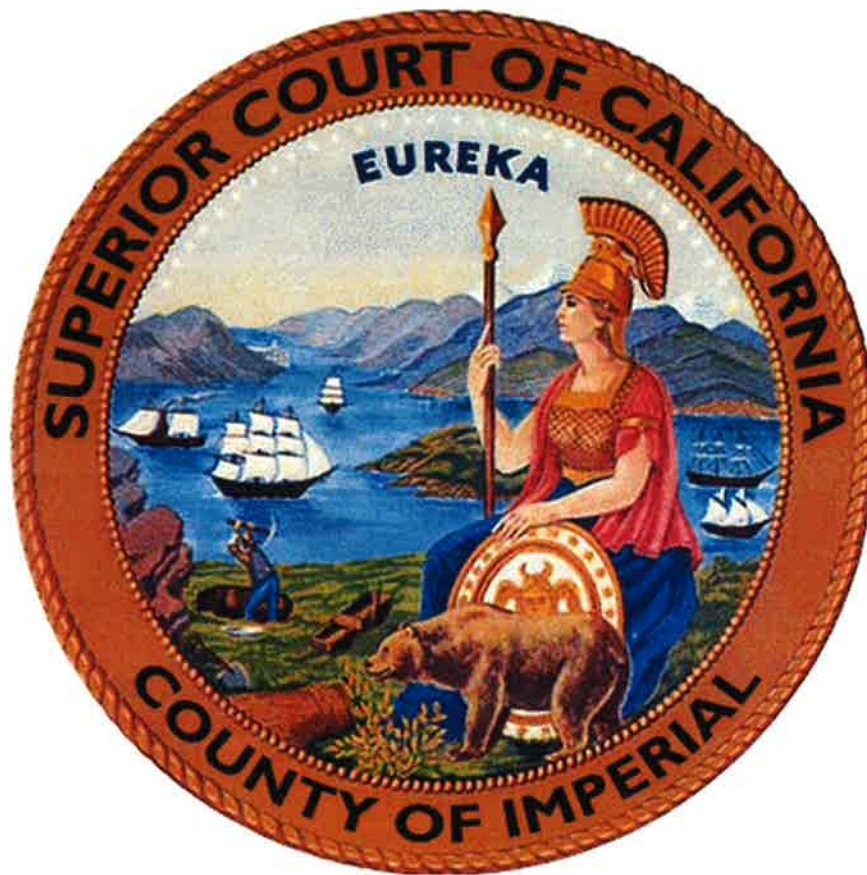


Superior Court of California  
County of Imperial

# Local Rules

Adopted, Effective January 1, 2020



The following Rules of Court for the Superior Court, County of Imperial, are proposed to be adopted January 1, 2020, by the Superior Court, County of Imperial.

**These proposed Rules of Court are subject to a 45-day comment period which begins on September 16, 2019, and ends on October 30, 2019.**

To submit your written comment, please mail to: Laura Gunderson, Superior Court of California, County of Imperial, 939 W. Main Street, El Centro, CA 92243, or send via e-mail to [lgunderson@imperial.courts.ca.gov](mailto:lgunderson@imperial.courts.ca.gov).

For questions, please dial 760-482-2251.

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# Chapter 1 Preliminary Rules

## Rule 1.0 Effective Date

These rules shall take effect on 01/01/20.

[Adopted July 1, 2007, amended 01/01/08, 01/01/09, 01/01/11, 01/01/12, 01/01/13, 01/01/14, 01/01/15, 01/01/16, 01/01/17, 01/01/18, 07/01/18, 07/01/19, 01/01/20]

# Chapter 2 Administrative and General Matters

## Rule 2.3 Court Divisions

- (a) **Criminal Division** Six judges shall be assigned to preside over the criminal division, which includes both misdemeanors and felonies. Four judges shall be assigned in El Centro and two in Brawley. The judges in the criminal division shall, at a meeting held not later than December 31<sup>st</sup> of each year, designate a supervising judge of the criminal division (“SCJ”) to preside over the felony master calendar department. The PJ may, but need not, serve as SCJ.
- (b) **Civil Division** Two judges shall be assigned to preside over the civil division in El Centro and shall hear trials, law and motion, conservatorship, and probate.
- (c) **Family and Juvenile Division** Two judges and one part-time AB1058 commissioner shall be assigned to the family and juvenile divisions, and shall hear matters as assigned by the Juvenile Presiding Judge.

