

Butte County Superior Court Local Rules  
Proposed Rule Changes  
Effective January 1, 2026

1.6 ~~ATTORNEY OF RECORD RESERVED~~

~~A. Proof of service on an attorney will not be accepted for filing unless the attorney is of record in the Court's file either by filing an appearance, a document on behalf of a party, or a notice the [s]he is counsel for a party authorized to accept service.~~ (Effective 7/1/90, as amended 1/1/00, as amended 7/1/12, as amended 1/1/26)

1.7 ~~COURT REPORTER'S PER DIEM FEE RESERVED~~ (Effective 7/1/90, as amended 1/1/99, as amended 1/1/26)

~~The fee paid by the Superior Court of California, County of Butte to pro tempore Court reporters hired by the Court for reporting testimony and proceedings shall be periodically reviewed and determined by the Presiding Judge.~~ (Effective 7/1/90, as amended 1/1/99, as amended 1/1/26)

2.6 REPORTING OF PROCEEDINGS (Effective 7/1/04, as amended 1/1/07, as amended 7/1/12, as amended 1/1/19, as amended 1/1/26)

- A. Pursuant to California Rules of Court, Rule 3.1310, notice is hereby given that the Court does not regularly provide for reporting or electronic recording of hearings on motions. Reporters are provided in these matters only by written request in accordance with Local Rule 1.8(c). Parties may, in the alternative, provide a Reporter that they have privately retained.
- B. To obtain a transcript, parties shall submit a Transcript Request Form, found in the miscellaneous forms section of the Court's public website. The form may be submitted via email to the email address on the form, or by mail to:

Butte County Superior Court  
Attn: Support Services Division  
1 Court Street  
Oroville, CA 95965

(Effective 7/1/04, as amended 1/1/07, as amended 7/1/12, as amended 1/1/19, as amended 1/1/26)

2.12 DEFAULT HEARINGS (Effective 7/1/89, as amended 7/1/02, as amended 1/1/26)

- A. Default prove up hearings are held on the ~~regular law and motion~~ assigned Judge's court trial calendar. ~~Prove up hearings may be set by letter request to the clerk at least ten (10) days prior to the date to be set for the prove up.~~ A party can obtain information regarding the assigned Judge's court trial calendar by calling the Civil Division of the Clerk's Office. A hearing may be set by filing a request which includes an available court trial date and time in the caption at least fourteen (14) court days prior to the hearing. These matters ordinarily are heard on declarations rather than by oral testimony, although witnesses may need to be present in case questions arise. Declarations and any other supporting evidence, and any argument, should be submitted to the Court at least ~~one week~~ ten (10) court days prior to the hearing. (Effective 7/1/89, as amended 7/1/02, as amended 1/1/26)

3.10 SETTLEMENT CONFERENCES *(Effective 7/1/92, as amended 7/1/02, renumbered 1/1/04, as amended 1/1/07, as amended 7/1/08, as amended 7/1/10, as amended 1/1/26)*

- A. This Court adopts the policy that good faith efforts to settle civil proceedings are an essential part of the judicial process, and that good faith efforts to settle shall be made in conformity with California Rules of Court, Rule 3.1380.
- B. AUTHORITY TO SETTLE.
  - 1. Each person required to attend the settlement conference, must have full authority to make decisions and negotiate concerning the case for which the settlement conference is scheduled.
  - 2. The attorney[s] for all parties appearing in the action who attend the conference, must be intimately familiar with the pertinent available evidence involving both liability and damages. The attorney[s] assigned to try the case shall be present at the settlement conference, unless good cause for his or her absence is shown.
  - 3. All counsel shall ascertain whether there are claims or liens which may affect a settlement, and if so, request in writing the claimants or lienholders, or their representatives, to attend the settlement conference. A copy of such written request shall be mailed to the Court.
- C. SETTLEMENT CONFERENCE STATEMENTS AND SUPPORTING DOCUMENTS.
  - 1. Not less than five (5) Court days prior to the scheduled settlement conference, each party shall file and serve the Settlement Conference Statement.
  - 2. The Settlement Conference Statement shall be in writing and shall describe the case and all relevant legal issues, factual issues, and contentions. The statement and supporting material must be sufficiently detailed to enable the settlement conference judge or the pro tem judges to conduct a meaningful settlement conference.
  - 3. Parties may use local Court form entitled Settlement Conference Statement (form DR.040).
  - 4. The attorney[s] for each party or each party representing themselves claiming damages in a personal injury action shall bring to the conference all reports and records of any and all examining doctors, shall include in the settlement conference statement a list of all special damages claimed, and shall supply corroborating evidence, to be available for examination by the settlement conference judge.
  - 5. In a personal injury action, the special damages for each plaintiff should be up-to-date, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any.
  - 6. Opposing counsel shall bring with them copies of all reports and records of all examining doctors employed by them or their insurance carrier[s], if any, who examined plaintiff[s], to be available for consideration by the settlement conference judge.
  - 7. All counsel shall organize in advance and bring to the conference such medical reports and records and any depositions (with relevant pages premarked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge.

