

Per California Rules of Court 10.613, the Superior Court of California, County of Humboldt, is distributing the following proposed additions and amendments to the Local Rules of Court for public comment for January 2014 effective date. They are available at the Court Clerk's Office at 421 "I" Street, Eureka, CA, and are also available for viewing on Humboldt Superior Court's web site at: www.humboldt.courts.ca.gov.

Public comments can be submitted by either mailing your comments to: Humboldt County Superior Court, Attn: Local Rules Public Comment, 825 5th Street, Rm. 231, Eureka, CA 95501, or by submitting them via email to: LocalRulesComment@humboldtcourt.ca.gov. All submissions must be received no later than the close of business on November 15, 2013.

CHAPTER 1 – GENERAL RULES

Rule 1.8 (revision) Facsimile Filings

~~The Humboldt County Superior Court does not accept direct fax filing of documents. Humboldt County Superior Court accepts the filing of documents through a fax filing agency pursuant to California Rules of Court, Rule 2.303.~~

~~(Eff. 07/01/2010)~~

The Humboldt County Superior Court does not accept direct fax filing of documents. The Court accepts the filing of documents through a fax filing agency pursuant to California Rules of Court, Rule 2.303. Parties may file pleadings by fax through Official Payments Corporation (800-322-4945) pursuant to California Rules of Court, rules 2.300-2.360.

(1) All fax filings shall be accompanied by the Judicial Council Facsimile Transmission Cover Sheet (MC-005) as the first page transferred, followed by any special handling instructions. Neither the cover sheet or handling instructions will be filed in the case. The Court is not required to keep a copy of the cover sheet.

(2) Applicable filing fees will be charged upon receipt of pleadings.

(3) If a party wants copies of any filed documents, the party must make its request on the facsimile cover sheet. The Court charges \$.50 per page plus postage. For postage, the Court charges \$1.00 if the document is less than six pages, \$3.00 if the document exceeds six pages.

(4) Service may be activated by contacting Official Payments Corporation at 800-487-4567. By activating this service, you will have access to all participating Courts in the State of California.

~~(Eff. 07/01/2010; as amended, eff. 01/01/2014)~~

Rule 1.13 (addition) Telephonic Appearances

Except when a personal appearance is required, appearance by telephone is permitted under the circumstances and procedures listed in California Rules of Court, Rule 3.670. The Court participates in telephonic appearance services provided by CourtCall. Parties must send their request for telephonic appearance via facsimile to Court Administration at (707) 445-7041, not less than three (3) court days prior to the Hearing or Case Management Conference. If the request is granted, the party must contact CourtCall, LLC at (888) 882-6878 no later than noon the day before the hearing to schedule their telephonic appearance. CourtCall charges a fee for their services unless a fee waiver is on file.

Further information for parties desiring to appear by telephone is available on the Court's website at www.humboldt.courts.ca.gov.

(Eff. 01/01/2014)

CHAPTER 3 – CRIMINAL RULES

Rule 3.1 (addition) Filing Deadlines

- (a) Matters pertaining to persons who are in-custody for felony and/or misdemeanor charges must be filed no later than 10:00 a.m. for the same day afternoon arraignment calendar. Any serious felony matter, as outlined in Penal Code section 667.5, which must be heard on the same day and has not been filed by 10:00 a.m. must be filed before 2:00 p.m. for the same day late arraignment calendar. In the absence of judicial authorization for the same day late arraignment calendar, all other felony and misdemeanor matters filed after 2:00 p.m. will be heard on the afternoon arraignment calendar on the next Court day.
- (b) All Complaints, Petitions, and standard Requests to Calendar which are filed for out of custody matters will be heard one week from the date of filing.
- (c) Information's and Requests to Calendar for warrant surrenders submitted by noon will be heard by the third day from the date of filing.
- (d) Refer to Appendix 3.1 for the Filing Deadlines Chart.

(Eff. 01/01/2014)

Rule 3.2 (addition) Request to Calendar Case

A party in a criminal action may informally request a matter be placed on calendar, without filing a motion, by using the "Request to Calendar" form set forth in Appendix 3.2 (Humboldt County Form 3.2).

