

RULES OF THE SUPERIOR COURT OF CALIFORNIA COUNTY OF VENTURA



Revised Effective July 1, 2024

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Ventura County Superior Court Rules

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JUDGES OF THE SUPERIOR COURT:

HON. NANCY L. AYERS
HON. PAUL W. BAELLY
HON. JEFFREY G. BENNETT
HON. MARK S. BORRELL
HON. CHARMAINE H. BUEHNER
HON. MICHELE M. CASTILLO
HON. BENJAMIN F. COATS
HON. DANA K. CAUDILL
HON. KEVIN G. DeNOCE, Presiding Judge
HON. MARINE DERMADZYHAN
HON. PAUL W. FELDMAN
HON. MATTHEW P. GUASCO, Assistant Presiding Judge
HON. ETHEL R. HERNANDEZ
HON. DAVID M. HIRSCH
HON. MAUREEN M. HOUSKA
HON. F. DINO INUMERABLE
HON. JOANN JOHNSON
HON. MICHAEL S. LIEF
HON. ROGER L. LUND
HON. DEREK D. MALAN
HON. RONDA J. McKAIG
HON. KRISTI J. PEARISO
HON. GILBERT A. ROMERO
HON. ANTHONY J. SABO
HON. CATHERINE M. VOELKER
HON. HENRY J. WALSH
HON. RYAN J. WRIGHT

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(Revised July 1, 2024)

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Ventura County Superior Court Rules

CHAPTER 1 COURT RULES ADMINISTRATION

RULE 1.00 ADOPTION AND AMENDMENT OF RULES

These rules are adopted pursuant to *Government Code* § 68070 and *Code of Civil Procedure* §§128 and 187, subject to amendment at any time by a majority of the judges of the court and shall be effective only to the extent that they do not conflict with California statutes or with the *California Rules of Court*.

(Revised effective January 1, 1999)

RULE 1.01 PUBLICATION AND PRINTING OF RULES

Upon adoption by the court, court rules and amendments thereof shall be filed with the California Judicial Council and the Executive Officer and Clerk as provided by the *California Rules of Court*. The court shall publish such rules for distribution to parties or counsel by posting the court rules to the court's Internet site: <http://www.ventura.courts.ca.gov>. Parties and counsel may also purchase loose-leaf copies of these rules for \$25.00 by cash or check made payable to the Ventura Superior Court and mailed to Court Administration, Room 206, 800 South Victoria Avenue, Ventura, CA 93009.

(Revised effective July 1, 2015)

RULE 1.02 EFFECTIVE DATE OF RULES

These rules take effect on July 1, 2024 and shall supersede all rules heretofore adopted by the court.

(Revised effective July 1, 2024)

CHAPTER 2 COURT ORGANIZATION, ADMINISTRATION AND PERSONNEL

RULE 2.00 MEETINGS OF JUDGES

A. ANNUAL AND SPECIAL MEETINGS. An annual meeting of the judges shall be held each year at a time and place to be designated by the Presiding Judge. Special meetings of the judges shall be held at such times and places as may be designated by the Presiding Judge, or a majority of the judges.

B. NOTICE OF MEETINGS: QUORUM. Written notice shall be given by the Executive Officer and Clerk to each judge not less than four (4) days before an annual meeting. Written or oral notice shall be given at least 24 hours before a special meeting. A majority of the judges shall constitute a quorum for the transaction of court business at a meeting.

(Revised effective January 1, 2002)

RULE 2.01 PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE ELECTION, TENURE AND REMOVAL

A. The membership of the nominating committee consists of the Presiding Judge, Assistant Presiding Judge, and Supervising Judges of the Criminal, Civil, Family Law and Juvenile Departments. Nominations for either office may be made from the floor at the annual meeting.

B. At the annual meeting a majority of the judges shall elect by secret ballot a sole Presiding Judge and Assistant Presiding Judge to serve a term of two (2) years.

C. The Assistant Presiding Judge shall exercise such duties as may be assigned from time to time by the Presiding Judge, and in the absence of the Presiding Judge, shall exercise the powers of the Presiding Judge.

D. The business of the court shall be supervised by the Presiding Judge. The Presiding Judge shall also prepare and publish, with the concurrence of a majority of the judges, such routine rules, orders or regulations, to be known as "Administrative Orders", as may be required to expedite and facilitate the business of the court.

E. The Presiding Judge or Assistant Presiding Judge may be removed from office by a majority of the judges voting by secret ballot at a special meeting.

(Revised effective January 1, 2002)

RULE 2.02 LOCATION OF COURT SESSIONS

There shall be three (3) Divisions of the court as follows:

A. The Ventura Division, with its principal office located at the Hall of Justice, 800 South Victoria Avenue, Ventura, California 93009.

B. The East County (Simi) Division, with its principal office located at 3855-F Alamo Street, Simi Valley, California 93063.

C. The Juvenile Division, with its principal office located at the Juvenile Justice Complex, 4353 Vineyard Avenue, Oxnard, California 93036.

There shall be one or more courtrooms of the court at each of the above divisions, as determined by the Presiding Judge of the court.

The designation and location of courtrooms may be changed from time to time by the Presiding Judge and need not necessarily be within the confines of the courthouse.

(Revised effective July 1, 2004)

Ventura County Superior Court Rules

RULE 2.02.1 FILING NOTICE OF APPEAL AND APPELLATE DOCUMENTS

A. APPEALS TO THE COURT OF APPEAL, 2ND APPELLATE DISTRICT, DIVISION 6. Notice of Appeal and all documents relating to completion of the appellate record must be filed with the Appeals Clerk located in the Ventura Courthouse. This rule applies to Civil unlimited, Family Law, Mental Health, Probate and felony Criminal appeals.

Notice of Appeal and all documents filed relating to the appeal in a Juvenile Dependency or Juvenile Delinquency case must be filed at the Juvenile Courthouse located in Oxnard.

B. APPEALS TO THE APPELLATE DIVISION OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA SUPERIOR COURT. Notice of Appeal and all documents relating to the appeal must be filed with the Appeals Clerk located in the Ventura Courthouse. These rules apply to Civil limited, Criminal misdemeanor and infraction appeals including Juvenile infractions.

C. SMALL CLAIMS APPEALS. Small Claims Appeals may be filed with the Appeals Clerk the Small Claims Clerk at the Ventura Courthouse.

(Effective July 1, 2012)

RULE 2.03 VENUE OF EACH DIVISION

The venue of each division of the court shall embrace the geographical area of the County of Ventura, except as follows:

A. All small claims cases with the following Zip Codes (as designated by defendant's residence at the time of commencement of the action or, if based on contract, the nearest place to which the contract was entered into) will be heard at the East County Courthouse (Simi Valley):

91301
91302
91304
91307
91360
91361
91362
91377
93020
93021
93062
93063
93064
93065
93093

B. All other Zip Code designated small claims cases will be heard at the Juvenile Courthouse (Oxnard) and/or the Hall of Justice (Ventura).

(Revised effective July 1, 2023)

RULE 2.04 COURT EMPLOYMENT CONFLICT OF INTEREST CODE

A. ADOPTION OF CODE.

This rule shall constitute the court's Conflict of Interest Code as required by *Government Code* §87300, and hereby incorporates by reference [California Code of Regulations](#), Title 2, §18730 ("Standard Code") and any amendments to it.

B. PLACE OF FILING STATEMENTS OF ECONOMIC INTEREST. Pursuant to Section 4(c) of the [Standard Code](#), designated employees shall file a statement of economic interest with the Executive Officer and Clerk of the Superior Court of California, County of Ventura.

C. APPENDICES TO THE STANDARD CODE. The Superior Court of California, County of Ventura adopts the following appendices to the Standard Code:

(Revised effective July 1, 2008)

Ventura County Superior Court Rules

APPENDIX I: DESIGNATED EMPLOYEE, CONTRACTOR OR CONSULTANT CLASSIFICATIONS

<u>Position</u>	<u>Disclosure Category</u>
Executive Officer and Clerk	1,2
Assistant Executive Officer	1,2
Deputy Executive Officer	1,2
Applications Services Manager	1,2
Court Technology Officer	1,2
Director, Facilities Management	1,2
Director, Finance & Planning	1,2
Director, Fiscal Services	1,2
Director, Human Resources	1,2
Infrastructure Services Manager	1,2
Manager, Staff Development	1,2
Managing Attorney	1,2
Principal Budget Analyst	1,2
Procurement Specialist	1,2
Program Manager – Court Reporters	1,2
Program Manager – Family Mediation	1,2
Senior Accountant	1,2
Senior Analysts	1,2
Senior Program Manager	1,2
Senior Program Manager – Collections	1,2
Court Attorneys	3
Probate Examiner	3
Consultant ¹	1,2

(Revised effective July 1, 2008)

APPENDIX II: DISCLOSURE CATEGORIES

Category 1. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report their, their spouses, registered domestic partners or dependent children's interests in real property located within Ventura County or within two miles of Ventura County. Employees are not required to report a residence, such as a home or vacation cabin, used exclusively as a personal residence, unless you claim a business deduction for the residence.

Category 2. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report their, their spouses, registered domestic partners or dependent children's investments in and income from business entities engaged in the manufacture, sale, lease, or provision of supplies, materials, equipment, real property and services of the type used by this court within the past two (2) years, totaling \$2,000 or more at any time during the reporting period.

Category 3. Employees, contractors or consultants in designated classifications assigned to this disclosure category shall report all investments, sources of income, interests in real property, and positions² in business entitled as follows:

If during a reporting period a designated employee in this category did not participate in or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by [§87103 of the Government Code](#), the employee shall sign a statement to that effect under penalty of perjury. This statement shall be filed as the statement of economic interests required by section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in a case or assignment in which he or she had a financial interest shall disclose the case or assignment and the disqualifying interest and file the statement with the Clerk.

The court may determine in writing that a consultant is hired to perform a limited range of duties and that the consultant is not required to comply with broad disclosure requirements. The determination shall include a description of the consultant's duties and the extent of disclosure required. The court shall file the statement with the clerk. The consultant shall comply with all other provisions of this code. Positions include employee, partner, officer, director, trustee, and any other management position.

Ventura County Superior Court Rules

RULE 2.05 STANDARDS OF PROFESSIONAL CONDUCT

All attorneys should be familiar with the Standards of Professional Conduct published as Appendix I to these rules.
(Revised effective January 1, 1999)

RULE 2.06 JUDICIAL VACATION AND PERSONAL LEAVE DAYS

A. VACATION. Judicial vacation days and use are authorized consistent with [California Rules of Court, rule 10.603\(c\)\(2\)](#). A judge's vacation day is defined as follows:

A day of vacation for a judge of the Superior Court of California, County of Ventura, is an approved absence from the court for one full business day. Absence from the court listed in [California Rules of Court, rule 10.603\(c\)\(2\)\(H\)](#) are excluded from this definition.

B. PERSONAL LEAVE. Judicial personal leave days and use are authorized consistent with [California Rules of Court, rule 10.603\(c\)\(2\)\(D\)](#), in that a judge may take two personal leave days a year at any time that is approved by the presiding judge.
(Effective July 1, 2007)

RULE 2.07 EXECUTIVE COMMITTEE

1. Pursuant to California Rules of Court, rule 10.605, the Presiding Judge shall appoint an Executive Committee comprised of the following voting members, each of whom shall serve at the pleasure of the Presiding Judge, whose terms shall be one (1) year commencing January 1 or the first court day thereafter each calendar year:

- The Presiding Judge
- The Assistant Presiding Judge
- The Immediate Past Presiding Judge
- The Supervising Judge of the Civil Division
- The Supervising Judge of the Criminal Division
- The Supervising Judge of the Family Law Division
- The Presiding Judge of the Juvenile Division

(a). The Court Executive Officer shall serve as an ex officio, non-voting member of the Executive Committee, without the need for appointment by the Presiding Judge.

2 The duties of the Executive Committee shall be to assist, support, and advise the Presiding Judge concerning the following:

(a) The Presiding Judge's review, approval, oversight and supervision of the Court's annual budget, including the establishment and implementation of the budgetary priorities of the Court. The Court's Administrative staff, including but not limited to the Court Executive Officer and Court Chief Financial Officer, shall provide the Presiding Judge and the Executive Committee with drafts of the proposed budget, and all other information the Presiding Judge deems necessary to understanding and evaluating the proposed budget, a sufficient time before the Presiding Judge's final approval of the budget to permit the Executive Committee to review such information and advise the Presiding Judge, and to permit the Presiding Judge to consult with the Judges of the Court pursuant to [California Rules of Court, rule 10.603](#), subdivision (a)(6)(A), concerning the proposed budget.

(b) The Court's administrative and operational policies and procedures, including advice to the Presiding Judge about proposed changes or modifications to improve the efficiency of Court operations and promote the core mission of the Court: to provide the public with prompt, fair and equal access to justice.

(c) The hiring, compensation, and evaluation of the performance of the Court Executive Officer.
Other issues or tasks at the request of the Presiding Judge.

3 The Executive Committee shall meet once per month or otherwise at the direction of the Presiding Judge, provided that the Executive Committee shall not meet less frequently than every other month. The Presiding Judge shall serve as the chairperson of the Executive Committee. Any judge may attend the Executive Committee Meeting, except in the instance of a closed session called by the Presiding Judge.

4 This rule is intended to and shall be construed in a manner consistent with, and not modifying or limiting in any way, the authority and responsibilities of the Presiding Judge as defined in California Rules of Court, rule 10.603.
(Effective January 1, 2024.)

CHAPTER 3

COURT CALENDARS, CASE MANAGEMENT, AND DELAY REDUCTION

RULE 3.00 CIVIL CASE DELAY REDUCTION

It is the policy of the Ventura County Superior Court to manage all civil cases from the time of filing of the first document invoking court jurisdiction through final disposition. The court shall be governed by the civil case disposition standards contained in Standards 2.1 and 2.2 of the Standards of Judicial Administration.
(Revised effective January 1, 2007)

RULE 3.01 CASES EXEMPT FROM CIVIL CASE MANAGEMENT

(Deleted effective July 1, 2003)

RULE 3.02 DIFFERENTIATED CASE MANAGEMENT

All cases filed which are subject to these rules shall be assigned to one of the following case management tracks: (1) unlawful detainer, (2) limited, (3) unlimited, (4) complex, (5) uninsured motorist.
(Revised effective January 1, 2024).

Ventura County Superior Court Rules

RULE 3.03 TRACKING CASES

All pending cases shall be calendared for a future event. No pending case shall go off calendar without a future event being set.

(Revised effective July 1, 1999)

RULE 3.03.1 NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE IN-LIMITED AND UNLIMITED CASES

A. At the time of filing of the initial Complaint, a “Notice of Case Assignment and Mandatory Appearance” will be provided by the Clerk which identifies the courtroom and Judicial Officer to whom the case is assigned, and contains the date, time, and courtroom for a combined initial Case Management Conference (CMC) and Order to Show Cause re Sanctions/Dismissal re Failure to File Proof of Service/Default (OSC). The combined CMC/OSC will be scheduled approximately five (5) months after the initial filing date for the purpose of: (1) confirming compliance with and/or addressing issues (and possible sanctions) related to timeframes established by statute and *California Rules of Court* for service of the Complaint and entry of Default; (2) scheduling of Alternative Dispute Resolution proceedings and/or a Trial Date; and (3) any other issues pursuant to [California Rules of Court, rule 3.722](#).

B. A copy of the Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendants/Respondents with the Complaint or Petition, and with any Cross- Complaint or Complaint in Intervention that names a new party to the underlying action. Appearance at the CMC by Attorneys and self-represented Parties, in person or by telephone (see [Local Rule 7.00](#) et seq.), is mandatory.

(Revised Effective January 1, 2024)

RULE 3.04 UNLAWFUL DETAINER

(Deleted effective July 1, 2012)

RULE 3.05 EXPEDITED CASES

(Deleted effective July 1, 2000)

RULE 3.06 ECONOMIC LITIGATION TRACK FOR LIMITED CIVIL CASES (CCP 90 et. seq.)

(Deleted effective July 1, 2004)

RULE 3.07 SUPERIOR COURT STANDARD CASES

(Deleted effective January 1, 2024)

RULE 3.08 COMPLEX CASES

The goal of the court is to complete the complex case within one year unless the assigned judge determines otherwise.

All complex cases shall be set for a case management conference within sixty (60) days of approval of the complex designation by the assigned judge. The court shall calendar all events, such as service on unserved parties, discovery completion dates, settlement conference dates, and trial dates. The parties are required to file a joint complex status report, in pleading format, in advance of the first case management conference. See Standards of Judicial Administration standard 3.10.

(Revised effective January 1, 2024)

RULE 3.09 UNINSURED MOTORIST CASES

OSC re DISMISSAL: In any case designated as an Uninsured Motorist case, if the plaintiff and insurance carrier have not settled or arbitrated within 5 months, nor filed a dismissal, the court will hold an OSC re Dismissal for Failure to File Petition for Order Compelling Arbitration at 6 months.

(Effective July 1, 2005)

RULE 3.10 CIVIL CASE INFORMATION SHEET

(Deleted effective January 1, 2008)

RULE 3.11 CASE MANAGEMENT CONFERENCES

(Deleted effective July 1, 2003)

RULE 3.12 TRIAL SETTING CONFERENCES

(Repealed, Effective July 1, 1994)

RULE 3.13 MANDATORY SETTLEMENT CONFERENCES

A. All mandatory settlement conferences are subject to [California Rules of Court, rule 3.1380](#) and are conducted in unlimited civil cases only. All mandatory settlement conferences are held either remotely via a court-hosted videoconference platform or in person at the Ventura Division of the Ventura Superior Court, unless otherwise ordered by the court.

B. In addition to the mandatory settlement conference statement provided in *California Rules of Court*, rule 3.1380, a party may elect to lodge an additional confidential settlement conference statement with the court, no later than five (5) court days before the date set for the settlement conference.

(Revised effective January 1, 2024)

RULE 3.14 IDENTIFICATION OF PARTY BEING SERVED ON PROOF OF SERVICE

(Renamed and relocated to Local Rule 4.10 effective January 1, 2024)

RULE 3.15 FILING AND SERVICE OF COMPLAINTS-IN-INTERVENTION

(Renamed and relocated to Local Rule 4.08 effective January 1, 2024)

Ventura County Superior Court Rules

RULE 3.16 DUTY TO NOTIFY COURT OF SETTLEMENT

The Notice of Settlement filed shall state whether the settlement is an Unconditional Settlement ([CRC 3.1385\(b\)](#)) or a Conditional Settlement ([CRC 3.1385\(c\)](#)). The Notice of Settlement shall specify as to which complaint or cross-complaint is settling, and whether it is a partial settlement or as to the entire case. If any settlement agreement attached to the Notice of Settlement is requested to be confidential, upon order of the court, it shall be sealed by the clerk.

(Revised effective January 1, 2007)

RULE 3.17 SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULES OR COURT ORDERS

Except for good cause shown, sanctions, including but not limited to, payment of sanctions to the court, payment of the opposing party's reasonable expenses and attorneys' fees, dismissal of the action or striking an answer and entering a default may be imposed on any person who:

- A. Fails to comply with any local rule or order of the court, other than a prior order to pay sanctions; or
- B. Fails to submit any form or report required by the court; or
- C. Fails to appear at any case management conference or any other scheduled event; or
- D. Fails to participate in good faith in any conference.

(Revised effective January 1, 2024)

RULE 3.18 WAIVER OF RULES

No procedure or deadline established by these rules may be waived or extended by stipulation or agreement of the parties, except as permitted by [Government Code §68616](#), unless approved by the court, upon written application and submission of proposed order and a showing of good cause.

(Revised effective January 1, 2024)

RULE 3.19 LAW AND MOTION

(Renumbered and relocated to Local Rule 4.11 effective January 1, 2024)

RULE 3.20 EX PARTE APPLICATIONS

(Reference Local Rules - Chapter 15)

(Revised effective January 1, 2024)

RULE 3.21 GENERAL ASSIGNMENT SCHEDULE; COURT CALENDARS

Civil cases of either limited or unlimited jurisdiction are assigned to a judge for all purposes upon the filing of the first document invoking the court's jurisdiction. However, initial case management may be delegated to a case management department.

(Revised effective January 1, 2024)

RULE 3.22 DUTY TO NOTIFY PARTIES OF CASE REASSIGNMENT

It shall be the duty of any party successfully exercising a judicial challenge under [Code of Civil Procedure §§170.1](#) and/or to provide formal notice to all subsequently appearing parties of the identity of the courtroom and the judge to which the case is then "assigned for all purposes."

(Revised effective January 1, 2024) ●

RULE 3.23 BINDING ARBITRATION

(Deleted effective July 1, 2005)

RULE 3.24 MANDATORY MEDIATION AND EARLY SETTLEMENT CONFERENCES

A. The court shall, where appropriate, order the parties to participate in mandatory mediation with a mediator appointed by the court, and/or a mandatory early settlement conference before a settlement officer. Once ordered to mandatory mediation or mandatory early settlement conference, the court requires:

1. All parties,
2. Their attorneys,
3. Claim representatives, and
4. All persons with full authority to resolve all disputed issues to appear on the date and at the time and place ordered by the court.

Exception: For good cause shown, the parties may seek a court order prior to the date set for mediation or mandatory early settlement conference to exclude their or their claim representative's appearance at the court ordered mediation or mandatory early settlement conference. An order may be sought by ex parte application. Absent such an order, the failure of a party or claim representative to appear at a mandatory mediation or mandatory settlement conference will result in sanctions being imposed on the party, counsel or both.

B. The mediation or mandatory early settlement conference may be continued by agreement without court order for no more than thirty (30) days from the original mediation or conference date as follows:

1. All parties and the mediator or settlement officer must agree on a new date.
2. No later than the date originally scheduled for the mediation or conference, the party requesting the continuance shall serve and file a declaration under penalty of perjury stating (a) all parties and the mediator or settlement officer have agreed to the continuance, (b) the reasons for the continuance which constitute good cause as set forth in [rule 3.1332 of the California Rules of Court](#), and (c) the agreed date.

3. For mediation only, the matter may be continued by a telephone call or written letter from the mediator indicating the new mediation date.

Ventura County Superior Court Rules

C. There can be no continuance for more than thirty (30) days from the original date except upon order of the court for good cause. The desire to conduct further discovery will not be considered good cause.

D. No later than five (5) days before the mandatory early settlement conference, each party shall serve on all other parties a brief statement setting forth and discussing the facts and law pertinent to the issues of liability, damages and defenses and an itemization of economic and non-economic damages and comply with any additional requirement imposed by local rule.

No later than five (5) days before the date set for mediation, each party shall serve on the mediator and opposing counsel, a one-page mediation statement which shall set forth the causes of action and nature of the case, the issues to be resolved and the party's contentions.

E. **FACILITIES:** The availability of court facilities being limited and necessary for formal court proceedings, mediators and settlement officers are strongly encouraged to schedule mediation and settlement hearings for the mediator's or settlement officer's office or other appropriate location agreed upon between parties to the proceedings. All hearings shall be held within the County of Ventura unless all parties and the mediator or settlement officer stipulate to a different location.

F. A court-ordered mediation or mandatory early settlement conference may only be vacated upon order the court for good cause.

(Revised effective January 1, 2020)

RULE 3.24.1 MEDIATOR COMPLAINT PROCEDURE

Pursuant to [California Rules of Court, rule 3.865](#) et seq., the Ventura Superior Court maintains the following Mediator Complaint Procedure:

A. All grievances, complaints or issues concerning the conduct of a mediator on the Ventura Superior Court's Civil Mediation Panel must be referred initially to the Court Program Manager for Civil/Appeals/Small Claims, who has been designated by the Presiding Judge, as the Complaint Coordinator. All complaints must be in writing, addressed to:

*Civil Mediation Complaint Coordinator
800 South Victoria, Room 210
Ventura, CA 93009*

or by e-mail at <http://www.ventura.courts.ca.gov/email> and checking "Court Mediation Program".

B. After sending the complainant a written acknowledgment that the court has received the complaint, the Complaint Coordinator will conduct a preliminary review of the complaint to determine whether or not the complaint can be resolved informally and closed. If the complaint is resolved informally or closed after preliminary review, the Complaint Coordinator will send the complainant written notification of the resolution.

C. If it is determined that further investigation is warranted, the Complaint Coordinator will send the mediator written notice of the complaint, that the complaint has been referred to the Chair(s) of the Bench ADR committee and the mediator will have twenty (20) days from the mailing of said notice to provide the court with a written response. The Chair(s) of the ADR Committee will designate an individual who has experience as a mediator and who is familiar with the rules of conduct for mediators set forth in [California Rules of Court, rule 3.850](#) et seq., or will establish a complaint committee that has at least one such individual as a member, to conduct the investigation and prepare a written recommendation concerning court action on the complaint. The Chair(s) of the ADR Committee and/or their designee may determine that the mediator will be removed from the active/eligible list pending the final decision on the complaint.

D. The final decision on the complaint will be made by the Presiding Judge or his or her designee, who did not conduct the investigation, and the final decision will be communicated to both the complainant and the mediator in writing. The final decision-maker may take one or more of the following action(s): direct that no action be taken on the complaint; counsel, admonish, or reprimand the mediator; impose additional training requirements as a condition of the mediator remaining on the court's panel; temporarily suspend the mediator from the court's panel or otherwise temporarily prohibit the mediator from receiving future mediation referrals from the court; and/or permanently remove the mediator from the court's panel or otherwise permanently prohibit the mediator from receiving future mediation referrals from the court.

E. The final decision is in the sole discretion of the final decision-maker and is not subject to any subsequent review or appeal. Ultimately, mediators on the court's Civil Mediation Panel may be temporarily or permanently removed from the panel at any time at the sole discretion of the court without cause.

F. All court communications and/or proceedings relative to complaints against mediators on the court's Civil Mediation Panel will occur in private and be kept confidential except as required by law and except for authorized disclosures as follows: after the decision on a complaint against a mediator has been made, the Presiding Judge or his or her designee may authorize the disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized include the name of the mediator against whom action is being taken, the action taken and the general basis on which the action was taken.

G. A person who has participated in a complaint proceeding or otherwise received information that is publicly disclosed will not subsequently hear or determine any contested issue of law, fact, or procedure concerning the dispute that was the subject of the underlying mediation or any other dispute that arises from the mediation as a judge, arbitrator, referee, or juror, or any other adjudicative capacity, in any court action or proceeding. *(Effective January 1, 2011)*

Ventura County Superior Court Rules

RULE 3.25 MANDATORY MEET AND CONFER

(Deleted effective January 1, 1996)

RULE 3.26 BRINGING IN NEW PARTIES SUBSEQUENT TO ORIGINAL FILING

(Deleted effective July 1, 2003)

RULE 3.27 CASE REMOVED TO FEDERAL COURT

(Deleted effective January 1, 2004)

RULE 3.28 FILINGS FOR CASE MANAGEMENT CONFERENCES

(Deleted effective January 1, 2004)

RULE 3.29 DEFAULT HEARING FORMS IN LIMITED CIVIL CASES

(Renumbered and relocated to Local Rule 4.12 effective January 1, 2024)

RULE 3.30 ERRONEOUSLY SUED DEFENDANTS

(Deleted effective July 1, 2001)

RULE 3.31 ELISOR

- A. Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Court, or his or her authorized designee may be appointed by order of the court, as an elisor to sign the document.
- B. An application for appointment of an elisor shall be made by filing an appropriate pleading (Notice of Motion, Order to Show Cause or Request for Order). When applying for an appointment of an elisor, the application and proposed order must designate “The Clerk of the Superior Court, County of Ventura or the Clerk’s Designee” as the elisor and specifically name the party(ies) for whom the elisor is being appointed and in what capacity the elisor is being asked to sign the document(s). The application and order must not set forth a specific court employee. The application must indicate reference to the title, date, page(s), and line(s) of the court order/judgment upon which the request to appoint the elisor is based.
- C. A declaration supporting the application must include specific facts establishing the necessity for the appointment of the elisor, including the good faith efforts to meet and confer to resolve the issue informally. The proposed order must be submitted with the application that expressly identifies the document(s) being signed and a copy of the document(s) must be submitted with the proposed order. A deed must state the type of deed (i.e., grant deed, interspousal deed, etc.). Escrow documents must be listed separately (i.e., Escrow Instruction Dated, Disclosure Regarding Real Estate Agency Relationship, Hazard Report, etc.). The original document, presented for signature by the elisor, must match the copy of the document submitted with the proposed order. The copy is to be highlighted in the location(s) where the elisor is to sign his/her name.
- D. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary public to be present when the elisor signs the document(s).
- E. If the Court grants the application for appointment of an elisor, the party must contact the Clerk’s Office to submit the fee and documents for review. The Clerk’s Office will then contact the party to arrange an appointment for the signing of the documents.

(Effective July 1, 2023)

CHAPTER 4

COURT PLEADINGS, FORMS AND DOCUMENT FORMAT

RULE 4.00 ORGANIZATION

(Deleted effective January 1, 1998) ●

RULE 4.01 CONFORMED COPIES

- A. For all eCourt case types (Civil, Probate, Small Claims, Mental Health, and all Civil Restraining Orders):
 1. New case initiation filings: The clerk will provide and return a conformed face page of each document filed at case initiation (i.e., Summons, Complaint, Petition, Civil Case Coversheet, etc.) either by hand (if filed in person) or by mail if a self-addressed stamped envelope is provided. The filing party may use the face pages to prepare conformed copies. Parties are not to submit additional copies of their documents to be conformed.
 2. Subsequent filings on existing cases: The clerk will conform with an ink stamp any copies submitted with filings that do not require judicial review. Conformed copies of the filings will be returned either by hand (if filed in person) or by mail if a self-addressed stamped envelope is provided. Unless (1) the case is confidential by law, (2) the filing is sealed by court order, or (3) electronic access to the case is limited by [California Rules of Court, rule 2.503\(c\)](#), parties can also view/download copies of file stamped documents on the Court’s website to use as conformed copies.
 3. Orders: For cases that are (1) confidential by law or (2) subject to restrictions on access pursuant to [California Rules of Court, rule 2.503\(c\)](#), the clerk will mail a conformed copy of a filed order in a Court-provided envelope to the submitting party. For cases that are not confidential by law or are not subject to restrictions on access, the filed order will be available on the Court’s website to view/download or may be obtained from the Records Department. Parties are not to submit a return envelope with their proposed order.

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4. Unlawful Detainer Judgments: The clerk will file and return all supporting documents via the envelope provided with the submission or by attorney service. After the judgment is filed, the clerk will mail a conformed copy of the judgment in a Court provided envelope to the submitting party.

5. All Other Civil Judgments: For Court/Clerk judgments in cases other than Unlawful Detainer, the clerk will file and return all supporting documents via the envelope provided with the submission. After the judgment is filed, it will be available on the Court's website to view/download or from the Records Department.

B. For all other case types. If requesting that conformed copies of filed documents be returned by mail, such request shall be accompanied by a self-addressed envelope, large enough for all conformed copies and with sufficient prepaid postage for the weight of the conformed copies to be returned.

(Revised effective January 1, 2024)

RULE 4.02 PLEADINGS AND RECORDS IN AN EMINENT DOMAIN ACTION INVOLVING MORE THAN ONE PARCEL OF PROPERTY

A. **PLEADINGS.** In an eminent domain action involving more than one parcel of property, the plaintiff's complaint shall set forth, in addition to the matters required by [§1250.310 of the Code of Civil Procedure](#), numbers or symbols to identify each of the parcels of property. A defendant's answer, demurrer, or written appearance shall set forth in the space below the number of the case and in parentheses, the parcel numbers or symbols that identify the property claimed by him.

B. **COPY OF PLEADINGS.** Within ten (10) days after service of each defendant's pleading the plaintiff shall file a duplicate copy of his complaint, summons, lis pendens, and other pertinent documents. A defendant who claims more than one parcel of property shall file a copy of his pleading for each parcel claimed by him. A copy of such pleading shall be filed by the Executive Officer and Clerk in the appropriate parcel files.

C. **REGISTER.** The Executive Officer and Clerk shall include in the register, opposite the name of each defendant, the numbers or symbols that identify the property in which he is alleged to have an interest.

E. **WAIVER OF REQUIREMENTS.** The court may, for good cause shown, order any paper to be filed without a parcel number or symbol.

F. **ASSIGNMENT OF CASES CONCERNING A SINGLE PROJECT.** Multiple eminent domain cases filed simultaneously on behalf of public agencies for a single project are exempt from the procedure to assign individual cases on a random basis. The caption of each eminent domain complaint concerning a single project shall indicate that the case is one of several to acquire the property for a designated public project. Each of the multiple cases so designated will be assigned to one judge. The existing random assignment procedures will be overridden to accommodate such assignment.

(Revised effective July 1, 2023)

RULE 4.03 PRESCRIBED FORMS IN DOMESTIC RELATIONS CASES

In domestic relations cases, mandatory and optional Judicial Council forms shall be used. The original thereof shall be filed together with proof of service prior to the date and time set for hearing.

