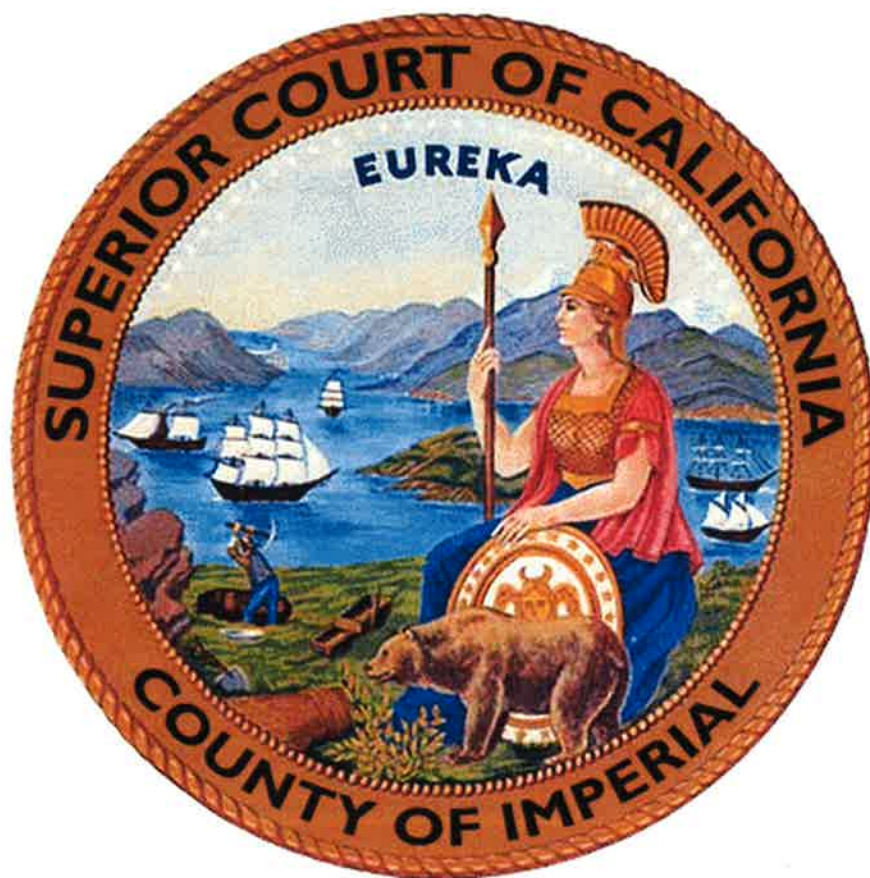


Superior Court of California
County of Imperial

Local Rules

Adopted, Effective January 1, 2017



The following Rules of Court for the Superior Court, County of Imperial, are proposed to be adopted January 1, 2017, by the Superior Court, County of Imperial.

These proposed Rules of Court are subject to a 45-day comment period which begins on September 30, 2016, and ends on November 13, 2016.

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 laura.gunderson@imperial.courts.ca.gov.

For questions, please dial 760-482-2251.

