purpose of finding the parent's consent is not necessary for the child to be adopted;
2. The parent has the right to be represented by counsel;
3. If the parent appears without counsel, and is unable to afford counsel, upon request, the court shall appoint counsel to represent you; and,
4. The parent must appear at the hearing and request appointed counsel in order for counsel to be appointed.

C. The proofs of service of the citation and petition shall state within the body of the proofs of service the date of the hearing.

D. The hearing on the petition and citation shall be held prior to any hearing seeking to finalize the adoption.

(Effective January 1, 2017.)

RULE 10.00 PROBATE COURT PROCEEDINGS GENERAL RULES – DECEDENTS' ESTATES, CONSERVATORSHIPS, GUARDIANSHIPS OF THE ESTATE, ONLY AND TRUST.

B. SUPPLEMENTAL AND AMENDED PLEADINGS.

A "supplemental pleading" sets forth additional allegations after the original notification is filed, usually in response to probate notes. An "amended pleading" seeks new or additional relief from the original petition. An amended pleading requires the same notice (including publication) as the pleading it amends and must be filed and set for hearing as though an original petition. California Rules of Court, rule 7.104, governs the signing and filing of amended and supplemental pleadings. An amended pleading will result in an additional court filing fee and the court will not allow representation of an amended pleaded as a supplemental pleading.

C. APPEARANCE.

1. **TELEPHONIC AND VIDEO REMOTE APPEARANCE.** Except as required for "physical appearance" below, the court encourages telephonic appearances whenever feasible in matters which are uncontested; and in matters which are contested but not on calendar for presentation of live witness testimony. The court further encourages the use of court-approved remote video appearances to augment telephonic appearances by attorneys for self-represented litigants.

2. **NON-APPEARANCE.** If a tentative ruling has been issued and no one appears in court at the time of the hearing, the tentative ruling shall become the minute order of the court,

and the proposed order lodged at the time of filing of the petition will be signed to the extent consistent with the tentative ruling. There is no need to notify the court or its staff that ~~any~~ party “submits” on the tentative ruling. In the event a petitioner without prior opposition fails to appear in reliance upon a tentative ruling, and an unanticipated objector appears at the hearing, the matter will be continued to accommodate petitioner’s appearance to meet the objections(s).

3. **PHYSICAL APPEARANCE.** Absent prior approval of the court on a properly and timely noticed application, physical appearance in the courtroom of all counsel and all self-represented litigants is required in the following situations:

- a. Scheduled contested evidentiary hearings;
- b. Evidentiary hearings requested by the court, even where uncontested;
- c. Petition to establish conservatorships or guardianships;
- d. Petitions to terminate guardianships;
- e. Petitions to confirm sale of real property; and
- f. When the court expressly orders personal appearance by a party and/or counsel.

DC. **ORDERS.**

1. **Pre-Hearing Orders:** In all matters to be heard by the court, counsel or self-represented petitioner shall prepare, lodge with the court and serve a proposed form of the order, at the same time the petition itself is filed and served.

a. Order for Probate of Lost Will. The Judicial Council form “Order for Probate” must be used for an order probating a lost will with an attachment setting forth the terms of the lost will and/or codicil.

b. Order Involving Real Property. An order affecting real property must include a legal description of the real property, the street address (if applicable), and the Assessor’s Parcel Number (“APN”).

2. **Post-Hearing Orders:**

a. There are occasions during a court hearing when the probate judge may specifically request a particular order of modification of an existing order and possibly additional verified documents in support of that order. Such specifically requested documents will be electronically delivered in .pdf format as an attachment to electronic mail delivered to courtroom J6@ventura.courts.ca.gov within twenty-four (24) hours of the request by the court, unless the court has indicated otherwise. Any such post-hearing electronic submission shall show upon its face an electronic copy delivered to all counsel of record and to tall self-represented litigants who have formally appeared or requested special notice.

b. The court’s electronic address is managed by the judge to accommodate the efficient ministerial e-business processing of court orders and is not to be used as a forum for legal argument. Further, the court’s electronic address is not to be used to accept pre-hearing orders or any other document not specifically requested by the probate judge in open court at the time of hearing. Documents or argument not specifically requested by the court, yet delivered to the designated electronic address, will be deemed a nullity and will be deleted without notice.