D. POWERS OF THE COURT AT SETTLEMENT CONFERENCES.

1. The settlement conference judge may accept for filing the written stipulations by the parties, but shall not, except for good cause shown, change the date set for trial or hear and rule on law and motion matters.
2. In all conferences resulting in settlement of a case, the terms thereof may be placed upon the record with a reporter present or, if one is not available, by minute order. ~~Enforcement of the settlement shall be pursuant to CCP §664.6.~~
3. Requests for continuance of the date of the initial settlement conference shall be addressed to the Court. However, the settlement conference judge or those conducting the settlement conference may, at the conclusion of the conference, continue it to any other convenient date or time prior to the date set for trial.

E. EXCUSES FROM ATTENDANCE; TELEPHONE AVAILABILITY.

1. Any application to the Court to excuse attendance of any person whose attendance is required by California Rules of Court, Rule 3.1380 shall be made to the assigned judge not less than five (5) calendar days before the date set for the settlement conference.
2. Any person whose presence at a settlement conference is required by California Rules of Court, Rule 3.1380 may be excused by order of the Court for good cause shown but, if so excused, shall be and remain immediately available for telephone communication with counsel and the Court at the time set for and throughout the settlement conference.

F. NOTICE TO COURT UPON SETTLEMENT.

1. Should any case set for a settlement conference settle or otherwise terminate before the date of any conference, hearing, or trial, the attorneys for the parties shall immediately notify the clerk pursuant to California Rules of Court, Rule 3.1385.
2. Upon the settlement of a case at any time following the settlement conference and before the trial date, each party seeking any affirmative relief in the action shall immediately notify the Clerk, particularly if a further settlement conference is calendared.

G. MANDATORY MEET AND CONFER

1. Representatives of each party, with full authority to settle, shall meet in person or confer by telephone no less than ten (10) calendar days before the settlement conference in a good faith attempt to settle the case.
2. A good faith offer and a good faith demand shall be exchanged. Failure to make a good faith attempt to settle will result in the Court considering sanctions. *(Effective 7/1/92, as amended 7/1/02, renumbered 1/1/04, as amended 1/1/07, as amended 7/1/08, as amended 7/1/10, as amended 1/1/26)*

14.6 JUVENILE DEPENDENCY AND FAMILY CODE §3150 APPOINTMENTS CASES *(Effective 7/1/09, as amended 1/1/14, as amended 1/1/15, as amended 1/1/25, as amended 1/1/26)*

- A. For Juvenile Dependency conflict counsel, and Family Code §3150 appointments, reimbursement for attorney fees shall be authorized in accordance with Butte County Superior Court Local Rules, Rule 14.2. Other reasonably necessary expenses shall be authorized in accordance with Butte County Superior Court Local Rules, Rule 14.3(A) through Butte County Local Rule 14.3(E).