TABLE OF CONTENTS

			Effective	Revised
	<u>Chapter 1 Preliminary Rules</u>			
Rule 1.0	Effective Date.....	1	7/1/2007	1/1/2017
	<u>Chapter 2 Administrative and General Matters</u>			
Rule 2.10	Court Security.....	1	7/1/2007	1/1/2017
Rule 2.12	Attendance and Conduct at Court Proceedings.....	1	7/1/2007	1/1/2017
Rule 2.14	Pleadings.....	2	7/1/2008	1/1/2017
Rule 2.16	Administrative Recordings.....	2	1/1/2017	
	<u>Chapter 3 Civil Rules</u>			
	<i>Division 1 – General Provisions</i>			
Rule 3.1.7	Settlements	2	7/1/2007	1/1/2017
Rule 3.1.15	Court Reporters for Civil Trials.....	2	7/1/2007	1/1/2017
	<i>Division 3 – Ex Parte Relief</i>			
Rule 3.3.1	Filing Fees, Case Number and Hearing Date.....	3	7/1/2007	1/1/2017
	<i>Division 9 - Small Claims</i>			
Rule 3.9.4	Recalendaring of Unserved Small Claims Matters	3	1/1/2017	
	<u>Chapter 4 Criminal Rules</u>			
	<i>Division 2 - Infractions</i>			
Rule 4.2.2	Correctable.....	3	7/1/2007	1/1/2017
	<u>Chapter 7 Probate Rules</u>			
Rule 7.0	Filing Location.....	3	1/1/2017	
Rule 7.1	Caption of Petitions.....	3	7/1/2007	1/1/2017
Rule 7.2	Appearances.....	4	7/1/2007	1/1/2017
Rule 7.3	Probate Examiner.....	4	7/1/2007	1/1/2017
Rule 7.4	Hearings.....	4	7/1/2007	1/1/2017
Rule 7.5	Order For Family Allowance.....	4	7/1/2007	1/1/2017
Rule 7.6	Independent Administration.....	4	7/1/2007	1/1/2017
Rule 7.7	Fees Stated When Account Waived.....	5	7/1/2007	1/1/2017
Rule 7.8	Non-Statutory Fees and Commissions.....	5	7/1/2007	1/1/2017
Rule 7.9	Fees for Conservators and Attorneys.....	5	7/1/2007	1/1/2017
Rule 7.10	Required Educational Program for Non-Professional Conservators	5	1/1/2017	
Rule 7.11	Form and Lodging of Exhibits.....	6	1/1/2017	
Rule 7.12	Availability of Probate Examiner's Notes and Clearing of Defects	6	1/1/2017	

Chapter 1

Preliminary Rules

Rule 1.0 Effective Date

These rules shall take effect on 01/01/17.

[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]

Chapter 2

Administrative and General Matters

Rule 2.10 Court Security

- (a) Upon entering any Court building, all persons, and their belongings will be screened and inspected for weapons. Unless required by law, a person may refuse to submit to screening and inspection, in which case he or she shall immediately leave the court building.
- (b) Notwithstanding any provision of law, no person may possess any object that could be construed as a weapon while in a Court building, including, but not limited to guns, knives, tools, sharp objects or pepper spray. If these items are found at the Court screening stations, the screened individual has the choice of (1) returning the item to their vehicle, taking it outside the building; or (2) having the security personnel confiscate the item. Security staff will not hold the item. However, except as provided below, bailiffs, correctional officers and law enforcement officers employed by a federal, state, county or local jurisdictions may possess

weapons while in the course and scope of their official duties.

- (c) A person authorized to possess a weapon pursuant to section (b) hereof shall not possess said weapon while in a Court building if he/she or a member of his/her immediate family or someone with whom he/she has a close relationship is a party to a pending proceeding to be heard that day.
- (d) Persons prohibited from possessing weapons pursuant to section (c) hereof shall, upon first entering the Court, immediately declare to the security officer, the fact of his or her possession of such weapon and shall then surrender such weapon for safekeeping.
- (e) Any violation of this rule may be punished as contempt, and may result in imprisonment, a fine, or both.
- (f) Except by specific permission first obtained from a judge, bailiff, or other designated court personnel, no person shall be or remain in any area or any department restricted to the exclusive occupancy of court personnel or judicial officers. This includes clerk offices, judicial chambers, hallways leading to judicial chambers or court staff workspaces, sallyports/holding cells, and/or administrative offices.

[Adopted July 1, 2007, amended 01/01/17]

Rule 2.12 Attendance and Conduct at Hearings-Court Proceedings

- (a) Attorneys and self-represented litigants are required to promptly appear at all proceedings.
- (b) If an attorney or self-represented litigant will be late or will not appear

at any calendared proceeding, the attorney shall telephone the department in which the proceeding is set, prior to the time set for the appearance, and advise the clerk or bailiff that the attorney or litigant will be late or will not be present. Failure to so advise the clerk or bailiff may subject the violator to sanctions pursuant to Code of Civil Procedure section 177.5.

The telephone advisement referred to in subdivision (b) of this rule does not excuse an attorney's failure to timely appear at a calendared proceeding.

- (c) No person shall appear in Court barefoot, shirtless, wearing a tank top, wearing sunglasses, wearing clothing with obscenities, or dress in any manner reflecting poorly upon the dignity of the Court and its decorum. The bailiffs of the Court may remove any person violating this rule.
- (d) Cellular phones and electronic devices are not to be utilized in the courtroom galleries to avoid disruption of the proceedings.