- (d) **Infractions** An appointed referee shall preside over infraction cases at the El Centro ~~Valley Plaza~~, Brawley, and Winterhaven Courthouses.
- (e) **Small Claims** An appointed referee shall hear small claims cases at designated times at the El Centro and Winterhaven Courthouses.
- (f) **Appellate** Judges of the appellate division of the Court are designated by the Chief Justice of the California Supreme Court. In addition to appeals specified elsewhere by statute or rule, the appellate division has jurisdiction over matters as required by these rules.
- (g) **Juvenile Infractions.** An appointed referee shall preside over infraction cases at the El Centro ~~Valley Plaza~~ Courthouse.

[Adopted July 1, 2007, subd (d) amended 01/01/10, subd (g) adopted 01/01/10, subd (c)(g) amended 01/01/12, subd (a)(d)(e) amended 01/01/14, subd (d)(g) amended 01/01/20]

## Rule 2.5 Departments of the Courts

The departments in the Courthouse in El Centro (Main) are designated:  
Dept. 1, Dept. 2, Dept. 3, Dept. 4, Dept. 5, ~~Dept. 6~~, Dept. 7, Dept. 8, and Dept. 9.

The departments in other locations are designated:  
Brawley East  
Brawley West  
~~Valley Plaza~~  
Winterhaven

[Adopted July 1, 2007, amended 01/01/10, 01/01/14, 01/01/20]

## Rule 2.6 Clerk’s Offices

A clerk’s office shall be located at the El Centro, ~~Valley—Plaza~~, Brawley, and Winterhaven Courthouses.

[Adopted July 1, 2007, amended 01/01/09, 01/01/14]

**Rule 2.18 Mandatory Electronic Filing of Court Documents**

Beginning ~~July 1, 2019~~ **January 1, 2020**, electronic filing of Court documents will be ~~optional~~ **mandatory** for the following case types:

- 1) Civil Unlimited
- 2) Civil Limited
- 3) Probate
- 4) Family Law
- 5) Family Support
- 6) Small Claims
- 7) Adoptions

**These documents include initial case filings and subsequent filings. Self-represented parties or other self-represented persons are exempt from any mandatory electronic filing, however, are encouraged to file electronically.**

Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day.

Electronic filing can be done at <https://imperial.courts.ca.gov/>

Parties electronically filing documents to the Court must submit all documents with the following formatting rules:

- 1) All Documents must be in standard PDF (Portable Document Format) format and viewable on any standard PDF Viewer. (i.e. Adobe Reader or Foxit PDF Reader)
- 2) Electronic signatures must comply with CRC 2.257 and CCP 1010.6.
- 3) All Documents submitted of more than 15 pages and/or containing

multiple exhibits/sections must be bookmarked. (Free PDF reader software is available online with bookmarking capabilities)

- a. Bookmarks should be named to match the bookmarked section/exhibit.
  - b. Examples of documents to be bookmarked include, but are not limited to, Civil Petitions with Exhibits and Motions with Exhibits.
- 4) Also, all documents electronically filed must be in a text searchable format, i.e., OCR.
  - 5) Electronically filed documents must comply with CRC 2.250 – 2.261.

