

Superior Court of California County of Santa Clara

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Proposed Rule Revisions for January 2010

All Divisions: Each division has adopted two rules:

- (1) One patterned after an existing family rule that would require transferring a case to another facility if a court employee or deputy sheriff, or his or her family member, works at the facility. The rule avoids the appearance of bias and the appearance that the employee would have unfair access to records and other court personnel.
- (2) Proposed orders submitted to the court for signature should not have just a signature line on the last page, because that page could be removed and attached to something else. Each division has adopted a rule prohibiting that and requiring some text on the signature page, as well as a footer on every page (except for Judicial Council forms).

Civil Rules: The Civil Division has revised Rule 7.E governing tentative rulings for those departments that elect to issue tentative rulings.

Criminal Rules: To facilitate a protocol, the Criminal Division has revised Rule 11 to require courts to determine whether any child has been exposed to domestic violence and, if so, to distribute information about therapeutic services for the children. The rule also permits ordering restitution for the cost of those services.

Family Rules: The Family Division has requested a number of revisions, many based in part on suggestions from the Bar. Certain rules have also been moved, simplified, or eliminated (for redundancy) based on those suggestions. The address of the Family courthouse has been revised throughout as "170 Park Avenue" instead of "170 Park Center Plaza," since the building owner changed the title of the complex.

Juvenile Rules: The references to "delinquency" court have been modified to "juvenile justice" court, to implement the Bench's approval at their June 25, 2009 meeting. In addition, Rule 1.L has been revised to address authorization for the use of psychotropic drugs for children declared a ward of the court and removed from the custody of the parent or guardian for placement in a facility that is not considered a foster care placement. The procedures in Rule 1.L for a psychiatrist to administer medications in an emergency have also been modified.

Probate Rules: Rule 1 has been revised to describe the scope of the Probate Department and case assignment. To facilitate new protocols, new Rule 1.F provides for coordination and hearing in Probate Court when there is an action in Family Court regarding the custody of a minor child and an action in the Probate Court for Guardianship of the Person or Person and Estate of the minor child.

Rules 4.G and 9.A are revised to require fiduciaries to allege in reports accompanying accountings whether the required bond is sufficient.

Appellate Division: New California Rules of Court that became effective January 1, 2009 allow the Appellate Division to use the trial court file instead of the clerk's transcript in civil, misdemeanor, and infraction appeals, if the court has such a local rule. Under new Appellate Division Rules 1 to 3, the Court elects to use the trial court file in civil, criminal, and traffic cases, respectively.

Changes are **underlined in bold** and deletions are with ~~strike~~throughs.