The Request to Calendar form may be used only for the following matters:

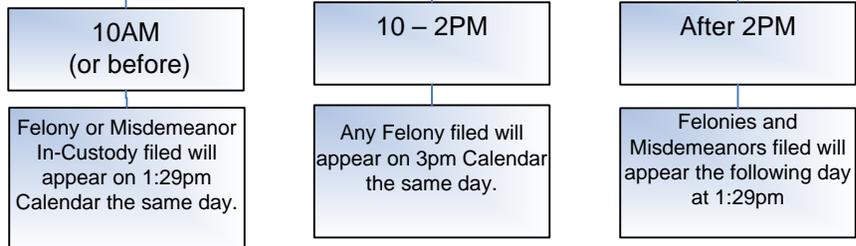
- (1) Warrant Surrender
- (2) Declaration of a Conflict
- (3) Early entry of Plea
- (4) Requests for a Fee Waiver
- (5) New Commit to Jail Dates

The court shall provide a copy to all affected parties upon approval of the request.

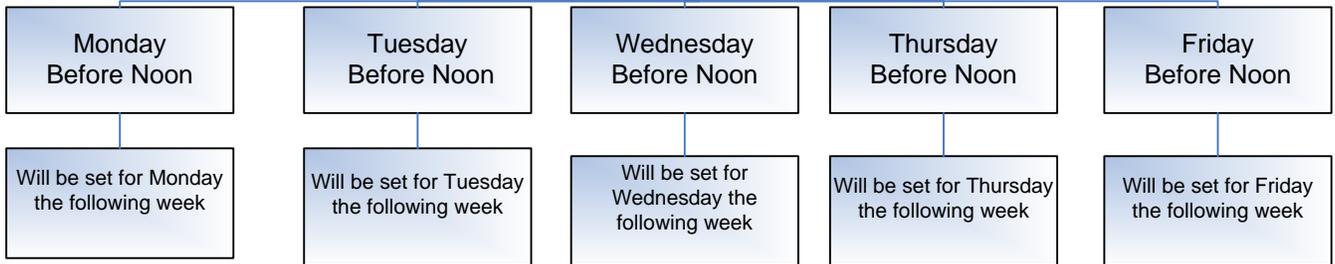
All other matters, not outlined above, require a noticed motion and may not be submitted using the Request to Calendar form.

(Eff. 01/01/2014)

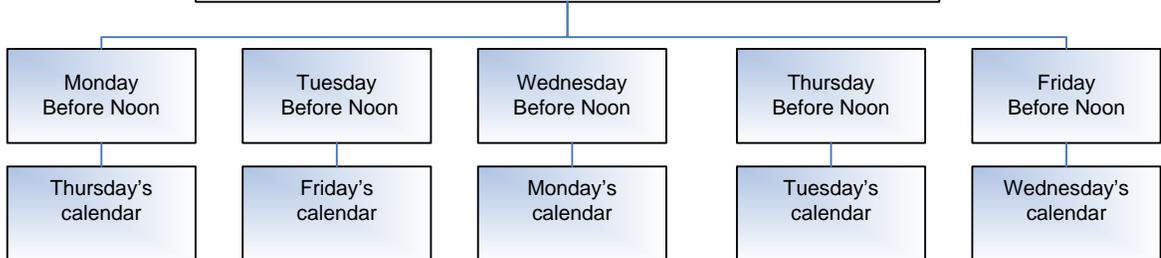
**Calendaring Times for In Custody
(Complaints, Informations, Petitions)**



**Calendaring Times for Out of Custody
(Complaints, Petitions, Standard Request to Calendar)**



**Calendaring Times for Out of Custody
(Informations and Warrant Surrender Request to Calendar)**



Superior Court of California
County of Humboldt

Request to Calendar Case

PEOPLE OF THE STATE OF CALIFORNIA,

Vs.

Case No.(s):

Defendant

Requesting party:

Date submitted:

Calendar date requested: (Not the date to appear until approved by Court)

Phone number:

Warrant surrender:

Defendant previously failed to appear in Ct at for (time) (hearing type)

Statement of basis for calendaring; supporting documentation attached.