[Adopted July 1, 2007, amended 01/01/17]

Rule 2.14 Pleadings [Repealed]

~~All pleadings submitted for filing will be legible. Changes to a pleading may be made by striking through the text to be changed and the strike through and addition, if any, are initialed and dated (a) by the person signing the document, and (b) by the clerk or judge at the time of filing to fulfill compliance with CRC 2.116. No change to a pleading shall contain any blocking out or obliteration of the text.~~

[Adopted July 1, 2008, repealed 01/01/17]

Rule 2.16 Administrative Recordings

The Court electronically records some court proceedings, which are used by the Court for administrative purposes only. Any request for a copy of an administrative recording must be made by noticed motion scheduled before the Presiding Judge.

[Adopted January 1, 2017]

Chapter 3 **Civil Rules**

Division 1 **General Provisions**

Rule 3.1.7 Settlements

- (a) **Unconditional Settlements.**
The parties are required to submit to the clerk a notice of settlement which shall include a stipulation for the immediate dismissal of the action without prejudice. The request for dismissal shall be filed within 45 days after the date of settlement in accordance with CRC ~~3.1.85~~ 3.1385.
- (b) **Conditional Settlements.**
The notice of conditional settlement served and filed by each plaintiff or other party seeking affirmative relief must specify a date in which the dismissal is to be filed, not to exceed 180 days from the date of filing the Notice of Settlement. (Judicial Council Form CM-200).

[Adopted July 1, 2007, Rule 3.7 renumbered to 3.1.7 01/01/09, amended 2012; and subd (a)(b) adopted 01/01/12, 01/01/17]

Rule 3.1.15 Court Reporters for Civil Trials

An attorney or party in civil matters hiring their own court reporters shall provide the

name, address, telephone number, and Certified Shorthand Reporter (CSR) number of the court reporter to the courtroom clerk prior to the commencement of the proceeding. Attorney or party must ensure that the contracted court reporter is in good standing with the CSR certification board and all trial and appellate courts. The clerk shall note the court reporter's identifying information in the minutes.

The court will provide a reporter for civil law and motion on Monday and Wednesday in Department 7, and on Tuesday, Thursday, and Friday in Department 9.

[Adopted July 1, 2007, Rule 3.15 renumbered to 3.1.15 01/01/09, amended 01/01/13, 01/01/17]

Division 3 **Ex Parte Relief**

Rule 3.3.1 Filing Fees, Case Number, and Hearing Date

Filing fees must be paid, or an application of fee waiver must be **granted filed**, before an application for ex parte relief will be heard. All documents in support of an ex parte application must be filed twenty-four (24) hours prior to the time for hearing.

[Adopted July 1, 2007, Rule 3.28 renumbered to 3.3.1 01/01/09, amended 01/01/17]

Division 9 **Small Claims**

Rule 3.9.4 Recalendaring of Unserved Small Claims Matters

The clerk, on plaintiff's ex parte request, may vacate the pending trial date and provide plaintiff a new trial date allowing sufficient time for service and notice provided that no defendant has been served with the original date. The clerk's authority is limited to issuing one such extension,

being the first one after the original hearing date.

Such request for a new hearing date must be made no later than 3 court days before the original trial date. Continuance date will not be more than 45 days from the date of ex-parte request.

[Adopted January 1, 2017]

Chapter 4 **Criminal Rules**

Division 2 **Infractions**

Rule 4.2.2 Correctable

~~Mechanical (Correctable)~~ violations will not be dismissed without proof of correction in the manner required by Vehicle Code 40616, ~~signed by a law enforcement officer and payment of required fee by the Vehicle Code to the Court by the due appearance date.~~

[Rule 4.10 subd. (a) adopted July 1, 2007 is renumbered to 4.2.2, and amended 01/01/12, 01/01/17]

Chapter 7 **Probate Rules**

Rule 7.0 Filing Location

Probate matters must be filed in the Probate Department located on the 1st Floor of the El Centro Courthouse on 939 Main Street El Centro, CA 92243.