c. Nunc Pro Tunc Order. When a signed order contains a clerical error, a party may obtain a corrected order by filing an application and presenting a proposed *nunc pro tunc* order correcting the error. The application for a *nunc pro tunc* order must include a supporting declaration and a proposed order. The *nunc pro tunc* order must state substantially the following: “Upon the consideration of the application of _____, to correct a clerical error, the (identify the order to be corrected, giving the title and date thereof) is corrected, by striking the following (set forth the portion to be corrected) and by inserting in lieu thereof the following (set forth the corrected language)”. To prevent confusion, the proposed order must strike the entire erroneous clause or sentence and then restate the entire clause or sentence as corrected.

ED. PETITION FOR EX PARTE ORDER. Ex Parte petitions are strongly disfavored. If supported by a substantial showing of need in existing cases, the court may issue orders shortening time to set the matter for full hearing at the regular probate calendar.

1. The court will require the moving party to give at least twenty-four (24) hours telephone or facsimile notice or five (5) court days mailing notice of the nature of the petition to counsel (or in the absence thereof to the other interested parties themselves) and those who request special notice, together with the proposed time and place of the hearing. No later than noon the preceding day before the ex parte hearing is held, moving counsel shall submit a declaration to the court setting forth the facts showing that notice has been given, or supporting the conclusion that notice should be waived for good cause.

2. The court will not receive live testimony or offers of proof from the moving party. All evidence from the moving party must be in writing and under penalty of perjury.

3. No written opposition is required. Opposition to the ex parte matter may be given by a telephone appearance.

4. An ex parte order will not be granted unless (1) an underlying petition has been filed or will be contemporaneously filed; and (2) the relief sought is supported by documentation under penalty of perjury.

5. As an exception to the above policies, funds may be ordered released from blocked accounts by ex parte petition without notice and without appearance, provided that the following information is included in the petition:

~~a. Overall~~a. Overall size of the estate;
~~b. Amount~~b. Amount not in a blocked account;
~~c. Amount~~c. Amount of the bond;
~~d. Amount~~d. Amount of the release requested;
~~e. Itemized~~e. Itemized use of the amount to be released; and
~~f. If~~f. If any portion of the amount to be released is not covered by bond, the order must include a provision directing that the amount is to be expended only for the purposes stated.

6. Special Notice – The ex parte application, petition or motion must include an allegation that special notice has been given, has not been requested, or a written waiver of special notice has been filed as required by California Rules of Court, rRule 7.55.

FF. VIDEO REMOTE TECHNOLOGY AT TRIAL. Whenever necessary to present testimony from a witness who is either too ill or infirm to appear in court, or who resides more than 50 miles away from the courthouse, the court encourages the parties to consider the use of video remote technology in order to present such testimony to the court for both direct and cross examination. Objections to the use of such testimony must be constitutionally or technologically based. It is the responsibility of the party proposing to offer such testimony to assure sufficient bandwidth and audio-visual clarity to render the evidence the functional equivalent of live courtroom testimony. No witness will testify solely by telephone.

GF. PROBATE INVENTORY/APPRaisal. The court requires all appointed personal representatives to honor the time requirements of *Probate Code* §8800, et seq. with respect to the timely filing of an initial inventory and appraisal of estate assets. To accommodate this statutory time requirement, it is the personal representative’s responsibility to pre-check the “probate referee” box on any proposed order for probate if the probate referee will be required.

HG. ANNUAL STATUS REPORTS. The court requires all appointed personal representatives to honor the time requirement of *Probate Code* §12200 with respect to filing and hearing on any applicable one-year or 18-month status report. Absent a previously-adjudicated or then-pending petition for final distribution, the failure to have a status report timely filed, served and heard prior to the appropriate date will be *ipso facto* cause for the court to consider the possible application of *Probate Code* §12205 at such time as fiduciary and/or professional compensation is requested.

IH. CONTINUANCES.

1a. The Legal Research section receives all of the probate files for calendared matters approximately fourteen (14) days preceding the hearing date. The Legal Research attorneys must be notified by telephone as soon as possible when a matter is to be continued or placed off calendar in order to avoid unnecessary review. Within this fourteen (14) day period, all continuances must be requested by a Request for Continuance (local form), a stipulation and proposed order, or a motion for continuance, not by an informal request to Legal Research.