(Effective January 1, 1997)

RULE 4.04 FACSIMILE FILING

(Repealed March 15, 2018)

RULE 4.05 ELECTRONIC DELIVERY

Electronic delivery of filings in civil, small claims, family law and probate cases, are permitted to the extent set forth below, and shall conform to the provisions of *Code of Civil Procedure § 1010.6 and California Rules of Court*, rules 2.252 *et seq.*

- A. Court users electing to submit documents by electronic delivery must submit all documents to the court's approved electronic service provider under *California Rules of Court*, rule 2.255. Court users must also comply with the terms and conditions of electronic delivery set forth on the court's website at www.Ventura.courts.ca.gov.
- B. Upon receiving a document(s) by electronic delivery, a "Notice of Receipt of Documents," containing the eFiling ID number and confirming that the court has received the document(s), will be sent to the email address provided by the submitting party.
- C. Any document(s) received by electronic delivery will be accepted by the court, if the document(s) meets all legal filing requirements and any required fees are paid and correct. An email will be sent to the email address provided by the submitting party stating that the document(s) is accepted. If a document(s) is not accepted, an email stating that the document(s) is rejected will be sent to the email address provided by the submitting party.
- D. Any electronic document submitted for filing received by the court between 8:00 a.m. and 4:00 p.m. on a court day, shall be deemed filed as of that day. This rule concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule also does not affect any statutory or court ordered requirements that a document be filed by a set date.
- E. Notwithstanding any other provision of law or these rules, the following documents shall not be electronically submitted and/or filed by a party or user:
 1. Any document exceeding 200 pages (limit applies to Family Law cases only);
 2. No lodgings, except for proposed orders;
 3. Will, codicil or testamentary trust;

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4. Bond or undertaking;
5. Any order with an original judicial officer's signature;
6. Out-of-State Commission;
7. Abstract of Judgment;
8. Writ of Execution;
9. Confidential document(s) lodged conditionally under seal;
10. Certificate of Facts Re Unsatisfied Judgment;
11. Family Law Request for Entry of Default, Judgment and the Notice of Entry of Judgment;
12. Letters of Administration;
13. Affidavit Re Real Property of Small Value (Probate);
14. Any and all documents relating to restraining order matters, including applications/requests for restraining orders, proposed temporary restraining order and notice of hearing (i.e., Domestic Violence, Civil Harassment, Elder Abuse, etc.);
15. Notice of Pendency of Action;
16. All Family Law Ex Parte Applications; and
17. Any paper document ordered by the court to be filed in the clerk's office.

(Revised effective January 1, 2024.)

RULE 4.06 ELECTRONIC MAIL ADDRESSES ON PLEADINGS

(Deleted effective January 1, 2009)

RULE 4.07 FILING OF PROPOSED PLEADINGS AFTER LEAVE IS GRANTED

If leave is granted to file a proposed pleading that has been attached to a motion, application, or stipulation, the pleading (as an attachment) will not be deemed filed by the court, and, instead, the pleading (as a separate document) must be presented to the Clerk's Office for filing within the time specified by the court. If no time for filing the pleading is set by the court, then the pleading shall be filed within ten (10) days of the issuance of order.

(Effective January 1, 2024)

RULE 4.08 FILING AND SERVICE OF COMPLAINTS-IN-INTERVENTION

A. Complaints-in-intervention shall be filed by leave of court only as set forth in CCP §387(a). An original complaint-in-intervention shall be submitted along with the application for leave of court. Upon granting of the order regarding leave to file, the complaint-in-intervention shall be separately filed forthwith with the Clerk's Office, and in no event later than ten (10) days from the issuance of the order granting leave.

The complaint-in-intervention shall be served in accord with [CCP §387 \(a\)](#), and proof of service shall be returned to the court no later than thirty (30) days after filing of the complaint-in-intervention.

B. A complaint-in-intervention that is filed **exclusively under, and in both its caption and substance involves**, only the provisions of [Labor Code §3852](#), shall be treated as both a complaint-in-intervention and as an application to file same.

(Revised effective January 1, 2024)

RULE 4.09 EXHIBIT TABS

For all eCourt case types (Civil, Probate, Small Claims, Mental Health, and all Civil Restraining Orders), hard copy documents submitted for filing shall not include exhibit tabs or other dividers which cause the page to exceed "8 ½ by 11". Parties shall specify the exhibit number or letter in the footer of every page of each exhibit.

(Effective January 1, 2024)

RULE 4.10 IDENTIFICATION OF PARTY BEING SERVED ON PROOF OF SERVICE

In all cases where proof of service is made on any party by mailing a copy of the summons and complaint, cross complaint or other pleading to the party's attorney, the proof of service shall identify the party or parties whom counsel represents as indicated below:

John Jones, Esq.
123 Main Street
Ventura, CA 93003
Attorney for Defendant Mary Smith

(Revised effective January 1, 2024)

RULE 4.11 LAW AND MOTION

A. Unless otherwise ordered, or electronically submitted, all noticed or ex-parte motions and any documents in support or opposition thereto shall be presented for filing in the clerk's office located at the courthouse where the matter is to be heard.

B. Proposed Order(s): parties are to comply with California Rules of Court, rules 3.1201 and/or 3.1312 regarding submissions of proposed orders. If a party lodges an original proposed order(s) before the hearing is conducted, any copies of the proposed order(s) to be conformed are to be brought on the day of the hearing and not lodged prior to the hearing.

(Revised effective January 1, 2024)

RULE 4.12 DEFAULT HEARING FORMS IN LIMITED CIVIL CASES

Automobile deficiency judgments will not be granted nor submitted to a judge for approval unless a "Declaration in Support of Deficiency Judgment" has been completed and filed under [Code of Civil Procedure § 585\(d\)](#).

All local court forms are available through the [court's website](#). *(Revised effective January 1, 2024)*

Ventura County Superior Court Rules

RULE 4.13 SERVICE OF APPELLATE BRIEF ON TRIAL JUDGE -

Service of an appellate brief filed in the Court of Appeal on the Superior Court Clerk for delivery to the Trial Judge as provided by the California Rules of Court shall be submitted through electronic delivery and sent to admin-vsc@ventura.courts.ca.gov. (Effective July 1, 2024)

CHAPTER 5 COURT FILES AND EXHIBITS

RULE 5.00 EXHIBITS

(Deleted effective January 1, 1998)

RULE 5.01 ENTRY OF COURT ORDER IN MINUTES

The Executive Officer and Clerk shall keep minutes of court orders and, depending on case type, shall either place a copy of each minute order in the court's file of actions in chronological order in lieu of a minute book, as provided in *Government Code* §69844.7 for as long as the law requires, or electronically record the minute order in the court's case management system.

(Revised effective July 1, 2023)

RULE 5.02 COURT RECORDS

A. REMOVAL OF PAPERS. No papers shall be removed from the files or replaced therein except by authorized court personnel.

B. RETURN OF EXHIBITS. No exhibits shall be released from the possession of the Executive Officer and Clerk except on order of the court and the giving of a receipt therefor.

(Effective January 1, 1997)

RULE 5.03 HOLES FOR FILING

(Deleted effective January 1, 1998)

RULE 5.04 REMOVAL OF EXHIBITS

By order of a judge or commissioner, juvenile court referee or juvenile court traffic hearing officer of the court, any exhibit may be returned by the clerk to the witness or party by whom it was produced after the substitution of a photostatic copy therefore; provided, however, that such order may dispense with such substitution in the case of an original record, paper or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a photostatic copy is impracticable, in which case a receipt shall be given, or when a written stipulation of all the parties consenting thereto is filed.

(Effective January 1, 1999)

RULE 5.05 REASONABLY NECESSARY PHOTOCOPYING

California Rules of Court, rule 3.55(2) provides that the clerk's fees for reasonably necessary photocopying must be waived upon granting an application for an initial fee waiver. This court defines the number of photocopies that are reasonably necessary as one (1) copy of those papers in the court's file for the action or proceeding in which the fee waiver was granted. If a party seeks additional copies, the self-represented party or attorney of record must request a court order by submitting a declaration and proposed order stating good cause for additional copies.

(Effective January 1, 2014)

RULE 5.06 EXHIBITS THAT POSE HEALTH AND/OR SAFETY PROBLEMS

In the interest of public health and safety, permission from the Judge assigned to the hearing or trial must be obtained before a party may bring dangerous weapons, explosives, hazardous or toxic materials, including any controlled substance, paraphernalia or packing containing residues of those substances, hypodermic needles or syringes, bodily fluids or materials containing bodily fluids into the courtroom. If permission is granted, the party in possession of the exhibit shall take responsibility for it, and the court shall not be required to store the exhibit. If possible, the party should substitute a photograph, technical report or reproduction for the proposed exhibit, as provided by *Penal Code* § 1417.3.

(Effective July 1, 2017).

RULE 5.07 EXTERNAL MEDIA / ELECTRONIC LODGINGS WITH COURTROOMS

A. The Clerk's Office will not accept electronic storage media for filing or lodging purposes, unless pursuant to court order. "Electronic storage media" includes internal and external hard drives, CDs, DVDs, Floppy Disks, USB drives, ZIP disks, magnetic tapes, SD cards, and any other similarly purposed device. Exhibits contained on "electronic storage media" shall be submitted in the courtroom only. The submitting party shall be responsible for providing the necessary equipment to view or present the exhibits.

B. Lodged copies submitted to a courtroom's email proxy must be in PDF format. Digital document management systems (i.e., document depository) shall not be used for such purposes without prior approval of the assigned judicial officer. (Effective July 1, 2023)

CHAPTER 6

Ventura County Superior Court Rules

TRIAL CONTROL CALENDAR PROCEDURES

RULE 6.00 DUTY OF COUNSEL AS TO TRIAL DATE ASSIGNED

After trial date has been assigned, it shall be the duty of counsel to inform the assigned judge of any fact tending to indicate that the case may not proceed to trial on the date to which it has been assigned. In the event of settlement, counsel or parties appearing in person shall immediately notify the court thereof. Failure to do so may be deemed as unlawful interference with the proceedings of the court.

(Effective January 1, 1997)

RULE 6.01 SETTLEMENT CONFERENCE STATEMENTS (See CRC 222(d))

(Deleted effective January 1, 2000)

RULE 6.02 CALENDARS

Matters may be set on calendar only by the clerk or order of a judge.

(Effective January 1, 1997)

RULE 6.03 JUDICIAL ARBITRATION

A. ADOPTION. Effective on July 1, 1979, the Ventura Superior Court adopts and elects to come within the provisions of sections [1141.11 et seq. of the California Code of Civil Procedure](#) and *California Rules of Court*, rule 3.810, et seq., relating to mandatory judicial arbitration.

B. ADMINISTRATIVE COMMITTEE. The committee for administration of the Judicial Arbitration program shall consist of the Presiding Judge of the court; the Arbitration Administrator; two representatives each of the plaintiff and defense bar. Arbitration Committee members shall serve until removed or replaced by order of the court.

C. ARBITRATION ADMINISTRATOR. The Executive Officer and Clerk of the court is designated as Arbitration Administrator.

D. ARBITRATION PANEL. A single arbitration panel shall be utilized in this program, with panelist representative of appropriately varying legal specialties to the extent practicable and approved by the administrative committee. Arbitration Panel members are to keep the Superior Court informed of their current address and phone numbers. Panel members shall serve until removed or replaced by the administrative committee.

E. ARBITRATION CALENDARING. The Executive Officer and Clerk shall calendar all arbitration hearings as provided by statute, *California Rules of Court*, and rules of this court. All trial setting conferences, pretrial conferences, settlement conferences, and trial dates shall be considered a conference during which the court may determine the appropriateness of the case for the Judicial Arbitration program, and the amount in controversy as provided by rule 3.811 *California Rules of Court*. Counsel are to be prepared to fully discuss such matters at such times.

F. FACILITIES. The availability of court facilities being limited and necessary for formal court proceedings, arbitrators are strongly encouraged to schedule arbitration hearings for the arbitrator's office or other appropriate location agreed upon between parties to the arbitration. All arbitration hearings shall be held within the County of Ventura unless all parties and the arbitrator stipulate to a different location. Arbitrators shall keep the Case Management unit advised of the dates and locations of all arbitration hearings and continuances thereof.

G. ARBITRATOR AWARDS; FEES. All arbitrator's awards with the proof of service on each party to the arbitration shall be filed with the court under *California Rules of Court*, rule 3.825(b) within ten (10) days after conclusion of the arbitration hearing, and no fee shall be paid to any arbitrator until such award has been filed. Repeated failure to comply with this rule shall be grounds for removal of the arbitrator from the arbitration panel.

H. NUMBER OF ARBITRATORS ON A PANEL. As permitted by Rule 3.815(c), *California Rules of Court*, the arbitration administrator shall select at random a number of prospective arbitrators equal to the number of sides plus two.

(Revised effective July 1, 2014)

RULE 6.04 ARBITRATION DELAY

An appointed arbitrator shall set the arbitration hearing so as to be completed no later than sixty (60) days from the appointment and shall not continue the hearing date unless good cause exists. In the event that the hearing date is continued, the hearing must be held within ninety (90) days of the appointment of the arbitrator. This rule may not be waived by any party or by the arbitrator. All cases continued shall be reported to the arbitration administrator. No continuance of judicial arbitration to a hearing date more than ninety (90) days after the appointment shall be made unless ordered by the court after the parties have:

A. Stipulated to the continuance in writing accompanied by a declaration establishing good cause as set out in rule 3.1332 of the *California Rules of Court*;

B. Arranged for a new date with the arbitrator and include that date in the stipulation and order;

C. Prepared an order to be signed by the court;

D. Filed all of the above three (3) court days prior to the current arbitration date. A hearing is "completed" upon filing of the arbitrator's award with the clerk.

(Revised effective January 1, 2007)

RULE 6.05 TELEPHONIC APPEARANCES-TRIAL CONTROL CALENDARS

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(Deleted effective January 1, 1999)

RULE 6.06 MANDATORY ARBITRATION STATEMENT

Counsel shall prepare and serve on all other parties and the arbitrator, no later than ten (10) days prior to the arbitration hearing, a statement setting forth and discussing in detail the facts and law pertinent to the issues of liability, damages or both involved in the case as to the party or parties represented by that counsel. The statements, where relevant, shall contain an itemization of special damages claimed with dates therefor. The nature, extent and prognosis of any claimed physical injury shall be described fully, and copies of medical reports shall be attached to the statement. The statement shall not contain or disclose any offers of settlement. The statement shall contain a declaration that all parties have discussed the case and have attempted in good faith to settle the case.

(Revised effective July 1, 2002)

RULE 6.07 CASES EXCLUDED FROM ARBITRATION

All cases in which the time estimate for trial is less than one day are excluded from mandatory arbitration on the grounds that arbitration of such cases generally will not reduce the probable time and expense to resolve the litigation. However, any such case may be arbitrated upon stipulation, upon request of any party, or upon order of the court. Cases specifically excluded by statute shall not be the subject of mandatory arbitration.

(Effective January 1, 1997)

RULE 6.08 SERVICE MEMBERS CIVIL RELIEF ACT

A. When it is determined a defendant or respondent is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. Appen. §§ 501-591), counsel for the plaintiff shall, prior to the initial case management conference, determine the defendant's/respondent's ability to appear and defend the action. No later than the time of the initial conference, the plaintiff shall advise the court of the defendant's/respondent's ability to proceed, and, if necessary, shall apply for one of the orders under subdivision C of this rule.

B. When a defendant, respondent or a cross-defendant other than the plaintiff communicates to the court in writing that he or she is in the military service and claims the benefits of the Servicemembers-Civil Relief Act, the court shall order the matter set on the case management conference calendar no sooner than sixty (60) days after the defendant's/respondent's/cross-defendant's notification to the court. The court shall notify the plaintiff of the defendant's/respondent's communication by serving a copy upon plaintiff. Plaintiff shall then serve upon defendant/respondent notice of the case management conference (subdivision D of this rule). At the case management conference, the court shall make the findings required under subdivision E of this rule based upon the evidence presented at the conference.

C. At the case management conference, the court may make one or more of the following orders:

1. If, by the initial case management conference, the plaintiff is unable to advise the court of the defendant's/respondent's ability to proceed, the action shall be stayed for a reasonable time not to exceed sixty (60) days, so that a hearing may be held to determine the defendant's/respondent's ability to appear and defend, and whether the defendant/respondent will be prejudiced if the action proceeds in his or her absence. The plaintiff shall serve upon defendant/respondent notice of stay and of the hearing to determine prejudice (subdivision D of this rule). If the notice of stay and of the hearing cannot be timely served upon the defendant/respondent, and plaintiff submits evidence to the court that it is either not feasible or unduly expensive to effect service upon the defendant/respondent at that time, the court shall so find, and shall dismiss the action without prejudice, reserving jurisdiction to reopen the case if the plaintiff notifies the court that service can be effected upon the defendant/respondent. If plaintiff submits evidence that convinces the court that the defendant/respondent has, in fact, received notice of the hearing but has chosen to ignore it, the court shall so find, and the action shall proceed in due course;

2. That counsel be appointed to represent the defendant/respondent;

3. Any order necessary to further the delay reduction policies set forth in standards 2.1 and 2.2 of the Standards of Judicial Administration of the *California Rules of Court*.

D. Any notice given pursuant to subdivision B or C.1 of this rule shall be served on the defendant/respondent by the plaintiff in any manner provided in the *Code of Civil Procedure* for service of summons. Such notice shall include a statement that if the defendant/respondent is unable to appear personally and is requesting a stay of the action because he or she is unable to appear and defend the action at that time, or would otherwise be prejudiced if the action went forward, and that the defendant/respondent must serve upon the plaintiff and the court prior to the case management conference an affidavit or declaration under penalty of perjury describing specific facts showing why the defendant/respondent cannot appear and defend, or why the defendant would be prejudiced if the action were to go forward in his or her absence. The defendant/respondent shall also state when he or she will be able to appear and defend. The notice to the defendant shall clearly state that the defendant's failure to provide an affidavit or declaration under penalty of perjury stating facts showing why the action should not go forward, or why the defendant/respondent would be prejudiced if the action were to go forward, will be construed by the court as an admission that the defendant/respondent will not be prejudiced if the action went forward in the defendant's absence.

E. If an order is made under subdivision C.1 of this rule and notice of stay and of the hearing is served on the defendant pursuant to subdivision D of this rule, the court shall set a hearing and shall make specific findings on the record as to the

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following issues:

1. The defendant/respondent is in the military and is entitled to the benefits of the Servicemembers Civil Relief Act;
2. The defendant's/respondent's present ability to appear and defend the action; and
3. The prejudice to the defendant/respondent if the action proceeds in the defendant's absence.

F. If the court makes a finding that the defendant/respondent is able to appear and defend, the court shall order the action to proceed in due course. If a stay is requested by the defendant/respondent, and the evidence shows that defendant is not currently able to appear and defend or would otherwise suffer prejudice if the action proceeded in his or her absence, and a stay is necessary to permit the defendant/respondent to make arrangements to appear and defend, the court shall stay the action for a reasonable time, generally not to exceed sixty (60) days.

(Revised effective January 1, 2007)

CHAPTER 7 TELEPHONIC APPEARANCES

RULE 7.00 TELEPHONE APPEARANCES

(Deleted effective July 1, 2022)

RULE 7.01 PRIVATE VENDOR

(Deleted effective July 1, 2022)

RULE 7.02 FILING AND SERVICE OF FORMS

(Deleted effective January 1, 1999)

RULE 7.03 SCHEDULED AVAILABILITY

(Deleted effective January 1, 1999)

RULE 7.04 CONTINUANCE

(Deleted effective January 1, 1999)

RULE 7.05 COMPLIANCE

(Deleted effective January 1, 1999)

RULE 7.06 REMOTE APPEARANCE

Remote appearances may be offered through Zoom and CourtCall depending upon the technology available in the courtroom in which the proceeding is conducted. (See Code of Civil Proc. §367.75 and Cal. Rules of Court, rules 3.670 and 3.672). However, personal appearance at a hearing may be required if the bench officer determines that “in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case.” (Cal. Rules of Court, rule 3.672(d)(1)). Information regarding remote appearance is available on the court's website (www.ventura.courts.ca.gov).

(Effective July 1, 2022)

CHAPTER 8 CIVIL LAW AND MOTION HEARINGS CALENDAR PROCEDURES (Not applicable to Family Law matters)

RULE 8.00 TENTATIVE RULINGS

The Ventura Superior Court adopts the following as the Tentative Ruling Procedure in the civil departments of the court.

A. Tentative rulings will be available by 4:00 p.m. on the court day preceding the scheduled date of the hearing. Tentative rulings may be obtained on the court's website at www.ventura.courts.ca.gov. Parties are encouraged to use the court's website to obtain tentative rulings. Parties without internet access may call the judicial secretary for the courtroom of the hearing.

B. No “Notice of Intent to Appear” is required under this rule.

C. Pursuant to [California Rules of Court, rule 3.1308\(e\)](#) this local rule does not require any judge to issue tentative rulings. (Revised effective July 1, 2012)

RULE 8.01 NOTICE OF HEARING

(Deleted effective July 1, 2012)

RULE 8.02 MEMORANDUM OF POINTS AND AUTHORITIES

(Deleted effective January 1, 1998)

RULE 8.03 INCOMPLETE MOTIONS

(Deleted effective January 1, 1998)

RULE 8.04 CONTINUANCES AND OFF CALENDAR REQUESTS

A. The Legal Research attorneys must be notified by telephone (805) 289-8760 as soon as possible when a law and motion matter is to be continued or taken off calendar in order to avoid unnecessary review.

B. All requests or notices to take a matter off calendar shall be in writing and filed with the court..

C. All continuances of Law and Motion matters shall be for not less than two (2) weeks and shall be by ex-parte application or stipulation and order.

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D. To request a continuance of a Small Claims Trial De Novo trial, the requesting party must complete Judicial Council Forms [“Request to Postpone Trial” \(SC-150\)](#) and [“Order on Request to Postpone Trial” \(SC-152\)](#) at least ten (10) days before the trial date and pay the appropriate filing fee (see current fee schedule). If the request is submitted less than ten (10) days before the trial, the requesting party must give the court good cause why the request is being filed later. The requesting party shall mail or personally deliver a copy to all parties in the action.

(Revised effective July 1, 2023)

RULE 8.05 RESTORATION TO CALENDAR

A law and motion matter that has gone off calendar may be restored thereto only upon noticed motion except in an extraordinary situation to be determined by the court in its discretion.

(Effective January 1, 1997)

RULE 8.06 ARGUMENT

(Deleted effective January 1, 2005)

RULE 8.07 DISCOVERY

(Deleted effective January 1, 1998)

RULE 8.08 CONSOLIDATION

(Deleted effective January 1, 1998)

RULE 8.09 MOTION TO BE RELIEVED AS COUNSEL

(Deleted effective January 1, 1998)

RULE 8.10 INFORMAL DISCOVERY CONFERENCES

A. AVAILABILITY. Parties may jointly request an Informal Discovery Conference ("IDC") in unlimited civil cases. The purpose of an IDC is to permit the parties, with the assistance of the court, to resolve a discovery dispute expeditiously. This rule applies to IDCs that are jointly requested by the parties. For IDCs that are otherwise ordered by the court, the parties may be directed to follow this rule.

B. REQUIREMENT TO MEET AND CONFER. Before requesting an IDC, the parties must meet and confer in a good faith attempt to resolve the discovery dispute. Cursory communications are insufficient; the parties should diligently attempt to resolve the discovery dispute to the extent possible, including by compromising if consistent with the rights and duties of the parties.

C. MAKING THE REQUEST. Parties to a discovery dispute may request an IDC by filing and serving a joint request containing the information set forth in subdivision D. A courtesy copy of the request shall promptly be emailed to the assigned department and all parties to the action with the subject line "REQUEST FOR IDC." The email shall include the case name and number. If parties are unable to email the courtroom directly, they may contact the judicial secretary for the assigned judge to obtain the appropriate email address.

D. CONTENTS OF REQUEST. A joint request for IDC shall be signed by each counsel or party to the discovery dispute and shall not exceed eight (8) pages. A request for IDC shall contain the following information in specific factual detail:

1. The nature of the discovery dispute, including the category of information sought, the interrogatory or request or demand number associated therewith, the response thereto, the good cause for the requested information, and the basis for any objection to providing the information.

2. A summary of the parties' efforts to diligently resolve the discovery dispute, including any offers or proposals for resolution that have been made.

3. Any issues of timing concerning the disputed discovery.

4. Any agreement to toll the time for filing a motion concerning the discovery dispute.

5. Whether there are parties to the case that have not joined in the joint request for IDC.

E. RULING ON THE REQUEST FOR IDC. The court may grant, in whole or in part, a joint request for IDC. If the request for an IDC is granted, court staff will contact the parties to schedule the IDC. Neither a joint request for IDC nor an order granting the request shall toll the time for any party to file a motion concerning the discovery dispute; however, parties may stipulate to toll or extend the time to file a motion as provided by law.

F. CONDUCT OF THE CONFERENCE. An IDC shall be conducted in a manner directed by the court. IDCs are typically conducted from chambers remotely, but the court may order other arrangements. Counsel appearing at the conference on behalf of a requesting party shall have full authority to resolve the discovery dispute.

G. This rule shall become effective January 1, 2023. (Effective January 1, 2023)

RULE 8.11 MOTIONS FOR SUMMARY JUDGMENT AND SUMMARY ADJUDICATION

(Deleted effective January 1, 1998)

RULE 8.12 PROCEDURAL RULES FOR CIVIL TRIALS

A. LENGTH OF TRIAL. A realistic and practical period for trial and argument will be determined after

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consultation with counsel, based upon the circumstances of each case.

B. TRIAL BRIEFS. Trial briefs shall not exceed ten (10) pages. Opposing counsel who have not already done so shall exchange trial briefs at or immediately after announcing ready at the trial call. Unless otherwise ordered by the judge, briefs are to be emailed to the trial department's email proxy (e.g., courtroom20@ventura.courts.ca.gov) on the first day of trial.

C. BREVITY.

1. Voir dire and examination of witnesses can and will be limited by the court. Such limitation can be agreed upon by counsel and/or court before the trial commences.

2. Objections. State the legal basis only; do not argue objections unless invited by the court.

D. ANTICIPATE PROBLEMS.

1. Witness availability problems. Counsel must always have back-up witnesses to eliminate delay. There is no exception to this rule. Each counsel shall notify opposing counsel 24 hours in advance of all witnesses counsel intends to call the following day. Failure to follow this rule may result in exclusion of any witness not so disclosed.

2. Potential evidentiary problems should be anticipated and disclosed to the court, with citations, before the trial commences.

3. Scheduling problems. Prompt notice is mandatory.

E. PRE-MARKING OF EXHIBITS. All exhibits shall be submitted to the courtroom clerk on the first day of trial for pre-marking. Prior to arriving in the trial department, counsel shall exchange all exhibits with opposing counsel and shall agree and stipulate to foundation and admissibility where possible. Any exhibits as to which admissibility cannot be stipulated should be brought to the attention of the court on the first day of trial. Any exhibits not so pre-marked may be excluded from evidence. The only exceptions are exhibits to be used for impeachment. If counsel wish to have the exhibits pre-marked prior to the first day of trial, they should notify the courtroom clerk for an appointment for this purpose. This practice is encouraged.

F. STIPULATE AS MANY FACTS AS POSSIBLE.

G. STATEMENT OF CASE. A statement of the case must be stipulated to by all counsel and jointly prepared, consisting of a brief, concise factual statement of the case. It will be read to the jury panel as an introduction to the case. It is not to exceed one page and is to be emailed to the trial department's email proxy:

(e.g., courtroom20@ventura.courts.ca.gov) on the first day of trial.

H. COOPERATION BETWEEN COUNSEL. Cooperation is the key to expeditious trials; it is essential, expected and professional.

I. WITNESS LISTS. Counsel for all sides shall agree on a single combined list of witnesses who may be called in the trial. The list shall be prepared by counsel for plaintiff. This witness list shall be emailed to the trial department's email proxy (e.g., courtroom20@ventura.courts.ca.gov) on the first day of trial and will be read to prospective jurors.

J. EXAMINATION OF WITNESSES. Prior to calling a witness, counsel shall determine what exhibits will be used during the examination and have those exhibits on the witness stand for easy reference by the witness. The only exception is for exhibits to be used for impeachment.

K. COURT-APPOINTED EXPERT. The court will appoint its own expert under appropriate circumstances, with costs borne by the parties equally.

L. JURY INSTRUCTIONS AND VERDICTS. Instructions and verdict forms are to be agreed to outside of trial time.

1. (Deleted effective 7/1/1996)

2. Counsel's particular attention is drawn to the Burden of Proof Instruction such as CACI 2.60. Counsel shall agree on the wording of said instruction and submit same to the court before plaintiff rests.

3. Jury instructions prepared by counsel will be accepted only in the format of Exhibit A hereto.

4. Jury verdict forms will be prepared by plaintiff's counsel but will be agreed upon by all counsel and lodged with the clerk of the trial department before the plaintiff rests.

M. HYPOTHETICAL QUESTIONS.

(Deleted effective July 1, 1995).

N. IN LIMINE MOTIONS. *In Limine* Motions shall be limited to those reasonably necessary to resolve material evidentiary issues and shall conform to the principles announced in *Kelly v. New West Federal Savings* (1996) 49 Cal.App.4th 659. Motions and oppositions, if any, shall be in writing not to exceed three (3) pages each, including points and authorities. Each motion shall be accompanied by a proposed order. If more than one motion is being filed, each motion and corresponding opposition shall be identified by number in the caption (e.g., motion in *Limine* No. "1"). Opposing counsel who have not already done so shall exchange motions at or immediately after announcing ready at the trial call. Unless otherwise ordered by the judge, motions and oppositions are to be emailed to the trial department's email proxy (e.g., courtroom20@ventura.courts.ca.gov) on the first day of trial. Immediately after being notified by the court of the time and place for the start of trial in a trailing case, counsel who have not already done so shall meet and confer telephonically as to which *In Limine* motions are contested and shall promptly exchange any written oppositions to another party's motions.

O. CHECKLIST FOR WORKING WITH THE COURTROOM CLERK.

1. Check in with the courtroom clerk. If you are an attorney representing a client, provide three (3) business cards

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and name of your client.

2. File trial briefs and motions **in limine with courtroom clerk, not in Clerk's Office.**
3. File witness list and statement of the case with courtroom clerk, not in Clerk's Office. .
4. Arrange for payment of any jury fees and reporter fees.
5. Pre-mark and exchange exhibits.
6. File request for jury instructions before the plaintiff rests with courtroom clerk, not in Clerk's Office.
7. Lodge all original depositions with the courtroom clerk on the first day of trial.
8. Sign jury stipulation.
9. All depositions, documents, exhibits and other items lodged with the court must be removed from the courtroom by counsel lodging same upon conclusion of proceedings.
10. With regard to messages for counsel during trial, calls to the courtroom should be limited only to urgent messages. Counsel should arrange to check in with their offices during breaks.

P. PROCEDURES REGARDING COURT REPORTERS.

1. Side bench conferences with the reporter are not favored. Such conferences consume undue amounts of time and interrupt the continuity of the trial. The record is available for proceedings outside the presence of the jury during recess.
2. "On and off" the record -- the reporter will respond only to instructions of the court relative to going "on and off" the record.
3. Maintain a record of the question and answer that ends each session or inquire of the reporter before the succeeding session.

(Revised effective January 1, 2024)

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EXHIBIT A CITATIONS OF AUTHORITY

JONES v.
SMITH (1991)
100 Ca.3d O.)

Request by Plaintiff		Requested by Defendant		Requested by	
Given as Requested		Given as Modified		Given Court's Motion	
Refused					
Withdrawn		Judge			

CHAPTER 9
FAMILY LAW RULES/GENERAL RULES

RULE 9.00 APPLICATION

To assist counsel in family law cases by providing uniform local rules governing these cases, the Superior Court of Ventura County hereby adopts these family law local rules for Ventura County. These rules are and shall be considered as orders of the court to all parties and counsel appearing in Ventura County Superior Court family law matters.

In addition to these local rules, it is expected that counsel will be familiar with the *Family Law Code* (effective January 1, 1994) the Family Law Rules (*California Rules of Court*, rule 5.1 et seq.) and such other provisions of law as may be applicable to a particular case.

(Revised effective July 1, 2012)

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* §§5700.101 through 5700.905 (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;
- 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 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;
- P. Petitions for Order Prohibiting Abuse or Program Misconduct; and
- Q. Petitions for Firearms Restraining Order

(Revised effective January 1, 2018)

RULE 9.02 COMPLIANCE WITH RULES - SANCTIONS

The rules set forth in the following general rules governing the operation of this court apply unless there is a specific family law rule covering the same matter, in which case the family law rule applies. Strict compliance with these family law rules is necessary to the expeditious resolution of family law matters and is therefore mandated for all participants. A failure by counsel or a party to comply with these rules may be cause for imposition of sanctions payable to the court, the aggrieved party, or counsel, reasonable expenses, including reasonable attorney fees and costs, payable to the aggrieved party, or counsel and/or ordering a matter off calendar and/or dismissal of the action or proceeding or any part thereof.

(Revised effective January 1, 2009)

RULE 9.03 FAMILY LAW VERTICAL CASE MANAGEMENT

A. In case of multiple files involving the same, or essentially the same litigants, the lowest number file shall control for purposes of assigning the matters to a department, except that when there is a domestic violence action and a dissolution action or a non-governmental paternity file, in which case the assignment shall be controlled by the dissolution case number.

(Revised effective July 1, 2012)

RULE 9.03.1 FAMILY LAW CASE RESOLUTION

A. All dissolution, legal separation, nullity and parentage cases shall be set for a status conference six (6) months, twelve (12) months, and eighteen (18) months from the date of filing of the Petition. 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 until such time as the case qualifies for dismissal pursuant to *Code of Civil Procedure* §583.210 or §583.310. Appearance at either the six (6) month or twelve (12) month status conference is not necessary if local form VN-263 is filed two (2) days before the status conference.