1. Attorneys must submit any claims to the Court for attorney fees and other reasonably necessary expenses within sixty (60) days of services being rendered for services rendered in and between the months of July and May. Services are considered rendered irrespective of whether a case and services pursuant thereto remain ongoing.
  2. For purposes of fiscal year-end accounting, attorneys are urged to submit any claims for services rendered within the month of June, as soon as possible, and must submit such claims within thirty (30) days after the end of the fiscal year on June 30<sup>th</sup>.
  3. Claims submitted after the deadlines listed in subsections A(1) and A(2) of this rule may be paid by the Court. Any such late claims must be accompanied by a letter explaining the reason(s) for the delay, which the Court will take into consideration when determining if payment will occur. Late claims without a letter will not be paid.
- B. Prior to incurring investigative, or other expert fees and/or other costs, the form of order presented for authorization must be accompanied by a declaration in support thereof.
- C. The declaration in support of investigative and/or expert witness fees and costs will be (1) authored by the expert or investigator attesting to the nature of work to be done, the number of hours expected, anticipated costs, hourly rate(s) depending on the nature of the work and (2) have a resume or curriculum vitae attached along with (3) a statement by the attorney detailing they have made the inquiry as detailed in the declaration and describing the relevance of the information or services sought.
- D. For purposes of this Local Rule: “investigator” includes an individual or company providing services in support of the relevant needs of the attorney on behalf of their client; “expert” includes an individual the attorney intends to proffer in Court as an expert in a particular subject.
- E. Authorization of reimbursement for costs as detailed in this Local Rule does not amount to a finding by the Court that testimony or evidence of the investigator or expert will be admitted in Court, nor constitute a finding that an individual qualifies as an expert under the law.
- F. The declaration shall contain the following language: “The cost(s) and expense(s) of such service(s) or examination(s) shall not exceed \$ \_\_\_\_\_ (the dollar amount the attorney is requesting the Court authorize on each Ex Parte Appointment Order).”
- G. The request for reimbursement must be submitted by the attorney and include a proposed form of order that includes the following language: “The Court finds that the cost(s) for expert or investigative service(s), as detailed in the declaration, is/are a legitimate expense of the Superior Court of California, County of Butte and such costs will be reimbursed to the attorney by the Court upon written certification of the attorney that the expenses have been incurred.”

- H. A request for reimbursement of costs incurred shall be paid to the attorney upon the attorney's presentation of an itemized billing attached to or listed on a completed Butte County Superior Court Claim for Professional Services, with attached receipts for expenses and a copy of the Court order that previously authorized the expenditure. The claim must specify the case number, an hourly rate consistent with that expressed in the declaration or ordered by the Court, whichever is less, the number of hours billed, and shall not exceed the total amount previously authorized by the Court. The attorney shall then present the claim to the Court's Administrative Office for processing for payment within thirty (30) days of services rendered or as ordered by the Court. *(Effective 7/1/09, as amended 1/1/14, as amended 1/1/15, as amended 1/1/25, as amended 1/1/26)*

16.13 STIPULATIONS *(Effective date 7/1/90, as amended 7-1-93, renumbered 1/1/04, as amended 1/1/26)*

- A. All stipulations, ~~whether reached before or during the hearing~~, shall be in writing and submitted to the Court ~~before or at the calendar call on the date set for hearing~~. If a stipulation is reached during the hearing, it must be submitted in writing prior to the conclusion of the hearing using local form *Written Stipulation and Agreement (FL.070)*.
- B. The Court may, in its discretion, accept brief oral stipulations placed on the record during the hearing. Such stipulations are generally limited to routine matters such as continuances, temporary scheduling agreements, or other procedural issues. Any stipulations affecting significant rights such as custody, visitation, support, or property division, or any other stipulation that is complex in nature, must be reduced to writing and submitted in accordance with section A *(Effective date 7/1/90, as amended 7-1-93, renumbered 1/1/04, as amended 1/1/26)*

16.15 TRIAL, SHORT AND LONG CAUSE EVIDENTIARY HEARINGS *(Effective date 7/1/90, as amended 7-1-01, renumbered 1/1/04, as amended 7/1/04, as amended 7/1/05, as amended 1/1/07, as amended 7/1/07, as amended 7/1/08, as amended 1/1/09, as amended 1/1/12, as amended 7/1/12, as amended 7/1/14, as amended 1/1/15, as amended 7/1/17, as amended 1/1/18, as amended 1/1/20, as amended 7/1/25, as amended 1/1/26)*