[Adopted January 1, 2017]

Rule 7.1 Caption of Petitions

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

[Adopted July 1, 2007, Rule 7.0 renumbered to 7.1 01/01/17]

Rule 7.2 Appearances

Appearances are required on all petitions for appointment of conservators/guardians, confirmation of sale of real or personal property and any petition to which objection has been filed. All other petitions may be pre-approved by the Probate Examiner, with no appearance required, if an order is received by the Court prior to the hearing. However, if an interested person appears and objects and the Court determines that an appearance is necessary by Counsel, the matter may be continued. No notice of continued hearing date will be mailed by the Court; it is the responsibility of counsel to determine whether the matter has been approved or continued.

[Adopted July 1, 2007, Rule 7.1 renumbered to 7.2 01/01/17]

Rule 7.3 Probate Examiner

Counsel may telephone the Probate Examiner's Office to determine if there are any defects in the file two days prior to the hearing.

[Adopted July 1, 2007, Rule 7.2 renumbered to 7.3 01/01/17]

Rule 7.4 Hearings

All probate matters are heard on Friday of each week at 8:30 a.m. in the assigned probate department except Lanterman, Petris, Short (LPS) Conservatorship matters. Lanterman, Petris, Short (LPS) Conservatorship matters are scheduled on Monday of each week in the assigned

department. The hearing date is scheduled by counsel and required to be on all notices of hearing at the time of filing thereof. The Court does not schedule the date of any hearing or mail notices of any hearings.

[Adopted July 1, 2007, amended 01/01/12, Rule 7.3 renumbered to 7.4 01/01/17]

Rule 7.5 Order for Family Allowance

The duration of an order for family allowance is limited to six months if no inventory and appraisal has been filed, and is limited to one year if an inventory and appraisal has been filed.

[Adopted July 1, 2007, amended January 1, 01/01/12, Rule 7.4 renumbered to 7.5 01/01/17]

Rule 7.6 Independent Administration

When a personal representative has been granted authority to administer the estate under the Independent Administration of Estates Act (beginning at Probate Code, Section 10400), the following policies shall apply:

- (a) The original of the notice of proposed action and proof of mailing or personal delivery of the notice shall be filed with the Court.
- (b) In any accounting or petition for distribution, the personal representative shall report all acts taken without court authorization, approval, confirmation, or instruction that would be required if authority to administer the estate under the Independent Administration of Estates Act has not been granted ("independent acts"). With respect to each independent act, the personal representative shall state whether notice of proposed action was not given, the personal representative should allege whether such notice was not required or waived. Independent acts reported in a prior

noticed petition need not again be reported in a later petition.

- (c) If no independent acts have been taken during administration, this fact should be stated in the petition for final distribution.

[Adopted July 1, 2007, Rule 7.5 renumbered to 7.6 01/01/17]

Rule 7.7 Fees Stated When Account Waived

In accounts, or in petitions for distribution accompanied by waiver of accounting, the report must state the amount of the personal representative's commissions payable as well as the amount of the attorney's fees and the basis for calculation thereof. When income is included in the basis for calculation, even though the accounting is waived, a detailed schedule of income must be presented.

[Adopted July 1, 2007, Rule 7.6 renumbered to 7.7 01/01/17]

Rule 7.8 Non-Statutory Fees and Commissions

- (a) A petition for services other than statutory compensation rendered in a probate or other proceeding shall include:
 - (1) A declaration by the attorney, personal representative, trustee, or other fiduciary of the services rendered or to be rendered by each of them itemizing their services by date, time, and service rendered;
 - (2) The sum requested for each item of service, together with the total amount requested for such services (and not merely "reasonable fees"); and

- (3) A reference in the caption and prayer to the additional fees.

- (b) In determining such fees, the Court shall consider the difficulty of the tasks performed, the reasonable value of time expended, the amount of the estate accounted for, and whether an accounting is waived.

[Adopted July 1, 2007, Rule 7.7 renumbered to 7.8 01/01/17]

Rule 7.9 Fees for Conservators and Attorneys

- (a) Petitions for a fee request should be filed with all accountings.
- (b) Fees for court appointed attorneys should be requested at the hearing as part of the attorney's report.
- (c) Services rendered by conservators and their attorneys must be set forth in a detailed statement of the facts upon which the fee request is based, including a schedule which states: the nature and difficulty of task performed; the results achieved; the benefits to the conservatee or conservatee's estate; a description of each separate service performed; the hours spent; and total amount requested.