Calendar Request Granted

Calendar Request Denied

Comment:

Judicial Officer: Date:

Set case on calendar at in Dept. (Date) (Time)

***** Copy to (circle): DA PD CC ALT DEF ATTY (Date) (Clerk Initials)

CHAPTER 8 – FAMILY LAW RULES

8.28 Drug/Alcohol Abuse Testing – revision

- (a) In order to determine the best interest of a child, the court may order drug testing for any person seeking custody of or visitation with a child if the court finds by a preponderance of the evidence that the person engages in the habitual, frequent or continual illegal use of controlled substances or the habitual or continual abuse of alcohol. The court shall order the least intrusive form of drug testing, as required by Family Code section 3041.5, unless the parties stipulate to more extensive drug testing, including hair follicle testing. The results of this testing shall be confidential and maintained as a sealed record in the court file and may not be released to any person except the parties, their attorneys or any person to whom the court expressly grants access by written order made with prior notice to all parties. (FC §3041.5).
- ~~(b) By court order, parties may drug test at the Humboldt County Probation Office located on the third floor of the Humboldt County courthouse. The parties must pay a fee for this service that cannot be waived by the court. Results from tests at the Probation Department can only be released to the court. The Probation Department does not release the results directly to the tested party, the other party or an attorney for either party. The court's standing order is that the results from testing by the Probation Department may be released to the parties or their attorneys. Test results may be obtained from the Court Clerk's Office. Proof of identity is required for any party requesting a copy of the results. Personnel from the offices of attorneys of record may pick up test results. Test results are made available to Child Custody Recommending Counselors upon execution by the parties and the court of an Order Appointing Court Investigator And/or Child Custody Recommending Counselor And Releasing Information. (Local Form CCV-8.3).~~
- (b) By court order, parties may drug test at the Humboldt County Probation Office located on the third floor of the Humboldt County courthouse. The parties must pay a fee for this service that cannot be waived by the court. Results from tests at the Probation Department can only be released to the court. The Probation Department does not release the results directly to the tested party, the other party or an attorney for either party. The court's standing order is that the results from testing by the Probation Department may be released to the parties or their attorneys. Test results may be obtained from the Court Clerk's Office. Proof of identity is required for any party requesting a copy of the results. Personnel from the offices of attorneys of record may pick up test results. Test results are made available to the Child Custody Recommending Counselor upon execution by the parties of the Authorization to Release Information and Records. (Local Form CCV-8.3).

(Eff. 07/01/2013, as amended, eff. 01/01/2014)

~~*SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT*~~

~~In the Matter of:~~ _____ ~~Case No:~~ _____

~~Petitioner:~~ _____

~~Respondent:~~ _____

~~**ORDER APPOINTING COURT INVESTIGATOR AND/OR CHILD CUSTODY
RECOMMENDING COUNSELOR AND RELEASING INFORMATION**~~

~~1. Having found good cause, the Court appoints Paul Landrum, Joseph Hale
and/or _____ as~~

~~Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s) in regard to the
issues set forth in Family Code §§3110, et seq.~~

~~2. The court finds that the following records may have direct bearing on the issues of child custody,
visitation, safety, health, welfare and the best interests of the child(ren) of the parties in this action.
Copies of all documents contained in the file shall be provided to the Court's Court Appointed
Investigator(s) and/or Child Custody Recommending Counselor(s) in order to assure that the court is
able to perform the duties set forth in the law relative to the custody, visitation, safety, welfare and
stability of the child(ren):~~

- ~~a. Criminal history information including arrest records, probation reports, parole records
and records relating to criminal acts that may show histories, or characteristics that
interfere with the ability to offer safety and stability to children.~~
- ~~b. Law enforcement records, such as contacts or field interrogations, not resulting in
criminal history, showing domestic violence or incapacity to parent effectively, including
issues related to drugs or mental health problems.~~
- ~~c. Child Welfare Service records dealing with abuse or neglect by one or both parents and
records regarding foster home or group home placement or placements with relatives.~~
- ~~d. Alternative Response Team (ART) records.~~
- ~~e. School records of each child involved in the litigation.~~
- ~~f. Medical records of both parents and each child involved in the litigation and pharmacy
records of the family.~~
- ~~g. Mental health records of both parents and each child involved in the litigation. These
may include drug or alcohol treatment records and records of any treatment in
rehabilitation facilities or halfway houses.~~
- ~~h. Mediator records.~~
- ~~i. Military Service records of the parents.~~

~~3. Should counsel be appointed for the minor child(ren) of the parties, the above noted records shall be
released to Minor's Counsel upon written request to the Court Appointed Investigator(s) and/or
Child Custody Recommending Counselor(s).~~

CONSENTS

I, _____, am the father in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: _____

Father

I, _____, am the mother in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: _____

Mother

I, _____, am the new spouse/an adult living with one of the parties in this case. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: _____

Other Adult

I, _____, am the new spouse/an adult living with one of the parties. I have read this order. I understand it. I consent to its terms and authorize access to all the requested records.