B. The goal of the Family Centered Case Resolution process is to finalize dispositions as set forth in *California Rules of Court*, rule 5.83.

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 Rules 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.

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(Revised effective July 1, 2022)

RULE 9.03.2 SERVICE OF PROCESS

In all cases wherein personal service is required, service may be accomplished in any manner provided for service of process in civil actions, generally, CCP §415.10 et seq. In addition, where the respondent's whereabouts are unknown, and the petitioner has used reasonable diligence to attempt to locate respondent, service may be accomplished by posting, pursuant to CCP §413.30, if the petitioner is indigent and therefore has no ability to serve by publication. Proof of indigence will be found by having a valid fee waiver order on file.

(Revised effective July 1, 2024)

FAMILY LAW RULES- LAW AND MOTION

RULE 9.04 FAMILY LAW EX PARTE MATTERS EX PARTE APPLICATIONS DISFAVORED

Ex parte applications are strongly disfavored. Whenever possible, in lieu of an ex parte order, the court will issue orders shortening time and set the matter for full hearing at the regular family law and motion calendar. However, orders shortening time are also disfavored, and must be supported by a substantial showing of need.

(Revised effective July 1, 2016)

RULE 9.05 DATES AND TIMES FOR HEARINGS CHAPTER 9

An ex parte hearing is required for all ex parte applications unless excused under rule 9.06B. Specific dates and times for ex parte hearings may be obtained by telephonic request to the Judicial Secretary of the appropriate courtroom. Ex Parte matters may also be handled as a "walk-through" without a set time arranged in advance, with appropriate notice as set forth in Rule 9.06.A. However, in domestic violence cases, the court, upon a showing of good cause, may grant leave for an earlier hearing. For all matters on which a hearing is not required, the application shall be submitted to the Judicial Assistant/Courtroom Clerk.

(Revised effective January 1, 2013)

RULE 9.06 NOTICE

A. NOTICE REQUIREMENT.

Except as provided in *Family Code* §6300, *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 *California Rules 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 a Request for Order ("RFO") which does not request relief pending the hearing; (4) continuance of an unserved RFO; (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 1, 2017)

RULE 9.07 SERVICE AND FILING OF PLEADINGS

(Deleted effective July 1, 2001)

RULE 9.08 REQUIRED PLEADINGS

A. EX PARTE APPLICATION/ DECLARATION.

1. **Declaration re Notice.** All ex parte applications shall be accompanied by a Declaration Re Ex-Parte Notice ([VN-028](#)) or by other declaration which states with specificity the name of the party noticed, the manner in which notice was given, the relief being sought and the date, time and location of the hearing or a declaration as to the exceptional circumstances why notice was not given.

2. **Evidentiary Requirements.** Declarations must contain facts to support requests for ex parte orders. Conclusions, feelings, wishes or fears will not adequately support an ex parte order. All declarations shall contain sufficient factual information within the personal knowledge of the declarant to adequately support the relief requested. The court will consider only those issues factually supported by declarations. If there is an insufficient factual showing to justify a particular order, the order will not be granted. Evidentiary deficiencies cannot be corrected by verbal statements to the court.

3. **Nature of Request.** The declarations shall contain facts that demonstrate why the matter is appropriately handled as an ex parte matter, as opposed to being heard on the court's law and motion calendar (with or without an order shortening time). Seeking ex parte relief in the absence of good cause may result in sanctions being imposed. The filing of an application for ex parte relief shall be deemed a waiver of any right to further notice prior to the imposition of

sanctions.

4. Disclosure of Status Quo. There is an absolute duty to disclose the fact that a requested ex parte order will result in a change of the status quo. Absent such disclosure, attorneys' fees and costs incurred to reinstate the status quo may be awarded. (Revised effective January 1, 2006)

RULE 9.09 SPECIFIC EX PARTE ORDERS

A. TEMPORARY RESTRAINING ORDERS ("TRO'S") – DOMESTIC VIOLENCE

When seeking TRO'S, the current forms adopted by the Judicial Council shall be used. These forms are the specialized Domestic Violence Forms including DV-100, DV-110 and other applicable Domestic Violence forms.

B. EX PARTE RESIDENCE EXCLUSION ORDERS – DOMESTIC VIOLENCE

Ex Parte Residence Exclusion Orders will not be issued unless there is a clear showing of assault against or threats to assault the party seeking protection, a person under the control of the party seeking protection, or of a minor child of the parties or party, and that physical or emotional harm would otherwise result. This showing shall include a full description, in detail, of the most recent instance(s) of actual assault or threats to assault, disposition toward violence, intoxication or use of drugs or other such facts, and shall specify the date of each occurrence. The parties are referred to *Family Code* §6321 for other requirements.

C. STAY AWAY ORDERS – DOMESTIC VIOLENCE

Requests for orders requiring a party to stay away from the other party's residence, place of business, or child's school, shall indicate whether the party to be restrained is residing in the residence or has moved and the date he or she moved, and whether the order requested would be problematic due to the fact that both parties work at the same place or have good cause to go to the child's school.

D. CUSTODY/VISITATION ORDERS

A party requesting an order establishing or modifying custody or visitation shall, by declarations, establish the following: (1) the provisions of any existing order; (2) the actual current custody arrangement; (3) the requested relief; (4) the immediate harm or irreparable injury; and (5) the status of any referral to Child Protective Services or law enforcement.

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

F. When seeking Civil Harassment, Workplace Violence, Elder and Dependent Adult Abuse, Private Post-secondary School Violence and Transitional Housing Misconduct and Gun Violence Prevention Temporary Restraining Orders, the current forms adopted by the Judicial Council shall be used. 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 requesting party.

(Revised effective January 1, 2018)

FAMILY LAW REQUESTS FOR ORDERS AND MOTIONS

RULE 9.10 CALENDARING

A. CALENDARING. Subject to the time requirements imposed by statute and these rules, dates for hearings on Requests for Orders 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 set on Mondays 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.

B. REQUEST FOR PRIOR REVIEW OF PLEADINGS.

(Deleted effective January 1, 2008)

C. SPECIAL CALENDARING REQUIREMENTS.

1. When TRO'S are granted pending a hearing, the hearing shall be set within twenty-five (25) days of the date of issuance of the TRO'S.

2. If no TRO'S have been granted and mediation is required prior to the hearing pursuant to Rule 9.31, the hearing on custody/visitation issues shall be set after the mediation appointment. However, the hearing on financial issues may be set within the normal time limits.

3. If TRO'S have been granted and mediation is required prior to the hearing pursuant to rule 9.31, the hearing shall be set within twenty-five (25) days of the date of issuance of the TRO'S. At the time of the hearing on the restraining orders, any custody/visitation issues shall be continued until after the mediation appointment.

(Revised Effective July 1, 2023)

RULE 9.10.1 REQUEST FOR ORDERS

All rules which apply to Orders to Show Cause ("OSC") and Notice of Motions ("NOM") shall also apply to Request for Orders ("RFO").

(Effective January 1, 2013)

RULE 9.11 FILING AND SERVICE OF PLEADINGS

(Deleted effective July 1, 2000)

RULE 9.12 HEARINGS

A. DAILY CALENDAR. Check-In. Courtrooms shall open their doors prior to scheduled calendar call for “check-in” with the court clerk. At that time, counsel shall inform the clerk if a conference with the court is desirable or if priority is requested.

B. MANDATORY SETTLEMENT ATTEMPT. Prior to the scheduled hearing, counsel shall make good faith efforts to resolve the issues pending before the court, to exchange all information required by these rules, and to delineate those issues remaining to be presented to the court at the time of the hearing.

C. TIME LIMITATIONS. The law and motion calendar is designed for hearings estimated to take no longer than 30 minutes. If it is anticipated that a longer hearing will be required, participants shall so advise the court at the law and motion hearing.

D. PRESENTATION OF EVIDENCE.

1. Limitations on Oral Testimony. In granting or denying applications for orders, it is the court's policy whenever possible to determine contested issues based solely on the pleadings, admissible evidence contained in declarations timely filed with the court, and arguments based thereon. All declarations shall be received in evidence at the hearing, subject to legal objections and cross examination.

2. The court shall follow [Family Code §217](#) and [California Rules of Court, rule 5.113](#) when deciding to receive or refuse live testimony at hearings on any order to show cause, notice of motion or request for orders.

E. STIPULATED CONTINUANCES OF HEARINGS.

1. If the parties stipulate to a continuance of a hearing, the parties shall immediately advise the secretary of the assigned family law judge by submitting a Request for Continuance ([Local Form VN-230](#)), signed by both attorneys/pro per litigants, via facsimile transmission or walk-through. The Request for Continuance must be submitted to the court at least two (2) court days before the hearing. The judicial assistant’s minute order memorializing the continuance will serve as the written record of said continuance. The fee required under [Government Code §70677\(c\)](#) shall be paid within ten (10) days of submission of the Request for Continuance. If the court date is being continued for less than ten (10) days, the fee must be paid prior to the new court date.

2. After one (1) continuance, as set forth in Local Rule 9.12.E.1 above, any further continuance of the hearing will require a showing of good cause by declaration for the continuance, and an order of the court.

F. STIPULATED CONTINUANCES OF SPECIALLY SET EVIDENTIARY HEARINGS

1. Motion or application for continuance of specially set evidentiary hearing.

a. Specially set evidentiary hearing dates are firm. To ensure the prompt disposition of family law cases, the dates assigned for specially set evidentiary hearing are firm. All parties and their counsel must regard the date set for a specially set evidentiary hearing as certain.

b. Motion or Application. A party seeking a continuance of the date set for a specially set evidentiary hearing, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance by a noticed motion or an ex parte application with supporting declarations. No appearances are required for an ex parte application supported by a stipulation and supporting declarations, unless otherwise ordered by the court. The party must make the motion or application as soon as practical once the necessity for the continuance is discovered.

c. Grounds for Continuance.

(1) A request for continuance made at least thirty (30) days before the specially set evidentiary hearing date may be granted only on an affirmative showing of good cause requiring the continuance.

(2) A request for a continuance made less than thirty (30) days before the specially set evidentiary hearing will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice to the parties.

d. Change of Specially Set Evidentiary Hearing Date on Court’s Motion. The court on its own motion may, if necessary, change the date of a specially set evidentiary hearing.

G. CONTESTED REQUESTS FOR CONTINUANCES. Requests for continuances made at the time of the hearing are strongly disfavored. If a stipulated continuance cannot be obtained, a motion for continuance shall be made at the earliest possible time prior to the hearing.

H. PRESENCE OF COUNSEL. Unrepresented parties and counsel shall be present in court when the matter is called for hearing unless they are engaged in another department and have so advised opposing counsel and the clerk of the assigned family law judge.

I. NON-APPEARANCE OF MOVING PARTY. If the moving party or counsel is not present at the time a matter is called, the relief requested ordinarily will be denied and any affirmative relief requested by the responding party ordinarily will be heard as an uncontested matter.

J. NON-APPEARANCE OF RESPONDING PARTY. If the responding party or counsel fails to appear at the time a matter is called, and valid proof of timely service is presented, the court will hear the OSC or motion as an uncontested matter. If valid proof of timely service is not presented, the court may continue the hearing to allow the moving party to submit such proof or may take the matter off calendar.

K. MATTERS TAKEN OFF CALENDAR. After service of the moving papers, no matter shall be taken off calendar without immediate telephonic notice both to the clerk of the assigned family law judge and to the responding party. Once responding papers requesting affirmative relief have been filed, no matter shall be taken off calendar without the written consent of the responding party. Parties may also take matters off calendar by submitting a [Request for Continuance/Off Calendar \(local form VN-230\)](#), via facsimile transmission or walk-through.

(Revised effective January 1, 2018)

RULE 9.13 PREPARATION OF ORDERS AFTER HEARING

(Deleted effective January 1, 2000)

RULE 9.14 FORM OF ORDERS

A. All Findings and Orders After Hearing, Stipulation and Orders and all Judgments shall be submitted to the court in a legible form, either hand printed or typewritten. The court reserves the right to reject any documents that the court determines to be illegible.

B. Any document exceeding one page in length which requires the signature of the court, must contain, on the signature page, verbiage from the body of the document or the case name, the case number and the title of the document. *(Revised effective July 1, 1997)*

FAMILY LAW -

RULES APPLICABLE TO OSC'S AND MOTIONS REGARDING CHILD, SPOUSAL OR PARTNER SUPPORT OR ATTORNEYS' FEES AND COSTS

RULE 9.15 POLICIES AFFECTING SUPPORT COMPUTATIONS

A. INCOME-BASED COMPUTATIONS. Awards of child support and temporary spousal or partner support allocate the income of the parties in an effort to meet the needs of all parties, recognizing that, in most cases, there is not sufficient income to sustain either party at the same standard of living that existed prior to separation. Neither the current statute governing child support nor the Santa Clara Support Schedule for temporary spousal or partner support address living expenses.

B. COMPUTATION OF CHILD SUPPORT. Computation of child support will be strictly in accordance with state law. All orders for child support shall specify the amount of support for each minor child in accordance with *Family Code* §4055(b)(7).

C. COMPUTATION OF TEMPORARY SPOUSAL SUPPORT. Ventura County has adopted the Santa Clara Support Schedule for the purposes of determining the amount of temporary spousal or partner support. The amount of temporary spousal or partner support determined under the Santa Clara Support Schedule is rebuttably presumed to be correct. In calculating the parties' incomes and various offsets for the purpose of applying the Santa Clara Support Schedule, the court will apply the principles set forth in the state child support law.

(Revised effective January 1, 2005)

RULE 9.16 REQUIRED SERVICE AND FILING OF INCOME AND EXPENSE DECLARATION

An Income and Expense Declaration must be filed by each party with either the moving or responsive papers when support or attorneys' fees are at issue. If a previously filed Income and Expense Declaration is alleged to be current and is to be relied upon, a copy must be attached to the moving or opposing papers. All blanks on the form must be completed. Notation such as "unk" for "unknown," "est" for "estimate," "N/A" for "not applicable" and "none" should be used to avoid leaving any item blank. If attorneys' fees and/or costs are requested by either party, the paragraph pertaining to attorney's fees must be completed. *(Revised effective January 1, 2015)*

RULE 9.17 REQUIRED SERVICE AND FILING OF PAY STUBS.

Each party shall affix to his or her Income and Expense Declaration copies of his or her last two months' pay stubs, or the most current paycheck stub if it includes the year-to-date gross earnings. If a Social Security number appears on the stub, the party may black out or otherwise redact the number from the stub.

(Revised effective January 1, 2006)

RULE 9.18 REQUIRED PRODUCTION OF ADDITIONAL FINANCIAL DOCUMENTS AT TIME OF HEARING

A. OBLIGATION OF EACH PARTY. At the time of hearing on any matter seeking child, spousal or partner support, or attorney fees and costs, each party shall have available the following documents to the extent that they are in the possession or control of that party. These documents shall not be filed with the court and shall not in any way limit discovery.

1. If the party is a wage earner or unemployed

- (a)** Copies of the last year's individual federal income tax return, including all schedules;
- (b)** Copies of all W-2 and 1099 forms reflecting income received during the last twelve (12) months if not attached to individual tax returns.

2. If the party is self-employed or holds a 30% or more interest in any business entity

- (a)** Copies of the last year's individual federal income tax returns, partnership, corporate, or any other business

entity returns including all schedules;

(b) Copies of all W-2 and 1099 forms reflecting income received by the moving party or the business entity during the last 12 months but not attached to individual tax returns;

(c) Copies of all periodic profit and loss statements and balance sheets prepared in the ordinary course of business either for the individual or for the business entity for the last twelve months.

B. SANCTIONS. Failure to produce documents in accordance with this rule may result in the imposition of sanctions or orders to pay reasonable attorneys' fees occasioned by the failure to comply.

(Revised effective January 1, 2005)

RULE 9.19 FAMILY LAW TRIALS

A. MANDATORY SETTLEMENT CONFERENCES.

1. A Mandatory Settlement Conference (MSC) will be calendared by the court for all contested cases. The MSC shall also serve as a trial setting conference. A party may file a "Request for Mandatory Settlement Conference/Trial Setting" ([VN-086](#)) to request an earlier date for the MSC. A counter request may be filed within ten (10) days after service. The MSC will then be set no earlier than the later date requested on either the Request or Counter Request.

2. All parties must complete and file the following five (5) court days before the Mandatory Settlement Conference:

a. Declaration re Final Declaration of Disclosure ([FL-141](#)) (Dissolution or Legal Separation only)

b. Current Income and Expense documents ([FL-150](#)) or Financial Statement Simplified ([FL-155](#)), if support, fees, or costs are requested.

c. Joint Mandatory Settlement Conference Statement ([VN-219](#)) with:

1. **Property Attachments:** A Property Declaration ([FL-160](#)), a Propertizer™ or other equivalent spreadsheet must be attached to the Joint Mandatory Settlement Conference Statement. If the parties are unable to agree on the contents of the attachments, each party may complete and attach the required document.

2. **Disputed Issues:** each party must attach a concise statement of legal and factual positions on all disputed issues.

3. **Proposed Witnesses:** The parties must exchange and file a brief statement identifying all witnesses to be called in their case in chief, what each witness will testify to, and a time estimate of the direct examination of each witness. This statement is separate from any witness list required for trial.

d. The parties must file the Joint Mandatory Settlement Conference Statement jointly unless there is a protective order in place. If the parties file the Statement separately, each party must attach a declaration explaining why the Statement is not filed jointly or indicate that a protective order is in place. The Petitioner is responsible for coordinating timely completion and filing of the form. If petitioner fails to act in a timely manner, Respondent may do so.

3. Parties shall immediately notify the court of settlement prior to the scheduled conference.

4. If the parties stipulate to a continuance of a Mandatory Settlement Conference, the parties shall immediately advise the secretary of the assigned family law judge by submitting a Request for Continuance (local form [VN-230](#)), signed by both attorneys/pro per litigants, via facsimile transmission or walk-through. The Request for Continuance must be submitted to the court at least two (2) court days before the hearing. The judicial assistant's minute order memorializing the continuance will serve as the written record of said continuance. The fee required under *Government Code* §70617(c)(1) shall be paid within ten (10) days of submission of the Request for Continuance.

5. After one (1) continuance, as set forth in Local Rule 9.19.B.6 above, any further continuance of the Mandatory Settlement Conference will require a showing of good cause by declaration for the continuance, and an order of the court.

6. If the Mandatory Settlement Conference does not resolve all issues, the court will only set the matter for trial upon a showing that the case is ready for trial.

B. UNCONTESTED OR DEFAULT TRIALS.

1. **Setting for Default prove-up hearing.** Default matters may be set for prove-up hearing by submitting a Request to Enter Default ([FL-165](#)) to the clerk at the Family Law filing window and requesting a Default Hearing.

2. **Documents required for Default Hearings:** The following documents must be filed before or concurrently with the Request to Enter Default ([FL-165](#)).

a. If child support, spousal support, partner support, costs or attorney fees are requested, a fully completed Income and Expense Declaration ([FL-150](#)) or Financial Statement, Simplified ([FL-155](#)) is required. If an order for division of property or debts is requested, a Property Declaration ([FL-160](#)) is required.

b. Proof of service of Summons.

c. Declaration re: Service of Preliminary Declaration of Disclosure ([FL-141](#)) (not applicable to Uniform Parentage Actions).

d. Declaration re: Service of Final Declaration of Disclosure ([FL-141](#)) or waiver of this requirement as provided in subdivision (d) of §2105 or in § 2100 of the *Family Code* (not applicable in Uniform Parentage Actions). Local form [VN-131](#) may be used to satisfy the waiver requirement.

3. **Proposed Judgment.** On reporting to the courtroom to which a default matter has been assigned, counsel or parties representing themselves shall provide the original of the proposed judgment, including any marital settlement agreement, to the judicial assistant in the courtroom. The judgment shall be completed in full, with the exception of any

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child, spousal or partner support, or attorney fees, which may be addressed by the court at the hearing.

4. Uncontested or Default matters without hearing may be processed through the clerk at the Family Law filing window.
5. The following documents are required for default matters without hearing:
 - a. All of the documents listed in B-1 above.
 - b. A Declaration for Default or Uncontested Dissolution/Legal Separation ([FL-170](#)) or Declaration for Default or Uncontested Judgment ([FL-230](#)) for Uniform Parentage Actions.
 - c. Judgment ([FL-180](#)) or ([FL-250](#) Uniform Parentage Action) with either a Settlement Agreement signed by both parties with the Respondent's signature notarized or the appropriate Judicial Council forms attached.
 - d. Notice of Entry of Judgment ([FL-190](#)) with stamped envelopes addressed to the parties or their attorney of record.
6. **The following documents are required for uncontested matters:**
 - a. Declaration re: Service of Preliminary Declaration of Disclosure ([FL-141](#)) filed by each party (not applicable to Uniform Parentage Actions).
 - b. Declaration re: Service of Final Declaration of Disclosure ([FL-141](#)) from each party or waiver of this requirement executed by both parties as provided in subdivision (d) of §2105 of the *Family Code* (not applicable to Uniform Parentage Actions).
 - c. A separate written declaration executed by both parties that the matter may be treated on an uncontested basis or an Appearance, Stipulations & Waivers ([FL-130](#)).
 - d. A Declaration for Default or Uncontested Dissolution/Legal Separation ([FL-170](#)) or Declaration for Default or Uncontested Judgment ([FL-230](#)) for Uniform Parentage Actions.
 - e. Judgment ([FL-180](#)) with a Marital Settlement Agreement or Stipulated Judgment signed by both parties attached or Judgment ([FL-250](#)) with Agreement or Stipulations attached for Uniform Parentage Actions.
 - f. Notice of Entry of Judgment ([FL-190](#)) with stamped envelopes addressed to the parties or their attorney of record.
7. If any party is receiving public assistance, that information shall be disclosed on the Declaration for Default or Uncontested Dissolution/Legal Separation ([FL-170](#)) or Declaration for Default or Uncontested Judgment ([FL-230](#)) and the local child support agency shall sign the proposed Judgment.

C. CONTESTED TRIALS

1. **Purpose of Rules; Duties of Counsel.** The purpose of these rules is to insure that contested domestic relations matters are thoroughly prepared and expeditiously tried, and to avoid using the trial itself as a vehicle for what should be pretrial deposition, discovery and settlement procedures. Counsel shall resolve as many issues by stipulation as possible.
2. **Relief from Rules.** Relief from the operation of these rules relating to contested trials may be had in appropriate cases, but only on motion and for good cause shown.
3. **Trial Briefs.** Trial briefs may be submitted to the court and opposing counsel as set out in [California Rules of Court, rule 5.394](#).
4. **Income and Expense Declaration.** The updated Income and Expense Declaration for trial purposes shall be filed and served at least seven (7) days prior to trial. Service by mail under this rule does not require the addition of five (5) days for mailing.
5. **Final Declaration of Disclosure Pursuant to *Family Code* §2105.** Final Declarations of Disclosure shall be served no later than forty-five (45) days before the first assigned trial date unless mutually waived by the parties. Declarations Regarding Service of the Final Declaration of Disclosure shall be filed no less than seven (7) days before the assigned trial date.
6. **Completion of Discovery.** Unless otherwise ordered by the court for good cause, all discovery must be completed, as set out by *Code of Civil Procedure* § 2024.010 et seq. Discovery requests must be served early enough that responses will be due, and depositions will have been taken by the cutoff date. Discovery requests that do not comply with these rules will not be enforced.
7. **Motion or application for continuance of trial.**
 - a. **Trial dates are firm.** To ensure the prompt disposition of family law cases, the dates assigned for trial are firm. All parties and their counsel must regard the date set for trial as certain.
 - b. **Motion or Application.** A party seeking a continuance of the date set for trial, whether contested or uncontested or stipulated to by the parties, must make the request for a continuance by a noticed motion or an ex parte application with supporting declarations. No appearances are required for an ex parte application supported by a stipulation and supporting declarations, unless otherwise ordered by the court. The party must make the motion or application as soon as practical once the necessity for the continuance is discovered.
 - c. **Grounds for Continuance.**
 - (1) A request for continuance made at least thirty (30) days before the trial date may be granted only on an affirmative showing of good cause requiring the continuance.
 - (2) A request for a continuance made less than thirty (30) days before the trial will not be granted except

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under extraordinary circumstance where there is no alternative means of preventing a substantial injustice to the parties.

d. Change of Trial Date on Court's Motion. The court on its own initiative may, if necessary, change the trial date. (Revised effective July 1, 2018) ●

RULES 9.20 FAMILY LAW FACILITATOR

A. Pursuant to *Family Code* §10000 et seq., the County of Ventura shall maintain an office of family law facilitator. Services provided by the family law facilitator shall include, but are not limited to, the following:

1. Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying and enforcing child, spousal or partner support in the court;
2. Distributing necessary court forms and voluntary declarations of paternity;
3. Providing assistance in completing forms;
4. Preparing support schedules based upon statutory guidelines;
5. Providing referrals to the Department of Child Support Services, family court services, and other community agencies and resources that provide services for parents and children.

B. IN ADDITION, SERVICES PROVIDED BY THE FAMILY LAW FACILITATOR MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

1. Meeting with litigants to mediate issues of child spousal or partner support, and maintenance of health insurance;
2. Drafting stipulations to include all issues agreed to by the parties;
3. If the parties are unable to resolve the issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed;
4. Assisting the clerk in maintaining records;
5. Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented;
6. Serving as special master in proceedings and making findings to the court unless he or she has served as a mediator in that case;
7. Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigant's needs;
8. Developing programs for bar and community outreach through day and evening programs, videotapes and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court.

(Revised effective January 1, 2012)

RULE 9.21 GRIEVANCE PROCEDURE

If a party alleges that an unprofessional or inappropriate act has occurred on the part of the Family Law Facilitator during the course of providing assistance, he or she must first contact the Senior Family Law Facilitator to resolve any immediate complaints. If the party wishes to address the complaint to a supervisor after speaking with the Senior Family Law Facilitator, the party may obtain a Complaint Resolution Form from the clerk in the Family Law Self-Help Center. The completed form should be returned to the court's Administrative Office in Room 206 of the Superior Court. The Deputy Executive Officer in charge of the Family Law Facilitator's Office shall review the form and decide the appropriate course of action to resolve the complaint.

(Revised effective January 1, 2006)

(RULES 9.22-9.29 – RESERVED)

FAMILY LAW CHILD CUSTODY RECOMMENDING COUNSELING

RULE 9.30 GENERAL PROVISIONS

1. Mediation of disputes over custody, visitation, or both, is required by law and provided by the Ventura County Family Court Services section of the Superior Court pursuant to the provisions of [Family Code Chapter 11](#), (Sections 3160 et seq.).

2. Additionally, the Ventura County Family Courts require parties involved in the dispute to participate in Family Court Orientation prior to any mediation. It is within the discretion of the court to reschedule the mediation, continue the hearing to which it relates, and make interim orders if either party does not participate in Orientation. There is no fee for Orientation. **DO NOT BRING CHILDREN TO ORIENTATION.**

3. In accordance with California [Family Code §3183](#), where mediation has not resulted in a full agreement between the parties on all custody and visitation issues, the mediator may recommend the following:

- a. A parenting plan, addressing issues of legal and physical custody, visitation or time share, and other orders related to the best interests of the child(ren);
- b. More mediation time is needed (and, if agreed by the parties or ordered by the court, the mediator will make specified collateral contacts);
- c. Appointment of an attorney to represent the children under [Family Code §3150](#);

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- d. A psychological evaluation of the parties under [Evidence Code §730](#);
- e. An investigation or evaluation pursuant to [Family Code §3110](#); and,
- f. Restraining orders be issued to protect the well-being of the child(ren) involved in the controversy under [Family Law Code §3183\(c\)](#).

4. In accordance with the provisions of [Family Code §3183](#), the mediation process will be referred to as ‘child custody recommending counseling’ (or ‘CCRC’), and the mediator engaged in that process will be referred to as the ‘child custody recommending counselor’ (or ‘RC’).

5. Absent full disclosure and written consent, a RC shall not participate in the mediation process if an attorney-client or psychotherapist-patient relationship or any business relationship exists or existed between the mediator and any party, counsel or witness.

6. There shall be no ex parte communication between the RC and the court without appropriate prior notice to both parties and/or their attorneys providing an opportunity to appear and be heard except as provided in the provisions of [Family Code §216](#).

(Revised effective July 1, 2020)

RULE 9.31 MATTERS REQUIRING CCRC

Whenever a case involves a dispute over parental responsibilities or custody or visitation, the matter shall be referred to Family Court Services for CCRC. Except for temporary orders pending CCRC, the CCRC session must occur prior to any court hearing on the issues.

(Revised effective January 1, 2012)

RULE 9.32 SETTING A MATTER FOR CCRC

A. PROCEDURE. CCRCs shall be calendared at the time of the filing of moving papers requesting a hearing on a contested custody or visitation issue. At the time of filing, the requesting party will be given a CCRC/Orientation Appointment Sheet to be served on the responding party along with the moving papers. In addition parties shall be required to complete a CCRC Intake Questionnaire. It shall be the responsibility of the requesting party to schedule the appointment, and to give notice to the other party or their counsel at least ten (10) days before the appointment. The CCRC Intake Questionnaire form is available from the court clerk’s office.

B. It is within the discretion of the court to hear other issues in the same case prior to the CCRC. It is further within the discretion of the court to make temporary orders to insure that both parents have custodial time with the children, to address safety concerns, or to otherwise protect the best interest of the children pending CCRC.

C. If at the time of hearing a matter has not been to CCRC due to the moving party's lack of knowledge that parental responsibility or access was in dispute, or the parties being unfamiliar with procedure, the court may refer the matter to CCRC and continue the hearing in order to allow for CCRC prior to such hearing. The court shall also have the discretion to order CCRC the same day in an emergency or when it is deemed by the court that it would be a burden to the parties not to proceed the same day.

D. The assignment of any particular case to one of the RCs will be at the discretion of the manager or supervisor of Family Court Services.

If a party from a family whose issues have not been previously mediated objects to being assigned to a particular RC, the party or his or her counsel must make a request for a different RC to Family Court Services at the first possible date after having an opportunity to learn of the RC assignment. Such request will be honored only one time per party per family. Failure to make such peremptory challenge in a timely manner will constitute a waiver of that challenge.

E. If a party to a previously mediated matter objects to reassignment to the prior RC, that party, or his or her counsel, may notify Family Court Services of that objection, and request CRC, at the first possible date after having an opportunity to learn of the RC assignment. The CCRC will then be scheduled for co-CCRC, with the original RC and another member of the CCRC staff selected by the Manager or Supervisor of Family Court Services. The co-RC will observe, but not participate in, the CCRC for the purpose of assuring that it is conducted in a fair and appropriate manner. Failure to make such request for a co-CCRC in a timely manner shall constitute a waiver of that challenge.

F. Absent a court order to the contrary, children six (6) years of age and older who are involved in the controversy shall always be brought to the initial CCRC session. The court may impose sanctions for the willful failure to produce a child on the party who has the ability to do so. Children under the age of six (6) years of age and other minor siblings need not be brought to CCRC unless Family Court Services specifically directs that they attend, or by order of the court. Children six (6) years of age and older shall also be brought to subsequent CCRC sessions unless otherwise determined by the court or Family Court Services.

G. In the discretion of (1) the court or (2) the Manager or Supervisor of Family Court Services (subject to review by the court prior to an evidentiary hearing), CCRC may not be required if one of the following conditions is met:

1. The same issue has been addressed in a CCRC session within the past year; or

2. There has been a previous CCRC in the case and the dispute involves only issues of logistics, procedure or if it otherwise appears that CCRC is unlikely to substantially assist the parties or the court.

H. The CCRC appointment may be advanced or continued, so long as it does not impact the date of the corresponding court hearing, by agreement of the parties and Family Court Services or by order of the court.

I. Except for good cause shown, the fact that the parties continue to reside in the same home shall not constitute a reason to preclude CCRC, if CCRC will assist the parties in planning for their separation. *(Revised effective July 1, 2023)*

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RULE 9.33 CCRC PROCESS

A. In all cases in which there is a dispute as to custody and/or visitation, the parties may stipulate to private CCRC instead of having the Ventura Superior Court Family Court Services Department conduct CCRC pursuant to *Family Code* § 3170. Should the parties elect to participate in private CCRC, they shall enter into a written stipulation. The form "Stipulation and Order for Private CCRC" shall be mandatory and may be obtained in the office of the Clerk of the Ventura Superior Court. Any private RC shall meet the minimum statutory requirements of a court RC.

B. Attorneys need not be present at the commencement of CCRC but shall be available by telephone during CCRC and shall be present in the CCRC department for the last half hour of CCRC or at another time as directed by the RC. Attorneys are responsible for communicating with the RC at the beginning of the CCRC to determine the time when they will be required to be present.

C. In all CCRC sessions, the RC shall consider only those documents that have been timely filed with the court and timely served on all parties. I

D. CCRC sessions are customarily conducted with only the parties and the children. The RC will interview children involved in the controversy when the RC considers the interview appropriate or necessary. The RC has the discretion to interview or include other immediate or significant family members if the RC believes that it will be helpful to resolution. The RC shall not contact any other source, except as permitted by *California Rules of Court*, rule 5.215 or to investigate concerns relating to child abuse or neglect under Penal Code §11164 et seq., unless both parties and counsel, if represented, give written consent to the contact, or by order of the court. It is the responsibility of each party to arrange for proposed collateral contacts to be available by telephone during the CCRC appointment.

