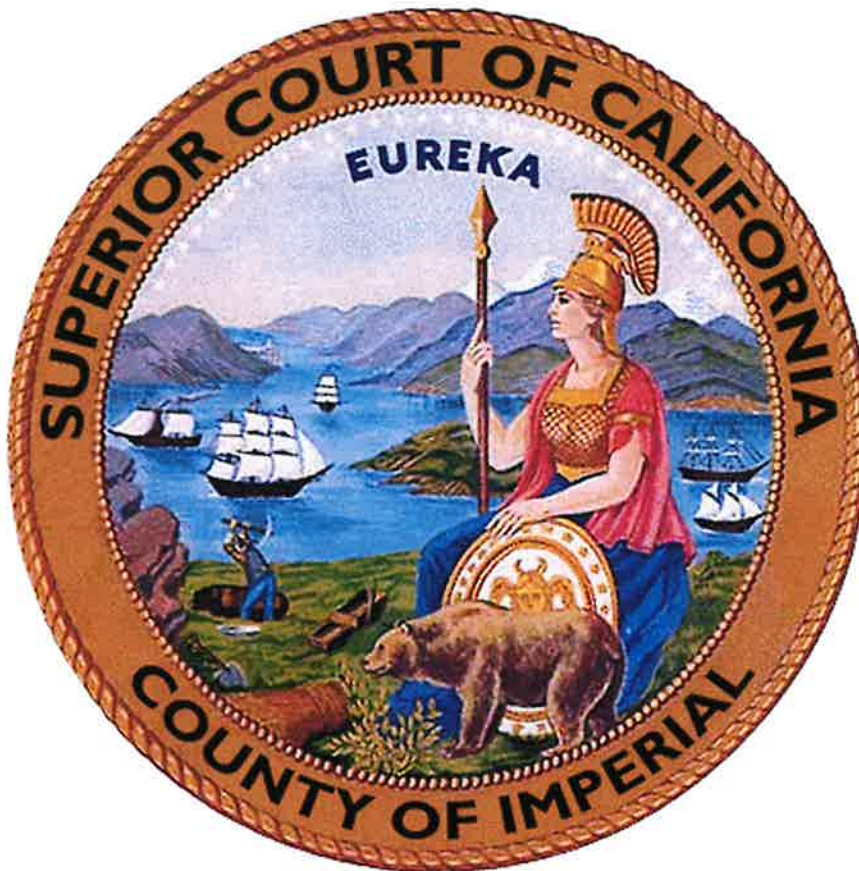


Superior Court of California
County of Imperial

Local Rules

Adopted, Effective January 1, 2024



The following Rules of Court for the Superior Court, County of Imperial, are proposed to be adopted January 1, 2024, by the Superior Court, County of Imperial.

These proposed Rules of Court are subject to a 45-day comment period which begins on September 28, 2023, and ends on November 11, 2023.

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

For questions, please dial 760-482-2250.

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Chapter 1

Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on 01/01/24.

[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, 07/01/20, 01/01/22, 01/01/24]

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 to the~~ El Centro ~~Wake location~~ and two ~~in Brawley~~ shall be assigned to the El Centro Main location. The judges in the criminal division shall, at a meeting held not later than December 31st 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 at the~~ El Centro Main Court and shall hear trials, law and motion, conservatorship, and probate.

- (d) **Infractions** An appointed referee shall preside over infraction cases at the El Centro Main ~~;~~ ~~Brawley~~, and Winterhaven Courthouses.
- (e) **Small Claims** An appointed referee shall hear small claims cases at designated times at the El Centro Main and Winterhaven Courthouses.
- (g) **Juvenile Infractions.** An appointed referee shall preside over infraction cases at the El Centro Main 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, subd (a)(b)(d)(e)(g) amended 01/01/24]

Rule 2.4 Sessions of the Court

Sessions of the Court shall be held at the Main Courthouse in El Centro, (939 W. Main Street, El Centro), ~~Brawley (220 Main Street, Brawley)~~, the Wake Courthouse in El Centro (650 Wake Avenue, El Centro) and Winterhaven (2124 Winterhaven Drive, Winterhaven).

[Adopted July 1, 2007, amended 01/01/10, 01/01/12, 01/01/14, 07/01/19, amended 01/01/24]

Rule 2.5 Departments of the Courts

The departments in the Main 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 the Wake Courthouse in El Centro are designated: Dept. 10, Dept. 11, Dept. 12, and Dept. 13.

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

Winterhaven

[Adopted July 1, 2007, amended 01/01/10, 01/01/14, 01/01/20, 01/01/24]

Rule 2.6 Clerk's Offices

A clerk's office shall be located at the El Centro **Main, El Centro Wake, Brawley,** and Winterhaven Courthouses.

[Adopted July 1, 2007, amended 01/01/09, 01/01/14, 01/01/20, 01/01/24]

Rule 2.7 Intra-County Venue and Filing

- (a) For purposes of intra-county venue, the County of Imperial is divided into **Brawley, El Centro (Main), El Centro (Wake)** and Winterhaven venues. ~~The Brawley venue is that portion of the County of Imperial lying North of Keystone Road; the El Centro venue is that portion of the County of Imperial lying South of Keystone Road. The Winterhaven venue is the portion of the County of Imperial lying East of the intersection of Interstate 8 and State Route 98 East.~~
- (b) **Limited Civil Cases.** All papers for a limited civil case may be filed in **Brawley or the** El Centro (Main) courthouse. All limited civil matters are heard in El Centro (Main) Courthouse.
- (c) **Small Claims Cases.** Plaintiff's Claim and Order to Go to Small Claims Court and the Defendant's Claim and Order to Go to Small Claims Court for a small claims case may be filed in **Brawley,** El Centro (Main) and Winterhaven Courthouses.
- (d) **All Other Civil Filings.** All papers in general or unlimited civil, family law, probate cases and appeals shall be

filed in the clerk's office in the El Centro (Main) Courthouse.

[Adopted July 1, 2007, subd (a)(b)(c), amended (b)(c), subd (d) Adopted 01/01/09, amended (b)(c) 01/01/10, subd (b)(d) amended 01/01/12, subd (a)(b)(c) amended 01/01/14, amended 01/01/24]

Rule 2.8 [Repealed] Late Filings

~~A paper presented late for filing, or filed the day before a hearing, will be accepted for filing by the clerk, but may not be placed in the court file prior to the hearing. It is the responsibility of the party filing such paper to deliver a copy thereof to the judge presiding over the matter.~~

[Adopted July 1, 2007, repealed 01/01/24]

Rule 2.19 [Repealed] Signatures on Electronically Delivered Documents

- (a) ~~Every item which is electronically delivered 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) ~~Electronically delivered 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) ~~Electronically delivered 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 originals of electronically delivered 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, ~~repealed 01/01/24~~]

Rule 2.21 Remote Appearances

- (a) **Compliance with California Rules of Court.** Counsel or parties desiring to appear remotely must comply with the procedures set forth in the California Rules of Court. After the California Rule of Court has been followed, parties shall register on the Court's website for the remote appearance.
- (b) **Court-Provided Remote Appearance Service.** The Court provides remote appearance services through an in-house registration portal and uses a commercial conferencing system. Registration for remote appearance can be done on the Court's website at <https://imperial.courts.ca.gov/> under Online Services > Remote Appearances.
- (c) **Contested Matters.** Remote Appearances on contested matters must be video appearances.
- (d) **Courtroom Proceedings.** Hearings are conducted in open court. All

persons making a remote appearance must connect to the provided conference bridge fifteen (15) minutes before the calendared time of the hearing to check in with court staff. Attorneys or parties will remain on the Court's audio/video system and hear the same business that those present in the courtroom hear. Remote participants must remain muted until their matter is called. Persons not participating remotely appear in person. All present in the courtroom will hear the discourse of those making remote appearances unless otherwise ordered by the Court. In confidential matters, waiting parties will be placed in a virtual waiting room. Remote participants are an extension of the courtroom and should therefore follow the same standard etiquette and procedures as in-person participants throughout proceedings. Participants must be in a private, quiet location, without disruptions or distractions.

- (e) **Scheduling Timeliness.** Remote participants shall register online no less than 5 days before the hearing date. Registration will be considered complete once payment, if applicable, has been received. It is the responsibility of counsel or the party to obtain payment information from the Court. If an event is continued prior to the registered remote appearance date, you must register for the new appearance date through the Court's website. The collected remote appearance fee from the original hearing date will be transferred to the new remote appearance date.

[Adopted January 1, 2024]

Chapter 3 **Civil Rules**

Division 2 **Law and Motion**

Rule 3.2.0 Scheduling Hearings and Tentative Rulings

- (a) Civil law and motion matters are heard Monday through Friday at 8:30 a.m. at the El Centro Main Courthouse in the civil department to which a case has been assigned, unless otherwise directed by the Court. The moving party shall set the date of hearing by specifying the date, time, and department in the notice of motion, in accordance with statute. The Court may reschedule such matters to accommodate workload, if necessary. ~~If the moving party sets an incorrect date, time, or department, the clerk will reject the filing.~~ See the Court's website, www.imperial.courts.ca.gov, for setting mandatory reported cases.
- (b) Any civil department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judge. The tentative ruling may specify the issues on which the Court wishes the parties to provide further argument. If a tentative ruling is issued the day before the date set for hearing, no notice of intent to appear is required to appear for argument, and the tentative ruling may be obtained from the Court's website. The tentative ruling may also be posted on a calendar note on the day of the hearing, or announced by the Court at the time of oral argument.
- ~~(c) Attorneys and self-represented parties may appear by Court Call for~~