DATE: _____

Other Adult

ORDER

Based on the applicable law and on the above consents, the Court appoints the Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s) as outlined in this order. Copies of the documents specified in this order shall be delivered to the custody of the Court Appointed Investigator(s) and/or Child Custody Recommending Counselor(s), who shall treat them as confidential records of the Court.

DATE: _____

Judge/Commissioner of the Superior Court

ATTACHMENT TO APPOINTMENT ORDER:

NAMES, ADDRESSES, AND DATES OF BIRTH OF PERSONS SUBJECT TO THE APPOINTMENT ORDER.

FATHER:

Name: _____ Date of Birth: _____

Aliases/Previous names: _____

Address: _____

Telephone (Home): _____ (Work) _____

— (Cell): _____

MOTHER:

Name: _____ Date of Birth: _____

Aliases/Previous names: _____

Address: _____

Telephone (Home): _____ (Work) _____

— (Cell): _____

MINORS:

- 1. Name _____ Date of Birth: _____
- 2. Name _____ Date of Birth: _____
- 3. Name _____ Date of Birth: _____
- 4. Name _____ Date of Birth: _____
- 5. Name _____ Date of Birth: _____
- 6. Name _____ Date of Birth: _____

OTHER (New Spouse or Other Adult Living in Home)

Name: _____ Date of Birth: _____

Aliases/Previous Names: _____

— Telephone (Home): _____ (Work) _____

— (Cell): _____

Name: _____ Date of Birth: _____

Aliases/Previous Names: _____

— Telephone (Home): _____ (Work) _____

— (Cell): _____



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
FAMILY COURT MEDIATION SERVICES**

AUTHORIZATION TO RELEASE INFORMATION AND RECORDS

I/We authorize release of any and all information and records set forth below, consistent with California and Federal privacy laws.

- Health information and records pertaining to any medical history, mental or physical condition and treatment received, including drugs and alcohol, laboratory test results, HIV/AIDS, psychological and psychiatric diagnostic evaluations.
- Criminal history information and records, including arrest records, probation reports, parole records, law enforcement contacts, field interrogations and any other law enforcement records, including those regarding domestic violence.
- Educational and health information and records regarding each child that is a subject of this litigation.
- Child Welfare/Protective Services, juvenile delinquency (re children) information and records including investigative narratives, foster home or group home placement of the child(ren), placements with relatives, and participation in voluntary services.
- All information set forth above.
- Other: _____

CONSENT

I/We understand that the information and records are to be used by the Child Custody Recommending Counselor (CCRC) in making recommendations to the Superior Court to assist me/us and my/our family with child custody and visitation arrangements. I/We agree to be responsible for any fees regarding this request. The records may be released in writing and verbally, as requested by the CCRC. This authorization shall be effective immediately and shall be valid for one-year from the date signed, unless consent is withdrawn in writing. A copy of this authorization shall be as valid as the original.

YOUR RIGHTS

I/We may refuse to sign this authorization. I/We may revoke this authorization at any time. Any revocation must be in writing, signed by me/us or by a person authorized to act on my/our behalf, and delivered to the Office of the Family Law Facilitator, 825 Fifth Street, Room 305, Eureka, CA 95501 or other court designee. Revocation will be effective upon receipt, but will not affect any actions already taken by the CCRC or other persons acting in reliance upon this authorization.

Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____
Name of Child: _____	Date of Birth: _____

Person(s) Authorizing Release:

Name: _____ Date of Birth: _____ Relationship to Case: _____
 Signature: _____ Date: _____
 Name: _____ Date of Birth: _____ Relationship to Case: _____
 Signature: _____ Date: _____

Information and Records Holder: Please release the information and records to the Child Custody Recommending Counselor by the following date: _____. A Superior Court hearing has been set for: _____. If there are any fees or costs regarding this request, please inform the Humboldt Superior Court prior to processing this request.

Child Custody Recommending Counselor

Name: _____ Signature: _____ Date: _____
 Address: 825 Fifth Street, Eureka, CA 95501 Telephone Number: _____
 Tel. (707) 269-1200