A. INTRODUCTION

1. "Family Law Matters" for purposes of Local Rule 16.15 includes family law, uniform parentage, domestic violence and guardianship of the person.
2. Evidentiary hearings on family law matters with time requirements of 20 minutes or less will be heard on the Request for Order Calendar. Evidentiary hearings with time requirements in excess of twenty (20) minutes will be set directly from the RFO calendar for a long cause hearing or trial.
3. Family Law Trials will be set for trial from the RFO calendar. A matter is placed on calendar for trial setting by filing an At-Issue Memorandum (form FL.090). A matter will normally be placed on a RFO calendar within ninety (90) days of the filing of the At-Issue Memorandum and will be set for trial within the eight (8) weeks following the RFO calendar.
4. Short Cause Hearing, Long Cause Hearing and Trial defined:
  - a. Short cause hearings – twenty (20) minutes or less on the Request for Order Calendar allowed at the discretion of the judge on the Tuesday and Wednesday calendars. If no responsive declaration is filed and proof of service is on file showing timely service the Court will consider not

allowing a response at the hearing and/or awarding immediate attorney's fees to the moving party.

- b. Long cause hearings – hearings longer than twenty (20) minutes allowed at the discretion of the judge from the short cause hearing calendar. These are NOT trials and result in temporary orders, pending final resolution of the matter.
    - 1) These evidentiary long cause matters are heard on the declarations filed in the moving and responding papers and testimony pursuant to FC §217. The parties are permitted to testify without advance written notice. Reasonable cross-examination of a party declarant may be permitted without advance notice.
  - c. The parties are required to file, within one (1) day of the RFO calendar, a Statement of Issues and Contentions or the party will be restricted to the four walls of the pleadings filed by both parties and the Statement of Issues and Contentions filed by opposing party.
  - d. Trials (of any length) – cases where At-Issue Memorandums have been filed with the Statement of Issues and Contentions with attached documents with the Court and opposing party or counsel, if represented.
  - e. Hearing briefs shall be filed five (5) Court days prior to the hearing date. Exhibit Lists and Witness Lists shall be exchanged no later than five (5) days before the long cause hearing.
5. The purpose of the following rules is to ensure that family law matters are not set for trial or long cause hearing until adequate case and trial preparations have been completed.

**B. PRELIMINARY TRIAL PAPERS (Not Applicable to Long Cause Hearings)**

- 1. All of the following papers, which shall be known collectively as Preliminary Trial Papers, shall be served and filed with, or no more than thirty (30) days prior to, the At-Issue Memorandum:
  - a. ~~2.~~ Fully completed current Income and Expense Declaration. (See LR 16.12.)
  - b. Declaration Regarding Service of Final Declaration of Disclosure [Judicial Council Form FL.141]. **Only required in Dissolution, Legal Separation, and Nullity cases, unless specifically ordered by the Court.**
  - c. UCCJEA Declaration Form.
  - d. Statement of Issues, Contentions, and Proposed Disposition, with a full and complete statement of the factual basis in support of each contention. The statement shall cover all issues to be raised at trial, including, where appropriate:
    - 1) Child custody, visitation, and timesharing; including what orders are issued and what the actual current timeshare and custody arrangements are and for how long they have been in effect.
    - 2) Child support, including a computer-generated or other calculation of support;

- 3) Spousal support;
- 4) Characterization of property as separate or community, the nature, extent, and terms of payment of any encumbrance against the property, and the manner in which title has been vested since the acquisition of the property;
- 5) A proposed method for disposition of tangible personal property (i.e., household items and tools), such as by agreement of the parties, sealed bid, "piece-of-cake" (or "two pile"), appraisal and alternate selection, or sale;
- 6) Regarding funds held by others, such as insurance policies or retirement benefits, the basis for calculation of the present value, if applicable, all terms or conditions imposed upon the withdrawal of the funds, and details regarding any outstanding loans against any of the funds;
- 7) Terms of payment of any debts or obligations and any security held by the creditor;
- 8) Any claims against the community or the other party, including Epstein credits for post-separation payments of community debts, Watts charges for use of community assets, reimbursement for post-separation payments of the other party's separate obligations, Family Code section 2640 reimbursement for separate property contributions to the acquisition or improvement of community property;
- 9) Calculation of any community property interest in separate property (Moore-Marsden);
- 10) In tracing an asset that is contended to be part community and part separate, the statement shall describe the asset, its date of acquisition, its value, the dates and amounts of payments upon the purchase of the asset or nature and extent of the transaction which resulted in its acquisition, and a statement of the segregation of the total value of the asset as to its community and separate property values;
- 11) Witness List (of all non-impeachment witnesses) including name, address, telephone, statement of issue expected to testify to
- 12) Expert witness name, business address, telephone, statement of issue upon which the expert is expected to offer testimony statement of qualifications of expert and copy of the expert's curriculum vitae. Any written report of the expert shall be provided no later than forty-five (45) days prior to trial.
  - a. If the expert is retained less than forty-five (45) days before the trial, then the above information shall be provided as soon as is possible but in no event later than thirty (30) days before trial.