[Adopted July 1, 2019, amended 01/01/20]

**Rule 2.19 Signatures on E-Filed Documents**

- (a) Every item which is E-filed and/or E-served is deemed to have been signed by a judge, licensed attorney, court official, or person authorized to execute proofs of service if it bears a typographical signature of such person, e.g., “/s/ Adam Attorney,” along with the typed name, address, telephone number, and State Bar of California number of a signing attorney. Such typographical signatures are personal signatures for all purposes under the CCP. Judges may use graphic signatures.
- (b) E-filed and/or E-served documents requiring a signature under penalty of perjury must be imaged to reflect the handwritten signature of the declarant to accomplish valid filing and service.

- (c) E-filed and/or E-served documents which do not require a signature under penalty of perjury are deemed signed by the submitting party if it bears a typographical or graphic signature.
- (d) The original of E-filed and/or E-served documents including original signatures must be retained by the party filing the document for at least the period after the termination, including all appeals, of the case required for conventionally filed documents. Upon reasonable notice, the filing party must provide in advance of any hearing on the matter the original of such typographically signed or imaged documents.

[Adopted January 1, 2020]

## **Chapter 4** **Criminal Rules**

### **Division 1** **Misdemeanor and Felony**

#### **Rule 4.1.0 Filing Locations; Calendaring**

- (a) Out of custody misdemeanor complaints are filed in the venue referred to in Rule 2.7 except that criminal misdemeanor matters arising in the Winterhaven venue are filed in the Criminal Department of the Court Clerk's Office at the El Centro Courthouse.
- (b) In custody misdemeanor complaints are filed in the El Centro Court Criminal Department or Brawley Court.
- (c) Felony complaints are filed at the Criminal Department of the Court

Clerk's Office at the El Centro Courthouse. The cases are heard at the Brawley Court, where defendants are then arraigned, and where pre-trials and preliminary hearings are held. When scheduling difficulties preclude a preliminary hearing from being heard at the Brawley Court, the preliminary hearing may be assigned to be heard by another bench officer. The Supervising Criminal Division Judge ("SCJ") may direct such an assignment.

- (d) Where a defendant charged with one or more felonies is held to answer following preliminary hearing (or where a preliminary hearing is waived), an information must be filed with the Criminal Department of the Court Clerk's Office at the El Centro Courthouse, as required by law, unless the district attorney elects to deem the complaint as the information after the held to answer order of the Court, at which time the defendant will be arraigned on the information.
- (e) In other cases, defendants charged by information with one or more felonies are arraigned in the master calendar department by the SCJ or any other judge who may be assigned to that department. The SCJ (or other judge assigned) thereafter hears and determines felony pretrial motions, presides over readiness conferences, and, where not inconsistent with law, assists in the disposition of cases without trial. At readiness conferences, the SCJ assigns cases for trial to judges on the criminal team.
- (f) The Clerk of the Criminal Department calendars felony arraignments and all other post-preliminary hearing pre-trials and

hearings in the master calendar department. When a case is assigned for trial from the master calendar, the courtroom clerk transfers the file to assigned department and advises Jury Commissioner staff of the assignment.

- (g) Grand Jury indictments are received in the Court where the grand jury is seated, and are filed in El Centro where they are set for arraignment on the indictment.
- (h) Juvenile infractions cited in Imperial County are filed in the El Centro ~~Valley Plaza~~ Courthouse.

[Adopted July 1, 2007, subd (h) adopted 01/01/10, Rule 4.0 renumbered to 4.1.0 01/01/12, subd (a)(b)(c) amended 01/01/14, ~~subd (h) amended 01/01/20~~]

## Chapter 6 Juvenile Proceedings

### Division 1 General Provisions

#### Rule 6.1.8 Authorizations for Travel, Medical and Dental Care

~~(a) — Unless ordered otherwise by the Court, a minor’s care provider may travel with the minor within the State of California with the concurrence of DSS. Any travel for the minor out of the State of California shall require prior Court approval.~~

(a) Unless counsel for a party has specifically requested advance notice of ex parte applications regarding out-of-state travel or medical/dental care for the minor, an ex parte application may be made, without advance formal notice, to the judicial officer in whose courtroom the minor’s case is assigned, seeking an order permitting

minor to travel out of state with the foster parent or care provider, relative, or other appropriate adult acceptable to DSS, or an order authorizing that medical or dental care be performed on the minor. All such ex parte applications shall be filed no less than ten (10) calendar days prior to the proposed travel or medical/dental care, absent good cause shown on the application, or unless the Court has specified a greater or lesser period. All such ex parte applications shall include the following information.