E. Use of audio or visual recording devices of any type is not permitted at CCRC.

F. All cases involving allegations of domestic violence shall be screened by a RC for determining the necessity for separate waiting areas for the parties, and separate CCRC sessions, to insure safety and facilitate the CCRC.

G. Support persons will be permitted to attend as provided by *Family Code* §6303.

H. The RC may meet with the parties separately or together in a joint session, in order to isolate the points of agreement and disagreement in an effort to settle the dispute.

I. Upon completion of the CCRC, the RC shall complete a Report of RC which will incorporate proposed orders for a parenting plan based on the parties' agreement or the RC's recommendation, and/or will inform the court of related information and/or the RC's recommendations as to the need for orders relating to issues such as:

1. More CCRC time and/or collateral contacts;
2. A child custody investigation or evaluation of this family pursuant to *Family Code* §§3110 et seq.;
3. A psychological evaluation of the parties;
4. Appointment of an attorney for the child(ren);
5. The issuance of restraining orders to protect the well-being of the child(ren).

J. Following the CCRC session, the RC shall meet with counsel and/or unrepresented parties.

1. If the parties have reached an agreement, the RC will review the terms of the proposed Order with the parties and/or counsel, obtain their signatures, and deliver it to the court for approval.

2. If no agreement has been reached, the RC will provide them with a copy and review the terms of the Report of the RC and proposed Order and advise them that the RC may be called as a witness by either party, subject to the right of cross examination by the other.

(Revised effective January 1, 2024)

RULE 9.34 CCRC ORDERS

Stipulations and proposed orders which have been signed by both parties and their counsel shall be forwarded to the family law judge for issuance of the order.

(Effective January 1, 2012)

RULE 9.35 GRIEVANCE PROCEDURE

If a party alleges that an unprofessional or inappropriate act has occurred on the part of the RC during the course of the CCRC, he or she may bring that to the attention of the court or the Manager of Family Court Services at the first opportunity. If time permits before a scheduled hearing, the party should communicate the allegations in a letter to the court with a copy served on the other party. The court, in assessing the complaint, may ask Family Court Services to evaluate the complaint. The court will determine whether a new RC is to be appointed. *(Revised effective July 1, 2024)*

COURT ORDERED CHILD CUSTODY EVALUATIONS

RULE 9.36 COURT ORDERED CHILD CUSTODY EVALUATIONS

A. Court appointed evaluators shall abide by the requirements of Rule 5.220 Uniform Standards of Practice for Court Ordered Child Custody Evaluation in the *California Rules of Court*.

B. The court shall allow one peremptory challenge per party to a private, outside evaluator assigned to a case. If the parties are present for the appointment, a peremptory challenge shall be made at the time of the appointment. For parties not present at the appointment, a peremptory challenge shall be made within five (5) days after the appointment of the evaluator. Parties have no right to a peremptory challenge if an evaluator was previously assigned to the case.

C. Evaluators may petition to withdraw from a case by submitting a request in writing to the court and mailing copies to counsel for the parties. The request shall include the reason for the request and a status report on any action taken by the evaluator assigned to a case.

D. Grievance Procedure: If a party alleges that an unprofessional or inappropriate act has occurred on the part of the evaluator, he or she should bring that to the attention of the court by writing a letter to the court or through filing a motion. The court, in assessing the complaint, may ask Family Court Services to evaluate the complaint and report back to the court. Complaints regarding private child custody evaluators, who are not court employees, should also be directed to the California Board of Behavioral Sciences.

E. The evaluator may initiate an ex parte communication with the court to define the scope, process and methods of the evaluation only under the provisions of *Family Code* §216.

F. All child custody and visitation evaluations shall be ordered by the court and evaluators will be appointed under *Evidence Code* §730. The court may elect not to consider evaluations which have not been approved and ordered by the court.

G. A copy of the appointment of the evaluator under *Evidence Code* §730 will be made available to the court assigned evaluator. A court-ordered evaluation may be limited in scope to the issues identified by the court.

H. The court relies on the judgment of its experts in making decisions about when, how often, and under what circumstances children are interviewed. The expert shall be able to justify the strategy used in any particular case.

I. Interviewing Siblings: The evaluator shall decide in discretion whether interviews with siblings should be separate.

J. Any evaluation based on interviews with only one parent shall not include a recommendation regarding custody.

K. Except as otherwise ordered by the court in extraordinary circumstances, children will be informed that the information provided by the child will **not** be confidential.

L. Payment of the Evaluation: The court will order payment of the evaluation at the time of the appointment.

M. Any court ordered child custody evaluation shall be submitted to the court and counsel for the parties not less than ten (10) days before the hearing or trial.

N. "For assistance in obtaining the names of child custody evaluators in Ventura County, contact the Ventura County Bar Association - Family Law Section. The Ventura County Bar Association's telephone number is (805) 650-7599.

(Revised effective July 1, 2007)

(RULES 9.37 — 9.39 RESERVED)

CUSTODY AND VISITATION PROCEEDINGS

RULE 9.40 CONTESTED CASES

Interim Custody/Visitation Disputed Pending Completion of Mediation.

1. It is the policy of the court not to change the children's living situation during the pendency of custody and visitation disputes. Only under extraordinary circumstances will the court deny access of one parent to the children or change any child's principal place of residence.

2. Any application to change the child's living situation prior to full hearing shall include the following:

(a) the current court order, if any.

(b) the current child-sharing schedule or agreement, if any.

(c) any change in the child's place of residence in the past 120 days and the circumstances surrounding these changes.

(d) what time sharing program is proposed.

(e) the reasons for any proposed changes in the child's living situation.

(f) any other relevant information. (Revised effective July 1, 1999)

RULE 9.41 FAMILY LAW COURT COMMUNICATION PROTOCOL

In hearing any case involving any issue of child custody or visitation, reasonable efforts will be made to determine the existence of any criminal court protective orders involving any party to the action currently before the court.

In any case in which the court is issuing a criminal protective order, reasonable efforts shall be made to determine the existence of child custody or visitation order involving any party to the action currently before the court.

Upon a request to modify any custody and/or visitation provision of a criminal protective order, the criminal court shall consult with the issuing family law court prior to granting or denying the request.

PROCEDURE FOR FAMILY LAW COURT COMMUNICATION

Requirement for issuing custody and/or visitation orders:

1. Upon referral to Family Court Services (FCS) for mediation and prior to issuing a report, FCS shall make a reasonable effort to determine if a criminal protective order exists involving one or both parents in a family law action. If a criminal protective order exists, that information, along with the terms of the criminal protective order, shall be conveyed to the court in the mediator's report.

2. The Juvenile Court, prior to issuing any order involving custody or visitation in a juvenile action, shall make a reasonable effort to determine if a criminal protective order exists for one or both parents in the juvenile action.

Requirement for issuing criminal protective orders:

1. Prior to requesting a criminal protective order involving victims and/or witnesses and defendants that have a relationship as defined in *Family Code* §6211, the District Attorney shall make a reasonable effort to determine if there exists any child custody or visitation order involving the parties to the action. The District Attorney shall verbally advise the criminal judicial officer of the existence of any orders for custody or visitation at the time the proposed criminal protective order is submitted for approval and signature.

The criminal court may permit appropriate visitation between a criminal defendant and his/her children pursuant to civil court order, but at the same time provide for the safety of the victim or witness by ensuring that a criminal court protective order is not violated.

(Effective July 1, 2004) ●

RULE 9.42 SUPERVISED VISITATION PROVIDERS

A. Procedures for filing the Declaration of Supervised Visitation Provider Forms:

1. All supervised visitation providers are required to meet the qualifications listed in Family Code §3200.5 and the Standards of Judicial Administration, standard 5.20. To ensure compliance with these standards, providers are required to file the appropriate Judicial Council Declaration of Supervised Visitation Provider form as follows:

a. **Nonprofessional Providers** - Before serving as a visitation supervisor, nonprofessional supervised visitation providers must complete and file the Declaration of Supervised Visitation Provider (Nonprofessional) (Judicial Council Form FL-324(NP)) with the Family Law Clerk's Office.

b. **Professional Providers** - Before serving as a visitation supervisor, professional supervised visitation providers must complete and file the Declaration of Supervised Visitation Provider (Professional) (Judicial Council Form FL- 324(P)) with the Family Law Clerk's Office. In addition, professional providers are required to complete and file an updated FL-324(P) each time a report is submitted to the court.

B. Professional Supervised Visitation Provider List:

1. As a convenience for the parties, the court will provide a list of professional supervised visitation providers that have requested inclusion and declared their compliance with all mandatory requirements for professional providers under *Family Code* §3200.5 and Standards of Judicial Administration, standard 5.20. In addition to the list, the court will provide a copy of *Family Code* §3200.5 and standard 5.20 to parties who may be using the services of a supervised visitation provider.

2. Any professional supervised visitation provider requesting to be included on the list must complete and sign the Judicial Council Declaration of Supervised Visitation Provider (Professional) (Judicial Council Form FL-324(P)). and submit an unconfirmed copy to the Ventura Superior Court Family Court Services Department located at the Hall of Justice, 800 South Victoria Avenue, Room 307, Ventura, CA 93009.

3. Supervised visitation providers are encouraged to review the materials available at <http://www.courts.ca.gov/cfcc-access> to visitation.htm regarding the role and duties of a visitation supervisor.

4. The professional supervised visitation provider list will notify recipients that the court does not confirm the statements made by the providers in the FL-324(P) declarations, and does not endorse, evaluate, or monitor the service provided. Providers may be removed from the list without cause, notice, or explanation.

(Revised effective January 1, 2022)

RULE 9.43 PROCEDURES FOR THE REVIEW AND RESOLUTION OF COMPLAINTS BY PARTIES REGARDING THE PERFORMANCE OF APPOINTED COUNSEL FOR A CHILD

In compliance with *California Rules of Court*, rule 5.240(e), complaints or questions by a party about the performance of appointed counsel for the child in Family Law cases shall be addressed as follows:

1. Complaints or questions shall initially be referred to any agency or law firm appointed to represent the child.

2. If the issue remains unresolved, or if there is no designated agency or law firm, the party may submit the complaint, in writing, to the Family Law Supervising Judge.

The Supervising Family Law Judge may follow one of the following procedures.

- (a) Conduct own review of the complaint or question and take appropriate action if required, or
- (b) Refer the complaint to the State Bar.

3. This rule does not preclude any party from complaining directly to the State Bar of California. However, parties are encouraged to first seek resolution of the issue using the procedure provided above.

(Effective July 1, 2011)

(RULES 9.44-9.49 RESERVED).

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

1. A petition to declare a child free from parental custody and control, (*Family Code* §§7800 et seq. and *Probate Code* § 1516.5), 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 adoption petition.

2. 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 will result in the petition being rejected for filing.

3. Upon the filing of a petition to declare a child free from parental custody and control under *Family Code* section 7800 et seq. or a petition to terminate parental rights under *Probate Code* section 1516.5, the petitioner shall also submit to the court a proposed order (Local Form VN268) ordering the Ventura County Human Services Agency to conduct an investigation and report to the court its recommendation as required pursuant to *Family Code* section 7851. The clerk of the court shall deliver a conformed copy of the signed order and a copy of the petition to the Ventura County Human Services Agency pursuant to *Family Code* section 7850.4. 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 1, 2024).

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 the parent; 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, 2024).

RULE 9.51 PROCEDURE TO REQUEST WAIVER OF PERSONAL APPEARANCE AT ADOPTION HEARING

A. Petitioners seeking to adopt a child or an adult must be present at the time of the adoption hearing unless the court has previously waived the appearance. (See *Family Code* §§8612, 8612, 8613, 8613.5, 8718, 8823, 8913, 9007, 9324.)

B. Any party who seeks a waiver of personal appearance at an adoption hearing under *Family Code* §8613, 8613.5 or 9324 must first obtain an order from the court waiving the appearance. If the party is seeking an order waiving personal appearance, no hearing on the adoption shall be set prior to obtaining a court order on the request to waive personal appearance.

C. A party seeking a waiver of personal appearance shall submit to the court an ex parte application for an order waiving her/his personal appearance, admissible evidence to support that request, and a proposed order.

... D. The court may grant or deny the application ex parte. (Effective January 1, 2012)

CHAPTER 10

**PROBATE, DECEDENTS' ESTATES, CONSERVATORSHIPS, GUARDIANSHIPS,
GUARDIANSHIPS OF THE ESTATE ONLY AND TRUSTS**

These rules supplement the *Probate Code* in a few particulars. Pro per parties and counsel are urged to consult the *Probate Code* and the *California Rules of Court* and to become familiar with the provisions that relate to their matters.

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

A. CODE CITATIONS. Except for those filing using Judicial Council legal forms, all petitions filed in each case shall cite on the first page, in brackets immediately below the caption, the code section(s) pursuant to which the pleading is brought.

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 pleading as a supplemental pleading.

C. APPEARANCE

1. TELEPHONIC AND VIDEO REMOTE APPEARANCE (“VIRTUAL APPEARANCES”) AND NOTICE OF SAME. Except as required for “physical appearance” below, the court encourages Virtual Appearances. For all non- evidentiary hearings and appearances, a party or attorney may appear virtually without prior notice unless the court issues an order otherwise. For evidentiary hearings, the option to appear virtually will be considered by the court as the circumstances of the particular case warrant.

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 objection(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.

D. ORDERS

1. Pre-Hearing Orders: In all matters to be heard by the court, counsel or self-represented petitioners shall prepare, lodge with the court and served a proposed form of 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”)

c. Order Relating to Future Report or Accounting. An order which will be followed by a future report or accounting shall include blank spaces in which the court will fill in the future dates, such as:

The Account and/or Report shall be filed on or before __, with a hearing set for __ at ____ am in Department ____.

2. Post-Hearing Orders:

a. There are occasions during a court hearing when the probate judge may specifically request a particular order or 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 courtroomJ6@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 all 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 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.

E. 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 size of the estate;
- b.** Amount not in a blocked account;
- c.** Amount of the bond;
- d.** Amount of the release requested; and
- e.** Itemized use of the amount to be released;
- 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*, rule 7.55.

F. 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.

G. CONTINUANCES

1. The Legal Research attorneys must be notified by telephone as soon as possible when a calendared matter is to be continued or placed off calendar in order to avoid unnecessary review. Within the fourteen (14) days preceding the hearing, all continuances must be requested by a Request for Continuance (local form VN-135), a stipulation and proposed order, or a motion for continuance, and not by an informal request to Legal Research.

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.

2. 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.

3. Once the matter has been reviewed by Legal Research, it may not be taken off calendar, except by order of the court, or it is otherwise certain that the matter will not be re-calendared.

Ventura County Superior Court Rules

4. 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.

H. PETITIONS TO SHOW WHO IS ENTITLED TO NOTICE. All petitions shall identify the names, addresses, and relationships of all persons entitled to notice if the party or parties have been served with the petition and supporting filings.

I. OPPOSITION AND REPLY PLEADINGS. If an oral objection or response is made at the time of the first hearing on a petition, the court will ordinarily continue the hearing to allow a written objection or response to be filed and to allow the petitioner to file a reply to the objection or response.

If the court continues a matter to allow a written objection or response to be made, and the responding or objecting party fails to serve and file a timely objection or response, the court may deem the objection or response waived.

An objection or other written response to moving papers will be deemed a waiver of further notice as to those papers.

J. PROBATE COURT CALENDAR. Effective June 15, 2020, Courtroom J6 has permanently adopted the following modified calendar. For additional information refer to <https://judgerogperlund.com>.

MONDAYS

9:00 TRIALS/HEARINGS/MSCs – to be set as needed.

TUESDAYS (Conservatorships/Guardianships) 9:00 Regular Motions

10:30 Care Plans/I&As/Annual & Biennial Status Reports

WEDNESDAYS (Probate/Trust) 9:00 Regular Motions

10:30 Post Mediation Status Conferences

THURSDAYS (Probate/Trust)

9:00 Regular Motions

10:30 New Probate Petitions only

FRIDAYS (New Conservatorships and Guardianships)

9:00 New Conservatorships and Guardianships, Transfer-In Hearings

K. WALK-THROUGH STIPULATED PETITIONS.

A procedure has been implemented for appropriate stipulated probate, trust and conservatorship cases. Most cases will be routine petitions confirming assets of a trust, eliminating the B trust in AB trusts, appointing successor trustees, executors or conservators, petitions for final distribution on waiver of account, and other relatively routine 17200 petitions. The purpose of this procedure is to provide an expedited manner to resolve the many probate, trust and conservatorship petitions that are consented to by all parties entitled to notice and otherwise do not require a hearing. The public defender or appointed counsel shall execute the consent/waiver of notice in cases in which they are appointed. Stipulated cases do not need to be calendared. Beginning June 10, 2020, Walk Through Stipulated Petitions may be submitted to the clerk's office by eDelivery, U.S. Mail, Drop Box inside the courthouse, or any other manner of filing documents as authorized by the Court, during business hours. These petitions will be expedited once received. For more information about Walk Through Stipulated Petitions, please see JudgeRogerLund.com website.

(Revised effective 07/01/2023)

RULE 10.01 GUARDIANSHIP

A. GUARDIANSHIP PROCEDURES

1. INVESTIGATION

It is the policy of Ventura County to require investigation, pursuant to *Probate Code* §1513, of all petitioners for guardianship except upon judicial finding that good cause exists to waive the investigation.

The Investigation report regarding petition for guardianship of the person of a minor required under *Probate Code* §1513, for proposed guardians who are relatives of the minor, shall be prepared by Family Court Services and for a non-relative shall be prepared by the Ventura County Human Services Agency. The clerk of the court shall provide notice of the petition to the appropriate investigator upon the filing of all necessary documents. The completed reports shall include and discuss the information required under *Probate Code* §1513(a).

Upon filing of a petition to terminate the guardianship of a minor, the clerk shall set the matter for hearing. At the hearing, the court may grant or deny the petition or may refer the matter to the appropriate investigator for a report and recommendation regarding the termination of the guardianship and continue the hearing to a date when the report will be completed. When the guardian is a relative the matter will be referred to the Family Court Services for a report. When the guardian is a non-relative the matter will be referred to the Human Services Agency for report.

2. NATURAL, CUSTODIAL PARENT

A proposed guardian who is also a natural, custodial parent may request a waiver by the court of the appointment of a court investigator, probate officer or domestic relations investigator as provided by *Probate Code* §1513, prior to or after the filing of the petition for guardianship, by either an ex parte motion or notice of motion for good cause.

3. QUESTIONNAIRE

Proposed guardians shall submit a Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), pursuant to *Probate Code* §§1510(f), 1512, and a "Guardianship Questionnaire", pursuant to *Probate Code*

§1513, at the time the petition for guardianship is filed.

A copy of a birth certificate, custody order or declaration of a person present at birth, shall be attached to the questionnaire.

If such records are not readily available, date of birth shall be proved by other evidence, such as school records.

4. RECORDS CHECK

Law enforcement and Children's Protective Services record checks will be conducted on all proposed guardians.

5. DUTIES AND RESPONSIBILITIES

Prior to issuance of Letters, Guardians of the person of a minor and of the Estate are required to file with the clerk an acknowledgment of receipt of the duties and responsibilities of their office. (Judicial Council Form GC-248.)

6. COORDINATION OF PENDING CUSTODY PROCEEDINGS IN SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

Where a petition for guardianship of the person of a minor is pending, and where it appears to the court that a custody proceeding concerning the same minor is pending in any other department of the Ventura County Superior Court, the Probate Guardianship Court shall coordinate the proceedings to avoid conflicting custody orders. The Supervising Judge of the Family Law Department shall resolve any conflict and determine in which court the combined custody/guardianship proceedings shall be held.

7. NOTIFICATION TO OTHER COUNTIES WITH CUSTODY PROCEEDINGS RE VENTURA COUNTY GUARDIANSHIP ORDERS

a. Where it appears to the court that custody proceedings exist for the same minor child in one or more counties other than Ventura, the Ventura County Superior Court will notify the other county or counties of the appointment of a guardian for the minor.

b. Parties contemplating petitioning for guardianship of a minor child in Ventura County when there are already existing custody proceedings and orders filed in another county are strongly encouraged to file their petition for guardianship in the county where custody has or will be determined so as to avoid the possibility of conflicting custody orders.

B. GUARDIANSHIP MEDIATION

1. GENERAL

The court may order the parties in any guardianship proceeding to participate in mediation with Family Court Services for the purpose of attempting to resolve any disputes, including custody of and visitation with the minor. Mediation shall be conducted in accordance with the laws, rules, standards, and procedures specified for Family Law custody and visitation issues, including, but not limited to, the provision of *Family Code* §3160 et. seq., *California Rules of Court*, rule 5.210 et. seq. and [Ventura County Superior Court Local Rules 9.30](#) et seq. If the parties are unable to reach agreement, the mediator shall submit a recommendation to the court and provide a copy to all parties who participated in the mediation.

C. EX PARTE HEARING FOR TEMPORARY GUARDIANSHIP OF A MINOR PERSON.

1. Ex parte hearings for temporary guardianship are not favored. In most cases where there is an objection to the guardianship, the court will consider the request ex parte only if the minor has been living with the proposed guardian. If a person believes a child is at risk of harm and the child is not in that person's physical custody, then she or he should contact the hotline for reporting child abuse operated by the Children and Family Service division of the Ventura County Human Services Agency.

2. The petition for appointment of a temporary guardian of a minor person may be brought ex parte, provided the court finds a good cause exception to the notice otherwise required under *Probate Code* §2250(e). Any party seeking an ex parte order appointing a temporary guardian must comply with *California Rules of Court*, rule 7.1012. To comply with *California Rules of Court*, rule 7.1012 a petitioner (the party seeking the guardianship) must file a Petition for Appointment of Temporary Guardian of the Person ([GC-110\(P\)](#)) or a Petition for Appointment of a Temporary Guardian of the Person and/or Estate ([GC-110](#)) and all supporting documents, which are listed in subsection 5 below.

3. If a petitioner is requesting a good cause exception to the notice required under *Probate Code* §2250(e), and is filing [GC-110\(P\)](#), it is recommended that petitioner submit Local Form [VN-234 APPLICATION FOR EX PARTE HEARING ON PETITION FOR TEMPORARY GUARDIANSHIP; ORDER](#). Otherwise, petitioner must include the information required by *California Rules of Court*, rule 7.1012(e) in the Petition. If a petitioner is requesting a good cause exception to the notice requirements under *Probate Code* §2250(e), and is filing form [GC-110\(P\)](#), it is recommended that the petitioner submit Local Form [VN-234](#). Otherwise, the petitioner must prepare a separate writing that includes the information required by *California Rules of Court*, rule 7.1012(e).

4. The party seeking an ex parte hearing should call the Judicial Secretary for Courtroom J1 to reserve the next available ex parte hearing date. Unless otherwise ordered, all ex parte hearings are heard at 8:30 a.m., Tuesday-Friday.

If the judge assigned to hear all Guardianships of the Person cases is unavailable, disqualified, or in cases of emergency, the application should be presented to the Supervising Juvenile Judge, who may handle the matter or assign it to another available judge.

Ventura County Superior Court Rules

5. A petitioner must complete and submit the following forms to the clerk's office when requesting an ex parte hearing:
 - a. **Ex Parte Forms:**
 - i. Application for Ex Parte Hearing On Petition for Temporary Guardianship; Order ([VN-234](#)) (recommended as set out in subsection 2 above) or a separate writing that includes the reasons for the request for good cause exception.
 - ii. Declaration re Ex Parte notice ([VN-028](#)).
 - iii. Proposed Order: (Optional Form [VN-235](#)).
 - b. **Temporary Guardianship Forms:**
 - i. Petition for Appointment of Temporary Guardian of the Person ([GC-110 \(P\)](#)) or Petition for Appointment of Temporary Guardian of the Person and/or Estate ([GC-110](#)).
 - ii. Order Appointing Temporary Guardian ([GC-140](#))
 - iii. Letters of Temporary Guardianship ([GC-150](#))
 - iv. Consent of Guardian, Nomination and Waiver of Notice ([GC-211](#))
 - v. Notice of Hearing (on Petition for Appointment of Temporary Guardian) ([GC-020](#))
 - c. **General Guardianship Forms:**
 - i. Petition for Appointment of Guardian ([GC-210 \(P\)](#)) or ([GC-210](#))
 - ii. Child Information Attachment ([GC-210 \(CA\)](#))
 - iii. Declaration under Uniform Child Custody Jurisdiction and Enforcement Act ([FL-105/GC-120](#))
 - iv. Order Appointing Guardian of Minor ([GC-240](#))
 - v. Letters of Guardianship ([GC- 250](#))
 - vi. Duties of Guardian ([GC-248](#))
 - vii. Confidential Guardian Screening Form ([GC-212](#))
 - viii. Information Release Authorization ([VN-043](#))
 - ix. Guardianship Questionnaire ([VN-042](#))
 - x. Release of School Information ([VN-133](#))
 - xi. Release of Medical Information ([VN-132](#))
 - xii. Consent of Guardian, Nomination and Waiver of Notice ([GC-211](#))
 - xiii. Notice of Hearing (on Petition for Appointment of Guardian) ([GC-020](#)).
6. Absent good cause, the above forms must be provided to the court prior to the ex parte hearing to allow adequate time for review. Whenever practicable, moving papers should be filed by noon the day before the ex parte.
7. A party appearing at the ex parte hearing must serve the ex parte application and supporting documents or any written opposition on all other appearing parties at the first reasonable opportunity.
8. The petitioner(s) shall appear at the time set for the ex parte hearing and check in with the court bailiff or clerk. If no person appears opposing the temporary guardianship, the court may grant or deny the request without a hearing.
9. If the ex parte application hearing is denied, the matter may be set for hearing on the petition for appointment of a temporary guardianship. The petitioner must give notice of the hearing as set out in *Probate Code* §2250(e).
10. If a temporary guardianship is granted ex parte and the hearing on the general guardianship petition is not to be held within thirty (30) days of the granting of the temporary guardianship, the court shall set a hearing within thirty (30) days to reconsider the temporary guardianship, unless waived by all parties or upon good cause. The petitioner must give notice of the hearing for reconsideration as set out in *Probate Code* §2250(f).

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 showing of the parent's financial inability (supported by [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.

G. REQUESTS FOR RESTRAINING ORDERS

A guardian or petitioning prospective guardian, requesting any type of restraining order listed in Ventura County Superior Court Local Rule. 9.01, must separately file a petition with the Family Law Court, and not in the Guardianship proceeding.

H. PETITION FOR SPECIAL IMMIGRANT JUVENILE FINDINGS

A Petition for Special Immigrant Juvenile Findings (GC-220) (Petition) filed with the court must be accompanied by the completed proposed order on Judicial Council form Special Immigrant Juvenile Findings (GC-224). Failure to submit a completed GC-224 proposed order (including the proposed supporting legal conclusions, factual findings, and/or reasons therein) that reflects the "Requested Findings" of the GC-220 Petition may result in delay including continuance of the hearing. (Revised effective July 1, 2023)

RULE 10.02 CONSERVATORSHIP

A. PETITION FOR APPOINTMENT OF PROBATE CONSERVATOR

1. The petitioner is not required to submit an order appointing a court investigator pursuant to *Probate Code* §1454. There is a general order appointing the Ventura County court investigator as the investigator for the court in all cases under Division 4 of the Probate Code requiring appointment of such investigator.

2. The Petition for Appointment of Conservator (Judicial Council form [GC-310](#)), page seven, item 11, should include the telephone numbers of all relatives within the second degree of the proposed conservatee or other names listed.

3. Prior to Letters of Conservatorship being issued, individual conservators shall obtain the "Handbook for Conservators", view the video "Understanding Conservatorships", and complete and file with the clerk of the court the "Duties of Conservator" form (Judicial Council form [GC-348](#)) and the court's local form Confirmation of Viewing Conservatorship Video ([VN-182](#)). Private professional conservators as defined in *Probate Code* §2341 are not required to obtain the handbook and view the video in every case. They are required to show proof including the dates of obtaining the handbook and viewing of the video. If the handbook and/or video are revised or replaced the professional conservators will be required to obtain the revised handbook and view the revised video.

4. At the time of filing any type of petition for probate conservatorship (including temporary conservatorships) or upon order of the court, the petitioner shall complete and file local confidential court form VN-262 Preliminary/Interim Financial Declaration. Further, the petitioner is to serve said form, at that time, upon the offices of the Public Defender and the Family Court Services probate court investigator.

B. NOTICE, HEARING ON PETITION FOR APPOINTMENT

1. Upon filing a petition for appointment of a conservator, the clerk shall set the same for hearing and issue a citation. If service of the citation is incomplete on the return date, it cannot be perfected by continuance and completion of service except by issuance of an amended citation. In such circumstances, the original citation shall be filed showing no service. Service of a citation cannot ordinarily be waived.

2. In order to eliminate unnecessary delays, upon filing a petition to establish a limited conservatorship, the attorney of record should set the matter for hearing forty-five (45) days after the filing date. The extra time is needed for the Regional Center to complete its required assessment pursuant to *Probate Code* §1827.5.

3. A declaration must be given setting forth the efforts made to locate the address and telephone number of any person entitled to notice for whom such address information is incomplete.

C. APPOINTING AND RELIEVING ATTORNEYS FOR CONSERVATEES AND INCAPACITATED SPOUSES

1. An attorney can be appointed for a conservatee or for a spouse alleged to lack legal capacity in a petition under *Probate Code* § 3100 may be appointed where appropriate by the court on its own motion, by petition, or by an unnoticed, ex parte application by any interested party.

2. Unless sooner relieved, in matters involving estates, an appointed attorney will remain of record until discharged. In matters involving the person only, an appointed attorney will remain of record until the filing of the death certificate.

A. In cases where the Public Defender's Office is appointed to represent the interests of a conservatee, the following flat fee payments may be ordered by the court:

B. Assuming NO prior Public Defender fees have been ordered:

1. **Care Plan:** \$902.00 at the review hearing for Confidential Care Plan, (where there is a non-court supervised trust).

2. **Inventory and Appraisal:** \$ 1,066.00 at the review hearing for the Inventory and Appraisal.

C. Assuming that prior Public Defender fees HAVE been ordered:

1. **Status Report:** \$164.00 at the review hearing for a Status Report, (assuming there are no accounting hearings).

2. **First Account:** \$369.00 at the hearing on the First Account.

3. **Substituted Judgement:** \$266.50 at the hearing regarding a Substituted Judgement Petition.

4. **Petition to Sell Home:** \$205 at the hearing related to a Petition to Sell the Conservatee's Home.

5. **Subsequent Accountings:** \$369.00 at the hearings related to all accountings filed subsequent to the First Account.

6. **Fee Petitions:** \$164.00 at the hearing of Fee Petitions.

Ordering these flat fees is at the discretion of the court. Any party to the proceeding may object at the time of the subject hearings.

The flat fees are based upon a current hourly rate, set by the County of Ventura, of \$205 per hour for the Public Defender's Office. The flat fees noted above shall be automatically increased to reflect any percentage increase made by the County in the hourly rate paid to the Public Defender's Office. For example, an increase in the hourly rate paid to the Public Defender's Office from \$205.00 to \$225.50 per hour would result in a 10% increase to the flat fees noted above.

The Public Defender's Office may waive their flat fee, reserve them for the subject period, request that a fee order be a lien on the estate or request payment at a later date.

Nothing in this rule prevents the Public Defender's Office from otherwise, alternatively requesting reasonable fees or costs.

D. COURT INVESTIGATOR

1. Fees for services of the court investigator shall be paid promptly upon completion of the investigation. In the case of an initial investigation, the fee shall be paid within 120 days of appointment. A petition for waiver of the fee shall be served upon the court investigator's office, and *any order thereon waiving fees* shall be considered valid for the duration of the conservatorship, unless otherwise ordered by the court. If any change in circumstance occurs, *which materially* affect the financial circumstances of the conservatee, *such* change shall be reported *by any party or counsel for a party with knowledge* to the court immediately.

2. With an understanding that the Public Defender is appointed to represent most of the conservatees in conservatorship matters, and that investigation reports are confidential, the court's investigator's office may release an investigation report to the Public Defender's Office, even if the Public Defender has not yet been appointed, if it will serve the interests of the proposed conservatee, as set out in *Probate Code* §1826(c). If the Public Defender is not appointed, the Public Defender's Office is to delete/destroy said reports.

E. PRIVATE PROFESSIONAL FIDUCIARIES

1. A professional fiduciary is defined under *Probate Code* §60.1 and *Business & Professions Code* §6501(f). Professional fiduciaries appointed by the court under *Probate Code* §2340 must comply with all of the provisions and requirements under Chapter 6 (commencing with §6500) of Division 3 of the *Business and Professions Code* and *California Code of Regulations* §§4400-4580.

2. All Professional Fiduciaries appointed by the Court are to comply with the applicable provisions found in the *California Rules of Court*, rules 7.1050-7.1063.

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 will be marked as a confidential document in the court's case management system.

G. CONTINUANCES

When the attorney of record obtains a continuance in a conservatorship matter where the court investigator is completing a report, the court investigator's office shall be notified by the party requesting the continuance.

H. LETTERS OF CONSERVATORSHIP

If the letters of conservatorship are not filed within forty-five (45) days of the order appointing conservator, unless application for a longer period is made and granted, the conservator's powers will automatically be suspended, and no letters shall be issued by the clerk until a further order is executed by the court.

I. CONSERVATORSHIP LEVEL OF CARE

1. Within sixty (60) days after appointment, the conservator shall file a *Probate Code* §2352.5 care plan using either Judicial Council form [GC-355](#) or Ventura Superior Court Local Form [VN-233](#). For a conservatorship of the person, the Conservatorship Level of Care form will satisfy the Conservator’s duty to submit a written determination of the appropriate level of care for the conservatee under *Probate Code* §2352.5(b). The Conservatorship Level of Care form is a confidential document and will be marked as a confidential document in the court’s case management systems.