2b. All continuances or off calendar requests must be made by the moving or petitioning party, and must be with the agreement of the opposing party. A stipulation for continuance must be filed prior to the continued date. A “Notice of Continuance,” not signed by both parties, has no effect. A non-stipulated continuance will be granted only on noticed motion, made on an order shortening time.

3e. Once the matter has been reviewed by Legal Research, no continuances will be granted, except by order of the court. This applies even if a written stipulation is received prior to the original hearing date.

4d. Once the matter has been reviewed by Legal Research, no continuances will be granted, except by order of the court, or it is otherwise certain that the matter will not be re-calendared.

5e. When utilizing a Request for Continuance form, the moving or petitioning party must notify Legal Research of the requested continuance no later than when the Request for Continuance is submitted to the court.

(Revised effective ~~January~~uly 1, 20174)

RULE 10.01 GUARDIANSHIP.

D. GUARDIANSHIP STATUS REPORT.

If directed by the court, a guardian of the person of a minor must file a Confidential Guardianship Status Report (Judicial Council Form GC-251). The first report is due as directed by the court approximately one (1) year after the initial appointment. Thereafter, additional reports may be due annually, as directed by the court. Failure to file the report as directed, may result in the court ordering the guardian to make himself or herself available to the investigator for purposes of investigation of the guardianship, or in the court ordering the guardian to show cause why the guardian should not be removed. A guardian of the estate only, as opposed to guardian of the person, shall not be required to file a Confidential Guardianship Status Report.

E. DUTIES OF GUARDIAN – LIABILITY OF PARENTS TO SUPPORT CHILD.

As parents are required by statute to support their children, the court will not permit guardianship funds to be used for the minor’s maintenance and support where one or both parents are living, except upon a showing of the parent’s financial inability (supported by the Judicial Council Form FL-150 - Income and Expense Declaration) or other circumstances, which would justify the court departing from this rule, in the best interests of the minor.

F. INVESTMENTS BY GUARDIANS.

The standard set forth in *Probate Code* §16040(c), providing for investments by trustees, is the standard applied by the Probate Court in authorizing proposed investments by guardians. The guardian should also consider the circumstances of the estate, indicated cash needs and the date of prospective termination of the guardianship. Investments by guardians should be prudent and in keeping with the size and character of the ward’s estate. Investments in existence at the time of the creation of the guardianship usually may be maintained, subject to the provisions of *Probate Code* §16048. Investments other than as provided in *Probate Code* §2574, require court authorization, unless the guardian is empowered to so act under *Probate Code* §§2590, et. seq.

The court will not ordinarily approve the investment of the ward's funds in unsecured loans, secured loans to relatives of close degree or debenture bonds, except those which are part of a large issue, well-seasoned and listed on an established security exchange.

The court will not approve the investment of the ward's funds in bonds or obligations of foreign governments or corporations, whether payable in dollars or not, without prior court authorization.

Investment in real estate, either by purchase or encumbrance, will not be granted, unless supported by an appraisal from a qualified appraiser.

(Revised effective ~~January 1, 2017~~ July 1, 2017)

RULE 10.02 CONSERVATORSHIP

F. PETITION TO DETERMINE CAPACITY TO GIVE INFORMED CONSENT FOR MEDICAL TREATMENT

1. Hearings on petitions to determine capacity to give informed consent to medical treatment shall be set no earlier than forty-five (45) days after the filing date to allow time for the court investigator's report.

2. A declaration by a licensed physician, psychologist or psychiatrist who has examined and/or observed and evaluated the conservatee attesting to the fact that the conservatee is no longer able to determine his or her medical care shall be filed with the court. The declaration as to capacity of the conservatee shall be marked "CONFIDENTIAL", filed separately (not as an attachment to the petition or any other document), and placed in the case's confidential file. ~~This declaration is in addition to the medical affidavit required attesting to the conservatee's inability to attend the court hearing.~~

(Revised effective January 1, 2017.)

RULE 10.04 PROBATE PROCEEDINGS.

D. APPOINTMENT OF SPECIAL ADMINISTRATOR.

1. Notice. Unless good cause is shown, petitions for special letters of administration will not be granted without notice to the surviving spouse or domestic partner, the person nominated as executor, and any other person whom the court in its discretion determines is entitled to notice.