- (1) the name and address of each party to the action, and the name and address of each party’s counsel;
- (2) the efforts made to obtain the consent of and/or give notice to the parents or guardians of the minor of the proposed travel or medical/dental care;
- (3) if a parent or guardian has refused to agree to the proposed travel or to give consent to medical/dental care, that fact shall be noted on the application, including the ground for the parent/guardian’s refusal, if known;
- (4) for any parent or guardian whom DSS was unable to locate to give notice and/or obtain consent, a description of the efforts made to locate the parent/guardian; the fact the minors counsel has been notified of the proposed travel or medical/dental care, and said counsel’s position on the proposed travel or medical/dental care.

(b) When presented with an ex parte application for order authorizing out-of-state travel or medical/dental care, the Court shall either grant the request and issue the order, or deny the request. If the Court issues the requested order authorizing out-of-state travel or medical/dental care the presenting party must present the application form and order to all counsel. Any party disagreeing with the order for out-of-state travel or medical/dental care shall place the matter on calendar for further consideration.

(c) **Emergency Psychotropic Medication Authorization.**

- (1) Any Application for Psychotropic Medication shall be consistent with California Rule of Court 5.640. These local rules are adopted pursuant to California Rule of Court 5.640 (c)(5).
- (2) Upon receipt of a completed Application for Psychotropic Medication, the Clerk shall file and forward the document to the court. There shall be no ex parte waiting period.
- (3) Upon receipt of a completed Application for Psychotropic Medication, the court must approve, deny, or set the matter for a hearing within seven court days of the receipt of the document by the clerk.
- (4) Emergency Applications
  - (A) An application for an Emergency Psychotropic

**Medication Authorization pursuant to California Rule of Court 5.640(i)(2) shall be designated as such by a colored coversheet indicating "EMERGENCY JV-220"**

(B) The Office of the Juvenile Clerk shall immediately file and provide an Emergency JV-220 to the court within 24 hours.

(C) Within 72 hours the court shall review, grant or deny the application, or set the matter for a hearing on the next juvenile calendar day.

[Adopted January 1, 2007, Rule 5.40 renumbered to 6.12 01/01/09, Rule 6.12 renumbered to 6.1.8 01/01/12, subd (a) repealed 01/01/20, subd (b) renumbered to subd (a) 01/01/20, subd (c) renumbered to subd (b) 01/01/20, subd (c) adopted 01/01/20]

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

<u>Description</u>	<u>Form #</u>	<u>Revised</u>	<u>Mandatory?</u>
Declaration Regarding Ex Parte Notice.....	FL-06A	01/01/20	No
Declaration Re: Ex Parte Request.....	FL-06B	01/01/20	No
Ex Parte Request to Continue Hearing; Declaration and Order.....	GN-02	01/01/20	
Alternative Dispute Resolution Information.....	GN-04 INFO	01/01/20	No
Order Appointing Court Investigator - Guardianship Case.....	PR-04	01/01/20	No



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <b>939 W. Main Street</b> <b>El Centro, CA 92243</b>	
PETITIONER:  RESPONDENT:	
<b>DECLARATION REGARDING EX PARTE NOTICE</b>	CASE NUMBER: _____

Other party (or attorney if represented):

- a. Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Phone Number: \_\_\_\_\_