[Adopted July 1, 2007, Rule 7.8 renumbered to 7.9 01/01/17]

Rule 7.10 Required Educational Program for Non-Professional Conservators

- a) A conservator who resides outside of Imperial County may make arrangements to attend a program as described in Probate Code 1457 at a Superior Court in another county in California where available. The

- proposed conservator shall file written proof of completion of the educational program at least four court days prior to the hearing.
- b) If a proposed conservator fails to timely provide proof of completion of the educational program, the court may continue the hearing on the petition for a period long enough to allow completion of the program, deny the petition for appointment, or make other appropriate orders.
- c) This rule does not apply to a trust company as defined in Probate Code section 83, a public guardian as defined in Government Code section 27430 et seq., a regional center established pursuant to Chapter 5 (commencing with section 4620) of Division 4.5 of the Welfare and Institutions Code, a licensed professional fiduciary as defined in Probate Code section 60.1, a conservator appointed under Welfare and Institutions Code section 5350 et seq., a limited conservator authorized to consent to the sterilization of an adult with a developmental disability pursuant to Probate Code section 1952, or a temporary conservator appointed pursuant to Probate Code section 2250 unless otherwise ordered by the court.

[Adopted January 1, 2017]

Rule 7.11 Form and Lodging of Exhibits

- a) If the exhibits accompanying a petition, motion, or other filing exceed ten pages cumulatively, they must be lodged with the court rather than attached to the pleadings, which will remain in the court file. Such exhibits must be lodged at the same time as the corresponding papers are filed with the court.

- b) The following items must accompany lodged material: (1) An original notice of lodgment, which includes a numbered listing of all the items lodged; (2) A means of return, as specified in item C., below. The notice of lodgment must be filed with the court. An additional copy may be submitted to be conformed and returned. The lodgment and notice of lodgment must be served on all parties.
- c) Return and Retention of Lodged Exhibits. Lodged materials will be returned to the tendering party after the resolution of the calendared matter, unless the party requests their destruction. Therefore, when submitted, lodgments must be accompanied either by a self-addressed, stamped envelope or an attorney service pick-up slip. Following the return of the lodged documents by the court, the tendering party should retain them until the applicable appeal period has expired.

[Adopted January 1, 2017]

Rule 7.12 Availability of Probate Examiner's Notes and Clearing of Defects

- a) Probate examiner's notes are available to determine if any defects in pleadings or procedure have been noted by the examiner.
- b) The notes are available on the Imperial County Superior Court website www.imperial.courts.ca.gov. When the examiner receives additional pleadings and updates the notes, the new notes will be posted to the website.
- c) After checking the notes, counsel and self-represented parties can

contact the assigned Probate Examiner with any questions or explanations that may assist in the clearing of any defects.

- d) Amended petitions supersede any prior petitions and will be set for hearing in due course.

[Adopted January 1, 2017]

Superior Court of California, County of Imperial

LOCAL FORMS INDEX

(Numerical Order)

<u>Description</u>	<u>Form #</u>	<u>Revised</u>	<u>Mandatory?</u>
Plea of Guilty/No Contest-Felony.....	CR-08	01/01/17	Yes
Child Custody/Visitation Joinder Packet.....	FL-13 INFO	01/01/17	
Tranfering Property When Someone Dies.....	PR-01 INFO	01/01/17	
Declaration of Completion of Orientation & Training for Non-Professional Conservators.....	PR-02	01/01/17	Yes
Attachment 8c(1) - Indian Child Inquiry.....	PR-03	01/01/17	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL <input type="checkbox"/> 220 Main Street, Brawley, CA 92227 <input type="checkbox"/> 939 West Main Street, El Centro, CA 92243	FOR COURT USE ONLY
People of the State of California, <div style="text-align: center;">vs.</div> Defendant(s):	CASE NUMBER:
PLEA OF GUILTY/NO CONTEST – FELONY (PC 1016, 1016.5, 1017)	