2. Preference. In making the appointment of a special administrator, the court will give preference to the person(s) entitled to letters testamentary or of administration. If a contest is

pending, the court may appoint a disinterested person or the Public Administrator, as special administrator.

3. Bond. The special administrator, including a named executor, will be required to post a bond absent good cause.

4. Necessity. Absent exigent circumstances, a special administrator will not be appointed.

(Revised effective ~~January~~ July 1, 2017~~3~~)

RULE 10.13 PETITION FOR CONFIRMATION OF TRUST ASSETS PURSUANT TO ESTATE OF HEGGSTAD/UKKESTAD/KUCKER.

A. Copies of all testamentary instruments shall be attached to the petition.

B. Copies of pertinent and current documents of title to the assets in question shall be attached to the petition.

(Adopted effective January 1, 2017.)

RULE 10.14 SPOUSAL PROPERTY PETITION.

A. If the basis for determining that property should pass or be confirmed to the surviving spouse is that the property is community property or quasi-community property, the following information must be included in the spousal property petition:

1. Date and place of marriage;

2. Ownership of any real and personal property on date of marriage and a description and approximation of values;

3. Decedent's net worth at time of marriage;

4. Decedent's occupation at time of marriage;

5. An Affirmation that none of the property acquired after date of marriage was by gift, devise, descent, proceeds of life insurance or joint tenancy survivorship;

6. The identification of any property described in 2 or 5 above, which is still a part of this estate;

7. A copy (preferably a photocopy showing signatures) of any document establishing the character of the property;

8. Any additional facts upon which the claim that property is community or quasi-community property is based; and,

9. Facts that rebut Evidence Code §662, which provides: "The owner of the legal title to property is presumed to be the owner of the full beneficial title. This presumption may be rebutted only by clear and convincing proof."

B. If a Petition references a will, the will must be on deposit with the court pursuant to Probate Code §8200.

(Effective January 1, 2017.)

CHAPTER 11 CRIMINAL AND TRAFFIC HEARING CALENDAR PROCEDURES

RULE 11.01.1 ADOPTION OF BAIL SCHEDULE

Under Penal Code §1269b(d), the Presiding Judge may appoint a committee of judges to prepare, adopt and annually revise the uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.

(Effective January 1, 2017)

RULE 11.01.2 BAIL, ALL REQUESTS FOR THE INCREASE OR REDUCTION OF SET BAIL (INFRACTIONS/ MISDEMEANORS)

When the bail has been set, all requests for the increase or reduction of said bail shall be made to the judge who set such bail, except as follows:

A. Bail set ex parte by any judge of this court shall be subject to modification by the judge before whom the defendant appears for arraignment.

B. Any judge of this court having a criminal matter before him or her for action, such as for preliminary examination, trial, or change of plea, may, upon motion of either the defendant or the People, modify the amount of bail then set.

(~~Renumbered~~~~vised~~ effective January 1, ~~2017~~~~4999~~)

CHAPTER 12 JUVENILE CALENDAR PROCEDURES

RULE 12.00 ~~STANDING ORDER RE~~ RELEASE OF JUVENILE ~~DOCUMENTS CASE~~ FILE INFORMATION

A. Pursuant to *Welfare and Institutions* Code §827, a juvenile file may be inspected or received only by specified persons. ~~records are, with statutorily created exceptions, confidential. The exceptions are created to promote more effective communication among juvenile courts, law enforcement agencies and schools to ensure the rehabilitation of juveniles as well as to lessen the potential for delinquency.~~

Upon petition, and a showing of good cause, the court may order access to confidential records to other persons. The purpose of this ~~rule~~~~standing order~~ is to grant access to juvenile ~~records~~ ~~to case files~~ to those authorized to inspect or receive a juvenile case file ~~persons who have a legitimate interest in the rehabilitation of the minor and the promotion of public safety,~~ without the necessity of separately petitioning the court.