- 13) Exhibit List (of all non-impeachment exhibits). The actual exhibits shall be exchanged at least five (5) days prior to trial; they will be served at the same time as the trial brief;
  - 14) Statement of unusual items and copies of appraisals performed of these items (oriental rugs, sterling silver, unusual jewelry, collections (ex: dolls, antique tools, handcrafted items)) or a statement that the parties have agreed to a particular value or to a particular appraiser;
  - 15) Statement that statistical facts are undisputed, or if contested, what the differences are and the basis for the party's contentions;
  - 16) Statement of the educational debts incurred for which reimbursement is sought and the conditions under which it was incurred, the amounts repaid to date, if any, and the degree earned, if any;
  - 17) Statement of the circumstances around any domestic violence restraining orders issued, domestic violence allegations and what supporting documentation is expected to be presented at trial;
  - 18) Statement of the circumstances around any alleged habitual drug or alcohol use, if a custody matter, and what supporting documentation is expected to be presented at trial;
  - 19) Spousal support – all of the factors in FC §4320 et seq should be addressed individually;
  - 20) Attorney's fees and costs; the stated attorney's fees shall include a declaration by the attorney ("Cueva declaration") as well as copies of all billing statements for which a contribution to fees and costs is sought. For any expert for which costs are sought, a declaration and copy of their billing statements shall also be served;
  - 21) A statement that all discovery has been completed;
  - 22) A statement concerning what current orders are in effect (if any), and when they were issued;
  - 23) Any claim for breach of fiduciary duty;
  - 24) Any other issue to be presented to the Court;
  - 25) A copy of completed Schedule of Assets & Debts (JC Form FL-142) previously exchanged;
- e. The written statement of any expert witness, prepared as a separate document, encaptioned "Declaration in Lieu of Testimony," made by affidavit or declaration under penalty of perjury, and including the expert's address and telephone number. The statement shall be received into evidence unless the opposing party, within thirty (30) days, serves and files a written demand that the witness be produced in person to testify at the hearing. Any portion of the statement that would be inadmissible if the witness were testifying in person is subject to an objection and motion to strike at trial.



- f. It is the policy of the Court that:
  - 1) Vehicles will normally be valued at mid-range Kelly blue book;
  - 2) Furniture, furnishings and tools are valued at “garage sale” type prices;
  - 3) Personal clothing is normally awarded without value to the party who wears said clothing.
- 2. An At-Issue Memorandum that is not accompanied by all of the foregoing will be returned and the case will not be set for trial.
- 3. The responding party shall serve and file his or her Preliminary Trial Papers no later than thirty (30) days after service of the At-Issue Memorandum. This period may be extended to sixty (60) days by filing and serving a statement that the additional time is needed to prepare the Preliminary Trial Papers. This statement shall specify why the additional time is needed, and shall be served and filed within ten (10) days of the service of the At-Issue Memorandum. Any statement filed in bad faith or solely for the purpose of delay shall be cause for sanctions.
  - a. Any misuse of the At-Issue process which attempts to prevent normal discovery by the opposing party, may be sanctioned or fees may be awarded.
- 4. No less than thirty (30) days before trial, each party shall serve and file a list of any experts the party expects to call at trial, including the name, address, and telephone number of the expert, a brief narrative statement of the qualifications of the expert, and a brief narrative statement of the general substance of the testimony that the expert is expected to give. Within fifteen (15) days of service of the expert witness list, either party may file a supplemental list of expert witnesses containing all of the same information.
- 5. Any party who believes that the case is not ready to be set for trial may within ten (10) days of mailing or personal service of the At-Issue Memorandum, file a Notice of Motion in Opposition to Trial Setting.
- C. FINAL TRIAL PAPERS (Not Applicable to Long Cause Hearings)
  - 1. At least five (5) Court days before the trial, each party shall serve and file all of the following, which shall be known collectively as Final Trial Papers:
    - a. A statement summarizing undisputed issues and disputed issues, with an updated estimate of trial time;
    - b. Current Income and Expense Declaration;
    - c. Updated Statement of Assets and Debts, if appropriate;
    - d. Supplemental Statement of Issues, Contentions, and Proposed Disposition, detailing any changes or additions since the initial Statement of Issues. No party shall be allowed to raise at trial any issue not adequately disclosed in that party’s initial or supplemental Statement of Issues.
    - e. A statement identifying each witness the party reasonably anticipates it is likely to call at trial; however, this does not apply to rebuttal witnesses. Only witnesses so listed will be permitted to testify at trial, except for good cause shown. The statement shall specify the name, address, and