~~all Law and Motion matters. However, if the hearing is contested and/or will have argument, counsel are required to appear by Video Court Call.~~

[Adopted July 1, 2007, amended 07/01/08, amended subd (a) 01/01/13, adopted subd (c) 01/01/18 ~~amended subd (a), repealed subd (c) 01/01/24~~]

Division 8 **Miscellaneous Provisions**

Rule 3.8.6 [Repealed] Telephone Appearances

- ~~(a) Pursuant to California Rule of Court 3.670, the Court has contracted with CourtCall LLC, a private telephone appearance provider. The telephone number for CourtCall LLC is (888) 88-COURT [(888) 882-6878].~~
- ~~(b) The CourtCall Telephone Appearance Program (CourtCall) utilizes a procedure for telephone appearances by attorneys and parties representing themselves as an alternative to personal appearances. A CourtCall appearance is fully voluntary and available at a fixed fee for use only in civil cases, California Rule of Court 1.6 and 3.670.~~
- ~~(c) Hearings are conducted in open court. All persons making a CourtCall appearance call a designated toll free tele-conferencing number five (5) minutes before the calendared time of the hearing to check in with CourtCall. Attorneys or parties remain on the Court's speakerphone-telephone line and hear the same business that those present in the Court hear. Persons not participating by telephone appear in person. All present in the courtroom hear the discourse of those making CourtCall appearances.~~

- ~~(d) CourtCall appearances are scheduled, in writing, in advance, by serving all parties and delivering (by fax, mail, or personal delivery) to CourtCall, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance. It is the responsibility of counsel or the party to obtain, from CourtCall, required forms and payment information.~~
- ~~(e) Except as otherwise stated below, parties have the option of appearing by telephone in case management proceedings, civil law and motion hearings and probate proceedings~~
- ~~(1) where the total time required for hearing of the matter will not exceed ten (10) minutes;~~
- ~~(2) where counsel has fully briefed all issues in writing and wishes only to be available to respond to questions from the Court or argument of opposing counsel, and~~
- ~~(3) where all documents and exhibits have been filed with the pleadings of the parties and no further documentation will be offered.~~
- ~~(f) The Court reserves the authority, at any time, to require a personal appearance at any hearing or conference for which the Court, in its discretion, determines that a personal appearance would materially assist in a determination of the proceeding or in resolution of the case. When the Court denies a request for telephone appearance, it shall order a refund of deposited telephone appearance fees and notify CourtCall.~~

- ~~(g) The Court reserves authority to halt a telephone hearing on any matter and order the parties or attorneys to personally appear at a later date and time, in which case no refund is permitted.~~
- ~~(h) If a matter is continued prior to the actual hearing date, the prior filing of a Request for CourtCall Appearance form shall remain valid for the continued date of the hearing.~~
- ~~(i) Attorneys or parties choosing to make a CourtCall appearance shall place the phrase "CourtCall Telephone Appearance" below the title of the moving or opposing papers.~~
- ~~(j) If telephone communication is disruptive to the court, telephone hearing will be terminated.~~

~~For procedure, see instruction sheet (CV-05 INFO).~~

[Adopted July 1, 2007, amended 01/01/09, Rule 3.57 renumbered to 3.8.6 01/01/09, subd (b) amended 01/01/12, adopted subd (j) 01/01/13, ~~repealed 01/01/24~~]

Rule 3.8.8 Civil Remote Appearances

- (a) Civil remote appearances must adhere to the guidelines set forth in Local Rule 2.21.
- (b) **Remote Appearance Fee.** Pursuant to Government Code 70630, the Court will charge a fee of \$25 per remote appearance, per case. No refunds will be given to cancellations with less than two days' notice or for those who fail to appear for their hearing. A \$5 fee will be charged for any refund or cancellations requests.
- (c) **Untimely Registrations.** A late registration fee of \$25 will be imposed in addition to the standard

registration fee for untimely registrations (\$25 remote fee + \$25 late fee = \$50).

[Adopted January 1, 2024]

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 Wake or El Centro Main Courthouses.
- (b) In custody misdemeanor complaints are filed in the El Centro Wake Court ~~Criminal Department or Brawley Court~~ the El Centro Main Court.
- (c) Felony complaints are filed at the ~~Criminal Department of the Court Clerk's Office at the~~ El Centro Wake Court~~house or the El Centro Main Court~~. The cases are heard at the ~~Brawley El Centro Wake 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 El Centro Wake 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 Wake or El Centro Main 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.

- (g) Grand Jury indictments are received in the Court where the grand jury is seated, and are filed in El Centro Wake or El Centro Main. ~~where they are set for arraignment on the indictment.~~
- (h) Juvenile infractions cited in Imperial County are filed in the El Centro Main 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, subd (a)(b)(c)(d)(g)(h) amended 01/01/24]

Rule 4.1.19 Motions for State Prison Cases

Motions filed for incarcerated inmates of Imperial County prisons are scheduled as follows:

- (a) Motions filed regarding an inmate at the Centinela State Prison are heard Tuesdays at 1:30 p.m. in the El Centro Wake courthouse on the master calendar.
- (b) Motions filed regarding an inmate at the Calipatria State Prison are heard Thursdays at 1:30 p.m. in the El

Centro **Wake** courthouse on the master calendar.

- (c) Motions filed regarding an inmate at Centinela or Calipatria State Prison for inmates that are not yet bound over or indicted are heard at 9:00 a.m. on the Prelim Hearing calendar.

[Adopted January 1, 2014, **subd (a)(b) amended 01/01/24**]

Rule 4.1.23 Informal Arraignments in Misdemeanor and Infraction Cases

A private attorney retained to represent a defendant in a misdemeanor case or in an infraction case may enter an informal plea of “Not Guilty”, waive time for trial on behalf of defendant, and set trial dates by filing Local Form CR-02 no less than 24 hours prior to a defendant’s scheduled appearance date. Form CR-02 may be filed in person, by mail, or electronically. The clerk will assign trial readiness and trial dates as directed by the court.

Please note, these arraignment options are not available for the following:

- For a misdemeanor offense involving domestic violence, as defined in Family Code §6211
- For a misdemeanor violation of Penal Code §273.6
- For a misdemeanor violation of Vehicle Code §23152 and/or §23153 and a prior conviction of either offense has been alleged

[Adopted January 1, 2024]

Chapter 5
Family Law

Division 1
General Provisions

Rule 5.1.1 Temporary Emergency Orders (Ex Parte Orders) (Except Domestic Violence Protection Act and Elder Abuse and Dependent Adult Civil Protection Actions)

- (a) All requests for Family Law temporary emergency orders are governed by and must comply with the Family and Juvenile California Rules of Court. Failure to comply with the California Rules of Court may result in a denial of the request.
- (b) In addition to the documents required by the California Rules of Court, the moving papers must include a completed Request for Hearing (local form GN-01), a Declaration Regarding Ex Parte Notice (local form FL-06A) and Application Regarding Ex Parte Request (local form FL-06B). Consideration of late filed and/or late served papers is at the court’s discretion.

The Court may make emergency orders based on the documents submitted without requiring the parties to appear at a hearing. The Court may also deny the request for emergency orders based on the submitted pleadings without scheduling a hearing.

- (c) The Court may require all parties to appear at a hearing before ruling on a request for emergency orders. Ex

hearing are normally held at 1:30 p.m. but may be scheduled at a different time at the Court's discretion. At the hearing, the Court has the discretion of ruling on the motion based only on the submitted pleadings. Any oral testimony will be limited in scope and time only to the specific issues raised in the applicant's motion.

[Rule 5.1 adopted July 1, 2007, amended 01/01/08, subd (a)(b)(c)(d)(e)(f) amended 01/01/10; Rule 5.1 is renumbered to 5.1.1 01/01/12, subd (a)(b)(c) amended 01/01/22, subd (d)(e)(f)(g) repealed 01/01/22, **title revised 01/01/24**]

Rule 5.1.3 [Repealed] Telephone Appearances

~~(a) In Family Court, appearances are governed by local rule 3.8.6 except as indicated in subdivision (b).~~

~~(b) In Family Support, Title IV D Hearings, a party, an attorney, a witness, a parent who has not been joined to the action, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a Request for Telephone Appearance Judicial Council Form (FL-679) with the court clerk at least twelve (12) court days before the hearing. This request must be served on all parties by the close of the next court day as provided in California Rules of Court 5.324.~~

~~(c) If telephone communication is disruptive to the court, telephone hearing will be terminated.~~

~~For procedure, see instruction sheet (CV-05INFO).~~

[Rule 5.2 adopted July 1, 2007, subd (c)(d) renumbered to 5.1.3, amended 01/01/12, adopted subd (c) 01/01/13, and amended 01/01/13, **repealed 01/01/24**]

Rule 5.1.16 Case Management

(a) It is the policy of the Superior Court to actively manage family law cases in order to reduce unnecessary delay and expense, encourage reasonable preparation, and facilitate early settlement.

(b) At the time of filing a petition for any case under this chapter, an initial case management conference will be scheduled by the Court one hundred eighty (180) days thereafter and notice thereof delivered by the clerk to the petitioner at the time the petition is filed.

(c) A copy of the Notice of Case Management and a blank Case Management Questionnaire (FL-03) must be served on the responding party along with the summons and petition, and proof of service of thereof filed with the Court.

(d) At the request of any party or upon the Court's motion, any other appropriate contested family law matter may be set for a case management conference.

(e) At least twenty (20) days before the initial case management conference, all counsel, and/or self-represented parties must file and serve on all parties a completed Case Management Questionnaire (FL-03).

(f) At the case management conference, the Court shall continue the case for further review/case management, or schedule the case for settlement conference and/or trial. If a further review/case management conference is scheduled, all counsel, and/or self-represented parties must file and serve on all parties a new completed Case Management Questionnaire (FL-03).

- (g) Subdivision (b) does not apply to the following case types:
- Summary Dissolutions
 - Petitions for Registration of Out-of-State Custody Orders
 - Juvenile Exit Orders

[Rule 5.15 adopted July 1, 2007, amended 07/01/08, subd (g) adopted 01/01/11, Rule 5.15 is renumbered to 5.1.16 01/01/12, subd (g) repealed 01/01/17, subd (e),(f) amended 01/01/22, subd (g) adopted 01/01/24]

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

<u>Description</u>	<u>Revised</u>	<u>Mandatory?</u>	<u>Form#</u>
Misdemeanor Window Arraignment.....	01/01/13	Yes	CR-02
Pre-Plea Misdemeanor Advisement and Order (PC §1001.95 et seq.)	1/1/2024	No	CR-18
Notice of Telephone Appearance.....	1/1/2024	No	CV-05
Telephone Appearance Instructions.....	1/1/2024	No	CV-05-INFO
Application Regarding Ex Parte Request.....	1/1/2024	No	FL-06B
Request and Order to Correct Party Name and Case Caption	1/1/2024	No	GN-05
Due Diligence Declaration	1/1/2024	No	GN-06
Declaration for Transfer of Small Estates without Probate.....	1/1/2024	No	PR-01
Objection.....	1/1/2024	No	PR-05

NAME AND ADDRESS OF ATTORNEY FOR PARTY: TELEPHONE NUMBER:	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 650 Wake Avenue, El Centro, CA 92243 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 2124 Winterhaven Drive, Winterhaven, CA 92283	
People of the State of California, <div style="text-align: center;">vs.</div> Defendant(s):	
MISDEMEANOR WINDOW ARRAIGNMENT	CASE NUMBER:

1. The original copy of this form must be filed with the court no less than 24 hours before the scheduled arraignment event date.
2. Upon filing of this form, the clerk of the court will provide trial dates to counsel.
3. This form must be completed in ink or typewritten.
4. This form must be signed by defendant's attorney of record.
5. Defendant's attorney must inform the court if date selected by clerk, pursuant to calendar policy, is unacceptable.
6. Defendant's attorney must appear at all hearings, represent to the court that the case will go to trial, or that a disposition without trial will be made.
7. By signing this form, the attorney certifies that the case does not involve domestic violence within the meaning of Family Code §6211.

I hereby make a general appearance on behalf of the above-named defendant, waive formal arraignment, enter a plea of NOT GUILTY, and request that the case be set for trial:

☐ By Jury

☐ By Court

Release Status:

☐ Own Recognizance

☐ Bail Posted

☐ Bond Posted

Attorney for Defendant: _____
(TYPE OR PRINT NAME)

Bar #: _____

Signature of Attorney: _____

Date: _____

FOR COURT USE ONLY

Pre-trial is set for: _____ at _____ ☐ am ☐ pm, in Dept. _____

Readiness Hearing is set for: _____ at 8:30 am in Dept. 9

Jury Trial is set for: _____ at 8:30 am in Dept. 9

(within 40 days of this entry of plea)

☐ Copy of complaint provided to counsel.

Deputy Clerk _____

Date: _____

PROPOSED NEW FORM

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 650 Wake Avenue, El Centro, CA 92243 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 2124 Winterhaven Drive, Winterhaven, CA 92283	
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA DEFENDANT: _____	
PRE-PLEA MISDEMEANOR ADVISEMENT AND ORDER (PC §1001.95 et seq.)	CASE NUMBER: _____

INSTRUCTIONS: Read, date, and sign this form to participate in Pre-Plea Judicial Diversion. If you successfully complete the Diversion Program in compliance with the Court's conditions, your case will be dismissed. If you do not successfully complete the Diversion Program, the Court will reinstate the criminal proceedings.

Defendant: Initial each statement below:

ADVISEMENTS, RULES AND CONSEQUENCES

1. _____ I understand that the Diversion Program will last no longer than 24 months, and that I am giving up my right to a speedy trial in order to participate in the Diversion Program. I understand that I am pleading "not guilty" to the charge(s) against me in this case.
2. _____ I understand that I am responsible for making full restitution payments to any victim(s) in this case, as ordered by the Court. However, my financial inability to pay restitution will not bar me from participation, nor will it prevent me from successfully completing the Diversion Program.
3. _____ I understand that I must comply with any court-ordered protective order, stay-away order, or order prohibiting firearm possession.
4. _____ I understand that if I successfully complete the terms of the Diversion Program, this case will be dismissed. However, I am still obligated to disclose this arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in CA Penal code 830.
5. _____ I understand that the court may, after notice to me, schedule a hearing to determine if I am complying with the terms of the Diversion Program. If the Court finds that I am not complying, the Court may terminate my participation in the Diversion Program and reinstate criminal proceedings.

PROPOSED NEW FORM

DEFENDANT	CASE NUMBER:
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DIVERSION ORDER

Good cause appearing, the Court finds and orders as follows:

Defendant herein qualifies for judicial diversion pursuant to PC §1001.95 et seq., and orders the following for the term of diversion for ____ months:

Obey all laws.

Appear for all diversion reviews when ordered by the Court.

☐ Pay restitution to the victim through the Probation Department in the amount of \$_____.

☐ Comply with any court-ordered protective order.

Any bail, bond, or undertaking deposited on behalf of defendant is ordered exonerated, and defendant shall be released on his/her own recognizance.

Defendant shall comply with the following additional terms and conditions of the Pre-Plea Diversion Program:

Date

Judge

I have read this diversion advisement and order, and I understand its contents and conditions. I agree to accept all the conditions herein.

Date

Defendant's Signature

Defense Counsel concurs with conditions and waivers.

Date

Attorney's Signature

CERTIFIED INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this document to the defendant in the following language: _____.

Date

Interpreter's Name

Interpreter's Signature

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL
939 W. Main Street
El Centro CA 92243

INSTRUCTIONS: TELEPHONE APPEARANCES

You may participate in a court hearing by telephone through a private company named "CourtCall." The calls are not free, but if you are granted a court waiver, they can be placed free of charge. Follow this instruction sheet if you have a civil or a family law case. Please note that some court proceedings do not permit telephone appearances.

Note: If you have a Family Support Title IV-D Hearing which involves the Department of Child Support Services, **do not follow these steps.** Instead, follow California Rule of Court number 5.324 and Local Court Rule 5.1.3(b).

1	Telephone and Fax machine	You will need a telephone or ability to fax CourtCall to make payment arrangements before your hearing date.		
2	Cost	You will need to pay a fee to CourtCall to use their service unless you have valid fee waiver from the court. If you do not have a valid fee waiver, you may fill out the Blank Fee Waiver Application and Fee Waiver Order enclosed, and file it with a self-addressed stamped envelope.		
3	Request and Notification	You need to notify the court and all parties of your intent to make a telephone appearance by serving them a copy of your notice before filing it with the court. Use the form attached to give notice at least 5 court business days before the hearing. Follow Local Court Rule 3.8.6 carefully.		
4	File Fee Waiver and Request	To file your fee waiver application, the notice for a telephone appearance, or other documents in your case, mail the original and a copy with a self addressed stamped envelope to: <table><tr><td><u>If you have a Civil Case</u> Civil Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243</td><td><u>If you have a Family Law Case</u> Family Law Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243</td></tr></table>	<u>If you have a Civil Case</u> Civil Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243	<u>If you have a Family Law Case</u> Family Law Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243
<u>If you have a Civil Case</u> Civil Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243	<u>If you have a Family Law Case</u> Family Law Filing Clerk Imperial County Superior Court 939 W. Main Street El Centro, CA 92243			
5	Gather Information About Your Case	Make sure you have the following information ready when you contact CourtCall: <ol style="list-style-type: none">1. Judge's Name2. Hearing Date3. Department Number4. Case Number5. Nature of Case (<i>divorce trial, status conference, etc.</i>)		
6	Contact CourtCall	Make arrangements at least 5 court business days before the hearing. DO NOT wait until the last minute. Call CourtCall and follow their instructions: (888) 88-COURT [888- 882-6878]		

If you have any questions or concerns and are not represented by an attorney in this case, you may contact the Access Center at accesscenter@imperial.courts.ca.gov.

This instructional page is designed as a tool to assist you. It may not include all information that is legally required, is not legal advice, and should not be used as a substitute for legal advice from an attorney licensed by the State Bar of California. To find out how to hire an attorney and/or obtain a consultation with an attorney see <http://www.courts.ca.gov/1084.htm>.

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

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.)**

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: _____

PROPOSED NEW FORM

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): </div> <div style="width: 45%;"> FAX NO. (Optional): </div> </div>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 650 Wake Avenue, El Centro, CA 92243 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243 <input type="checkbox"/> 2124 Winterhaven Drive, Winterhaven, CA 92283	
PETITIONER: RESPONDENT/DEFENDANT: OTHER PARENT:	
REQUEST AND ORDER TO CORRECT PARTY NAME AND CASE CAPTION	CASE NUMBER:

This form may be used to request a correction to a party's legal name in the court's case management system and the case caption as listed on the Court index. THIS FORM CANNOT BE USED TO REQUEST A CHANGE TO A LEGAL NAME. To request restoration of a former name following entry of judgment in a Family Law case, use the Ex Parte Application for Restoration of Former Name after Entry of Judgement and Order (JC Form #FL-395).

Petition/Complaint filed on _____ named ☐ petitioner ☐ respondent/defendant

as _____ whereas

☐ petitioner's ☐ respondent's/defendant's legal name is _____.

☐ Petitioner ☐ Respondent/Defendant hereby requests that the court's case management system and the case caption as listed on the Court Index be updated to reflect ☐ petitioner's ☐ respondent's/defendant's legal name.

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

Date: _____

Type or print name

Signature

ORDER

☐ The request is GRANTED. The clerk will update the case management system and case caption on the Court Index to reflect ☐ petitioner's ☐ respondent's legal name of _____.

☐ The request is DENIED for the following reason(s): _____

☐ Other: _____

IT IS SO ORDERED.

Date: _____

Judge/Commissioner of the Superior Court

PROPOSED NEW FORM

<div style="border-bottom: 1px solid black; margin-bottom: 5px;">ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):</div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</div><div style="width: 45%;">FAX NO. (Optional):</div></div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Centro, CA 92243</div> <div style="border-bottom: 1px solid black; margin-bottom: 5px;">PETITIONER: RESPONDENT:</div> <div style="text-align: center;">DUE DILIGENCE DECLARATION (Attempts to Locate Respondent/Citee)</div>	<div>FOR COURT USE ONLY</div> <div style="border-top: 1px solid black; margin-top: 20px; height: 40px;"></div> <div style="border-top: 1px solid black; margin-top: 20px;">CASE NUMBER:</div>
--	---

1. I last saw or had contact with Respondent/Citee, _____, at location _____, under the following circumstances: _____.
2. The last known residence address of Respondent/Citee is: _____.
3. The last known business address of Respondent/Citee is: _____.
4. I have not been able to locate Respondent/Citee after using reasonable diligence as described below.
5. I have not been able to locate Respondent/Citee at or near his/her last known RESIDENCE address, and no one at or near that address knows his/her whereabouts. The persons to whom inquiries were made within the last 30 days and their relationship to the party to be served are as follows:
 - a. Name of person contacted: _____ / Relationship to party: _____
 - b. Name of person contacted: _____ / Relationship to party: _____
 - c. Name of person contacted: _____ / Relationship to party: _____
6. I have not been able to locate Respondent/Citee at or near his/her last known BUSINESS address, and no one at that address knows his/her whereabouts. The persons to whom inquiries were made within the last 30 days and their relationship to the party to be served are as follows:
 - a. Name of person contacted: _____ / Relationship to party: _____
 - b. Name of person contacted: _____ / Relationship to party: _____
 - c. Name of person contacted: _____ / Relationship to party: _____
7. The following internet searches were made within the last 30 days in an effort to locate Respondent/Citee, and no address for Respondent/Citee was discovered:

8. The Real Property records of the County Tax Assessor and/or County Recorder in the following counties were examined within the last 30 days in an effort to locate Respondent/Citee, and no address for Respondent/Citee was discovered:

PROPOSED NEW FORM

9. I have not been able to locate Respondent/Citee through his/her relatives and friends. Respondent's / Citee's relatives and friends do not know his/her address or whereabouts. The person(s) to whom inquiries were made within the last 30 days, their relationship to the party to be served, and the reasons given for not knowing his/her address or whereabouts are as follows:

a. Name of person(s) contacted: _____
b. Relationship to party: _____
c. Reasons given for not knowing address or whereabouts: _____

a. Name of person(s) contacted: _____
b. Relationship to party: _____
c. Reasons given for not knowing address or whereabouts: _____

a. Name of person(s) contacted: _____
b. Relationship to party: _____
c. Reasons given for not knowing address or whereabouts: _____

a. Name of person(s) contacted: _____
b. Relationship to party: _____
c. Reasons given for not knowing address or whereabouts: _____

10. The following information reflects OTHER EFFORTS to locate the whereabouts of Respondent/Citee within the last 30 days:

11. ☐ (Check box if applicable) Attached is a due diligence declaration from process server or other person re: attempts to locate Respondent/Citee

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

Date: _____

Type or print name

Signature

NOT A COURT FILED FORM

DECLARATION FOR TRANSFER OF SMALL ESTATES WITHOUT PROBATE (Probate Code § 13100 et seq.)

Heir(s) hereby declare:

1. I am the successor in interest of decedent _____ (name of decedent), who died in _____ (County), California on _____ (date).
2. At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this declaration. *California Probate Code § 13101(a)(3)*.
3. No proceeding is now being or has been conducted in California for Administration of the decedent's estate, *California Probate Code § 13101(a)(4)*.
4. The current gross fair market value of the decedent's real and personal property in California, excluding the property described in *California Probate Code § 13050*, does not exceed ~~one hundred and fifty thousand dollars (\$150,000.00)~~ **one hundred and sixty-six thousand two hundred and fifty dollars (\$166,250.00)** if decedent died before April 1, 2022, or **one hundred eighty-four thousand five hundred dollars (\$184,500.00)** if decedent died on or after April 1, 2022.
5. The property of the decedent that is to be paid, transferred or delivered to the declarant(s) is as follows: **(LIST THE PROPERTY, INCLUDING ACCOUNT NUMBERS FOR FINANCIAL ACCOUNTS, V.I.N. AND LICENSE NUMBERS FOR AUTOMOBILES.)**

6. Heir(s) are the successor of the decedent as provided in *California Probate Code § 13006(a)(7) and 13101(a)(7)*.
7. ☐ The declarant(s) are the successors of the decedent (as defined in *California Probate Code § 13006*) to the decedent's interest in the described property. *California Probate Code § 13101(a)(3)(b)*. The decedent died intestate, leaving no surviving, and the declarants are all of the children of the decedent.

[OR]

☐ The declarants are all of the beneficiaries entitled to receive property under the decedent's Will, a copy of which is attached.

8. No person has a superior right to the interest of the decedent in the described property.
California Probate § 13101(a)(9).
9. The declarant(s) request that the described property be paid, delivered or transferred to
the declarants, *California Probate §13101(a)(10)*.

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 executed on:

Date: _____, at _____ California. (*California Probate Code § 13101(a)(11)*).

(Type or print your name)

(Signature of Heir 1)

(Type or print your name)

(Signature of Heir 2)

NOTARY ACKNOWLEDGEMENT

STATE OF CALIFORNIA, COUNTY OF (specify): _____

On (date): _____ before me (name and title): _____

Personally _____ appeared _____ name:

Who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(NOTARY SEAL)

PROPOSED NEW FORM

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>) <hr/>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Ciento, CA 92243	
IN THE MATTER OF (<i>Name</i>): _____ <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> TRUST <input type="checkbox"/> ESTATE <input type="checkbox"/> OTHER: _____	
OBJECTION	CASE NUMBER: _____

A filing fee must be submitted with the objection unless you (1) obtain an order waiving fees, (2) are a conservatee objecting in a conservatorship, or (3) are a parent objecting in a guardianship of your child.

I, (objector's name): _____, declare:

Objector is (check one): ☐ Conservatee ☐ Beneficiary ☐ Heir ☐ Parent of the minor ☐ Other: _____

I object to: _____

Filed by (name): _____

For the following reason(s):

☐ Check here if your explanation continues beyond the space provided. Attach additional sheets as necessary.

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

Date: _____

Signature of Objector

PROPOSED NEW FORM

IN THE MATTER OF:	CASE NUMBER:
-------------------	--------------

PROOF OF SERVICE BY MAIL

I, _____, declare:

1. At the time of service I was at least 18 years of age and not a party to this case.

2. I am a resident of or employed in the country where service occurred.

3. My business or residence address is: _____

4. The names of those served with a copy of the Objection (Form PR-05) are:

Name	Address (number, street, city, state zip code)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

☐ Additional people are listed on an attachment.

5. I served the Objection (Form PR-05) to each person named above by placing a copy in a sealed envelope and:

☐ depositing the prepaid envelope at a United States Postal Service location on the date and place shown in item 6.

☐ leaving the envelope for collection and mailing on the date and place shown in item 6 following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited with the United States Postal Service with postage fully prepaid.

6. Date mailed: _____, Place mailed (city, state): _____

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

Date: _____

Signature of Server