B. “Juvenile case file” court records includes:

1. All documents filed in a juvenile court case;

2. Reports to the court by probation officers, social workers of child welfare services programs, court appointed special advocates, and mental health providers;
3. Documents made available to probation officers, social workers of child welfare services programs, and court-appointed special advocates in preparation of reports to the courts;
4. Documents relating to a child concerning whom a petition has been filed in juvenile court, which are maintained in the office files of probation officers, social workers of child welfare services program, and court-appointed special advocates;
5. Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services programs; and
6. Documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile hearings. (Welfare & Institutions- Code §§-827, 828; California Rules of Court, rule 5.552);

~~C. This standing order shall apply to all personnel of the Ventura County Sheriff's Department, all other law enforcement agencies within the County of Ventura, Ventura County Probation Agency, the Ventura County District Attorney's Office, Ventura County Children's Protective Services, Ventura County Superintendent of Schools and all other persons or agencies that who are authorized to receive, at any time, have in their possession juvenile records and have in their possession juvenile case information, may allow inspection of the juvenile case file information in their possession without further court order, to the extent allowed by Welfare & Institutions Code §827 and California Rules of Court, rule 5.552.~~

~~These persons and agencies may release information in their possession regarding minors, without further court order, to the following:~~

- ~~1. Authorized court personnel~~The minor;
- ~~2. Ventura County District Attorney, a city attorney or city prosecutor authorized to prosecute criminal or juvenile cases under state law~~The minor's attorney;
- ~~3. The minor~~The minor's parents or guardians;
- ~~4. The minor's parents or guardians~~Ventura County District Attorney;
- ~~5. California Bureau of Investigation and Identification~~ The attorneys for the parties actively participating in criminal or juvenile proceedings involving the minor;
- ~~6. All California judicial officers actively participating in criminal or juvenile proceedings involving the minor~~All law enforcement agencies that require it for investigation and reporting purposes;
- ~~7. Any Ventura County Probation Officer actively participating in criminal or juvenile proceedings involving the minor~~The administrator of any school in which the minor is enrolled or will be enrolled;
- ~~8. All law enforcement officers actively participating in criminal or juvenile proceedings involving the minor~~Ventura County Probation Agency;
- ~~9. The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action~~Children's Protective Services of Ventura County's Human Services Agency;
- ~~10. California Youth Authority~~ The superintendent or designee of the school district where the minor is enrolled;
- ~~11. Child Protective Services of the Ventura County Human Services Agency~~ Division of Juvenile Justice;

~~12. Any California court upon an order from that court~~ The State Department of Social Services to carry out its duties under the *Family Code* to oversee county child welfare agencies, children in foster care and out-of-state placements;

~~13. Authorized court personnel~~ Authorized legal staff or special investigators who are peace officers employed by, or authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, as set forth in the *Health & Safety Code*;

~~14. Hospitals, schools, camps, job corps, ranches or placement agencies which require the information for the placement;~~ Members of children's multidisciplinary teams, persons or agencies providing treatment or rehabilitation supervision of the minor;

~~15. Persons entitled thereto pursuant to *Vehicle Code* §§20008-20012~~ A judicial officer assigned to a family law case with issues concerning custody or visitation, or both involving the minor and the following persons, if actively participating in the family law case: a family court mediator, court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation or assessment under *Family Code* §§ 3111 or 3118 and counsel appointed for the minor in the family law case;

~~16. The Ventura County Coroner's officer~~ Court Appointed investigator who is actively participating in a guardianship case involving the minor;

~~17. Ventura County Behavioral Health~~ A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders;

~~18. Ventura County Public Health Services~~ Ventura County Juvenile Justice Delinquency Prevention Commission;

~~19. Any other person who may be designated by court order of a judge of the juvenile court upon filing a petition. Referral agencies participating in the therapy, treatment or supervision of the minor pursuant to the terms of the minor's dependency or wardship;~~

~~20. All California judicial officers having responsibility for the administration of juvenile court law with respect to the minor;~~

~~21. All persons or agencies with whom the minor has been or may be placed for custodial care who require such information for the placement, care, treatment or rehabilitation of the juvenile;~~

~~22. Members of a multidisciplinary personnel team engaged in the duties described in *W&I Code* §830.1;~~

~~23. Court Appointed Special Advocate;~~

~~24. Any other person or entity if authorized by court order~~

D. Persons listed in, subdivisions 1-9, 11 & 12 of section C above, may also receive copies of the juvenile case file, subject to the provisions of *Welfare & Institutions Code* §827.