#### DECLARATION REGARDING NOTICE

- The undersigned  **has**  **has not** made any prior applications on the same issue in this case or another case.
- If there has been another case, fill in the County in which the case is pending:  
 County: \_\_\_\_\_ Case number: \_\_\_\_\_
- This order  **will**  **will not** result in a change of the status quo.
- I have given notice to the other party/attorney that on \_\_\_\_\_ at \_\_\_\_\_ in  
 Department \_\_\_\_, I would make an ex parte application. Notice was given by the following method before 10:00 a.m. on the Court day before the hearing:

- Personal Delivery\*       Fax with confirmation of receipt\*  
 First Class Mail\*       Telephone  
 Other (explain): \_\_\_\_\_

Date and time I gave notice \_\_\_\_\_  
 (Date) (Time)

**\*Attach copy of document delivered**

PETITIONER: RESPONDENT:	CASE NUMBER:
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5. The other party or their attorney  has or  has not confirmed receipt of the motion (state details)

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6.  I have given notice that I would present this application for these orders on \_\_\_\_\_ at \_\_\_\_\_ am/pm in Department \_\_\_\_\_ of the Superior Court, 939 Main Street, El Centro, CA.

7.  I anticipate the other party will oppose this application.  I do not anticipate the opposing party will oppose this application.

8. The Domestic Violence Protection Act. **I have not given notice** to the other party or attorney for the following reasons:

There is a risk of immediate harm to a child or a risk that a child will be removed from California. Explain:

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Other-Local Rule 5.1.1(e) Explain:

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Declarant

NAME AND ADDRESS OF PARTY OR ATTORNEY FOR PARTY: TELEPHONE NUMBER:	FOR COURT USE ONLY
ATTORNEY FOR (NAME): SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Centro, CA 92243	
PETITIONER:  RESPONDENT:	
<del>APPLICATION FOR DECLARATION RE:</del> EX PARTE REQUEST	CASE NUMBER:

**REASONS FOR EX PARTE RELIEF**

You must specify why this request cannot be heard on the court’s regular motion calendar. Only include factual information within your personal knowledge, and not conclusions, feelings or fears. **(IF CUSTODY OR VISITATION IS AT ISSUE, YOU MUST CLEARLY SHOW WHY THERE IS A RISK OF IMMEDIATE HARM TO YOUR CHILD OR CHILDREN, OR WHY THERE IS AN IMMEDIATE RISK THAT YOUR CHILDREN WILL BE REMOVED FROM CALIFORNIA.)**

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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this declaration was signed at \_\_\_\_\_, California.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Please submit your **proposed order** as an attachment to this declaration in clear handwritten or typewritten form.

**INTERPRETER’S DECLARATION**

I certify under penalty of perjury under the laws of the State of California that I have, to the best of my ability, read or translated for the declarant above this Declaration for Ex Parte Hearing. The declarant above has expressly indicated that he or she understood this document before signing it.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 2124 Winterhaven Drive, Winterhaven, CA 92283	
PETITIONER: RESPONDENT:	
<b>EX PARTE REQUEST TO CONTINUE HEARING;          DECLARATION AND ORDER</b>	CASE NUMBER: _____

1. I,  plaintiff/petitioner  defendant/respondent hereby apply for a court order continuing the hearing/motion.
2. A hearing/motion in this matter is scheduled for (*date*): \_\_\_\_\_
3. The hearing/motion was filed by  plaintiff/petitioner  defendant/respondent  court.
4. I ask the court to continue my hearing/motion until (*approximate date*): \_\_\_\_\_ or  
 take hearing/motion off calendar.
5. I am requesting a continuance due to the following: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. The parties listed below have been served with a copy of this *Ex Parte Request to Continue Hearing: Declaration and Order*:

1) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
*Name county date*

2) \_\_\_\_\_, who lives in: \_\_\_\_\_, was served on: \_\_\_\_\_  
*Name county date*

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_  
*Type or print your name Sign here*