telephone number of each witness, a general statement of the issues that will be addressed by the testimony of the witness, and a time estimate for the direct examination of the witness.

- f. A list of exhibits, rather than the exhibits themselves, shall be filed with the Court. Parties shall exchange legible copies of all exhibits the party reasonably anticipates will be introduced at trial. Only disclosed exhibits will be permitted to be offered at trial, except for good cause shown. The parties are encouraged to have their exhibits premarked. The exhibits are to be exchanged between the parties, not just a list of exhibits, unless the parties stipulate that the exhibit list is sufficient, with only the exhibit list going to the Court.
  - g. A complete set of attorney's bills and statements to date, if attorney's fees are in issue.
- 2. The filing party shall serve the Final Trial Papers on the other parties in a manner to assure actual delivery to the other parties no later than five (5) Court days before the trial (mailing 5 days before trial is not compliance).
  - 3. A Trial Brief setting forth the applicable law is required. All Trial Briefs shall be filed and served in a manner to assure actual delivery to the other parties and to the Court no later than five Court days before trial.
  - 4. Meet and Confer Statement: Each party (or their attorney, if represented) is required to file a declaration that they in fact met and conferred in an attempt to settle any and all issues prior to trial. The statement shall be filed and served on the opposing party five (5) Court days prior to trial. If the meet and confer effort resolves issues, the parties shall so note in their Supplemental Statement of Issues and Contentions.

#### D. CONTINUANCE

- 1. Except as set forth below, no case shall be continued from the RFO calendar except upon an affirmative showing of good cause, such as unavoidable unavailability of a party, attorney, or essential witness.
- 2. At the request of both parties, the Court may continue a case from the RFO calendar one (1) time to a subsequent RFO calendar for purposes of potential settlement in any of the following ways:
  - a. Referral of a matter with a time estimate in excess of one day for a mandatory settlement conference.
  - b. A joint request by all parties based upon their representation that they will conduct an informal settlement procedure (such as a meeting of all parties and attorneys) and that they believe there is a reasonable likelihood that some or all of the issues will resolve.
  - c. Attendance by all parties and counsel at a settlement conference or informal settlement meeting is mandatory. Failure to attend and be prepared for any settlement conference or meeting may constitute sufficient cause for imposition of sanctions pursuant to California law, including, but not limited to, Code of Civil Procedure §575.2 and California Rules of Court, Rule 2.30.