E. To the extent allowed by *Welfare & Institutions Code* § 827, all county agencies and agencies contracting with the county for the treatment of juveniles are authorized to share information with each other as to such juveniles described by *Welfare & Institutions Code* §§300, 601 and 602 of the *W&I Code*.

~~FE.~~ The information released shall be only that which is required by the recipient to perform his or hers professional duties and services.

~~However, in regard to the treatment of the minor, this shall be liberally construed.~~

~~GF.~~ The release of information released for inspection and/or copying as described above shall be kept confidential and shall not be further released to any other person or entity unless they fall within the categories listed above.

~~HG.~~ Any requests for information to a person or entity not listed above shall be brought, before such dissemination, before the juvenile court for the County of Ventura and will be considered on an individual basis.

~~IH.~~ Any person or agency listed above is authorized to release information to identifiable potential victims or their parents or guardians that a minor constitutes a threat to their person or property. They may release the name and description of the minor, his or her whereabouts, and the nature of the threat toward the identifiable potential victim.

~~I.~~ Regarding release of information to the press relating to minor offenders, all persons and agencies listed above may divulge:

~~1. Whether or not an arrest has been made;~~

~~2. The offense for which an arrest has been made;~~

~~3. The disposition of the minor by the law enforcement agency;~~

~~4. The plan to file or not file a petition and the charges alleged in the petition;~~

~~5. The order of the court to detain or not detain;~~

~~6. The date and location of the hearing;~~

~~7. The finding and disposition of the court.~~ Any information gathered by a law enforcement

agency regarding the taking of a minor into custody may be disclosed to another law enforcement agency, to school district police or security department, or any other person or agency that has a legitimate need for the information for purposes of official disposition of a case, to the extent provided by *Welfare and Institutions Code* § 828.

(Revised effective ~~January~~July 1, 2017~~±~~)

RULE 12.04 COURT APPOINTED SPECIAL ADVOCATES.

~~A1.~~ The court adopts the guidelines for the Court Appointed Special Advocate (“CASA”) Program as described in ~~California~~ *Welfare and Institutions Code* §100 et seq., and *California Rules of Court*, rule 5.655.

~~B2.~~ CASA of Ventura County (“CASAVC”) is the identified children’s advocate program for Ventura County. CASAVC and the juvenile court shall enter into a memorandum of understanding, which may be revised from time to time, to comply with *Welfare and Institutions Code* and *California Rules of Court* concerning the need for court approval of plans and procedures.

~~C3.~~ There is no required format for a CASA report. However, any report submitted to the court, shall identify the assigned volunteer (if any), the child and the case number and shall state the date the volunteer was assigned.

~~D4.~~ Only parties ~~and their attorneys~~ of record are entitled to receive the CASA report.

E5. Reports are to be submitted to the court and served on the parties no later than two (2) court days prior to the hearing for which the report was prepared.

F6. CASAVC shall be responsible to serve a copy of the report on each party's attorney, to any self-represented party and to the assigned social worker.~~those entitled to receive it.~~

G7. Appointment of CASA in Dependency Cases:

1a. At any time after the filing of the petition, any party may request, or the court may make, an order appointing CASA in a dependency case.

2b. A conformed copy of the order appointing CASA shall be delivered to CASAVC.

3e. CASAVC shall be responsible to determine which CASA volunteer to assign to the case.

4d. Upon the assignment of a CASA volunteer to a case, CASAVC shall notify all parties in writing of the name of the volunteer.

H8. Order Vacating Order Appointing CASA

1a. At any time, any party may request the court vacate the order appointing CASA.

2b. A request to vacate the order appointing CASA shall be made on the record at a court hearing or in writing submitted to the court.

3e. The court may vacate the order appointing CASA summarily without a hearing.

4d. If not requested during a regularly scheduled review hearing, CASAVC shall be responsible to give notice of an order vacating appointment of CASA.

I9. Dependent Child Who Becomes a Ward.

1a. If a dependent child has been assigned to a CASA volunteer and that child is subsequently adjudged a ward under *Welfare and Institutions Code* ~~section~~ §602, the CASA volunteer may request the juvenile delinquency court to continue her/his appointment as the child's CASA.

(Revised Effective January 1, 20173)