I, the defendant in the above-entitled case, in support of my plea of Guilty/No Contest, personally declare as follows:

1. Of those charges now filed against me in this case, I plead _____ to the following offenses and admit the enhancements, allegations and prior convictions as follows:

COUNT	CHARGE	ENHANCEMENT/ALLEGATION
PRIORS: (LIST ALLEGATION SECTION, CONVICTION DATE, COUNTY, CASE NUMBER, AND CHARGE)		

2. I have not been induced to enter this plea by any promise or representation of any kind, except: *(State any agreement with the District Attorney.)*

3. I am entering my plea freely and voluntarily, without fear or threat to me or anyone closely related to me.

4. I understand that a plea of No Contest is the same as a plea of Guilty for all purposes.

5. I am sober and my judgment is not impaired. I have not consumed any drug, alcohol or narcotic within the past 24 hours.

CONSTITUTIONAL RIGHTS

6a. I understand that I have the right to be represented by a lawyer at all stages of the proceedings. I can hire my own lawyer or the Court will appoint a lawyer for me if I cannot afford one.

I understand that as to all charges, allegations and prior convictions filed against me, and as to any facts that may be used to increase my sentence, now or in the future, I also have the following constitutional rights, which I now give up to enter my plea of guilty/no contest:

6b. I have the right to a **speedy and public trial by jury**. I now give up this right.

6c. I have the right to **confront and cross-examine all the witnesses** against me. I now give up this right.

6d. I have the right to **remain silent** (unless I choose to testify on my own behalf). I now give up this right.

6e. I have the right to **present evidence in my behalf** and to have the court subpoena my witnesses at no cost to me. I now give up this right.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

7a. I understand that I may receive this maximum punishment as a result of my plea: _____ years imprisonment or imprisonment plus a term of mandatory supervision; \$ _____ fine; and _____ years parole or post-release community supervision, with return to custody for every violation of a condition thereof. If I am not sentenced to imprisonment, I may be granted probation for a period up to 5 years or the maximum term of imprisonment, whichever is greater. As conditions of probation I may be given up to a year in jail custody, plus the fine, and any other conditions deemed reasonable by the Court. I understand that if I violate any condition of probation I can be sentenced to imprisonment for the maximum term as stated above. []

7b. I understand that I must pay a restitution fine (\$300 - \$10,000), that I will also be subject to a suspended fine in the same amount, and that I must pay full restitution to all victims. []

7c. I understand that my conviction in this case will be a serious/violent felony ("strike") resulting in mandatory denial of probation, substantially increased penalties, and a term in State Prison in any future felony case. []

7d. I understand that if I am not a U.S. citizen, this plea of Guilty/No Contest may result in my removal/deportation, exclusion from admission to the U.S. and/or denial of naturalization. Additionally, if this plea is to an "Aggravated Felony" then I will be deported, excluded from admission to the U.S., and denied naturalization. []

7e. I understand that my plea of Guilty or No Contest in this case could result in revocation of my probation, mandatory supervision, parole or post-release supervision in other cases, and consecutive sentences. []

7f. My attorney has explained to me that other possible consequences of this plea may be: (Circle applicable consequences.) []

- (1) Consecutive sentences
- (2) Loss of driving privileges
- (3) Lifetime registration as an arson / sex offender
- (4) Registration as a narcotic / gang offender
- (5) Cannot possess firearms or ammunition
- (6) Blood test and saliva sample
- (7) Priorable (increased punishment for future offenses)
- (8) Restitution, Attorney's fee's, Probation fee's
- (9) Prison prior
- (10) Mandatory imprisonment
- (11) Mandatory State Prison
- (12) Presumptive imprisonment
- (13) Presumptive State Prison
- (14) Sexually Violent Predator Law
- (15) Possible/Mandatory hormone suppression treatment
- (16) Reduced conduct/work credits
- a. Limited local credits (290/serious/prior)
- b. Violent Felony (No credit or max. 15%)
- c. Prior Strike(s) (No credit to max. 20%)
- d. Murder on/after 6/3/98 (No credit)
- (17) Domestic Violence treatment program
- (18) Other: _____

8. (Appeal Rights) I give up my right to appeal the following: 1) denial of my 1538.5 motion, 2) issues related to strike priors (under PC sections 667(b)-(i) and 1170.12), and 3) any sentence stipulated herein. []