2. If the conservator fails to timely file the Conservatorship Level of Care, the court will set a hearing on an Order to Show Cause (OSC) re dismissal of the conservatorship.

3. The conservator must give notice of the filing of the Conservatorship Level of Care form pursuant to *Probate Code* §1460 and may only distribute the Conservatorship Level of Care form to those who are entitled to the Investigator’s Report pursuant to *Probate Code* §1851.

J. STATUS REPORTS

1. Notwithstanding the repeal of the statutory requirement to do so, all conservators must file a status report after the first anniversary of the establishment of the conservatorship and biennially thereafter. Status reports shall be filed as separate reports to be included in the conservatee’s confidential file.

2. A Notice of Filing of Status Report shall be served on those parties entitled to notice and filed with the court pursuant to the guidelines in section 10.02(I)(3), above.

3. If the conservator fails to timely file the one-year status report or any biennial status report, the court will set either an “Order to Show Cause” (OSC) re non-filing of status report or an OSC re dismissal of the conservatorship, depending upon the conservator’s history of timeliness and compliance with statutory and local care plan and status reporting requirements.

K. ORDERS FOR SUPPORT

1. Court approval ordinarily is not required to expend funds up to \$4,000 per month for the support of a conservatee. Court approval should be sought to expend funds exceeding \$4,000 per month for the support of a conservatee, especially if there is a probability that the estate will be entirely consumed by reason of such payments.

2. Prior court approval is required to expend money for the support of anyone other than the conservatee, such as maintenance of dependents of the conservatee and the payment of surplus income to the family of a conservatee.

3. Notice of hearing must be given under *Probate Code* §1460.

L. CONSERVATEE’S ATTORNEY FEES.

1. Counsel for conservatee may request fees by counsel’s own noticed motion or by submitting a declaration for fees with attached invoices and proposed order for review at hearing on an already-scheduled hearing date.

2. The request for fees must include a declaration that is sufficiently detailed as to comply with California Rules of Court, rules 7.751(b), and 7.702.

M. APPOINTMENT OF SUCCESSOR CONSERVATOR

1. The conservatee’s presence at the hearing for appointment of a successor conservator will not automatically waive the investigation if there is any opposition or other concerns surrounding the circumstances at the time of the petition. In cases where an investigation is required, the petition shall be set for hearing no earlier than forty-five (45) days following the filing in order to provide the court investigator with sufficient time to complete the investigation.

2. Judicial Council form GC-310 must be used in all petitions for appointment of successor conservators.

N. TERMINATION

When the conservatorship is being terminated for reasons other than death, it is recommended that the attorney of record set a termination hearing at least thirty (30) days in advance in order to allow time for a court investigator report.

O. SERVICE OF DOCUMENTS ON ATTORNEY FOR CONSERVATEE

1. If the conservatee, ward or proposed conservatee or ward is represented by counsel that counsel must be served with all documents filed with the court, including the confidential documents, on or about the time of filing.

2. If the conservatee or proposed conservatee is alleged to suffer from a major neurocognitive disorder or a developmental disability, or if the petition is for a limited conservatorship, the petition and related court filings shall also be served on the Public Defender’s Office on or about the time of filing.

(Revised effective January 1, 2024.)

RULE 10.03 PROVISIONS COMMON TO GUARDIANSHIP AND CONSERVATORSHIP

A. TEMPORARY CONSERVATORSHIPS AND GUARDIANSHIPS

1. **Petition for appointment of temporary conservator.** The petition for appointment of a temporary conservator may be brought ex parte, provided that the notice provisions of *Probate Code* §2250(e) are satisfied, either by giving notice or by submission of a declaration showing facts sufficient to allow the court to determine that good cause exists to eliminate or alter the notice requirements and provided that the following information is submitted:

- a. The original and copy of the petition and proposed order;
- b. A detailed statement of facts in the petition establishing the necessity for the temporary conservatorship;
- c. An endorsed filed copy of the petition for appointment of the permanent conservator. However, if the attorney is informed that the petition for appointment of a permanent conservator will be contested, all known potential objectors shall be notified at least forty-eight (48) hours in advance of the time and

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place the petition for appointment of the temporary conservator will be presented; and

d. A completed Confidential Ex Parte/Temporary Conservatorship Information Summary for Court Investigator (VN-248).

2. Bond requirement for temporary conservator/guardians. Absent an arrangement consistent with *Probate Code*

§2328 and acceptable to the court, the court will require a bond for temporary conservators/guardians of the estate.

3. Letters. Letters of temporary conservatorship/ guardianship expire on the date of the hearing on the appointment of the permanent conservator/guardian or thirty (30) days after appointment of the temporary conservator/guardian, whichever is later, unless the court extends the termination date pursuant to *Probate Code* §2257 (2)(b).

4. Appointment of Attorney for Proposed Conservatee. The appointment of an attorney for the proposed conservatee, shall be specified on item 3(I) of the "Order Appointing Temporary Conservator".

B. BOND OF CONSERVATOR/GUARDIAN

In setting and maintaining bond, the court strictly adheres to the requirements of *Probate Code* §§ 2320 and 2321 and *California Rules of Court*, rules 7.204-7.207.

C. REPORTING TO THE COURT BY APPOINTED COUNSEL FOR CONSERVATEES OR WARDS

Attorneys who are appointed as counsel for conservatees, wards or proposed conservatees or wards, pursuant to *Probate Code* §§ 1470, 1471, or 2356.5, have the following ethical obligations:

1. Clients Who Are Non-Communicative or Clearly Delusional or Not Opposed to the Request Before the Court: If the client is non-communicative, or clearly delusional, or not opposed to the request before the court, the attorney must evaluate the request before the Court and must orally report to the Court his or her observations and recommendations as to what would be in the client's best interests, unless a written report is requested by the Court.

2. Clients Who Have Impaired Judgment and Are Opposed to the Request Before the Court: If the client appears to have impaired judgment and is opposed to the request before the Court, the attorney must report to the Court the attorney's observations and recommendations as to what would be in the client's best interests, as well as the fact that the client is opposed to the request and the apparent reasons for the opposition. The attorney must ensure that the client is given the opportunity to directly address the Court, if reasonably possible.

3. Clients Who Are Communicative, Alert and Are Opposed to the Request Before the Court: If the client is communicative, alert and opposed to the request before the Court, and if the attorney has a good faith belief that sufficient grounds exist to support the position taken by the client, the attorney must use all reasonable and appropriate means to obtain the result sought by the client.

4. Attorney to Disclose Proper Relationship: The attorney must disclose to the Court and all parties whether the attorney currently represents, or has previously represented, the conservator or proposed conservator.

D. FEES/COSTS

Probate Code §§2640-2646 govern the fees of the conservator and attorney. In addition to these statutory rules, the following apply:

1. In addition to a narrative of the services performed and value to the estate, the petition for fees shall set forth the dates, time spent, specific description of services performed and the hourly rate of the person(s) performing the services.

2. The court will review requests for fees on a case-by-case basis, considering the experience, knowledge, expertise and professional status of the conservator or attorney, as well as the difficulty or complexity of the case, responsibility assumed, and the urgency demanded. Principles by which the reasonableness of the requested fees will be reviewed include:

a. Whether conservators have subcontracted for services that do not require their level of skills and which can be billed at a lower hourly rate. These may include bookkeeping, transportation and housekeeping. The appointed conservator shall be responsible to ensure that the sub-contractors have social security numbers and are licensed and insured if operating an automobile during the course of their duties.

b. Ordinarily, no more than two to three (2-3) hours will be allowed to prepare each fee declaration.

3. Costs for "overhead" generally will not be reimbursed except in extraordinary circumstances. These include expenses for costs of mileage, phone charges and photocopy charges and research (Lexis/Westlaw.) Such costs should be absorbed as part of the fees or commission.

4. In appropriate circumstances, particularly where all or a portion of the fee exceeds the cash on hand in the estate, the court may issue its order imposing a lien for fees on any or all of the assets of the estate, subject to liquidation for reasons other than satisfaction of the unpaid fee.

E. DEATH. Upon the death of the conservatee or ward, the conservator or guardian shall file a copy of a death certificate with the court within thirty (30) days.

F. FINAL ACCOUNTINGS FOLLOWING DEATH OF CONSERVATEE OR WARD. Conservators or guardians shall file a death certificate within thirty (30) days of the death of the conservatee or ward. The final accountings, as required in the *Probate Code*, shall be filed within ninety (90) days of the death of the conservatee or

ward.

G. BLOCKED ACCOUNTS. If the conservator/guardian believes that it is in the conservatee's/ward's best interests to hold assets in a blocked account, with court approval, the conservator/guardian can avoid formal accountings if they complete local court form, VN-267, Informal Accounting for Blocked Accounts. The form and attachments are to be filed with the court and served on the court-appointed counsel for the conservatee/ward, as well as the Court Investigator's Offices, thirty (30) days prior to when the hearing of the informal accounting would otherwise be heard.

H. SUBSTITUTED JUDGMENT

Probate Code §§2580-2586 governs petitions for substituted judgment.

a. Petitions requesting authority to exercise substituted judgment will not be heard until after the permanent conservator is appointed and letters have been issued. Additionally, the "Inventory and Appraisal" shall be filed, unless the court otherwise orders on the basis of a clear and convincing showing that an urgency exists; and

b. If the court waives filing of a formal "Inventory and Appraisal," the petition shall nonetheless include a description of the character and estimated value of the property of the estate.

(Effective July 1, 2022)

RULE 10.04 PROBATE PROCEEDINGS

A. COPY OF WILL. Each petition for probate of a will shall have attached thereto a typed copy of the will. If less than an entire document is offered for probate, the petition, and the proposed order shall specify the material offered for or admitted to probate.

B. PROBATE REFEREES. Requests for appointment of probate referees shall be submitted to the Executive Officer and Clerk, together with appropriate forms of orders. The Executive Officer and Clerk shall complete the orders, entering the names of referees in accordance with an approved plan of assignment. Variance from appointment in accordance with the plan shall be made only by a judge.

C. METHOD OF GIVING VARIOUS NOTICES

1. Unknown Address. If the address of an heir or beneficiary is unknown, the Court requires a declaration stating specifically what efforts were made to locate such heir or beneficiary before the Court will dispense with notice or prescribe an alternate form of notice. (See *Probate Code* §1212 and *Code of Civil Procedure* §413.30 as to what efforts are necessary.) In general, these efforts shall include inquiry of relatives, friends, acquaintances, and employers, an internet search and an investigation of appropriate city and telephone directories and of the real and personal property index at the County Clerk & Recorder's Office of the county of the last-known residence of the missing heir or beneficiary. (See *California Rules of Court*, rule 7.52. See Local Form VN-261.)

2. Minors. Except as permitted in *Probate Code* §1460.1 for guardianships, conservatorships, and certain protective proceedings under division 4 of the *Probate Code*, notice to a minor must be sent directly to the minor. A separate copy of the notice must be sent to the person or persons having legal custody of the minor, with whom the minor resides. (California Rules of Court, rule 7.51(d).)

D. DECLINATIONS TO SERVE. It is insufficient to allege merely that the person named in the decedent's will as executor declines to act as executor. A written declination to act, signed by the declining named executor or a Declaration of Due Diligence, if the executor declines to sign the Declination, must be filed with the court.

E. MULTIPLE REPRESENTATIVES. When multiple personal representatives are appointed, the clerk will not issue letters to less than all of them or separately to any of them, unless the order specifies otherwise.

F. 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.

5. Powers. If letters have not previously been issued to a general personal representative, neither general powers nor IAEA authority can be given to a special administrator, except at a hearing for which notice has been mailed and published as required under *Probate Code* §8003(b). (See *Probate Code* §8545(a).) This rule does not apply to an Ex Parte Request for Appointment of Special Administrator with Special Powers. (See *Probate Code* §§8540(b) and 8544.)

G. PROBATE BOND

1. **Out-of-State Personal Representative.** Absent exceptional circumstances, the court will require full statutory bond of personal representatives residing out of state, even if the personal representative is the sole beneficiary and even if all beneficiaries waive bond, as set out in *Probate Code* §8571 and California Rules of Court, rule 7.201(b).
2. **Duty to Request Bond Increase.** It is the duty of the fiduciary or the fiduciary's attorney, upon becoming aware that the bond is insufficient (e.g., upon filing an inventory and appraisal or an accounting), to apply immediately for an order increasing the bond. Such application may be made ex parte.

H. 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.

I. ANNUAL STATUS REPORTS. The court requires all appointed personal representatives to honor the time requirements 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 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.

J. ACCOUNTING OF RESERVE. If an order for final distribution of an estate of a decedent includes a reserve of more than \$5,000, a noticed hearing on an accounting of the reserve will be required to be held before the Ex Parte Petition for Final Discharge (Judicial Council Form DE-295 or GC-395) is filed.

K. AGREEMENTS FOR DISTRIBUTION

1. If the distributees seek a distribution in a manner other than that provided by the Will or by the laws of intestate succession, a written agreement between the affected distributees must be filed in the probate proceeding or consent thereto endorsed on the petition. The order of distribution shall include reference to the assignment, agreement, or disclaimer, which is; the basis for the distribution.

2. A minor distributee or other distributee lacking capacity must be represented by his or her legal representative; and prior court approval of the agreement, assignment, or disclaimer must be obtained if the distributee is subject to a guardianship or conservatorship.

L. NOTICE TO PRIOR REPRESENTATIVE OR ATTORNEY. If there has been a change of personal representative or fiduciary or a substitution of counsel, notice of hearing must be given to such prior representative, fiduciary or counsel of any probate petition in which fees or commissions are requested by the present personal representative, fiduciary or counsel unless:

1. A waiver of notice executed by the prior personal representative, fiduciary or counsel is on file;
2. An agreement on the allocation of fees and/or commissions is on file or included in the petition; or
3. The file and the petition demonstrate that the fees and/or commissions of the prior personal representative, fiduciary or counsel have been previously provided for and allowed by the court.

M. STATUTORY COMPENSATION AND COSTS IN DECEDENT'S ESTATE

1. **Calculation Must Be Shown.** All petitions requesting payment of statutory compensation -- even if accompanied by a waiver of accounting -- must show the calculation of the compensation requested in the form stated in *California Rules of Court*, rule 7.705(a).

2. **Detailed Schedules on Waiver of Accounting.** When an account has been waived, if the basis for the statutory commissions or fees is other than the inventory and appraisal total, detailed schedules for receipts and gains and losses must be included. (*California Rules of Court*, rule 7.705(b).) Also, if there are losses, the fee base must deduct the losses.

3. **Expenses of Tax Related Services, Accounting and Bookkeeping.** The personal representative may employ tax counsel, tax auditors, accountants, or other tax experts for the preparation of tax returns and for other tax related services and pay from the funds of the estate for such services. The Court may deduct from the personal representative's statutory compensation any sums paid from estate funds for performance of the representative's ordinary duties such as ordinary accounting and bookkeeping services, including the preparation of schedules for court accountings.

4. **Reimbursement of Costs.**

- a. **Allowed Reimbursements.** Allowable reimbursement costs include but are not limited to:
 - (i). Court Clerk's fees;
 - (ii). Newspaper publication fees;
 - (iii). Surety bond premium;
 - (iv). Appraisal fees;
 - (v). eFiling Fees;

- (vi). Court Call Fees.
- b. **Absorbed as Part of Statutory Compensation.** The following costs are absorbed as part of the statutory compensation:
 - (i). Photocopies and postage, unless justified due to extraordinary nature of costs (i.e., voluminous pleadings and/or mailings);
 - (ii). Secretarial and word processing time;
 - (iii). Paralegal time for ordinary services;
 - (iv). Costs for research subscriptions (i.e., Lexis, Westlaw);
 - (v). Local travel, mileage, and parking.
- c. **Reimbursed Only in Court's Discretion.** The following costs may be reimbursed in the court's discretion:
 - (i). Substitutes for U.S. Postal Service (Federal Express, UPS, etc.);
 - (ii). Attorney Services;
 - (iii). Long distance travel;
 - (iv). Photocopy of voluminous pleadings and/or mailings). *(Revised effective January 1, 2022)*

RULE 10.05 ORDERS

(Deleted effective July 1, 1998)

RULE 10.06 EX PARTE PETITIONS

(Deleted effective July 1, 1998)

RULE 10.07 COPY OF WILL

(Deleted effective July 1, 1998)

RULE 10.08 BROKERS' COMMISSIONS

(Deleted effective July 1, 1998)

RULE 10.09 PROBATE REFEREES

(Deleted effective July 1, 1998)

RULE 10.10 CAVEAT

(Deleted effective July 1, 1998)

RULE 10.11 SUBMISSION OF ORDERS

(Deleted effective July 1, 1998)

RULE 10.12 GUARDIANSHIP PROCEDURES

(Deleted effective July 1, 1998)

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 fully beneficial title. This presumption may be rebutted only by clear and convincing proof."

10. If a Petition references a will, the will must be on deposit with the court pursuant to *Probate Code* §8200. *(Effective January 1, 2017).*

RULE 10.15 EXTRAORDINARY COMPENSATION OF PERSONAL REPRESENTATIVES AND ATTORNEYS

A. The award of extraordinary fees to the personal representative or to the attorney for the personal representative is within the discretion of the court. The court may consider the amount of statutory compensation when awarding compensation for extraordinary services. (*California Rules of Court*, rule 7.703)

B. Application for compensation for extraordinary services must be accompanied by a declaration under penalty of perjury of the facts upon which such application is based. The statement of facts must specify the nature and difficulty of the tasks performed; the results achieved; the benefit of the services to the estate; specify the amount requested for each category of service performed; state the hourly rate of each person who performed services and the hours spent by each of them; describe the services rendered in sufficient detail to demonstrate the productivity of the time spent; and, state the estimated amount of statutory compensation to be paid by the estate, if the petition is not part of a final account or report. (*California Rules of Court*, rule 7.702)

C. The court will allow the following amounts as extraordinary fees for attorneys without further justification or declaration, as would otherwise be required, as indicated above, by *California Rules of Court*, rule 7.702-7.703:

1. Court confirmed sales of real property: \$1,500.00.
2. Attorney prepared Federal Estate Tax Return: \$2,000.00.
3. Attorney prepared Estate Income Tax Return: \$1,000.00. (Effective July 1, 2020.)

RULE 10.16 PETITION FOR INSTRUCTIONS

1. The use of a petition for instructions by personal representatives is limited to those matters for which no other procedure is provided by statute.

2. Subject to a personal representative's fiduciary duties (*Probate Code* §§9600 and 9601) and a trustee's duty of impartiality to all beneficiaries (*Probate Code* §16004; *Breslin v. Breslin* (2021) 62 Cal.App.5th 801), a petition for instructions must state the particular instructions requested and the basis therefor.

3. The relief requested in a petition for instructions must not be stated in the alternative.
(Effective July 1, 2022)

CHAPTER 11
CRIMINAL AND TRAFFIC HEARING CALENDAR PROCEDURES

RULE 11.00 APPEARANCES (INFRACTIONS/MISDEMEANORS)

Arresting agencies accepting bail and releasing persons arrested shall fix the date of the appearance of the person arrested in the proper courtroom of this court. In felony cases, the regularly scheduled arraignment shall not be calendared more than five days from such release for felony cases, with the exception of non-custody felony cases with only one defendant may be filed within ten (10) days of arrest. In misdemeanor cases, the appearance shall be scheduled not more than sixty (60) days (using pre-approved appearance card). Except for good cause shown, the person arrested shall be discharged and bail exonerated if the complaint is not on file in said courtroom at the time of his appearance therein thus fixed.

(Revised effective January 1, 2014)

RULE 11.01 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.

(Revised effective January 1, 2017)

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 countrywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except *Vehicle Code* infractions.

(Effective January 1, 2017).

RULE 11.02 TRIAL BY WRITTEN DECLARATION (INFRACTIONS/MISDEMEANORS)

A defendant charged with any vehicle infraction other than alcoholic beverage infractions, is authorized to have a trial by written declaration as provided in *Vehicle Code* §40902.

(Revised effective January 1, 1999)

RULE 11.03 GENERAL RULE FOR PRETRIAL MOTIONS IN CRIMINAL CASES

Unless otherwise provided for in these rules, all pretrial motions in criminal cases must be noticed in writing and briefed, served and filed in compliance within the time limits of Rule 4.111 of the *California Rules of Court*. This rule

applies to both misdemeanor and felony cases.

Where pertinent legal authority comes to counsel's attention after the filing of his or her brief, a supplemental brief should be served and filed where time allows. Where supplemental briefing is not possible, citations should be supplied to the court and opposing counsel as far in advance of the hearing as possible.

Any statement of legal authority upon which the party is relying, without written explanation in the body of the points and authorities as to how the authority pertains to the specific facts of this case, is insufficient.

The court may consider the failure without good cause of the moving party to serve and file timely points and authorities, which conform to these rules as an admission that the motion is without merit.

(Effective January 1, 2002)

RULE 11.04 PENAL CODE §995 MOTIONS

Points and authorities in support of or opposition to a motion made pursuant to Penal Code §995 shall include the following:

1. A summary of the relevant procedural history and/or facts of the case with page and line references to any transcript or other document to be relied on at the hearing, except that the People may adopt the procedural or factual history contained in the defendant's moving papers.

2. A discussion of the issues, specifically identifying the legal and factual basis for the party's position.

(Effective July 1, 1998)

RULE 11.05 PENAL CODE §1538.5 MOTIONS

1. In addition to the requirements of *Penal Code* §1538.5, moving papers shall include:

a. A complete statement of all the facts known to counsel, at the time the motion is filed, upon which the moving party relies in support of the motion, including facts asserting the moving party's standing to bring the motion, with an explanation as to the basis for such knowledge or belief.

b. A complete itemized list of the specific items of property or other evidence sought to be suppressed or returned. A general request to suppress or return "all evidence seized" without greater specificity, is not sufficient. Only the items listed in the motion will be considered by the court for suppression or return, unless it is established that the newly identified item could not reasonably be identified before the motion was filed.

c. A discussion of the issues which identifies the specific legal and factual reasons why the defense believes the search or seizure was defective. If the motion seeks to suppress evidence obtained as a result of a series of warrantless searches and seizures, the motion must identify which of the specific searches or seizures are being challenged.

2. Responding papers to *Penal Code* §1538.5 motions shall include:

a. A complete statement of all the facts known to counsel, at the time the responding papers are filed, upon which the responding party relies in opposition to the motion, with an explanation as to the basis for such knowledge or belief.

b. A discussion of the issues, specifically identifying in what regard the search or seizure is justified. Such statement shall specifically state the theory or theories, which shall be relied upon and urged to justify the search or seizure.

(Revised Effective January 1, 2021.)

RULE 11.06 ONLINE ADJUDICATION OF TRAFFIC INFRACTIONS & ABILITY TO PAY DETERMINATIONS – PILOT PROGRAM

The Ventura Superior Court is participating in a pilot program that will include online adjudication of traffic infractions and ability to pay determinations. The pilot program is sponsored by the Judicial Council and authorized in division 17, chapter 1.5 of the *Vehicle Code* (§§ 40280–40288). Once implemented, a defendant may request an ability-to-pay determination for *Vehicle Code* infractions or adjudication of traffic infractions, using procedures authorized in section 40283. The request may be made through an online tool, accessible through the court's website, or in person. Because this program is in its pilot stage, when the program is available, notice will be posted on the court's website and the program may be subject to change.

(Effective January 1, 2019)

CHAPTER 12
JUVENILE CALENDAR PROCEDURES

RULE 12.00 RELEASE OF JUVENILE CASE FILE INFORMATION

A. Documents in a juvenile case file may be inspected and copied only by persons or agencies authorized by law.

B. Persons entitled to inspect or copy juvenile case file documents without a court order who request access to a juvenile case file from the court clerk must present a photo I.D. and proof that they are entitled to access (e.g., law enforcement badge or Bar card), and comply with reasonable requests of the court clerk. (*Welfare & Institutions Code* §§827, 828; *California Rules of Court*, rule 5.552).

(Revised effective January 1, 2020) ●

RULE 12.00.1 PROCEDURE FOR FILING PETITION FOR DISCLOSURE OF JUVENILE CASE FILE

A. In all cases in which a person or agency requires a court order to inspect, obtain a copy of, disseminate to others or use documents in a juvenile case file, the person or agency shall file a [Petition for Disclosure \(JV570\)](#), and comply with [California Rules of Court, rule 5.552](#).

B. The Petition shall state with specificity the information sought and the relevance to any related legal action, including the specific details of the related legal action. The Petition shall be supported by a declaration of counsel and/or a Petitioner, and if necessary, a memorandum of points and authorities. If the Petition is filed in relation to a pending civil litigation, the petitioner must attach a copy of the complaint and answer, if any. If the Petition is filed in relation to a pending criminal case, the petitioner must attach a copy of the charging document.

C. If Petitioner has the right without a court order to inspect by not copy the juvenile case file, the Petition shall identify the requested document(s) with particularity, (including the title of the document, the date of the document, and the page number of the document), and shall identify the contents of each page which is relevant to the Petition and the reasons that the content should be copied, released for dissemination, or used pursuant to the requirements of *California Rules of Court*, rule 5.552.

D. If Petitioner has the right without a court order to inspect and copy the juvenile case file at the time the Petition is filed, petitioner shall lodge two (2) copies of the document(s) requested in a sealed enveloped marked “confidential” with a notation that the copies are lodged for review by the Juvenile Court.

1. One (1) copy of the lodged documents shall be unredacted;
2. The second copy shall be submitted with redaction of any content that is not subject to the Petition, may be inappropriate for release, or identifies any other juvenile who is unrelated to the basis for the Petition.
3. The Petition shall identify with particularity the content of each page, which is relevant to the Petition and the reasons that content should be released for dissemination or use pursuant to the requirements of CRC 5.552. Petitioner shall redact any content of each document that is not subject to the Petition.

E. Failure to comply with subdivisions B, C, and D shall be a reason to summarily deny the Petition,

F. Upon filing, each Petition shall be assigned a case number beginning with the letters JP and all documents filed in connection with the Petition shall be filed under the JP case number. Unless otherwise ordered, documents filed or lodged in the JP case file are protected from disclosure as a juvenile case file.

G. The judge presiding over juvenile dependency cases is, by standing order, authorized to rule on all JV570 Petitions for disclosure of dependency related juvenile case files.

H. Disclosure of Juvenile Police Records.

Any request to the court for an order to obtain a copy of a juvenile police record shall comply with *Welfare & Institutions Code* §827.9.

(Effective January 1, 2020)

RULE 12.01 STANDING ORDER RE RELEASE OF INFORMATION TO ASSURE CONTINUITY OF CARE

Pursuant to *Welfare and Institutions Code* §§827 and 5328 and *Penal Code* §§1543 and 11105, juvenile records are statutorily confidential. In order to assist in the rehabilitation of minors and to promote public safety, continuity of care for the minors is essential. To meet this goal for minors housed in institutions operated by, or under contract with, the Ventura County Probation Agency, or minors ordered into suitable placement, the following confidential information shall be shared, upon request, among the Juvenile Court, Ventura County Behavioral Health, Ventura County Public Health, the contract medical provider for the facilities, and the Probation Agency without further orders from the Juvenile Court:

1. Medication prescribed for the minor;
2. General initial and ongoing treatment needs;
3. General information pertinent to release planning.

This standing order shall apply to Ventura County Behavioral Health personnel assigned to juvenile justice. Ventura County Probation Agency personnel regularly or temporarily assigned to institutions, placement, or other juvenile assignments, medical personnel assigned to the facilities, and Ventura County Public Health personnel assigned to complete the health passport for minors ordered into suitable placement. This standing order is in addition to any other individual or standing orders authorizing release of information not specifically covered by this standing order.

(Revised effective January 1, 2002)

RULE 12.02 JUVENILE DEPENDENCY

A. TIME-LINES AND PROCEDURES GOVERNING SETTLEMENTS, MEDIATION, AND DISCOVERY PROTOCOL FOR CONTESTED MATTERS.

1. Settlements

Upon the calendaring of a contested hearing, the court may, in its discretion, set each matter for a Readiness Conference as near the trial date as will most efficiently utilize the resources of the court. In addition, if it is the opinion of the court that a resolution is possible, the court shall also set the matter for a pre-trial conference.

2. Mediation

At any time prior to dismissal if there are issues of custody and/or visitation and there is no issue of risk of harm to the minor(s), the court may require the parties to schedule and participate in a mediation with Family Court Services. Parents and minor(s) six (6) years or older must, absent a court order to the contrary, attend the mediation. Mediation shall be conducted in accordance with the laws, rules, standards, and procedures specified for Family Law custody and visitation issues, including, but not limited to, the provisions of *Family Code* §3160 et seq. *California Rules of Court*, rules 5.210 et seq. and [Ventura County Superior Court Local Rule 5.30](#) et seq.

3. Discovery Protocol See [California Rules of Court, rule 5.546](#).

B. MISCELLANEOUS RULES REGARDING DEPENDENCY CASES

1. COURT FILES

a. Each minor child who is subject to a dependency petition shall be assigned a separate file number and a separate court file shall be maintained for each child.

b. Each new court file created as a result of a petition filed under Welfare and Institutions Code §300, shall consist of two (2) separate physical folders, the main folder and the Confidential and the Indian Child Welfare Act (“ICWA”) folder.

c. The confidential and ICWA folder shall be divided into two (2) separate sections, one section where confidential documents are to be filed, and one section where ICWA documents are to be filed.

d. The Confidential section shall contain documents that contain confidential information that should not be given to parents and/or children without a further court order, for example, proofs of service showing confidential foster care information, confidential caregiver information forms, and confidential de facto parent requests. The confidential section shall also contain any privileged information including psychological evaluation reports. The party filing a confidential document shall be responsible to clearly indicate it is a confidential document by stamping or writing in red ink on the front page “Confidential” unless otherwise required by law. No parent or dependent child, absent a court order shall have access to the confidential part of a dependency file.

e. The ICWA section shall contain all documents related to compliance with the Indian Child Welfare Act, which shall be clearly identified by the party filing the document.

f. All documents not filed in the confidential and ICWA file shall be filed in the main folder of the file.

2. In order to protect the parties’ privacy and to prevent the inadvertent disclosure of confidential psychological information, psychological evaluation reports shall not be attached to a court report but shall be separately filed in the confidential part of the court’s file. A copy of the report shall be given to the attorneys for each party before the time of the hearing and the attorneys shall be responsible for the manner of disclosing the information to her or his client.

3. When submitting documents for filing, in cases involving multiple minors, parties shall submit one additional copy of the document for each additional minor named on any document submitted to the court for filing. The clerk will place the additional copies in each minor’s file.

4. If any party proposes findings and orders, the proposed findings and orders shall be submitted to the court separate from any attachments or cover memoranda.

5. If the court orders a party to prepare findings and orders, the party shall serve a copy of the proposed findings and orders on all other parties prior to the time they are submitted to the court.

C. GENERAL COMPETENCY REQUIREMENT OF COUNSEL WHO APPEAR IN JUVENILE DEPENDENCY PROCEEDINGS

All public agency and court appointed attorneys who appear in juvenile dependency proceedings, including counsel that represent children, must meet the minimum standards of competence set forth in the *California Rules of Court*. Attorneys who are privately retained by parents shall provide information to the court as requested regarding her/his competency to represent clients in dependency cases.

D. PROCEDURES TO SCREEN, TRAIN, AND APPOINT ATTORNEYS REPRESENTING PARTIES

1. All public agency and court appointed attorneys who represent parties in juvenile dependency proceedings shall meet the minimum standards of training and/or experience set forth in these rules. Each public agency and court appointed attorney of record for a party to a dependency matter pending before the court shall complete and submit to the court a Certificate of Competency Form [\(VN-012\)](#). Any public agency and court appointed attorney who appears in a dependency matter for the first time shall complete and submit a Certificate of Competency to the court within ten (10) days of his or her first appearance in a dependency matter.

2. Public agency and court appointed attorneys who meet the minimum standards of training and/or experience as set forth in these rules, as demonstrated by the information contained in the Certification of Competency submitted to the court, shall be deemed competent to practice before the juvenile court in dependency cases except as provided in subdivision 3 of this rule.

3. Upon submission of a Certification of Competency which demonstrates that the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency case within the six (6) month period prior to the submission of the certification to the

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court, that a particular attorney does not meet minimum competency standards. In such cases, the court shall proceed as set forth in Rule D4 wherein an attorney fails to comply.

4. Any public agency or court appointed attorney who appears before the court in a dependency case who does not meet the minimum standards of training or experience shall notify the court to that effect and shall have sixty (60) days to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the public agency or court appointed attorney fails to complete such training, the court shall order that certified counsel be substituted for the attorney who fails to complete the required training.

5. In the case of retained counsel, the court shall inquire at that time the attorney first appears as to her or his competency as defined under *California Rules of Court*, rule 5.660(d) and this rule and whether a Certificate of Competency has been completed and submitted. If the retained attorney does not qualify as competent counsel, the court shall inform the client. The determination whether to obtain substitute private counsel shall be solely within the client's discretion.

6. In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney maintains an office shall be sufficient evidence of competence to appear in a juvenile proceeding in this county.

E. MINIMUM STANDARD OF EDUCATION AND TRAINING

1. An attorney who appears in a dependency matter before the juvenile court who completes a Certification of Court Competency must meet the following minimum training and educational requirements.

(a) Within the prior three years, participated in at least eight (8) hours of training or education in juvenile dependency law, which training, or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation; or

(b) Have at least six (6) months of experience in dependency proceedings in which the attorney has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In the determination of whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules, and the applicable rules of the *California Rules of Court*.

2. In order to retain his or her certification to practice before the juvenile court, each attorney who has been previously certified by the court shall submit a new Certificate of Competency to the court on or before February 28 of the third year after the year in which the attorney is first certified and then every third year thereafter. The attorney shall attach to the renewal Certification of Competency evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. Evidence of completion of the required number of hours of training or education may include a copy of a certificate of attendance issued by a California MCLE provider; a certificate of attendance issued by a professional organization which provides training and/or education for its members, whether or not it is a MCLE provider; a copy of the training or educational program schedule together with evidence of attendance at such program; or such other documentation as may reasonably be considered to demonstrate the attorney's attendance at such program. Attendance at a court-sponsored or approved program will also fulfill this requirement.

3. The attorney's continuing training or education shall be in the areas set forth in subdivision l(a) of this rule, or in other areas related to juvenile dependency practice including, but not limited to, special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the *Uniform Child Custody Jurisdiction and Enforcement Act*, the *Parental Kidnapping Prevention Act*, state and federal public assistance programs, the *Indian Child Welfare Act*, client interviewing and counseling techniques, case investigation and settlement negotiations, mediation, basic motion practice and the rules of civil procedure.

4. When a certified attorney fails to submit evidence that he or she has completed at least the minimum required training and education to the court by the due date, the court shall notify the attorney that he or she will be decertified. That attorney shall have twenty (20) days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the attorney fails to submit the required evidence or fails to complete the required minimum hours of continuing training or education, the court shall order, except in cases where a party is represented by retained counsel, that certified counsel be substituted for the attorney who fails to complete the required training.

F. STANDARDS OF REPRESENTATION

1. Attorneys or their agents are expected to meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without a contested hearing, and to adhere to the mandated timelines.

2. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship.

3. The attorney for the child is not required to assume responsibilities of a social worker and is not expected to perform services for the child that are unrelated to the child's legal representation.

G. ATTORNEYS FOR CHILDREN

Appointment of counsel for a child who is the subject of a petition under §300, and is unrepresented by counsel is

required, unless the court finds that the child would not benefit from the appointment of counsel.

1. In order to find that a child would not benefit from the appointment of counsel, the court must find all of the following:

- (a) The child understands the nature of the proceedings;
- (b) The child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (c) Under the circumstances of the case, the child would not gain any benefit by being represented by counsel.

2. If the court finds that the child would not benefit from representation by counsel, the court must make a finding on the record as to each of the criteria in 1 and state the reasons for each finding.

3. If the court finds that the child would not benefit from representation by counsel, the court must appoint a Court Appointed Special Advocate for the child, to serve as guardian ad litem, as required in Welfare and Institutions Code § 326.5.

H. ATTORNEY WITHDRAWAL/SUBSTITUTION

No substitution and/or withdrawal of counsel shall be permitted after a matter has been scheduled for pretrial or contested hearing, without a court hearing to determine whether the proposed new counsel/self-represented party will be prepared to proceed at the contested hearing/trial. If a pretrial hearing or contested hearing/trial has been scheduled, any party intending to file a substitution of attorney shall request that the clerk of the court schedule an ex parte hearing.

I. COURT APPOINTED SPECIAL ADVOCATE AS GUARDIAN AD LITEM (WELFARE & INSTITUTIONS CODE §326.5)

If the court makes the findings as outlined in F and does not appoint an attorney to represent the child, the court must appoint a Court Appointed Special Advocate (CASA) as guardian ad litem of the child.

- 1. The required training of CASA volunteers is set forth in [California Rules of Court, rule 5.655](#).
- 2. The caseload of a CASA volunteer acting as a guardian ad litem must be limited to ten (10) cases. A case may include siblings, absent a conflict.
- 3. CASA volunteers must not assume the responsibilities of attorneys for children.
- 4. The appointment of an attorney to represent the child does not prevent the appointment of a CASA volunteer for that child and the courts are encouraged to appoint both an attorney and a CASA volunteer for the child in as many cases as possible.

J. CASELOADS FOR CHILDREN'S ATTORNEYS

The attorney for a child must have a caseload that allows the attorney to perform the duties required by *Welfare and Institutions Code* § 317(e) and this rule and to otherwise adequately counsel and represent the child. To enhance the quality of representation afforded to children, attorneys appointed under this rule must not maintain a maximum full-time caseload that is greater than that which allows them to meet requirements set forth in D and E.

K. PROCEDURES FOR THE REVIEW AND RESOLUTION OF COMPLAINTS BY PARTIES REGARDING THE PERFORMANCE OF ATTORNEYS

Complaints or questions by a party regarding representation in juvenile dependency cases shall be addressed as follows:

- 1. Complaints or questions shall initially be referred to any agency or law firm appointed to represent the client.
- 2. If the issue remains unresolved, or if there is no designated agency or law firm, the party may submit the complaint to the Presiding Judge of the Juvenile Court in writing. The Presiding Judge of the Juvenile Court may follow one of the following procedures.

- (a) Conduct its own review of the complaint or question and take appropriate action if required, or
- (b) Refer the complaint to the State Bar.

3. This rule does not preclude any party from complaining directly to the State Bar of California. However, parties are encouraged to first seek resolution of the issue using the procedure provided above.

L. PROCEDURES TO INFORM THE COURT OF INTERESTS OF THE DEPENDENT CHILD WHICH REQUIRE FURTHER INVESTIGATION, INTERVENTION, OR LITIGATION.

At any time following the filing of a petition under Welfare and Institutions Code section 300 and until juvenile court jurisdiction is terminated, any interested person may advise the court of information regarding an interest or right of the child to be protected or pursued in other judicial or administrative forums.

1. Judicial Council forms Juvenile Dependency Petition ([JV100](#)), Modification Petition Attachment ([JV180](#)), or a local calendaring and declaration form shall be utilized to inform the court and request direction from the court.

2. If the attorney for the child, or a Court Appointed Special Advocate (CASA) acting as guardian ad litem learns of any such interest or right, the attorney or CASA must notify the court immediately and seek instructions from the court as to any appropriate procedures to follow.

3. If the court determines that further action on behalf of the child is required to protect or pursue any interests or rights, the court must appoint an attorney for the child if the child is not already represented by counsel, do one or all of the following:

- (a) Refer the matter to the appropriate agency for further investigation, and require a report to the court and counsel within a reasonable time;

- (b) Authorize and direct the child's attorney to initiate and pursue appropriate action;
- (c) Appoint guardian ad litem for the child, who may be the CASA already appointed as guardian ad litem, or a person who will act only if required to initiate and pursue appropriate action.
- (d) Take any other action to protect the interests and rights of the child.

M. DE FACTO PARENT

The following provisions govern de facto parent request filed in dependency court proceedings, standings of de facto parents, and duration of status as a de facto parent.

1. Application for de facto parent status.

- a. De facto parent status will be granted by the court only upon written request on the mandatory Judicial Council form.
- b. Notice of the request and a copy of the request, unless confidential, will be given to all counsel of record by the clerk of the court.
- c. Upon filing the request, the clerk shall forward it to the judge for consideration.
- d. Any party may file a response to the de facto parent request.
- e. In considering the request, the court may rely upon the contents of the dependency file, any report filed by the social worker or the CASA advocate for the child, and any other relevant and admissible evidence presented by the parties. The court may consider the declaration filed in support of or in opposition to such application. The court may summarily deny the request or set it for an evidentiary hearing.
- f. An application for de facto parent status shall not, in itself, constitute good cause for continuing any other hearing in the dependency action.

2. Standing of a de facto parent

If the court grants the application for de facto parent status, the de facto parent shall have standing to participate as parties in disposition hearings and any hearing thereafter at which the status of the dependent child is at issue.

3. Representation of de facto parent.

A de facto parent may be represented by counsel at his or her own expense. A de facto parent shall not be entitled to appointed counsel unless the de facto parent makes an express request for appointed counsel and the court finds that the de facto parent is financially eligible for appointed counsel and that appointment of counsel would substantially benefit the resolution of issues before the court. No right to appointment of counsel shall exist for the purpose of making the application for de facto parent status.

4. Access to juvenile case file.

A de facto parent does not have automatic access to all documents in the juvenile case file or to all future reports concerning the dependent child and is only entitled to obtain access to juvenile case file documents and information if expressly authorized by court order. A de facto parent seeking access to juvenile case file documents shall include that request in her or his de facto parent request when filed.

5. Duration of status as de facto parent.

De facto parent status shall continue only so long as the bases for granting the request continue to exist between the de facto parent and the child. De facto parent status automatically terminates upon the termination of dependency jurisdiction or upon order of the court.

N. DISMISSAL AND CUSTODY ORDERS

Subsequent Hearings

If a dependency case is dismissed with a custody order, at the request of any party, a hearing on an order to show cause to modify the custody order filed within one year of the dismissal of the dependency case may be heard by the judge who presided over the dismissal of the dependency case who may hear the matter as a family law case.

O. EX PARTE APPLICATIONS/ORDERS

- 1. An ex parte application to calendar a hearing or to obtain a court order may be made by use of the form entitled *Calendaring Request and Notice; Supporting Declaration and Order* or by an equivalent document, which shall be submitted to the clerk.
- 2. If the Calendaring Request is filed by a party to the case and it seeks a hearing within less than three (3) days, the hearing shall not be set or calendared without court order. If the Calendaring Request is filed by a party to the case and seeks a hearing three (3) or more days after submission, no court order is needed. If a non-party files a Calendaring Request, it shall not be set for hearing without a court order.
- 3. Advance notice to all other parties of the purpose for seeking an ex parte hearing shall be given and proof of such notice shall be filed at the time the Calendaring Request is submitted to the clerk.
- 4. The Calendaring Request and Notice; Supporting Declaration and Order form is not a substitute for a *Welfare & Institutions Code* §388 petition, a formal written motion, or supporting points and authorities.
- 5. Ex Parte Calendaring Requests may be used to request orders authorizing:
 - a. the minor's travel,
 - b. termination of life support and do not resuscitate requests;

- c. surgical or other medical procedures over the religious objections of the parents or in cases where the medical professionals refuse to perform the procedure without a court order; and
 - d. for other matters for which there is a need for immediate orders.
6. The following requests may be submitted without notice to other parties:
- a. Orders for temporary removal of prisoners or wards and production as a party.
 - b. Orders for protective custody bench warrants for dependent children who have run away from the placement or whose whereabouts cannot be determined.
 - c. Orders to recall protective custody bench warrants.
 - d. Return on a protective custody warrant when the warrant requires the dependent child to appear in court after being returned to placement.

P. REQUEST TO CHANGE A COURT ORDER

1. A request to change a court order shall comply with all laws and rules. Absent a stipulation by all parties, the request must be submitted using form [JV-180](#).

2. The request shall be submitted to the clerk of the court who shall forward it immediately to the dependency court judge.

3. The judge shall summarily deny the request, set the matter for a hearing on whether a prima facie showing has been made, or set the matter for an evidentiary hearing.

4. If the request to change a court order is set for a hearing, and if a party to the dependency case has filed the request, he or she shall be responsible to give notice to all other parties and to serve a copy of the [JV-180](#) request on all parties. In all other cases, the clerk of the court shall give notice of the hearing and serve all parties with a copy of the [JV-180](#) request.

5. The requesting party may propose a hearing date to the court at the time the request is submitted. The court shall be responsible to set the hearing date.

- Q.** If the requesting party is seeking an immediate change in court orders pending an evidentiary hearing, that request shall be clearly stated in the [JV-180](#) request.

R. VISITATION ORDERS

Unless specified otherwise by the court, the following definitions shall apply to visitation orders.

1. "Supervised" visits with the minor child require the supervisor to be present at all times during the visit and close enough to hear all discussions between the child and the visitor.

2. "Monitored" visits with the minor child require the monitor to check in on the visit at least every fifteen (15) minutes.

3. "Overnight" visits means up to two (2) consecutive overnight visits at a time.

4. "Weekend" visits means overnight visits on a weekend.

5. "Extended" visit means up to sixty (60) consecutive days and overnights but shall not be considered placement.

S. REQUESTS FOR PSYCHOTROPIC MEDICATIONS ORDERS

The following procedures are in addition to the procedures that must be followed as provided in *California Rules of Court*, rule 5.640:

1. Social workers shall be responsible to submit to the court clerk completed applications using mandatory Judicial Council forms for psychotropic medication orders for dependent children.

2. The court clerk shall provide a copy to minor's counsel who shall indicate agreement with the request by initialing the request. If minor's counsel objects to the request the reason for the objection shall be discussed either with the social worker or the treating physician, and if the issue cannot otherwise be informally resolved, minor's counsel shall notify the court clerk, and the matter shall be set for hearing.

3. Upon submission of a medication request to the court to which minor's counsel has agreed, the court shall rule upon the request, ex parte. If granted, the request and order shall be filed, and a conformed copy of the order returned to the prescribing doctor and social worker by the clerk.

4. If the court grants the requested order but thereafter receives a timely filed opposition to the request, that matter shall be set for hearing.

5. If a request has been submitted to the court but not yet decided and the minor has already been prescribed the requested psychotropic drugs, the attending psychiatrist or physician may continue the administration of those drugs at his or her discretion. However, there shall be no increase in the previously authorized dosage without approval from the juvenile court.

6. Whenever a dependent child is moved to a new placement or to a temporary shelter and the child receiving prescribed medication, the medical or other supervisor at the new placement may continue to administer that medication under supervision of the medical staff or the child's physician. No further order of the court is required, and the child's medication must not be abruptly discontinued for lack of such an order.

7. All orders authorizing the administration of psychotropic drugs must be submitted to the court for

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renewal no later than six (6) months from the date of initial issuance, following the ex parte procedure described in this rule.

(Revised effective January 1, 2023)

RULE 12.03 EMANCIPATION OF MINOR

(Deleted effective January 1, 2009)

RULE 12.04 COURT APPOINTED SPECIAL ADVOCATES

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

B. 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.

C. 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.

D. Only parties of record are entitled to receive the CASA report.

E. 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.

F. 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.

G. Appointment of CASA in Dependency Cases:

1. 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.

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

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

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

H. Order Vacating Order Appointing CASA

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

2. 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.

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

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

I. Dependent Child Who Becomes a Ward.

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

(Revised effective January 1, 2017)

RULE 12.05 HEARINGS FOR TEMPORARY RESTRAINING ORDERS AND RESTRAINING ORDERS IN DEPENDENCY CASES. (WELFARE & INSTITUTIONS CODE §213.5 and CALIFORNIA RULES OF COURT, RULE 5.630)

A. A party in a dependency case seeking an ex parte temporary restraining order on written application shall file the Judicial Council Form Request for Restraining Order – Juvenile (JV-245) and lodge the Judicial Council Form Notice of Hearing and Temporary Restraining Order – Juvenile (JV-250). The clerk of the court shall calendar the ex parte hearing on the date and time, (8:30 a.m. or 1:30 p.m.) requested by the party seeking the order.

B. A party in a dependency case seeking a restraining order only on noticed request and on written application, shall file the Judicial Council Form Request for Restraining Order – Juvenile (JV-245) and the Judicial Council Form Notice of Hearing (JV- 250). The party seeking the order shall write or type in the requested hearing date and time (8:30 a.m. or 1:30 p.m.) on the forms and the clerk shall calendar the hearing on the requested date and time.

(Effective July 1, 2017)

CHAPTER 13 **MENTAL HEALTH CALENDAR PROCEDURES**

RULE 13.00 PROCEEDINGS

The department designated to hear psychiatric proceedings shall conduct all proceedings in the following matters and such other matters as may be specially assigned to it by the Presiding Judge.

A. A proceeding of any kind for the evaluation or involuntary treatment of a person pursuant to Chapter 2 of Part 1 of Division 5 of the *Welfare and Institutions Code*;

B. A conservatorship proceeding pursuant to Chapter 3 of Part 1 of Division 5 of the *Welfare and Institutions Code*;

C. A proceeding arising from a petition for the commitment of an alleged narcotic drug addict pursuant to Article 2 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code;

D. A proceeding arising from a petition for the commitment of an alleged habit-forming drug addict pursuant to Article 3 of Chapter 2 of Part 2 of Division 6 of the *Welfare and Institutions Code*;

E. A proceeding of any kind for the commitment or placement of a person alleged to be mentally retarded;

F. A habeas corpus proceeding filed by or on behalf of any person being held by an institution, public or private, as defined by §7000 of the *Welfare and Institutions Code*, including all proceedings pursuant to Article 5 of Chapter 2 of Part 1 of Division 5 of the *Welfare and Institutions Code*.

(Effective January 1, 1997)

RULE 13.01 JURY TRIAL AND MATTER, WHICH MAY BE TRANSFERRED

In a case in which the subject person is entitled to and makes timely demand for a jury trial the judge conducting the psychiatric proceeding may transfer the case to the Master Calendar Department. In a conservatorship matter, under section (D), supra, the judge conducting the psychiatric proceeding may transfer such matter to the department conducting probate proceedings if it appears that the matter involved does not have any aspects which make it desirable that it be heard on the psychiatric calendar.

(Effective January 1, 1997)

CHAPTER 14
APPELLATE DIVISION

RULE 14.00 SESSIONS

Regular sessions of the Appellate Division of the Superior Court of California, County of Ventura shall be held on the second Friday of each month at 3:00 p.m. in Courtroom 22 at the Hall of Justice, 800 South Victoria Avenue, Ventura, unless otherwise ordered. Special sessions shall be held at the call of the presiding judge of the Appellate Division.

(Effective January 1, 2019)

RULE 14.01 PROPOSED STATEMENT AND AMENDMENTS ON APPEAL - CRIMINAL CASES

(Deleted effective January 1, 2009)

RULE 14.02 SETTLED STATEMENT HEARINGS - CRIMINAL CASES

(Deleted effective January 1, 2009)

RULE 14.03 BRIEFS

In criminal cases, no respondent's brief need be filed when appellant has filed a "no merit" brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

(Revised effective July 1, 2024)

RULE 14.04 ORAL ARGUMENT

(Deleted effective January 1, 2009)

RULE 14.05 EXTENSION OF TIME - CRIMINAL CASES

A. Parties should consult Rule 8.810 of the *California Rules of Court* to determine the proper forum for an extension request.

B. Extensions will rarely be granted in the case of a pretrial appeal where the party also has a post-conviction right of appeal.

(Revised effective January 1, 2009)

RULE 14.06 RELIEF FROM DISMISSAL

A. Requests for relief from default or to vacate a dismissal shall be accompanied by a declaration establishing good cause, and by a proposed order granting relief.

(Revised effective January 1, 2009)

RULE 14.07 USE OF COURT FILE INSTEAD OF CLERK'S TRANSCRIPT

A. Under *California Rules of Court*, rule 8.833 in an appeal from a civil limited case, an appellant may elect to use the original trial court file as the record on appeal.

B. An appellant in an appeal in a civil limited case, electing to use the original trial court file as set out in subsection A, must file and serve the notice of election within the same time limits for designation of record set out in *California Rules of Court*, rule 8.831.

C. Under *California Rules of Court*, rule 8.863 in misdemeanor appeals, the court elects to use the original trial court file in lieu of a Clerk's Transcript.

D. Under *California Rules of Court*, rule 8.914 in infraction appeals, the court elects to use the original trial court file in lieu of a Clerk's Transcript.

(Effective January 1, 2009)

RULE 14.08 USE OF OFFICIAL ELECTRONIC RECORDING

A. Under *California Rules of Court*, rule 8.835(c), in a civil limited appeal the parties, by a filed written stipulation or on order of the trial court under California Rule of Court, rule 8.837(d), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter's transcript or settled statement.

B. Under *California Rules of Court*, rule 8.868(c), in a misdemeanor appeal, the parties, by a filed written stipulation or on order of the trial court under California Rule of Court, rule 8.869(d)(6), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter's transcript or settled statement.

C. Under *California Rules of Court*, rule 8.915(a)(2), in an infraction appeal, the parties by a filed written stipulation or on order of the trial court under California Rule of Court, rule 8.916(b), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter's transcript or settled statement.

(Revised effective January 1, 2019.)

CHAPTER 15
EX PARTE ORDER PROCEDURES - CIVIL

RULE 15.00 APPLICATION FOR EX PARTE ORDER

(Deleted effective January 1, 1998)

RULE 15.00.A EX PARTES IN GENERAL-CIVIL

It is the policy of the Court to discourage unnecessary ex parte applications. Except where the showing required by *California Rules of Court*, rule 3.1202(c) is made, matters should be resolved by noticed motion. An ex parte application which fails to meet the requirements applicable to ex parte hearings may be summarily denied on procedural grounds or treated as an application for an order shortening time for a noticed motion, in the discretion of the court.

(Effective 7/1/2013)

RULE 15.01 TO WHOM PRESENTED

An application for an ex parte order shall be presented to the judge to whom the matter is assigned. Counsel or a self-represented party seeking an ex parte hearing should call the Judicial Secretary of the assigned courtroom to reserve the next available ex parte hearing date. Unless otherwise ordered, all ex parte hearings are heard at 8:30 a.m.

If the assigned judge is unavailable or disqualified, or in cases of emergency, or if the matter has not yet been assigned, the application should be presented to the supervising civil judge, who may handle the matter or assign it to another available judge. *(Revised effective July 1, 2013)*

RULE 15.02 NOTICE

(Deleted effective January 1, 1998)

RULE 15.03 FILING AND SERVICE OF APPLICATIONS AND ORDERS

A. Unless electronically submitted, applications for ex parte orders with a declaration in support of the motion, points and authorities and a proposed order shall be filed in the courthouse in which the department of the appropriate judge is located before being presented to the appropriate judge. The reservation number should be included in the caption of the application. Copies to be conformed are to be brought on the day of the hearing and not lodged prior to the hearing. Absent good cause, ex parte applications must be served on each party and provided to the court prior to the hearing to allow adequate time for review. Therefore, whenever practicable, moving papers should be served on the other parties by personal delivery, facsimile, email or overnight delivery prior to the hearing and preferably filed by noon the day before the hearing.

B. All ex parte orders in all categories of proceedings in this court shall be either approved, approved as modified or denied, and shall be so noted and dated by the judge to whom the petition or request is submitted. Regardless of the approval or denial of the petition or request for order, the order, the application or petition, and any supporting affidavits or other writings presented shall remain in the court's file or, where required by statute or rule, in the confidential case file related to the case. *(Revised effective July 1, 2023.)*

CHAPTER 16
EXECUTIVE OFFICER AND JURY COMMISSIONER

RULE 16.00 EXECUTIVE OFFICER'S POWERS AND DUTIES

(Deleted effective January 1, 2005)

RULE 16.01 RESERVATION OF GOVERNMENT CODE 69898 POWERS

(Deleted effective July 1, 2009)

RULE 16.02 TRANSFER OF FORMER COUNTY CLERK EMPLOYEES

(Deleted effective January 1, 2010)

RULE 16.03 APPROVAL BY COUNTY BOARD OF SUPERVISORS/TRANSFER OF REVENUES, FACILITIES, AND EQUIPMENT

(Deleted effective January 1, 2010)

RULE 16.04 SEVERABILITY OF RULES AND SUBPARTS

(Deleted effective January 1, 2010)

CHAPTER 17
BAILIFF AND COURT SECURITY SERVICES

RULE 17.00 WEAPONS PROHIBITION AND SEARCHES

The Sheriff through Court Services Division shall have signs posted at all public entrances to the Hall of Justice and East County Courthouse which state that bringing unauthorized weapons into the building is prohibited pursuant to Penal Code section 171b, and that persons entering the building are subject to search. The Sheriff and his deputies, as well as other peace officers who come to their aid, may conduct pat-down or electronic searches of persons entering or within the Hall of Justice, East County Courthouse and Juvenile Courthouses for weapons, and may examine for weapons the contents of any purses, parcels, and other items carried by such persons, as may be reasonably necessary to ensure the security of the Hall of Justice, East County and Juvenile Courthouses. If any person refuses to submit to a search, he or she shall have the option of leaving the Hall of Justice, East County or Juvenile Courthouses without a search, unless a search is otherwise permitted by law. No examination of any written materials in possession of any person shall be made pursuant to this provision.

(Revised effective January 1, 2008)

RULE 17.01 COURT SECURITY

The Sheriff of the County of Ventura is designated as the Court Security Officer to be responsible to the court for all matters relating to its security, including security of courtrooms, buildings and grounds.

(Effective January 1, 1997)

RULE 17.02 RESTRICTED AREAS

Except by specific permission first obtained from judge, bailiff or other designated personnel, no person shall be or remain in any area or any department restricted to the exclusive occupancy of court personnel that has been established by the Sheriff and posted by signs such as "Employees Only", "No Admittance", "Restricted Area", "Authorized Personnel Only", or by such other signs that may hereafter be posted.

(Effective January 1, 1997)

CHAPTER 18
VERBATIM COURT REPORTING SERVICES

RULE 18.00 COURT REPORTERS

A. Official and pro tempore court reporters serving the court shall provide such service and receive such compensation, as provided by §§68086 et seq. of the *Government Code*, and by other applicable statutes, *California Rules of Court* <http://www.courts.ca.gov/rules.htm>, and rules of this court.

B. Court reporters shall constitute the Court Reporting Department of the court's Administration division, in accordance with applicable statutes, under the general direction of the Court Executive Officer and Clerk. Official and pro tempore court reporters shall make such reports to the California Judicial Council and to the Administration Division of this court, as provided by statutes and by rules of court, and as otherwise directed by the Court Executive Officer and Clerk.

C. Court reporting services must be provided in all Superior Court felony trials and hearings, all proceedings under the Lanterman-Petris-Short Act and all juvenile calendars, except for cases filed under *Welfare and Institutions Code* [§601](#).

D. Reporting services are not available to a party without a fee waiver under *California Rules of Court*, rule 3.55(6) for the following proceedings:

- All Civil matters.
- All Family Law matters, except matters involving contempt or the Department of Child Support Services.
- All Probate matters.

Notwithstanding the above, the court in its discretion may order that any of the proceedings in this subsection D be reported by a court reporter from the Court Reporting Department, if deemed appropriate. In the proceedings listed in this subsection D where the court will continue to provide a court reporter or where the court in its discretion orders that a proceeding be reported, it is the parties' responsibility to pay the reporter's fee for attendance at the proceeding if required by law. The expense may be recoverable as part of the costs, as provided by law.

E. For those matters in subsection D in which the court does not provide a court reporter, the parties have the right to arrange at their own expense for the presence of a certified shorthand reporter to serve as an official pro tempore

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reporter for hearing or trial. See *Government Code* §68086; *California Rules of Court*, rule 2.956(b)&(c). Parties may arrange for their own reporter by filing with the court form (VN-243) “Agreement and Order Re Appointment of Official Reporter Pro Tempore.” Parties must make arrangements for reporters in advance of the hearing to ensure the proceedings will be reported. It is the parties’ responsibility to pay the reporter’s fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.

F. If it appears that a reporter will not be available for a matter in which the court provides a court reporter as set forth in subsection D, the Court Reporting Department must notify the parties at least five (5) days prior to the proceeding, and the deposit of court reporter fees shall be refunded. The parties may make arrangements for the presence of a reporter to serve as an official pro tempore reporter pursuant to rule 2.956 of the *California Rules of Court* and subsection E above. It is the parties’ responsibility to pay the reporter’s fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law.

G. A party with a fee waiver may request an official court reporter under *California Rules of Court*, rule 2.956(c)(2) for any proceeding for which reporting services are not available to a party without a fee waiver under subsection D above. The request should be made by using Judicial Council Form FW-020, “Request for Court Reporter by a Party with Fee Waiver” and should be filed at least ten (10) calendar days before the hearing or trial for which the reporter is requested. If the requesting party received less than ten (10) days’ notice of the hearing or trial, the requesting party should file the request immediately upon receiving notice. If the requesting party does not file the request on time, the court may be unable to provide a court reporter on the date requested and may have to reschedule the hearing or trial. Even when the request is made timely, given the limited availability of official court reporters, the court cannot guarantee that one will be available at that requested time and the proceeding may need to be rescheduled.

H. An official court reporter is not available but the following proceedings will be electronically recorded by the court to make the official verbatim record of proceedings as provided by *Government Code* §69957 and *California Rules of Court*, rules, 2.952 and 2.956(e), unless otherwise ordered by the court: Small Claims cases, Infraction Criminal Proceedings, Misdemeanor Criminal Proceedings, limited jurisdiction Civil trials, limited jurisdiction Civil Appeals from Superior Court, Misdemeanor Appeals, and Small Claims trial de novos. (Revised effective June 6, 2022)

CHAPTER 19 -JURY SERVICES

RULE 19.00 PURPOSE

The purpose of this rule is to supplement the applicable California statutes and State Court Rules regarding jurors and jury service.

(Revised Effective July 2, 2022)

RULE 19.01 JURY COMMISSIONER

(Deleted effective July 1, 2022)

RULE 19.02 JUROR SELECTION PROGRAM

A. SOURCE LISTS. The most current Ventura County voter registration list and the Franchise Tax Board filer list, combined with the Department of Motor Vehicles list of licensed drivers and identification card holders who are 18 years of age and older, shall constitute the source from which prospective jurors will be selected.

B. RANDOM SELECTION OF PROSPECTIVE JURORS. The name of each prospective trial juror shall be taken by random selection from the merged source lists. The program for random selection shall be designed and maintained by the vendor, Jury Systems, Inc., with approval of the Jury Commissioner (Code of Civ. Proc. §195(a)), to ensure the random selection of a fair cross section of the persons residing in Ventura County.

C. EXCUSE FROM JURY SERVICE. The Jury Commissioner shall determine the statutory qualifications of each prospective trial juror. The Jury Commissioner shall exclude from the certified jury lists any person found not statutorily competent to serve and shall excuse from jury service such prospective trial juror who qualifies for excuse under §§ 204(b) and 218 of the *Code of Civil Procedure*, provisions of the Standards of Judicial Administration, *California Rules of Court*, and of these rules. The Jury Commissioner may, upon request, defer the service of a prospective juror for good cause, or may excuse a prospective juror from service altogether, for any of the following reasons:

The prospective juror qualifies for excuse from service on the basis of one of the categories set forth in *Code of Civil Procedure* §§ 203 and 204, and rule 2.1008 of the *California Rules of Court*.

1. Other circumstances constituting undue hardship within the meaning of the statutes, Standards of Judicial Administration, or rules of this court apply to the prospective trial juror, as determined by the Jury Commissioner and/or Presiding Judge of the court.

D. PROCEDURE FOR EXCUSE FROM JURY SERVICE. A request for excuse from jury service shall be addressed to and determined by the Jury Commissioner. All requests for excuse must be in writing put to §218 of the *California Code of Civil Procedure*. The Jury Commissioner will grant or deny written requests for excuse pursuant to the Jury Excuse and Deferral Policy established by the Jury Reform Committee of the Superior Court of California, County of Ventura. The Jury Commissioner may refer any request to the Presiding Judge or designated representative for determination. In the event the Jury Commissioner should deny a request for excuse the prospective trial juror may

request and shall be entitled to review and reconsideration by the Presiding Judge or designated representative. The disposition of the request and the reasons therefor shall be noted upon appropriate records maintained by the Jury Commissioner.

E. ANNUAL TRIAL JURY LIST/OR MASTER JURY LIST. The Jury Commissioner shall prepare a new master jury list at least once during any consecutive twelve (12) months. The number of names to be placed on such master jury list shall be determined by the Jury Commissioner.

F. SUPPLEMENTAL LISTS. Should the judges of the court require supplemental lists of prospective trial jurors who have been qualified as provided by law and by these rules, such lists shall be prepared and submitted to the judges of the court in the same manner as provided in this Rule 19.02.

(Revised effective January 1, 2023.)

RULE 19.03 JUROR PROCESSING PROGRAM

A. The following program is adopted by the court for the maintenance of panels of qualified prospective trial jurors from which jurors shall be drawn as necessary for the conduct of jury trials in all departments of the court, which program shall be known as the "juror processing program."

B. DRAWING NAMES: SUMMONS. The Jury Commissioner will generate a random draw of names from the Master Jury List established in Jury Systems, Inc., software. Once drawn, the names will be transmitted electronically to the contracted print vendor to print and mail summons for a sufficient number of prospective trial jurors as determined to be required to provide adequate jury services to the courts for a particular time period. Each person will be summoned by first class mail to attend the court for service as a member of a trial jury panel, or alternatively to remain on telephone standby for the appearance week. Once a juror has been selected to serve on a trial, discharge will be made by order of the court. Jury service is one jury trial or one day of service.

C. TRIAL JURY ASSIGNMENTS. Upon each appearance of a juror in either the jury assembly room or a department of the court, a record of attendance will be maintained by the Jury Commissioner or Judicial Assistant in attendance. Confirmation of appearance forms for prospective jurors attending as members of the trial jury panel will be prepared and distributed by the Jury Commissioner. Courtroom staff or Jury Services staff will sign the forms daily confirming appearance for each trial juror in attendance .

D. ASSIGNMENT AND SELECTION PROCEDURE DURING TRIAL. Following assignment of prospective jurors to a department of the court for impanelment and service in a particular trial, the Jury Commissioner or assigned deputy shall maintain communication with the judicial officer or judicial assistant and shall provide supplemental jurors as may be required by the court during the impanelment procedure. Prior to and immediately upon impanelment of the trial jury, the judicial assistant shall contact the Jury Commissioner or assigned deputy with judicial instructions regarding reassignment of unselected jurors before such jurors are excused from further service for the day. The Jury Commissioner may reassign any non-selected or otherwise unassigned trial juror to any other department of the court's trial calendar for the remainder of that day.

(Revised. Effective January 1, 2023)

RULE 19.04 SPECIAL VENIRE

Nothing contained in the foregoing rules shall preclude the Jury Commissioner, upon order of the court, from summoning to the court pursuant to law, a special venire for jury service in a particular case.

(Effective January 1, 1997)

RULE 19.05 DISCHARGE OF JUROR FROM SERVICE

Prospective jurors may be excused from further jury service for a period of 12 months following discharge. Jurors shall be considered as discharged within the meaning of said section, when any one of the following has occurred:

- A.** Served on one trial until discharged.
- B.** Been assigned on one day to one or more trial departments for jury selection and served through the completion of jury selection or until excused by the Jury Commissioner.
- C.** Attended jury service but was not assigned to a trial department for selection of a jury before the end of that day.
- D.** Served one day on call.
- E.** Served no more than five (5) court days on telephone standby. (Revised effective July 1, 2022)

RULE 19.06 RESERVED FOR COURT USE

RULE 19.07 SELECTION OF GRAND JURORS

Grand jurors shall be selected in accordance with the provisions of applicable statutory authority including Penal Code §§903.1, 903.2, 903.3, and 903.4, and the following rules:

A. CRIMINAL GRAND JURY SELECTION PROCESS

Upon request of the Presiding Judge, a Criminal Grand Jury is formed from the list of jurors selected at random by way of Local Rule 19.02.

- 1. Upon the direction of the judge and courtroom staff, a panel(s) of jurors will be sent to the courtroom for the selection process.
- 2. The judge will conduct voir dire of the jurors until the number of qualified jurors is 30 or more.
- 3. The Jury Commissioner will draw the names of 19 jurors and 11 alternates from the qualified pool who will

be sworn as the Criminal Grand jury.

4. The Criminal Grand Jurors will serve for a term of 90 days to one year.

B. CIVIL GRAND JURY SELECTION PROCESS

1. The application period shall open on January 1 and close on or before the 4th Friday of April. Any citizen of Ventura County may apply for the Civil Grand Jury.

2. The seated Civil Grand Jury will conduct interviews of the applicants and make recommendations concerning the applicants to the Grand Jury Judicial Committee. To form the Civil Grand Jury panel, the Grand Jury Judicial Committee shall select up to 30 qualified applicants (including selected holdovers from the prior year) representing a cross-section of the community.

3. In June, the panel must be approved by a majority of the judicial officers.

4. On the first court day in July, the Presiding Judge or Assistant Presiding Judge holds a selection hearing. The Jury Commissioner draws 19 names to be seated as the Ventura County Civil Grand Jury for the fiscal year.

5. The remaining jurors are designated as alternates.

6. At the end of its term, the Civil Grand Jury provides the Presiding Judge with a copy of its annual investigative report. (Revised effective January 1, 2023)

RULE 19.08 JURY FEES AND EXPENSES

A. IN GENERAL. At no time shall the members of the jury be informed as to which party is paying fees, mileage or other costs.

B. FEE AND MILEAGE OBLIGATION. Obligation for payment of jury fees and mileage at the rate provided by law for the jurors selected and sworn to try a civil case shall be paid by the party demanding the jury commencing with the day on which the jury selection begins, and until the jury is discharged.

C. PAYMENT OF FOOD AND LODGING EXPENSES. In unusual circumstances a party who demands a jury trial in a civil action shall, upon request of the clerk or bailiff, advance the amount determined by the trial judge to be reasonably necessary to pay the cost of food, lodging, and other necessities of the jurors while they are kept together during the trial and until they are discharged by the court. The monies shall be paid to the bailiff in charge of the jury and any amount remaining after payment of such expenses shall be returned with appropriate receipts to the party. Failure to advance such costs upon request of the court shall be deemed a waiver of trial by jury and the court may in its discretion proceed to judgment without a jury or, upon such terms as may be just, with a jury.
(Revised effective January 1, 1999)

RULE 19.09 JURY INSTRUCTIONS

A. PROPOSED PATTERN JURY INSTRUCTIONS. In jury trials the instruction forms contained in the most recent editions of "Judicial Council of California Jury Instructions" (CACI) and "Judicial Council of California Criminal Jury Instructions" (CALCRIM) should be used when applicable, unless the judge finds that a different instruction would more accurately state the law and be understood by jurors, as provided in *California Rules of Court*, rule 2.1050. All instructions should be accurate, brief, understandable, impartial, and free from argument. A proposed pattern jury instruction that has been modified by a party shall specify in parentheses or other appropriate manner the respect in which the instruction has been modified. It shall be the duty and responsibility of counsel proposing a pattern instruction to complete all blanks contained in it necessary for the purpose of the instruction. Failure to do so shall be deemed by the court as sufficient cause to refuse the proposed instruction.

B. ADDITIONAL INSTRUCTIONS DRAFTED BY COUNSEL. Counsel may draft and submit additional proposed instructions. Each shall be numbered in consecutive order and indicate the party upon whose behalf it is requested. Failure to cite on any such instruction the authorities relied upon to support giving it shall be deemed by the court as sufficient cause to refuse the proposed instruction.

C. METHOD OF FILING PROPOSED INSTRUCTIONS WITH TRIAL JUDGE. In all jury trials counsel shall present to the courtroom judicial assistant a document setting forth in the usual manner the title of the court, title and number of the action, and title of the document, namely, "Instructions requested by ____." A copy of the document shall be served upon each of the other counsel in the case. The document shall list by number the CACI and/or CALCRIM instructions requested by counsel and counsel shall attach to the original list, all instructions requested.

D. TIME FOR DELIVERY OF PROPOSED INSTRUCTIONS TO COURT. The court shall require counsel to comply strictly with the provisions of §607(a) of the *Code of Civil Procedure* and §1093.5 of the *Penal Code*.
(Revised effective January 1, 2007)

RULE 19.10 RELEASE OF CONFIDENTIAL JUROR INFORMATION

Information contained on each juror information card (address, telephone numbers, occupation and place of employment) will be considered confidential information and will not be released to other than authorized court personnel.

Any person, other than those authorized, requesting such confidential information must make application to the court, stating the reasons why such information should be made available. The Jury Commissioner will make the information

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available only upon order or other direction of the judge hearing the case or the Presiding Judge.
(Effective January 1, 1997)

CHAPTER 20 COURT INTERPRETING SERVICES RULE 20.00 INTERPRETERS IN COURT PROCEEDINGS.

The court is committed to providing interpreters at no cost to any party to a court proceeding who does not proficiently speak or understand English. More information regarding interpreter services is available on the court's website at ventura.courts.ca.gov/language_access.html.
(Effective July 1, 2023)

RULE 20.01 INTERPRETERS-LIST OF COURT APPROVED INTERPRETERS.

The Executive Officer and Clerk shall maintain for public examination a list of court approved interpreters and their particular languages.
(Rev. effective July 1, 2023)

RULE 20.02 COURT INTERPRETING SERVICES

Establishment of competency. Any interpreter whose services are used in the court will be required to be certified, registered by the Judicial Council or provisionally qualified by the court as to his/her competency before he/she may perform such service unless in a particular case the court should waive this requirement.
(Revised effective July 1, 2023)

RULE 20.03 REQUESTING AN INTERPRETER

For Civil (including Small Claims and Unlawful Detainer), Family Law, Probate, and Juvenile Dependency cases, parties must request an interpreter with as much advance notice as possible to ensure that an interpreter will be available for the court proceeding. A minimum of two (2) court days' notice is required for Spanish and Mixteco and ten (10) court days' notice for all other languages, including ASL (American Sign Language). Requests should be made in writing using local form VN-250 "Request for Interpreter" and are to be returned to the Clerk's Office as indicated on the form. Without sufficient notice as set forth in this rule, the court may be unable to provide an interpreter for the hearing which may then need to be continued. If the court cannot accommodate a party's request, the Interpreter's Office will contact the party based upon the contact information listed on the VN-250 form. If one or more of the parties changes the date of a hearing, the party requesting the interpreter services at that hearing must notify the court of the change twenty-four (24) hours prior to the hearing. Any failure to do so may result in the court incurring cancellation fees. For any questions, parties are directed to contact the Ventura Superior Court's Interpreter Officer at (805) 289-8799 or VCSCInterpreting@ventura.courts.ca.gov.
(Effective July 1, 2023)

CHAPTER 21 COUNSEL SERVICES AND FEES

RULE 21.00 IN A TORT CASE INVOLVING A MINOR OR PERSON WITH DISABILITY

(Deleted Effective: January 1, 2024)

RULE 21.01 IN AN ACTION ON A PROMISSORY NOTE, CONTRACT PROVIDING FOR THE PAYMENT OF COUNSEL FEES AND FORECLOSURE.

The following counsel fees shall be awarded under normal circumstances in an action on a promissory note, contract providing for the payment of counsel fees and foreclosure:

A. DEFAULT ACTION ON NOTE OR CONTRACT. Exclusive of costs:

Any part of first \$1,000- \$250

20 percent of next \$4,000

15 percent of next \$5,000

10 percent of next \$5,000

5 percent of next \$35,000

2 percent of next \$50,000

1 percent of the amount over- \$100,000.

Unlawful Detainer \$450. In an action upon a contract providing for counsel fees the Executive Officer and Clerk shall include in the judgment counsel fees in accordance with this schedule, not to exceed the amount prayed for.

B. FORECLOSURE OF MORTGAGE OR TRUST DEED. The same amount as computed under subdivision (A).

C. FORECLOSURE OF ASSESSMENT OR BOND LIEN RELATING TO A PUBLIC IMPROVEMENT.

The same amount as computed under subdivision (A).

(Revised effective July 1, 1999)

RULE 21.02 COURT APPOINTED COUNSEL AND PUBLIC DEFENSE SERVICES

A. DETERMINATION OF ATTORNEY COMPENSATION AND NECESSARY EXPENSES OF DEFENSE. In each case in which a person has been furnished services of counsel or other defense services at public expense, upon conclusion of the proceedings the court shall make a determination of the county cost incurred for attorney compensation and necessary expenses of defense. Counsel shall be prepared at that time to submit an approved form of client financial statements and itemized information as to the time devoted to the case, expenses incurred, and all claims made, and compensation received in connection with the case. Expenses will not be considered reasonable unless authorized by the court before they are incurred.

(Revised effective January 1, 1999)

RULE 21.03 COURT APPOINTED INDIGENT DEFENSE COUNSEL AND COMPENSATION

A. Appointment of Counsel. In any case where a defendant cannot afford counsel as determined under *Penal Code* §987, counsel shall be appointed in the following order: (1) the public defender; (2) conflict defense panel; (3) private counsel. This order may be varied, if appropriate under existing contracts, statutes, or case law. All case appointments are subject to *Penal Code* §§987.05 and 987.3.

B. Attorney Fees & Costs Reimbursement.

1. Private counsel will be compensated under a set hourly rate or fixed amount, as determined by the court under *Penal Code* §987.3. The Court has adopted the Appointed Services Fee & Expense Schedule, which sets out the allowable rates and reporting requirements for payment and reimbursement. The Schedule is available in the Clerk’s Office, on the court website, or from the office of the County Executive Officer. The rates set by the court are subject to change.

2. Appointment and compensation of private counsel shall be by Minute Order or written order by the Criminal Supervising Judge or his/her designee. Services shall end upon entry of judgment or order granting probation unless otherwise ordered.

3. Subject to *Penal Code* §987.3, all compensation must be approved by the court and may be capped. If appointed, counsel seeks to receive compensation above and beyond the amounts allowed under the Schedule or for services or expenses that must be pre-approved, counsel must contact the Judicial Secretary to the Criminal Supervising Judge to schedule an *in camera* ex parte hearing.

a. Counsel must submit to the Criminal Clerk’s Office (Room 118) under seal, an application including a declaration before any such services are performed justifying that such services are “necessary” to enable counsel to render legally adequate defense services along with a proposed order. The declaration must include sufficient detail to demonstrate good cause for the additional amounts. A boiler plate declaration will not be considered sufficient.

b. The ex parte documents are to be submitted prior to the *in camera* hearing to allow adequate time for review. Whenever practicable, the papers should be submitted to the clerk’s office by noon the day before the ex parte hearing. Counsel is **not** to submit the papers to the judicial assistant in the courtroom prior to or at the time of the hearing.

c. The court in its discretion may grant the request prior to the *in camera* hearing and order the hearing off calendar.

4. All requests for payment and reimbursement shall comply with the terms and conditions set forth in the Schedule, unless otherwise approved by the court. All claims must be submitted with an itemized billing or listed on a completed County of Ventura Court-Appointed Claim Form, with copies of receipts for expenses attached along with a copy of any court order(s) that authorized such expenditures. Claims must specify the case number, an hourly rate, and time billed in increments of no greater than six minutes (1/10th hour) intervals. Attorneys shall present the claims to the court. If approved, the court will forward to the County Executive Office for processing.

(Effective July 1, 2016)

RULE 21.04 AUTHORIZATION TO USE ANCILLARY DEFENSE SERVICES

A. Reasonable ancillary defense services are defined to include, but not limited to: services of investigators, experts, and paralegals. Before incurring expenses for ancillary defense services, counsel or a self-represented defendant shall make an application and follow the procedures and guidelines set out in Local Rule 21.03 and the Appointed Services Fee & Expense Schedule referenced therein.

B. Ex parte applications shall be supported by a declaration, setting forth the following facts:

1. The reason such services are reasonably necessary in the preparation of a defense;
2. The type of service being requested;
3. The name of the provider being requested and a brief statement of the provider’s qualifications to provide the requested services;
4. Where the provider is required by law to possess a license to provide the requested service, the application shall include the provider’s license number or specify any exemption to the licensing requirement applicable to the provider;

5. The requested hourly rate and a request for authorization to spend up to a specific dollar amount. If the request is for an expert witness for a subject area included on the "Service Vendor Rate Schedule" referenced in [Local Rule 22.00](#), the listed hourly rate shall be deemed the reasonable approved rate, absent a showing of good cause as to why a higher rate should be approved.

If the application is made by privately retained counsel, the initial application must also include a Declaration re Indigence from the defendant in support thereof.

C. After the initial approval of ancillary services by the court, counsel or a self-represented defendant may apply for authorization of additional expenditures, if counsel or the self-represented defendant believes there is a reasonable likelihood that the amount originally authorized for ancillary services will be exceeded. An application for additional expenditures shall include in the declaration in support of the request, the amounts previously authorized and/or denied and the reasons a greater amount is being requested. A copy of any previous orders authorizing or denying expenditures shall be attached.

D. Only when exigent circumstances exist may an attorney or self-represented defendant engage ancillary services without prior court authorization. If an attorney or self-represented defendant does so, the attorney or self-represented defendant must immediately thereafter make application to the court for authorization for such services and show by declaration, exigent circumstances justifying the use of such services without prior court authorization. Exigent circumstances may include, but are not limited to, circumstances in which there is a need to preserve or document physical evidence, which would dissipate before court authorization could be obtained.

E. Claims for payment for ancillary services are to be submitted in the manner set out for appointed attorney services in Local Rule 21.03.

F. The court will review all claims and the Supervising Criminal Judge will reduce or deny any amounts deemed excessive. *(Effective January 1, 2024)*

CHAPTER 22

COURT-APPOINTED EXPERT SERVICES AND FEES

RULE 22.00 EXPERT SERVICE FEES

Fees and expenses of court-appointed experts for services rendered pursuant to this chapter, shall be as prescribed by written contract with the court, by statute or other rule of this court or, where not so prescribed, by the most recent "Service Vendor Rate Schedule" adopted by the judges of the court, a majority concurring. Where fees for any expert service are neither provided by contract, statute, court rule or the "Service Vendor Rate Schedule", they shall be prescribed by the appointing judge. Fees and expenses for expert services shall be paid from the budget of the court only where so specifically prescribed by statute, or where the court has made the appointment on its own motion or pursuant to statutory requirement. Such fees shall otherwise be paid from the budget of the county agency or department requesting court appointment of the expert.

(Revised effective January 1, 1999)

CHAPTER 23

AMERICANS WITH DISABILITIES ACT

RULE 23.00 ACCESSIBILITY TO THE VENTURA COUNTY COURTS BY PERSONS WITH DISABILITIES *(Deleted effective January 1, 1999)*

CHAPTER 24

VOLUNTARY EARLY CIVIL MEDIATION

RULE 24.00 VOLUNTARY EARLY CIVIL MEDIATION

(Deleted effective July 1, 2012)

RULE 24.01 DISCOVERY TIMELINES

(Deleted effective July 1, 2012)

RULE 24.02 DISCOVERY DURING MEDIATION PERIOD

(Deleted effective July 1, 2012)

RULE 24.03 SERVICE OF QUESTIONNAIRE

(Deleted effective July 1, 2012)

RULE 24.04 MEET AND CONFER

(Deleted effective July 1, 2012)

RULE 24.05 MEDIATOR PANELS

(Deleted effective July 1, 2012)

RULE 24.06 REQUIRED FORM AT FIRST RESPONSIVE PLEADING OF THE LAST DEFENDANT

(Deleted effective July 1, 2012)

RULE 24.07 MEDIATOR REPORT

(Deleted effective July 1, 2012)

RULE 24.08 MEDIATION COMPLETION –

(Deleted effective July 1, 2012)

RULE 24.09 FAILURE TO COMPLY

(Deleted effective July 1, 2012)

RULE 24.10 MODIFICATION TO THE PROGRAM

(Deleted effective July 1, 2012)

CHAPTER 25
TEMPORARY JUDGES

RULE 25.00 TRAINING FEES

In accordance with *California Rules of Court*, rule 6.712(b)(16) the court may charge a reasonable fee of not more than the actual costs for court-sponsored training programs for attorneys who serve as court-appointed temporary judges, including the costs of materials and food provided to the participants.

(Effective January 1, 2007)

CHAPTER 26
PHOTOGRAPHING, RECORDING AND BROADCASTING IN COURT

RULE 26.00 USE OF CAMERAS, CAMERA PHONES, OR OTHER ELECTRONIC RECORDING DEVICES IN COURTHOUSE FACILITIES

This rule has been developed for the protection of all parties to ensure the secure and efficient handling of cases and events in all court facilities of the Superior Court of California, County of Ventura.

A. MEDIA REQUESTS

Media requests for any type of video, still photography or audio coverage must be made in compliance with *California Rules of Court, rule 1.150(e)*.

All media requests must be made by using the approved Judicial Council of California form *MC-500, Media Request to Photograph, Record or Broadcast*, and form *MC-510, Order on Media Request to Permit Coverage*.

The forms are to be submitted directly to the Ventura Superior Court Administration/Public Information Officer located in Room 206, 800 S. Victoria Avenue, Ventura, Ca, 93009 or faxed to the Ventura Superior Court Administration/Public Information Officer at (805) 477-5890, at least five (5) court days before the portion of the proceedings to be covered, unless good cause is shown.

B. USE OF CELLULAR PHONES AND OTHER ELECTRONIC DEVICES

1. No one may use a camera, cell phone camera, video, photographic, audio or other electronic device to transmit, record, or take pictures in any part of the courthouse except as permitted by local rule and *California Rules of Court, rule 1.150* or upon written approval of the Presiding Judge. For purposes of this rule, court facilities include the full entry security screening areas, lobby, courtrooms, judges' chambers, clerk's offices, court offices and the hallways adjacent to these areas. Court facilities do not include offices occupied by non-court agencies including the District Attorney's Office and Victim Services Division, the Public Defender's Office or the County Law Library.

2. The use of a camera, cell phone camera, video, photographic or other electronic device is not permitted in any jury assembly area, or juror deliberation room. In addition, photographing, videotaping, filming or electronic recording of anyone wearing a juror badge anywhere inside of the courthouse is prohibited.

3. Photographing, videotaping, filming or electronic recording of anyone involved in any case, including litigants, witnesses and spectators anywhere inside of the courthouse is prohibited, except as permitted by local rule and *California Rules of Court, rule 1.150* or upon written approval of the Presiding Judge. Unless the court orders otherwise, this rule does not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association, mock trial competitions, weddings, adoptions or a lecture or training that is held in a courtroom when court is not in session, as long as persons who are prohibited from being photographed in this rule are not photographed.

4. Prior to entering a courtroom, cellular phones, pagers, and all other electronic communication or recording devices, not specifically authorized by the judge presiding over the proceedings, must be silenced or in the discretion of the judge, turned off. Any cellular phone, pager, or other electronic device which disrupts the proceedings, may be subject to confiscation and/or search as permitted by law, by the bailiffs.

5. To the extent consistent with this rule, any camera, cell phone, or other electronic device shall not be handled in any way as to indicate that a picture, audio or video recording is being taken.

6. Any electronic device used in violation of this rule may be subject to confiscation and/or search as permitted by law. Further, any person who violates this rule may be subject to criminal prosecution, civil sanctions and/or contempt of court under *Penal Code §166*, *Penal Code §632*, *Code of Civil Procedure §177.5*, *Code of Civil Procedure §1209* and/or *California Rules of Court, rule 1.150(f)*.

(Effective 1/1/2015)

CHAPTER 27
COURT TESTIMONY BY VIDEOCONFERENCE

RULE 27.00 REQUESTS TO PRESENT TESTIMONY BY VIDEOCONFERENCE

Any party seeking to present testimony by videoconference must file and serve an application at least ten (10) days prior to the date the matter is initially set for hearing or trial. Any objections to allowing the testimony by videoconference must be filed and served at least five (5) days after service of the application. Thereafter, the court will rule on the application or set the matter for hearing on the application. If the application is granted, the requesting party and counsel for the requesting party must execute a disclaimer and release of liability with the court, which is available on the court's website and pay in advance for any court costs incurred.

This rule does not apply to the Mental Health video calendars.
(Effective January 1, 2014)

CHAPTER 28
SPECIAL PROCEEDINGS

RULE 28.00 ACTIONS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

A. DEFINITION OF A CEQA CASE. A CEQA case is any case where a petition or complaint filed by any party alleges one or more claims under the California Environmental Quality Act, Cal. Public Resources Code §21000, et seq.

B. ASSIGNMENT OF CEQA CASES

Under *Public Resources Code* §21167.1, all CEQA cases are assigned to a single judge for all purposes, including the hearing on a petition for writ of mandate and trial. The designated CEQA judge and the number of the CEQA Department are posted on the court's website. In the event of the temporary unavailability of the judge assigned to a CEQA case for all purposes, another judge may be assigned to hear matters in that case. Until and unless the court issues an order or notice revoking the existing single assignment or assigning a new judge for all purposes, any hearing that may take place before another judge does not affect the status of the case as originally assigned for all purposes.

C. PLEADINGS ALLEGING A CLAIM UNDER CEQA.

The caption page of the first pleading in any case that alleges one or more claims under CEQA shall identify that the case is a CEQA case by including the words "CEQA case" on the caption page.

D. CEQA CASES PROVISIONALLY COMPLEX. The court designates CEQA cases provisionally complex pursuant to *California Rules of Court*, rule 3.400, subdivision(c).

E. INITIAL CASE MANAGEMENT CONFERENCE & CASE MANAGEMENT STATEMENT.

1. The court will set an initial case management conference shortly after the filing of the petition (or complaint). Petitioner must provide notice of the case management conference shortly after the filing of the petition (or complaint). Petitioner must provide notice of the case management conference to respondent, real party in interest, and any responsible agency or party to the action who has been served before the case management conference, within two (2) court days of receiving notice from the court or at time of service of the petition or complaint, whichever is later.

2. At the case management conference, lead counsel for each party and each self-represented party must be prepared and be able to knowledgeably discuss the issues:

- (a) Whether all parties named in the petition or complaint have been served;
- (b) Whether a list of responsible agencies has been provided, and notice provided to each;
- (c) Whether all responsive pleadings have been filed, and if not, when they must be filed, and whether any hearing is required to address them;
- (d) Whether severance, bifurcation, or consolidation with other actions is desirable;
- (e) Whether the administrative record has been certified and served on all parties, whether there are any issues with it, and whether the court wants to receive a paper copy;
- (f) Whether the parties anticipate any motions before the hearing on the merits concerning stay orders, injunctions, or other matters, and if so, a briefing schedule for these motions;
- (g) What issues the parties intend to raise in their briefs on the merits, any matters concerning the parties' statement of issues (see Pub. Res. Code, § 21167.8, subd. (f)), whether any limitation of issues to be briefed and argued is appropriate, and whether the submission of joint briefs on the merits is appropriate;
- (h) The schedule for filing briefs on the merits, and whether service by electronic delivery will be ordered;
- (i) The form and length of all briefs, including whether pagination limits will be aggregate per side or per brief;
- (j) Whether the court will require a joint appendix of excerpts of documents identified in the parties'

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briefs, and, if so, a schedule for filing of the appendix;

(k) When the hearing on the merits of the petition will be held, and the amount of time appropriate for it;

(l) The potential for settlement, and whether a schedule for settlement conferences or alternative dispute resolution should be set;

(m) Any stipulations between the parties;

(n) Whether a further case management conference should be set;

(o) Whether organizational aids, such as a trial book, may be of value to the court at the hearing on the merits; and

(p) Any other matters that the court finds appropriate.

3. At least three (3) court days before the case management conference, petitioner and all parties that have been served with the petition must serve and file a joint case management conference statement that addresses the issues identified in the preceding paragraph and any other pertinent issues. A courtesy copy of the statement shall be emailed to the assigned department's email proxy (e.g., courtroom41@ventura.courts.ca.gov at the time of filing.

4. **PROVIDING ELECTRONIC COPIES OF BRIEFS ON THE MERITS TO THE ASSIGNED DEPARTMENT.** Unless otherwise ordered by the court, within five (5) days after filing a brief on the merits (i.e., petitioner's opening and reply briefs, and respondent's opposition brief), the filing party must provide the assigned department an electronic version of the brief on a USB drive. The electronic version of the brief shall be in a portable document format (PDF) capable of full text searching and, unless the court directs otherwise, contain hyperlinks to material cited in the brief, including the administrative record, cited decisions, and any other brief in the case filed electronically by the parties.

F. PREPARING THE ADMINISTRATIVE RECORD.

1. The format of the administrative record shall be governed by California Rules of Court, rules 3.2205 - 3.2208.

2. The court requests that within five (5) days of the administrative record being lodged with the clerk, an electronic copy of the record be delivered to the assigned department on a USB drive. This copy shall have all the features described in California Rules of Court, rule 3.2207.

3. Any dispute over the contents of the record must be resolved by noticed motion.

(Effective July 1, 2023)

APPENDIX I
STANDARDS OF PROFESSIONAL CONDUCT PREAMBLE

This rule has been adopted to foster orderly proceedings and respect for the Constitution, state laws, and the court as an institution. Its provisions apply unless an individual judge orders otherwise.

A. OPENING OF COURT

1. As each morning session begins the bailiff shall require all present to rise, then say the following words in a clear and dignified tone:

"In the presence of the flag of our country, emblem of the Constitution, and remembering the principles for which it stands, the Superior Court for the County of Ventura is now in session. The Honorable, judge presiding."

2. Upon opening court following a recess the bailiff shall proceed as directed by each judge.

B. ATTORNEYS SHOULD:

1. Pursuant to Business and Professions Code §6068(b), "maintain the respect due to the courts of justice and judicial officers".

2. Be familiar with these guidelines as well as other applicable statutes and rules of conduct, ethics, and professionalism.

3. Inform their clients and witnesses, as well as associates and family members of clients and witnesses, of all applicable rules and guidelines for behavior in and around the courtroom, and in relation to other parties, witnesses, and jurors.

C. ATTORNEYS ADDRESSING THE COURT:

1. Should address or refer to the court as "your honor" or "the court" rather than as "you" or "judge".

2. Should stand, except during an objection or other brief statement, and should speak from behind a counsel table or lectern.

3. Should not interrupt the court unless absolutely necessary to protect a client's rights.

4. Should accept a ruling without visible reaction, comment, or further argument unless upon request the court has reopened argument.

5. After a ruling in front of a jury, may request to approach the bench for clarification, but should not ask the court to explain its ruling in front of the jury.

D. WHEN MAKING AN OBJECTION, ATTORNEYS SHOULD:

1. Only state the legal ground unless further comment is allowed by the court.

2. Address the court, not opposing counsel or a witness.

3. Not interrupt a question unless necessary to protect a client's rights or the partial question is patently objectionable.

E. ATTORNEYS SPEAKING TO THE JURY SHOULD NOT:

1. Crowd the jury box or address the jury in a loud or undignified manner.

2. Exhibit familiarity with jurors or address them by name, except during jury selection or a mid-trial inquiry of a juror.

F. WITH REFERENCE TO WITNESSES, PARTIES AND OTHER ATTORNEYS, ATTORNEYS SHOULD:

1. Not exhibit familiarity or, except as to young children, use first names.

2. Question from behind counsel table or a lectern unless the court has given permission to approach a witness.

3. Inform their witnesses of any court ruling or order affecting the witness's testimony or conduct.

4. Advise their witnesses to be responsive to questions, but to refrain from answering when an objection is made.

5. Not admonish a testifying witness as to the manner of answering questions but should ask the court to do so.

6. Not, while questioning a witness, make editorial comments of approval or disapproval.

G. THE FOLLOWING SHOULD NOT TAKE PLACE IN THE PRESENCE OF THE JURY:

1. Arguments in support of or opposition to an objection.

2. Offers of proof.

3. Offers to stipulate which have not been previously agreed upon between counsel.

4. Discovery requests.

H. PERSONS IN THE COURTROOM DURING COURT SESSIONS SHOULD NOT:

1. Dress in a manner that is offensive or distracting to others in attendance.

2. Eat, drink, chew gum, or read newspapers.

3. Converse in a distracting manner.

4. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.

5. Traverse the area between the bench and counsel table, except with approval of the court.

I. EXHIBITS:

1. Should be pre-marked and, if applicable, set up in advance of their use in trial whenever possible, unless expected in good faith to be used for impeachment.

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2. Should be shown to the opposing party before their first use in trial.
3. Should be briefly identified by the proponent upon the first reference in trial, but the contents shall not be described.
4. Should, once marked and when not in use in trial, remain in the possession of the court clerk unless the court directs otherwise.
5. Which are in evidence and which the court has permitted to be shown to the jurors, should be handed to the jurors through the bailiff. –
(Revised effective January 1, 1999)

APPENDIX II

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

BRENDA L. McCORMICK
EXECUTIVE OFFICER AND CLERK

(The following fees are current as of our publication deadline)

Effective: July 1, 2024

Ventura Courthouse, Second Floor, Hall of Justice, 800 South Victoria Avenue,
Ventura, CA. 93009 East County Courthouse, 3855 - F. Alamo Street, Simi Valley,
CA 93063-2110

Juvenile Courthouse, 4353 Vineyard Avenue, Oxnard, CA 93036

Ventura Courthouse, Appeals	805.289.8527	Ventura Courthouse, Civil	805.289.8525
Ventura Courthouse, Criminal/Traffic	805.289.8545	Ventura Courthouse, Family Law	805.289.8610
Ventura Courthouse, Records	805.289.8668		
Ventura Courthouse, Small Claims	805.289.8526		
Juvenile Courthouse, Probate	805.289.8820	Juvenile Courthouse, Juvenile	805.289.8820

Web Site: www.ventura.courts.ca.gov

FEE SCHEDULE
Effective :July 1, 2024

Ventura County Superior Court Rules

Superior Court of California
Statewide Civil Fee Schedule¹
Effective January 1, 2024

		Code Section(s)	Total Fee Due
INITIAL FILING FEES IN CIVIL CASES			
Unlimited Civil Cases			
1	Complaint or other first paper in unlimited civil case (amount over \$35,000), including:	GC 70611, 70602.5, 70602.6	\$ 435*
2	Complaint or other first paper in unlawful detainer case over \$35,000		
3	Petition for a writ of review, mandate, or prohibition (other than a writ petition to the appellate division)		
4	Petition for a decree of change of name or gender		
5	Answer or other first paper filed by each party other than plaintiff (amount over \$35,000) (including unlawful detainer)	GC 70612, 70602.5, 70602.6	\$ 435*
6	Claim opposing forfeiture of seized property, if value of property is \$5,000 or less ²	H&S 11488.5(a)(3)	No fee
Limited Civil Cases			
7	Complaint or other first paper (amount over \$10,000 up to \$35,000)	GC 70613(a), 70602.5	\$ 370*
8	Complaint or other first paper in unlawful detainer (amount over \$10,000 up to \$35,000)	GC 70613(a), 70602.5, CCP 1161.2	\$ 385*
9	Answer or other first paper filed by each party other than plaintiff (amount over \$10,000 up to \$35,000) (including unlawful detainer)	GC 70614(a), 70602.5	\$ 370*
10	Complaint or other first paper (amount up to \$10,000)	GC 70613(b), 70602.5	\$ 225*
11	Complaint or other first paper in unlawful detainer (amount up to \$10,000)	GC 70613(b), 70602.5, CCP 1161.2	\$ 240*
12	Answer or other first paper filed by each party other than plaintiff (amounts up to \$10,000) (including unlawful detainer)	GC 70614(b), 70602.5	\$ 225*

¹ Fees pursuant to the Uniform Civil Fees and Standard Fee Schedule Act of 2005 (Stats. 2005, ch. 75 (AB 145)), AB 1248 (Stats. 2007, ch. 738), SB 1407 (Stats. 2008, ch. 311), 2009 Budget Act (Stats. 2009, ch. 22, SBX4 13), SB 857 (Stats. 2010, ch. 720), SB 1021 (Stats. 2012, ch. 41), AB 2612 (Stats. 2012, ch. 377), SB 75 (Stats. 2013, ch. 31), AB 1293 (Stats. 2013, ch. 382), AB 330 (Stats. 2019, ch. 217) and other legislation.