3. Should parties wish a continuance from the RFO calendar other than to pursue a settlement (See #2 above) they must provide a written stipulation to that effect to the Court at least five (5) days prior to the RFO calendar. If only one party wishes a matter continued, that party has the burden of showing good cause why the matter should be continued which the Court in its discretion may grant or deny. Continuances are looked upon with disfavor.
- E. RESERVED
- F. CONTINUANCES FROM REQUEST FOR ORDER CALENDAR
1. Requests for continuances are looked on with disfavor unless good cause shown and will not be granted unless good faith attempts to contact the opposing party have been made prior to the day of the hearing. Parties are encouraged to stipulate in writing to a continuance at least five (5) days prior to the hearing which is to be continued.
- G. SANCTIONS FOR NON-COMPLIANCE WITH LOCAL RULES. Failure to fully comply with the foregoing rules, in the absence of good cause, may result in the other party being granted a continuance and may subject the offending party, or his or her attorney, or both, to sanctions pursuant to California law including but not limited to California Rules of Court, Rules 2.30 and Code of Civil Procedure § 575.2.
- H. RESERVED *(Effective date 7/1/90, as amended 7-1-01, renumbered 1/1/04, as amended 7/1/04, as amended 7/1/05, as amended 1/1/07, as amended 7/1/07, as amended 7/1/08, as amended 1/1/09, as amended 1/1/12, as amended 7/1/12, as amended 7/1/14, as amended 1/1/15, as amended 7/1/17, as amended 1/1/18, as amended 1/1/20, as amended 7/1/25, as amended 1/1/26)*
- 16.19 MINOR'S COUNSEL *(Effective 7/1/04, as amended 7/1/08, as amended 1/1/10, as amended 1/1/11, as amended 1/1/12, as amended 1/1/25, as amended 7/1/25, as amended 1/1/26)*
- A. Appointment of Minor's Counsel, see California Rules of Court, Rule 5.240.
  - B. Compensation of Minor's Counsel, see California Rules of Court, Rule 5.241.
  - C. Qualifications of Minor's Counsel, see California Rules of Court, Rule 5.242.
  - D. Rights and Responsibilities of Minor's Counsel, see California Rules of Court, Rule 5.242(i)-(k).
  - E. **Minor's Counsel Costs and Submission of Claims**
    1. **The Court authorizes minor's counsel costs to be reimbursed at the rate set forth in Butte County Superior Court Local Rules, Rule 14.2 to be paid initially by the Court. Claims submitted by counsel must comply with Butte County Superior Court Local Rules, Rule 14.6 (A).**
  - F. **Recovery of Minor's Counsel Costs**
    1. **DETERMINATION. ~~The Court authorizes Minor's Counsel cost to be reimbursed at the rate set forth in Local Rule 14.2 to be paid initially by the Court.~~ The Court reserves the right to hold an Ability to Pay hearing when Minor's Counsel leaves the case, or annually after one year from the date of appointment, to determine whether either parent has any ability to repay all, some, or none of the cost of Minor's Counsel. Both parents are required to file an *Income and Expense Declaration* (FL-150) upon entering the case. Within thirty (30) days of the Court's order relieving Minor's Counsel, or**

on order of the Court subsequent to an annual review both parents are required to file a current *Income and Expense Declaration* (FL-150) ~~and file a current *Fee Waiver* (FW-001) form~~. Service of these documents on the other party is not required. The Court will review the parties' financial information to determine whether either parent or both has the ability to repay the Court for Minor's Counsel services.

- a. Failure to timely file the required documents can result in a finding of contempt of Court and can result in an order to perform community service, pay a fine, and serve jail time (Code of Civil Procedure §§1209, 1208).
  - b. The Court may consider the failure to timely file the documents ordered by the Court as a waiver by that party of any objection to the Court's findings and order on the cost of Minor's Counsel and ability of that party to pay.
  - c. The Court may rely on the case history and relevant documents in the case file in addition to any documents ordered to be filed for the Court's determination on ability to pay.
1. ORDER. The Court will issue a written decision. Parties may file an objection to the ability to pay determination and submit further evidence by filing Local form *Request for Review of Ability to Pay Determination; and Order Addressing Request* (FL.130) within thirty (30) days of the Court's order.
  2. PAYMENT. Parties are to remit payment within sixty (60) days of a Court order.

G. ~~F~~ Minor's Counsel Complaint Process

1. Complaints concerning Minor's Counsel shall be dealt with as follows:
  - a. Parents, parties and/or attorneys desiring to file a complaint regarding the performance of Minor's Counsel may submit a written complaint to the Supervising Judge of the Family Division, utilizing the Family Court – Minor's Counsel Complaint Form. The form is available in the Clerk's Office.
  - b. Written complaints or forms can be returned to:  
Court Administration  
Superior Court of California, County of Butte  
1775 Concord Avenue  
Chico, CA 95928
  - c. Written acknowledgement that the Court has received the complaint will be sent to the complainant. If further action is needed, the investigation process shall be completed within ninety (90) days. If warranted, the attorney named in the complaint will be given notice of the complaint and an opportunity to respond. At the conclusion of the investigation a written notice of the final action shall be sent

to the complainant. *(Effective 7/1/04, as amended 7/1/08, as amended 1/1/10, as amended 1/1/11, as amended 1/1/12, as amended 1/1/25, as amended 7/1/25, as amended 1/1/26)*

**New and updated Forms (see attached):**

FL.070 – Written Stipulation and Agreement (New Form)

GR.030 Request for Audio-Visual Presentation Equipment (Updated)