9. (Harvey Waiver) The sentencing judge may consider my prior criminal history and the entire factual background of the case, including any unfiled, dismissed or stricken charges or allegations or cases when granting probation, ordering restitution or imposing sentence. []

10. (Cruz Waiver) Negotiated Disposition pursuant to PC 1192.5: I understand that if pending sentencing I am arrested for or commit another crime, violate any condition of my release, or willfully fail to appear for my probation interview or my sentencing hearing, the sentence portion of this agreement will be cancelled. I will be sentenced unconditionally, and I will not be allowed to withdraw my guilty/no contest plea(s). []

11. (Arbuckle Waiver) I give up my right to be sentenced by the judge who accepts this plea. []

12. (Probation Report) I give up my right to a full probation report before sentencing. []

13. Unless previously agreed to as indicated in paragraph two (2), I understand that the matter of probation and/or sentence will be determined solely by the court. []

14. (Evidence Disposal Waiver) I give up my interest in all non-biological property/evidence impounded during the investigation of this case except _____ and acknowledge that if I listed any property here, I must also file a claim with the impounding agency within 60 days after pronouncement of judgment or my ability to make a claim will expire. []

DEFENDANT: _____	CASE NUMBER: _____
------------------	--------------------

PLEA

15. I now plead Guilty/No Contest and admit the charges, convictions and allegations described in paragraph #1, above. I admit that on the dates charged, I: *(Describe facts as to each charge and allegation)*

16. I declare under penalty of perjury that I have read, understood, and initialed each item above and any attached addendum, and everything on the form and any attached addendum is true and correct.

Dated: _____ Defendant's Signature _____

Defendant's Address: _____
Street

City State Zip

Telephone Number: () _____

Defendant's Right Thumb Print

ATTORNEY'S STATEMENT

I, the attorney for the defendant in the above-entitled case, personally read and explained to the defendant the entire contents of this plea form and any addendum thereto. I discussed all charges and possible defenses with the defendant, and the consequences of this plea, including any immigration consequences. I personally observed the defendant fill in and initial each item, or read and initial each item to acknowledge his/her understanding and waivers. I observed the defendant date and sign this form and any addendum. I concur in the defendant's plea and waiver of constitutional rights.

Dated: _____
(Print Name) **Attorney for Defendant** (Signature)
(Circle one: PD / AC / RETAINED)

INTERPRETER'S STATEMENT (If Applicable)

I, the sworn _____ language interpreter in this proceeding, truly translated for the defendant the entire contents of this form and any attached addendum. The defendant indicated understanding of the contents of this form and any addendum and then initialed and signed the form and any addendum.

Dated: _____
(Print Name) Court Interpreter (Signature)

PROSECUTOR'S STATEMENT

The People of the State of California, plaintiff, by its attorney, the District Attorney for the County of Imperial, concurs with the defendant's plea of Guilty/No Contest as set forth above.

Dated: _____
(Print Name) Deputy District Attorney (Signature)

COURT'S FINDING AND ORDER

The Court, having questioned the defendant and defendant's attorney concerning the defendant's plea of Guilty/No Contest and admissions of the prior convictions and allegations, if any, finds that: The defendant understands and voluntarily and intelligently waives his/her constitutional rights; the defendant's plea and admissions are freely and voluntarily made; the defendant understands the nature of the charges and the consequences of the plea and admissions; and there is a factual basis for same. The Court accepts the defendant's plea and admissions, and the defendant is convicted thereby.

Dated: _____
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA
COUNTY OF IMPERIAL

Child Custody/Visitation Joinder Packet
(California Rules of Court ~~5.154, 5.158~~ 5.16, 5.24)

A non-parent, including a grandparent, may ask for child custody or visitation in a pending dissolution or custody case. (If there is already a judgment, joinder is unavailable).

Joinder forms included are:

- Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
- Responsive Declaration to Motion for Joinder/Consent Order of Joinder - Judicial Council Form (FL-373)
- Proof of Service by Mail – Judicial Council Form (FL-335)
- Summons (Joinder) – Judicial Council Form (FL-375)
- Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
- Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
- Decl. Under Uniform Child Custody Jurisdiction & Enforcement Act – (FL-105)
- Proof of Personal Service – Judicial Council Form (FL-330).