² If the value of the property is more than \$5,000, the filing fee is the fee in GC 70611, 70602.5, 70602.6.

* Fees marked with an asterisk will vary in the counties of Riverside, San Bernardino, and San Francisco because of a local surcharge for courthouse construction. The fees in those counties are shown in the appendix.

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
Limited Civil Cases			
13	Amendment of complaint or of other first paper increasing amount at issue from \$10,000 or less to more than \$10,000 (but not exceeding \$25,000)	GC 70613.5(a)	\$ 145*
14	Cross-complaint or amendment of cross-complaint increasing amount at issue from \$10,000 or less to more than \$10,000 (but not exceeding \$25,000)	GC 70613.5(b)	\$ 145*
15	Amended complaint, cross-complaint, or amended cross-complaint that reclassifies case from limited civil to unlimited civil (CCP 403.060)	GC 70619	\$ 140
16	Complaint or other first paper within small claims jurisdictional limit filed by assignee of record (with declaration)	B&P 6322.1(c)(1), GC 70613(b), CCP 116.420	\$ 181*
17	Answer or other first paper filed by each party other than plaintiff (case filed by assignee within small claims jurisdictional limit, with declaration)	B&P 6322.1(c)(1), GC 70614(b), CCP 116.420	\$ 181*
18	Amendment of complaint or of other first paper filed by assignee of record increasing amount at issue from within small claims limit to more than \$10,000 (but not exceeding \$25,000)	GC 70613.5(a)	\$ 189*
19	Cross-complaint or amendment of cross-complaint in case filed by assignee with declaration, increasing amount at issue from within small claims limit to more than \$10,000 (but not exceeding \$25,000)	GC 70613.5(b)	\$ 189*
Other Initial Filing Fees (both Limited and Unlimited Civil Cases)			
20	Additional fee for case designated as complex (one fee for all plaintiffs)	GC 70616(a)	\$ 1,000
21	Additional fee for case designated as complex (for each defendant, up to \$18,000 total for case)	GC 70616(b)	\$ 1,000
22	Supplemental fee for filing of a complaint by a "high-frequency litigant," as defined in CCP § 425.55(b), in a construction-related accessibility case ³	GC 70616.5	\$ 1,000
23	Complaint, response, or other first paper filed on behalf of public entity (but fee is recoverable with judgment under GC 6103.5)	GC 6103	No fee
24	Amended complaint or amended cross-complaint (other than one that changes amount at issue to reclassify case or require fee difference paid in limited civil case under GC 70613.5)	CCP 472	No fee
25	Action to compel registration of voters	Elec. 2142	No fee
26	Request for order to require counting of provisional ballots	Elec. 14310	No fee
27	Petition for forfeiture where claim has been filed with district attorney for impounded vehicle	VC 14607.6(e)(4)	\$ 100
28	Abstract of judgment rendered from another court (unless filed with an application for order of sale of a dwelling under CCP	GC 70626(b)(2)	\$ 45

³ Caption must identify the action as subject to the supplemental fee.

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
Other Initial Filing Fees (both Limited and Unlimited Civil Cases)			
	704.750 or with an application for order of examination under CCP 708.160)		
29	Issuing commission to take deposition out of state under CCP 2026.010	GC 70626(b)(5)	\$ 45
30	Filing and entering award under Workers' Compensation Act	GC 70626(b)(6)	\$ 45
Discovery in Out-of-State Case			
31	Application for subpoena for discovery in out-of-state case (CCP 2029.300)	GC 70626(b)(5)	\$45
32	First petition by party for relief in discovery dispute related to out-of-state case (CCP 2029.610(a), CCP 2029.620(c)(1))	GC 70611, 70602.5, 70602.6	\$ 435*
33	First petition by non-party for relief in discovery dispute related to out-of-state case (CCP 2029.610(a), CCP 2029.620(c)(2))	GC 70626(c)	\$ 80
34	Subsequent petition by party for relief in discovery dispute related to out-of-state case (where first appearance fee was previously paid) (CCP 2029.620(c)(1))	GC 70617(a)	\$ 60
35	Subsequent petition by non-party for relief in discovery dispute related to out-of-state case (where fee under GC 70626(c) was previously paid) (CCP 2029.620(c)(2))	GC 70617(a)	\$ 60
36	Response by party to petition for relief in discovery dispute related to out-of-state case (where first appearance fee was not previously paid) (CCP 2029.610(c))	GC 70612, 70602.5, 70602.6	\$ 435*
37	Response by party to petition for relief in discovery dispute related to out-of-state case (where first appearance fee was previously paid)	CCP 2029.620(d)	No fee
38	Response by non-party to petition for relief in discovery dispute related to out-of-state case	CCP 2029.610(c), CCP 2029.620(d)	No fee
Requests for Protective Orders			
39	Petition to prevent domestic violence and response	FC 6222, GC 70617(b)(7)	No fee
40	Petition to prevent abuse of an elder or dependent adult and response	W&I 15657.03(q), GC 70617(b)(10)	No fee
41	Petition to prevent civil harassment (involving violence, threats of violence, or stalking) and response	CCP 527.6(w)-(x)	No fee
42	Petition to prevent civil harassment (other) and response	GC 70611, 70612, 70602.5, 70602.6	\$ 435*
43	Petition to prevent workplace violence (involving violence, threats of violence, or stalking) and response	CCP 527.8(v)-(w)	No fee
44	Petition to prevent workplace violence (other) and response	GC 70611, 70612, 70602.5, 70602.6	\$ 435*

Ventura County Superior Court Rules

**Code
Section(s) Total
Fee Due**

CIVIL MOTION AND OTHER FILING FEES			
45	Motion or other paper requiring a hearing (unless it is the party's first paper and the first paper filing fee is paid), including the following:	GC 70617(a)	\$ 60
46	Motion listed under CCP 1005(a)(1)-(12)		
47	Motion or application to continue a trial date		
48	Discovery motion under CCP 2016.010 et seq.		
49	Motion for new trial		
50	Ex parte application requiring a party to give notice of the ex parte appearance to other parties		
51	Motion for summary judgment or for summary adjudication	GC 70617(d)	\$ 500
52	Application to appear as counsel pro hac vice	GC 70617(e)(1)	\$ 500
53	Renewal fee for application to appear as counsel pro hac vice for each year a case continues	GC 70617(e)(2)	\$500
54	Reclassification of limited jurisdiction case to unlimited jurisdiction (CCP 403.060)	GC 70619	\$ 140
55	Processing change of venue ⁴ (payable to superior court from which the transfer was requested) (a separate check with the initial filing fee for the court to which the case will be transferred is also required)	GC 70618	\$ 50
56	Request, application, or motion for, or notice of, continuance of hearing or case management conference	GC 70617(c)(1)	\$ 20
57	Stipulation and order (unless it is the party's first paper and the first paper filing fee is paid)	GC 70617(c)(2)	\$ 20
58	Request for order authorizing service of summons by posting (CCP 415.45) or by publication (CCP 415.50)	GC 70617(c)(3)	\$ 20
59	Amended notice of motion	GC 70617(b)(2)	No fee
60	Civil case management statement	GC 70617(b)(3)	No fee
61	Request for trial de novo after judicial arbitration	GC 70617(b)(4)	No fee
62	Stipulation that does not require an order	GC 70617(b)(5)	No fee
63	A request for entry of default or default judgment	GC 70617(b)(8)	No fee
CIVIL JURY AND TRIAL RELATED FEES			
64	Advance jury fee (nonrefundable)	CCP 631(b)	\$ 150

⁴ This is a processing fee "for making up and transmitting the transcript and papers" when venue in a case is changed. The motion fee under GC 70617 is charged separately for a motion for change of venue.

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
SMALL CLAIMS FEES			
84	Amendment raising amount of claim from \$1,500 or less to more than \$1,500 but not exceeding \$5,000	CCP 116.230(d)(1)	\$ 20
85	Amendment raising amount of claim from more than \$1,500 but not exceeding \$5,000 to more than \$5,000 but not exceeding \$12,500 (claim by natural persons only, with certain exceptions)	CCP 116.230(d)(2), CCP 116.221	\$ 25
86	Amendment raising amount of claim from \$1,500 or less to more than \$5,000 but not exceeding \$12,500 (claim by natural persons only, with certain exceptions)	CCP 116.230(d)(3), CCP 116.221	\$ 45
87	Service of copy of a claim under CCP § 116.340, for each defendant to whom the clerk mails a copy of the claim	CCP 116.232	\$ 15
88	Transfer of case out of small claims court (defendant's claim exceeding jurisdictional limit) (no receiving court filing or transfer fee)	CCP 116.390	No fee
89	Request for postponement of hearing, if defendant has been served	CCP 116.570	\$ 10
90	Notice of appeal of small claims case	CCP 116.760	\$ 75
91	Motion to vacate	CCP 116.745	\$ 20
92	Fee for payment of judgment to court	CCP 116.860	\$ 20
93	Application for order of examination of judgment debtor	GC 70617(a)(6), CCP 116.820	\$ 60
94	Writ of execution	GC 70626(a)(1), CCP 116.820	\$ 40
95	Abstract of judgment	GC 70626(a)(2), CCP 116.820	\$ 40

FAMILY LAW FEES			
96	Petition or other first paper (including a joint petition) for dissolution of marriage or domestic partnership, legal separation, or nullity	GC 70670(b), 70602.5, 70602.6	\$ 435*
97	Response or other first paper filed in response to petition for dissolution of marriage or domestic partnership, legal separation, or nullity	GC 70670(d), 70602.5, 70602.6	\$ 435*
98	First paper in family law matter other than dissolution of marriage or domestic partnership, legal separation, or nullity	GC 70670(a), 70602.5, 70602.6	\$ 435*
99	First paper filed in response in family law matter other than dissolution of marriage or domestic partnership, legal separation, or nullity	GC 70670(c), 70602.5, 70602.6	\$ 435*
100	A settlement agreement or stipulation for judgment that is signed by a defaulted respondent and included in a judgment of dissolution of marriage or domestic partnership; or a stipulation to modify such an agreement if the stipulation is presented by the petitioner. (Defaulted respondent is not charged a first paper fee under GC 70670. GC 70671(b), (e).)	GC 70677(c)	No fee

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
FAMILY LAW FEES			
101	Appearance, stipulation, and waiver of rights in dissolution of marriage or domestic partnership, legal separation or nullity or to establish parentage, when respondent is a member of the armed forces	GC 70673	No fee
102	Petition for adoption (for each person to be adopted) ⁵	H&S 103730	\$ 20
103	Filings in a proceeding to declare a minor free from parental custody and control	FC 7806, 7841	No fee
104	Domestic violence restraining orders, including a request to obtain, modify, or enforce an order to prevent domestic violence or response to that request; and any request that is necessary to obtain or give effect to a restraining order	GC 70671(f), GC 70677(b)(5), FC 6222	No fee
105	Motion or order to show cause in family law matter (unless it is the party's first paper and the first paper filing fee is paid)	GC 70677(a)	\$ 60
106	Additional charge on motion or order to show cause to modify or enforce custody or visitation	GC 70678	\$ 25
107	Stipulation and order not requiring a hearing; request or stipulation for continuance of hearing or case management conference not requiring a hearing	GC 70677(c)	\$ 20
108	Stipulation that does not require an order	GC 70677(b)(7)	No fee
109	A stipulation regarding the date of termination of marital or domestic partnership status if the court has retained jurisdiction over that date	GC 70671(c)	No fee
110	First paper or any subsequent paper filed by the Department of Child Support Services to establish parentage or to establish, modify, or collect support	GC 6103.9, 70672	No fee
111	Response or subsequent paper filed in an action brought by the Department of Child Support Services to establish parentage or to establish, modify, or collect support if support is the only issue. If a custody issue is raised, see charge for first paper filed in response to other family law matters.	GC 70672	No fee
112	Filings on issues relating to parentage or support in a pre-existing non-governmental case in which a Title IV-D child support agency has intervened and is providing services under FC 17400	GC 70672	No fee
113	Statement to register a foreign support order or other first paper in a UIFSA case	GC 70677, FC 4927	No fee
114	A document relating to a stipulated postjudgment modification of child support	GC 70671(d)	No fee
115	Costs for stepparent adoption, including investigation (amount set by court, up to \$700) (FC 9001, 9002)	FC 9002	Amount set by court
116	Child custody evaluation (amount set by court)	FC 3112	Amount set by court

⁵ The fee is waived for agency adoptions when a statement from the agency is filed with the petition.

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
FAMILY LAW FEES			
117	Court-appointed counsel for child (amount set by court) (FC 3150 et seq.)	FC 3153	Amount set by court
118	Premarital counseling for minors	FC 304	Amount set by court
119	Cost for investigation re: petition to declare child free from parental custody and control	FC 7851.5	Amount set by court
120	Application fee for recognition of tribal court order for distribution of restricted assets upon dissolution	CCP 1733.1(a)	\$100
PROBATE FEES			
121	First-filed petition for letters of administration or letters testamentary, first-filed petition for special letters of administration with powers of general representative under Prob.C 8545	GC 70650(a), 70602.5, 70602.6	\$ 435*
122	First objection to probate of will or codicil (Prob.C 8250); first petition for revocation of probate of will or codicil (Prob.C 8270) (if filed together with petition for appointment of personal representative under GC 70650(c), only the fee under GC 70650(c) is charged)	GC 70650(b), 70602.5, 70602.6	\$ 435*
123	Later-filed petition for letters of administration, letters testamentary, or special letters of administration with powers of general representative by a person other than the original petitioner	GC 70650(c), 70602.5, 70602.6	\$ 435*
124	First or subsequent petition for special letters of administration without powers of general personal representative	GC 70657.5(a)(3)	\$ 200
125	Opposition to a petition for appointment of a personal representative in a decedent's estate, other than a competing petition for appointment or a will contest, and objection or other opposition to first account of testamentary trustee subject to court supervision	GC 70651, 70602.5, 70602.6	\$ 435*
126	Petition (or opposition to petition) concerning the internal affairs of a trust under Prob.C 17200 et seq., or first account of trustee of testamentary trust subject to continuing court jurisdiction under Prob.C 17300 et seq.	GC 70652, 70602.5, 70602.6	\$ 435*
127	Petition (or opposition to petition) concerning the internal affairs of a trust created by court order under Prob.C 2580, 3100, or 3600 (trusts not subject to the \$435 fee under GC 70652)	GC 70657.5(a)(1), 70652(d)	\$ 200
128	Petition for appointment of conservator, guardian of the estate or guardian of the person and estate or opposition to these petitions other than competing petition for appointment	GC 70653(a), (b), 70602.5, 70602.6	\$ 435*
129	Opposition to petition for appointment of conservator, guardian of the estate or guardian of the person and estate filed by or on behalf of the proposed conservatee or proposed ward or a parent of the proposed ward	GC 70653(f)	No fee

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
PROBATE FEES			
147	Petition (or opposition to petition) for an order listed below, filed after issuance of letters testamentary, letters of administration, or letters of special administration to a personal representative of a decedent's estate; letters of guardianship or temporary guardianship to a guardian of the estate or person and estate; or letters of conservatorship or temporary conservatorship to a conservator	GC 70658(a), 70602.5, 70602.6	\$ 435
	<ul style="list-style-type: none"> • Petition for order concerning sale, lease, encumbrance, grant of an option, purchase, conveyance, or exchange of property 	GC 70658(a)(1), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order settling an account of a fiduciary 	GC 70658(a)(2), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order authorizing, instructing, or directing a fiduciary, or approving or confirming acts of a fiduciary 	GC 70658(a)(3), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order concerning payment of compensation or expenses of an attorney 	GC 70658(a)(4), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order concerning payment of compensation or expenses of a fiduciary 	GC 70658(a)(5), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order surcharging or removing a fiduciary 	GC 70658(a)(6), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order transferring or authorizing transfer of property of an estate to a fiduciary in another jurisdiction 	GC 70658(a)(7), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order allowing a fiduciary's request to resign 	GC 70658(a)(8), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order adjudicating a claim to property under Prob.C 850 et seq. 	GC 70658(a)(9), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order granting permission to fix the residence of a ward or conservatee outside of California 	GC 70658(a)(10), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order concerning payments for support, maintenance, or education of a ward or conservatee or a of person entitled to support, maintenance, or education from a ward or conservatee 	GC 70658(a)(11), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order concerning payment of surplus income to relatives of a conservatee (Prob.C 2423) or concerning substituted judgment (Prob.C 2580) 	GC 70658(a)(12), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order affecting legal capacity of a conservatee under Prob.C 1870 et seq. 	GC 70658(a)(13), 70602.5, 70602.6	
	<ul style="list-style-type: none"> • Petition for order adjudicating merits of a claim under Prob.C 2500 et seq. 	GC 70658(a)(14), 70602.5, 70602.6	
148	Petition (or opposition to petition) filed after the issuance of temporary letters of guardianship or conservatorship or letters of guardianship or conservatorship not subject to the \$435 fee in GC 70658(a) and not exempt under GC 70657(e)	GC 70657(a)(3)	\$ 60
149	Petition (or opposition to petition) filed after the issuance of letters of guardianship or temporary letters of guardianship in a guardianship of the person only	GC 70657(e), 70658(c)(1)	No fee

Ventura County Superior Court Rules

Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
PROBATE FEES			
163	Information package for conservators	Prob.C 1835	\$ 20
164	Conservatorship investigator's fee (amount set by court)	Prob.C 1851.5	Amount set by court
165	Petition for summary probate (Public Administrator only)	Prob.C 7660	\$ 205
166	Delivery of will to the court in which the estate may be administered (Prob.C 8200)	GC 70626(d)	\$ 50
167	Request for special notice in decedent's estate, guardianship, conservatorship, and trust proceedings (Prob.C 1250, 2700, 17204)	GC 70662	\$ 40
168	Registering a conservatorship established outside of California (effective January 1, 2016)	GC 70663	\$ 30

APPEAL AND WRIT RELATED FEES			
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Appeal of Unlimited Civil Case			
169	Certificate for Court of Appeal or Supreme Court on motion prior to filing appeal record	GC 70620	\$ 20
170	Appeal or cross appeal to court of appeal (payable to court of appeal)	GC 68926, 68926.1(b)	\$ 775
171	Deposit for preparation of clerk's transcript (payable to superior court) (charged when notice of appeal to court of appeal is filed under GC 68926)	GC 68926.1	\$ 100

Other Appeals			
172	Appeal in limited civil case (to appellate division), where amount demanded in case does not exceed \$10,000	GC 70621(b), 70602.5	\$ 225
173	Appeal in limited civil case (to appellate division), where amount demanded in case exceeds \$10,000 (but does not exceed \$35,000)	GC 70621(a), 70602.5	\$ 370
174	Appeal in small claims case	CCP 116.760	\$ 75
175	Writ petition to appellate division, where amount demanded in limited civil case does not exceed \$10,000	GC 70621(b), 70602.5	\$ 225
176	Writ petition to appellate division, where amount demanded in limited civil case exceeds \$10,000 (but does not exceed \$35,000)	GC 70621(a), 70602.5	\$ 370
177	Appeal from Labor Commissioner's Award (Lab.C 98.2)	GC 70611, 70602.5, 70602.6	\$ 435*
178	Appeal of final decision on parking citation violation (VC 40230)	GC 70615(b)	\$ 25
179	Appeal from determination of dangerous or vicious dog (F&A 31622)	GC 70626(b)(8)	\$ 45
180	Appeal of administrative fine or penalty (GC 53069.4(b)(2))	GC 70615(a)	\$ 25

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198	Filing affidavit of publication of notice of dissolution of partnership	GC 70626(b)(7)	\$ 45
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Ventura County Superior Court Rules

		Code Section(s)	Total Fee Due
MISCELLANEOUS FEES			
199	Filing and indexing papers for which a charge is not provided elsewhere	GC 70626(b)(10)	\$ 45
200	Appearance by videoconferencing	GC 70630	Amount set by court
201	Reasonable fee for service or product, not to exceed costs, where no fee is otherwise provided for (Rule 10.815)	GC 70631	Amount set by court
202	Administering funds held in trust for deposits of funds for reporters' transcripts	GC 70632 CRC 8.130 and 8.834	\$50
203	Certificate of facts regarding unsatisfied judgment	VC 16373	Amount set by court

Ventura County Superior Court Rules

Appendix: First paper filing fees under the UCF in courts with local courthouse construction surcharges

		Limited civil cases			Unlimited civil cases (> \$35,000), family, probate
		Limited civil ≤ \$10,000	Limited civil > \$10,000	Amendment to amount over \$10,000 ≤ \$25,000 ⁷	
Statewide uniform fee⁸		\$ 225	\$ 370	\$ 145	\$ 435
Normal distribution to State Court Facilities Construction Fund ⁹		\$ 20	\$ 25	None	\$ 35
Riverside¹⁰	Local courthouse construction surcharge	\$ 50	\$ 50	None	\$ 50
	Distribution to SCFCF	\$ 0	\$ 0	None	\$ 0
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 255	\$ 395	\$ 140	\$ 450
San Bernardino¹¹	Local courthouse construction surcharge	\$ 35	\$ 35	None	\$ 35
	Distribution to SCFCF	\$ 0	\$ 0	None	\$ 0
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 240	\$ 380	\$ 140	\$ 435
San Francisco¹²	Local courthouse construction surcharge	\$ 10	\$ 10	None	\$ 50
	Distribution to SCFCF	\$ 10	\$ 15	None	\$ 0
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 225	\$ 370	\$ 145	\$ 450

⁷ This column shows the fee under GC 70613.5 for a filing increasing the amount at issue in a limited civil case from \$10,000 or less to more than \$10,000, but not to exceed \$25,000. The fee reflects the incremental amount that the first paper fee for a case with more than \$10,000, but not to exceed \$25,000 at issue exceeds the first paper fee for a case with \$10,000 or less at issue.

⁸ These uniform filing fees apply to both first paper filings and response filings in limited, unlimited, family law and probate cases.

⁹ Under the Uniform Civil Fee legislation, the standard distributions to the State Court Facilities Construction Fund are \$20, \$25 and \$35 depending on the level and type of filing. In Riverside, San Bernardino and San Francisco the distribution to the SCFCF is reduced to offset, to the extent possible, the local courthouse construction surcharge.

¹⁰ In Riverside the maximum surcharge allowed by statute is \$50 under GC 70622. As of January 1, 2009, the surcharge is \$50 for all cases.

¹¹ In San Bernardino the maximum surcharge allowed by statute is \$35, which is applied to all first paper filings. (GC 70624.)

¹² In San Francisco the maximum surcharge allowed by statute is \$50. \$10 is applied to limited civil cases and \$50 to other first paper filings. (GC 70625.)

Ventura County Superior Court Rules

Fees for limited civil unlawful detainer cases and cases filed by assignees in courts with local courthouse construction surcharges

		Limited civil unlawful detainer cases ¹³		Cases filed by assignees	
		Unlawful detainer, limited civil ≤ \$10,000	Unlawful detainer, limited civil > \$10,000	Ltd civil with declarations < \$5,000	Amendment to amount over \$10,000 < \$25,000 ¹⁴
Statewide uniform fee		\$ 240	\$ 385	\$ 181	\$ 189
Normal distribution to State Court Facilities Construction Fund ¹⁵		\$ 20	\$ 25	\$ 20	None
Riverside¹⁶	Local courthouse construction surcharge	\$ 50	\$ 50	\$ 50	None
	Distribution to SCFCF	\$ 0	\$ 0	\$ 0	None
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 270	\$ 410	\$ 211	\$ 184
San Bernardino¹⁷	Local courthouse construction surcharge	\$ 35	\$ 35	\$ 35	None
	Distribution to SCFCF	\$ 0	\$ 0	\$ 0	None
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 255	\$ 395	\$ 196	\$ 184
San Francisco¹⁸	Local courthouse construction surcharge	\$ 10	\$ 10	\$ 10	None
	Distribution to SCFCF	\$ 10	\$ 15	\$ 10	None
	Total fee (with local surcharge and offset from SCFCF distribution)	\$ 240	\$ 385	\$ 181	\$ 189

¹³ These amounts incorporate the additional \$15 fee under CCP 1161.2 charged to plaintiffs in limited civil unlawful detainer cases.

¹⁴ This column shows the fee under GC 70613.5 for a filing increasing the amount at issue in a limited civil case filed by an assignee (with declaration) from within the small claims jurisdictional limit to more than \$10,000, but not to exceed \$25,000. The fee reflects the incremental amount that the first paper fee for a limited civil case with more than \$10,000, but not to exceed \$25,000, at issue exceeds the first paper fee for a case with declarations with less than \$5,000 at issue.

¹⁵ Under the Uniform Civil Fee legislation, the standard distributions to the State Court Facilities Construction Fund are \$20, \$25 and \$35 depending on the level and type of filing. In Riverside, San Bernardino and San Francisco the distribution to the SCFCF is reduced to offset, to the extent possible, the local courthouse construction surcharge.

¹⁶ In Riverside the maximum surcharge allowed by statute is \$50 under GC 70622. As of January 1, 2009, the surcharge is \$50 for all cases.

¹⁷ In San Bernardino the maximum surcharge allowed by statute is \$35, which is applied to all first paper filings. (GC 70624.)

¹⁸ In San Francisco the maximum surcharge allowed by statute is \$50. \$10 is applied to limited civil cases and \$50 to other first paper filings. (GC 70625.)

Ventura County Superior Court Rules

APPENDIX III

**LOCAL FORMS – VENTURA SUPERIOR COURT – APPENDIX III
ALPHABETICAL**

All local forms are available on the court's website: www.ventura.courts.ca.gov

	<u>Number</u>	<u>Document Name</u>	<u>Date Rev.</u>
Mandatory	VN-202	ADOPTION AGREEMENT (ADULT)	07/24
	VN-001	AFFIDAVIT/CERTIFICATE/DECLARATION FOR SUBPENA DUCES TECUM	07/03
	VN-002	AFFIDAVIT/CERTIFICATE/DECLARATION FOR SUBPENA DUCES TECUM RE: DEPOSITION	07/03
Mandatory	VN-243	AGREEMENT AND ORDER RE APPOINTMENT OF OFFICIAL REPORTER PRO TEMPORE	07/16
	VN-242	ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION	07/12
	VN-004	AMENDMENT TO COMPLAINT	07/03
	VN-005	APPLICATION AND DECLARATION FOR ISSUANCE OF WRIT OF POSSESSION	07/03
	VN-006	APPLICATION AND ORDER TO SERVE SUMMONS BY POSTING – UNLAWFUL DETAINER	07/03
	VN-007	APPLICATION FOR ISSUANCE OF WRIT OF EXECUTION	07/03
	VN-008	APPLICATION FOR ORDER OF PUBLICATION	07/11
Mandatory	VN-190	APPLICATION FOR REAL PROPERTY EQUITY BOND AND DECLARATION OF PROPERTY OWNER (S)	01/08
Mandatory	VN-232	ATTACHMENT	07/10
	VN-186	ATTACHMENT TO FAMILY LAW JUDGMENT (PROPERTY AND DEBT)	01/06
	VN-237	ATTACHMENT TO FINANCIAL STATEMENT (SIMPLIFIED)	01/11
Mandatory	VN-009	AWARD OF ARBITRATOR	07/12
	VN-245	CALENDARING REQUEST AND NOTICE SUPPORTING DECLARATION (JUVENILE DEPENDENCY)	01/13
	VN-260	CAN'T AFFORD TO PAY FINE: TRAFFIC AND OTHER INFRACTIONS	01/20
Mandatory	VN-194	CERTIFICATE OF ACCEPTANCE	01/08
Mandatory	VN012	CERTIFICATE OF COMPETENCY TO PRACTICE IN JUVENILE DEPENDENCY COURT	01/08
	VN-015	CERTIFICATE RE DISQUALIFICATION OF JUDGE (CCP 170.6)	07/03
	VN-223	CITATION REGARDING PETITION TO DECLARE CHILD FREE FROM PARENTAL CUSTODY AND CONTROL (FAMILY CODE 7880, 7881)	01/09
	VN-251	CITATION TO APPEAR AT HEARING TO FIND PARENT'S CONSENT NOT NECESSARY FOR CHILD'S ADOPTION	007/23
	VN-175	CLERK'S CERTIFICATE OF COSTS (CCP 668.090)	01/04
	VN-138	CLERK'S CERTIFICATE RE: SATISFACTION OF JUDGMENT	01/06
	VN-215	CONDITIONAL SETTLEMENT AGREEMENT FOR JUDGMENT CREDITOR CASES – SMALL CLAIMS	07/09
Mandatory	VN-248	CONFIDENTIAL EX PARTE / TEMPORARY CONSERVATORSHIP INFORMATION SUMMARY (For Court Investigator)	01/15
Mandatory	VN-182	CONFIRMATION OF VIEWING CONSERVATORSHIP VIDEO	01/22
Mandatory	VN-189	CONSENT FOR COURT ASSIGNMENT (FAMILY LAW)	07/12
Mandatory	VN-203	CONSENT OF SPOUSE TO ADOPTION (ADULT)	01/08
Mandatory	VN-233	CONSERVATORSHIP CARE PLAN/STATUS REPORT	01/24

Ventura County Superior Court Rules

Mandatory	VN-262	CONSERVATORSHIP PRELIMINARY/INTERIM FINANCIAL DECLARATION	01/21	
	VN-140	DECLARATION FOR ENTRY OF SATISFACTION OF JUDGMENT	07/05	
Mandatory	VN-032	DECLARATION IN PROCEEDINGS AGAINST JOINT DEBTOR	07/03	
	VN-033	DECLARATION IN SUPPORT OF DEFICIENCY JUDGMENT ON SALE OF VEHICLE	07/12	
	VN-115	DECLARATION IN SUPPORT OF DISSOLVEMENT	07/03	
	VN-261	DECLARATION OF DUE DILIGENCE AND REQUEST FOR ORDER DISPENSING WITH NOTICE	07/20	
	VN-210	DECLARATION OF DUE DILIGENCE IN ATTEMPTS TO LOCATE ALLEGED NATURAL FATHER (STEP-PARENT ADOPTION) [FC 7665,7666]	07/08	
	VN-269	DECLARATION RE: FIREARMS, FIREARMS PARTS, AND AMMUNITION OWNS	01/24	
	VN-028	DECLARATION RE EX PARTE NOTICE	01/14	
	VN-143	DISPUTE SETTLEMENT	07/13	
	VN-209	EX PARTE APPLICATION FOR ORDER DISPENSING WITH NOTICE TO UNKNOWN FATHER OR TO ALLEGED FATHER WHOSE WHEREABOUTS REMAIN UNKNOWN AND TERMINATING PARENTAL RIGHTS; ORDER (STEP-PARENT ADOPTION) [FC 7665, 7666]	07/09	
	VN-234	EX PARTE APPLICATION FOR TEMPORARY GUARDIANSHIP	07/14	
Mandatory	VN-130	EX PARTE PETITION TO ACCESS AN UNLAWFUL DETAINER ACTION (LIMITED CIVIL CASE) – CCP 1161.2	07/03	
Mandatory	VN-163	FAMILY COURT SERVICES INTAKE QUESTIONNAIRE	07/09	
	VN-263	FAMILY LAW STATUS CONFERENCE – PROCEDURAL MILESTONES	07/22	
	VN-208	FINDINGS AND ORDERS REGARDING PATERNITY AND TERMINATING PARENTAL RIGHTS OF ALLEGED NATURAL FATHER (STEP-PARENT ADOPTION) (FC 7664)	07/08	
Mandatory	VN-042	GUARDIANSHIP QUESTIONNAIRE (<i>PROBATE CODE</i> 1513)	07/24	
	VN-267	INFORMAL ACCOUNTING – BLOCKED ACCOUNTS	01/22	
	VN-043	INFORMATION RELEASE AUTHORIZATION	07/03	
Mandatory	VN-219	JOINT MANDATORY SETTLEMENT CONFERENCE STATEMENT	01/11	
	VN-049	JUDGMENT ON SISTER STATE JUDGMENT	07/03	
	VN-231	MAILING ADDRESS OF PARENT	07/10	
	VN-185	MARITAL SETTLEMENT AGREEMENT	07/22	
	VN-146	MOTION FOR ORDER CONTINUING	07/22	
	VN-171	REQUEST FOR VISITATION (GUARDIANSHIP)	01/19	
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www.ventura.courts.ca.gov

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VENTURA SUPERIOR COURT

INDICES

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Ventura County Superior Court Rules

List of Abbreviations

App.	Appendix
BPC	Business and Profession Code
CAC	California Administrative Code
CC	Civil Code
CCP	Code of Civil Procedure
CRC	California Rules of Court
EC	Evidence Code
Exh.	Exhibit
FC	<i>Family Code</i>
FF	Filing Fees of the Superior Court of California
GC	Government Code
HSC	Health and Safety Code
JCR	Juvenile Court Rules (California Rules of Court)
JCF	Judicial Council Forms
LC	Labor Code
PeC	Penal Code
PC	Probate Code
VC	Rules of the Superior Court of Ventura County
VCM	Rules of the Municipal Court of Ventura County
WIC	Welfare and Institutions Code



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