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 2124 Winterhaven Drive, Winterhaven, CA 92283	FOR COURT USE ONLY
PETITIONER:  RESPONDENT:	
<b>ORDER</b>	CASE NUMBER:

UPON GOOD CAUSE, IT IS HEREBY ORDERED that the hearing/motion presently scheduled for \_\_\_\_\_ at \_\_\_\_\_ am/pm in Department \_\_\_\_\_ is rescheduled as follows:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Department: \_\_\_\_\_

*Name and address of court if different than address above:*

\_\_\_\_\_

\_\_\_\_\_

Or

- the hearing/motion is taken off calendar.
- request is **DENIED**.

**The clerk will mail a copy of this order to:**

- a.  The party who requested the continuance.
- b.  All parties at the address listed in the court's records.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

Clerk mailed copy of this order to party(ies) indicated above.

**Superior Court of California**  
**County of Imperial**  
**Alternative Dispute Resolution Information**  
**(Local Rule 3.5.0)**

NOTICE: In all general civil cases, plaintiff and cross-complaints are required to serve this form on each defendant or new party to the action.

Alternative Dispute Resolution (ADR) may help resolve disputes without trial. ADR is usually less expensive, less formal and less time consuming than a trial. ADR can also be less adversarial and may provide parties with the opportunity for more creative and/or flexible outcomes than can be achieved in trial. Since various ADR methods may or may not be appropriate in any particular case, it is advisable to consult with an attorney about options available.

There are three general types of ADR: mediations, arbitrations, and settlement conferences.

Mediation

An impartial person called a "mediator" helps the parties try to reach a mutually agreeable resolution of the dispute. The outcome is decided only by the parties. If the parties do not reach an agreement, the mediator does not make any decisions or recommendations to the court. Mediation is useful when the parties have a relationship they wish to preserve. Mediation may not be as useful if one of the parties is unwilling to compromise, or if one party has significant power over the other. The only court sponsored mediation service available in the Superior Court is for child custody and visitation.

Arbitration

An impartial person called an "arbitrator" listens to evidence and argument from both sides and then decides the outcome. Arbitration is less formal than a trial, and the rules of evidence may be relaxed. Pursuant to Imperial Superior Court Local Rules, Division 5 - Arbitration, Rule 3.5.0, all non-exempt unlimited civil cases where the amount in controversy does not exceed \$50,000 as to any plaintiff, and all limited civil cases shall be submitted to arbitration under CCP 1141.10 et seq.

Settlement Conference

The parties and their attorneys meet with a judicial officer to discuss possible settlement of the dispute. The judicial officer assists the parties in evaluating the strengths and weaknesses of the case, but does not make any decision. Settlement conferences are scheduled upon request of the parties and order of the judge assigned to the case.

Additional Information

For information on Superior Court of California, County of Imperial's arbitration process see the Local Rules at [www.imperial.courts.ca.gov](http://www.imperial.courts.ca.gov) and Stipulation to Use of Alternative Dispute Resolution Process, Local Form GN-02.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL</b> <b>939 W. Main Street</b> <b>El Cento, CA 92243</b>	
GUARDIANSHIP OF:  (Name): _____ PROPOSED WARD	
<b>ORDER APPOINTING COURT INVESTIGATOR</b> (Guardianship Case, Pr. Code §1513)	CASE NUMBER: _____

Application having been made by Petitioner(s) \_\_\_\_\_,  
and good cause appearing therefore,

**IT IS THE ORDER OF THE COURT, the Imperial County Probation Department is to conduct an investigation and file with this court a report and recommendation in the above-entitled matter, as required by Probate Code Section 1513.**

**IT IS FURTHER ORDERED that if the investigation finds that the proposed ward is or may be described within Welfare and Institutions Code Section 300, the case shall be immediately referred by the investigating probation officer to the Imperial County Department of Social Services for investigation.**

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court