This process involves several steps:

1. Complete the following forms:
 - Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-371)
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) – Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
2. File the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a copy of these forms attached:
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).

Child Custody/Visitation Joinder Packet
(California Rules of Court 5.154, 5.158 5.16, 5.24)

Continued

3. Have someone else serve a copy of the Notice of Motion and Declaration for Joinder – Judicial Council Form (FL-373) with a copy of these forms attached:
 - Summons – Judicial Council Form (FL-375)
 - Petition for Joinder (Custody/Visitation) Local Form (FL-13)
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act – Judicial Council Form (FL-105).
AND a blank:
 - Responsive Declaration to Motion for Joinder – Judicial Council Form (FL-373)

Have the person who served the documents complete and file either a **Proof of Service by Mail** Judicial Council Form (FL-335) or a **Proof of Personal Service** Judicial Council Form (FL-330).

4. Attend the hearing. If the motion for joinder is granted, file the following forms:
 - Petition for Joinder – Local Form(FL-13),
 - Child Custody and Visitation Application Attachment – Judicial Council Form (FL-311)
 - Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act
Ask the filing clerk to issue the Summons – Judicial Council Form (FL-105).
5. Have someone else serve a copy of the Summons, Petition for Joinder, Child Custody and Visitation Application Attachment, and Declaration Under Uniform Child Custody Jurisdiction & Enforcement Act on each of the parties personally. The person who served these documents must complete and file a Proof of Personal Service (either page 2 of the Summons, or Proof of Personal Service FL-330) for each person served.
6. Once the proofs of service have been filed, the joinder process is complete. You may then file papers to obtain the child custody or visitation rights you are seeking by filing a Notice of Motion-Judicial Council Form (FL-310) and Application for Order and Supporting Declaration-Judicial Council Form (FL-310).

Transferring property when someone dies...

Do I have to go to Court to inherit property from someone who dies?

Not always. If you have the legal right to inherit personal property, like money in a bank account or stocks, and the estate is worth \$150,000 or less, you may not have to go to court.

There is a simplified process you can use to transfer the property to your name, but this process is not for real property, like a house.

How do I know if the estate is worth \$150,000 or less?

To calculate the value of the estate:

Include:

- All real and personal property
- All life insurance or retirement benefits that will be paid to the estate

Do not include:

- Cars
- Real property outside of California
- Property held in trust, including a living trust.
- Real or personal property that the person who died owned with someone else (joint tenancy)
- Property (community, quasi-community or separate) that passed directly to the surviving spouse

- Life insurance, death benefits or other assets not subject to probate that pass directly to the beneficiaries
- Unpaid salary or other compensation up to \$15,000 owed to the person who died.
- The debts or mortgages of the person who died

For a complete list, see Probate Code § 13050

Can I subtract the dead deceased person's debts to calculate the value of the estate?

No. You are not allowed to subtract the debts of the person who died.

What if the estate is in Probate?

You cannot use this process, unless the Personal Representative of the estate agrees in writing to let you do so.

Can anyone use this simplified Process?

You qualify if you have the legal right to inherit property from the person who died. You must be a beneficiary in the Will or an heir if the person died without a Will. Other people may qualify too, like the guardian or conservator of the estate. For a complete list, see Probate Code § 13051

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>)	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF IMPERIAL 939 W. Main Street El Ciento, CA 92243	
CONSERVATORSHIP OF: (<i>Name</i>): _____ (PROPOSED) CONSERVATEE	CASE NUMBER:
DECLARATION OF COMPLETION OF ORIENTATION AND TRAINING FOR NON-PROFESSIONAL CONSERVATORS	

I, _____, declare as follows:

1. On _____ I successfully completed the orientation and training for non-professional conservators (*certificate of completion attached*).

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

Date

Printed Name

Signature

CHILD'S NAME:	CASE NUMBER:
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ATTACHMENT 8c(1)-Indian Child Inquiry

1. Name of child:

a. Person(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned:

Name:	Name:
Relationship to child:	Relationship to child:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date(s) questioned:	Date(s) questioned: