



Superior Court

State of California
County of Lake
Courthouse
Lakeport, California 95453
707-263-2262

MARY E. SMITH

COURT EXECUTIVE/CLERK
JURY COMMISSIONER

September 14, 2011

INVITATION TO COMMENT NOTICE TO ATTORNEYS AND ALL INTERESTED PARTIES

Below is a list of proposed amendments to Local Rules. Please submit your comments to mary.smith@lake.courts.ca.gov by close of business October 17, 2011.

Chapter 4 Criminal

Rule 4.4 Setting of Dates (amended)

Chapter 5 Family Law

Rule 5.4 Mediation (amended)

Rule 5.8 Family Centered Case Review Program (new)

New Forms:

LK-100 Family Law Case Status Report (Mandatory)

LK-101 Joint Mandatory Settlement Conference Stmt (Mandatory)

LK-102 Request for Mandatory Settlement Conference/Trial Date (Mandatory)

DEADLINE FOR COMMENTS - OCTOBER 17, 2011

4.4 Setting of Dates (new 1/1/2010, amd. 1/1/2012)

A. Unless otherwise ordered for good cause, the court in felony cases at the arraignment on the information or indictment, shall set dates approximately as follows when the defendant does not enter a general waiver of the 60-day trial requirement:

1. Motion hearing four weeks after arraignment on the information or indictment;
2. Mandatory settlement and trial readiness conference five weeks after arraignment on the information or indictment;
3. Trial assignment in the master calendar department on the Friday before trial; and
4. Trial six weeks after arraignment on the information or indictment.

(B This is new, the old B is now C)

B. Unless otherwise ordered for good cause, the court in felony cases at the arraignment on the information or indictment, shall set dates approximately as follows when the defendant does enter a general waiver of 60-day trial requirement:

1. Motion hearing eight weeks after arraignment on the information or indictment;
2. Mandatory settlement and trial readiness conference ten weeks after arraignment on the information or indictment;
3. Trial assignment in the master calendar department on Friday before trial; and
4. Trial twelve weeks after arraignment on the information or indictment.

(C is now the old B, and the old C is now D)

C. Unless otherwise ordered for good cause, the court in misdemeanor cases shall set a disposition or setting hearing within three weeks of the defendant's first appearance in the calendar court with appointed or retained counsel.

(D is the old C with new language added)

D. If a disposition is not reached and unless otherwise ordered for good cause, the court in misdemeanor cases at the time for disposition or setting of trial, shall set dates approximately as follows if the defendant enters a general waiver of 30-day or 45-day trial requirement:

1. Mandatory settlement and trial readiness conference three weeks after the disposition or setting hearing;
2. Trial assignment in the master calendar department on the Friday before trial; and
3. Trial five weeks after the disposition or setting hearing.

5.4 Mediation (new 1/1/2009, amd 1/1/2012)

A. All contested child custody and visitation matters must be scheduled for mediation. Lake County is a confidential county and mediation shall be confidential. Confidentiality is not protected where the mediator has to fulfill her/his responsibilities as a mandated reporter of suspected child abuse or is required to warn of threatened violent behavior against a reasonably identifiable victim or victims. The mediator does not provide recommendations to the court regarding custody and visitation if agreement is not reached in mediation. The mediator will notify the court if an agreement is reached or not.

B. Prior to mediation each parent must attend a parent orientation workshop. The petitioner should sign up to attend the workshop in conjunction with the filing of his or her initial papers. The respondent should sign up to attend the workshop as soon as practicable after being served with papers. It is not necessary that the parents attend the same ~~session or class.~~ workshop. Alternatively, parents may sign up for and/or attend the workshop on the day of their first court appearance. Classes are approximately 2 hours in length and are generally held every Monday morning that is not a court holiday. ~~4 hours in length and generally scheduled twice per month.~~ Class schedules can be obtained at the clerk's office. Children must not be brought to parent orientation.

SUPERIOR COURT, COUNTY OF LAKE
DRAFT FAMILY LAW CASE MANAGEMENT RULES (9/13/2011)

5.8 Family Centered Case Review Program

The Court is implementing a Family Centered Case Review Program in order to promote the prompt disposition of family law actions, to expedite the processing of the case, and to reduce the stress and cost of family law litigation, pursuant to Family Code § 2450. The program components are as follows:

A. Case Flow Standards

1. Case Review Conference - Each case is scheduled for case review conferences. Attendance at calendared case review conferences is required either in person or by telephone unless otherwise specified by the court. The court may set further case review conferences for any stage of the proceedings, set other hearings as appropriate or refer self-represented litigants to the Family Law Facilitator's Office.
2. Proof of Service - If initial pleadings are not served within 60 days from the date of filing and the proof of service filed with the court, attendance at the case review conference is mandatory.
3. Declaration Regarding Service of the Preliminary Declarations of Disclosure (FL141) - Parties must file the Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141) before the second calendared case review conference. See chart below "Case Plan Disposition Time Standards and Court Events."
4. Income and Expense Declaration (FL150) or Financial Statement Simplified (FL-155) - Parties who request support, fees or costs, must serve and file the Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155) before the second calendared case resolution conference. See chart below "Case Plan Disposition Time Standards and Court Events."
5. Joint Mandatory Settlement Conference Statement (LK 101) - This form must be filed with the court prior to the Mandatory Settlement Conference. Before filing this form, the parties must meet and confer in person or by telephone regarding the case unless a protective order is in place. The Petitioner is responsible for coordinating timely completion and filing of the form.

B. Case Plan Disposition Time Standards and Court Events

From Filing Date	Court Event	Documents to be Filed by Parties Prior to Court Event
Approximately 60 days	Case Review Conference regarding the filing of the Proof of Service. No appearance is necessary if the Proof of Service is filed before the conference.	Valid proof of service of summons and petition or Family Law Status Report (LK-100)-(Items 1 & 2 only).
Approximately 180 days	<p>Case Review Conference regarding status and the filing of the Default (FL-165), Response (FL-120) or (FL-220). No appearance is necessary if the following are filed:</p> <ul style="list-style-type: none"> a. Request to Enter Default (FL-165), or Response (FL-120) or (FL-220) and b. Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution/Legal Separation Only), and c. Family Law Status Report (LK-100), or d. Judgment forms or Request for Mandatory Settlement Conference/Trial (LK-102) <p>If compelling circumstances exist and a default or Response cannot be filed, a Family Law Status Report only may be filed, with an attached declaration detailing the circumstances.</p> <p>Mandatory Settlement Conference and Trial Date will be set by the court after filing requirements met pursuant to Local Rule 5.8(B)</p>	<p>Request to Enter Default (FL-165) or Response (FL-120) or (FL-220), and</p> <p>Declaration re Preliminary Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only) and</p> <p>Family Law Status Report (LK-100) or</p> <p>Judgment forms or Request for Mandatory Settlement Conference/Trial (LK-102)</p>
Approximately 15 days Prior to the Mandatory Settlement Conference	<p>File Document Review (Internal Court Process) if Response (FL-120) or (FL-220) is filed. The following must be filed fifteen (15) days prior to the Mandatory Settlement Conference:</p> <ul style="list-style-type: none"> a. Joint Mandatory Settlement Conference Statement (LK-101). b. Witness List. c. Current Income and Expense Declaration (FL-150) d. Property Declarations (FL-160) 	<p>Declaration re Final Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only), and</p> <p>Current Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-150) or Financial Statement (FL-155) ; if support, fees or costs are requested, and</p> <p>Joint Mandatory Settlement Conference Statement (LK-101) and Property Declarations (FL-160)</p>
Approximately 240 to 300 Days	Mandatory Settlement Conference if Response (FL-120) or (FL-220) is filed.	
Approximately 200 to 360 Days	Trial if needed	
Approximately 240 to 360 Days	Case Review Conference regarding filing the judgment	Judgment or Family Law Status Report (LK-100)

C. Results of Failure to Comply with Case Flow Rules

All family law cases will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply. Failure of party or parties to comply with these family law rules, including failing to appear at a mandatory court event or failing to file required forms, may result in the sanctions referenced in Section 1.6 "Sanctions for Non-Compliance" of these local rules.

D. Mandatory Settlement Conferences

A mandatory settlement conference and trial date will be calendared by the court according to the case disposition time standards and court events outlined in section 5.8 A of these rules. A party however, may file a "Request for Mandatory Settlement Conference/Trial Date" (LK-102) to request an earlier date for the mandatory settlement conference and trial. A counter request may be filed within ten (10) days after service. The mandatory settlement conference and trial will then be set no earlier than the later date requested in either the request or counter request.

All contested cases shall be set for mandatory settlement conference.

Parties must complete and file the following fifteen (15) court days before the mandatory settlement conference:

1. Declaration re Final Declaration of Disclosure (FL-141) (Dissolution or Legal Separation only);
2. Current income and expense documents (FL-150) or Financial Statement Simplified (FL-155), if support, fees, or costs are requested;
3. Joint Mandatory Settlement Conference Statement (LK-101);
4. Property Attachments - A property Declaration (FL-160), a Mandatory Settlement Conference Statement. If the parties are unable to agree on the contents of the attachments, each party may complete and attach the required document.
5. Disputed Issues - Each party must attach a concise statement of legal and factual positions on all disputed issues.
6. Parties are encouraged to file the Joint Mandatory Conference Statement jointly unless there is a protective order in place.
7. Witness List - The parties must exchange and file their witness lists that identify all witnesses to be called in their case in chief. The list should include a brief statement of what the witness will testify to and a time estimate of the direct examination of that witness.

E. File Document Review

All cases will be reviewed prior to the mandatory settlement conference to determine if the parties have complied with the filing deadlines contained in this section. If a party has not met the requirements of this section, the mandatory settlement conference may be continued and an order to show cause for sanctions of the non-complying party may be set by the court.

F. Reinstatement of Dismissed Cases

A party to a case dismissed under these rules may apply within 6 months to have their case reinstated under CCP 473(b). The court may reinstate the case upon such terms and conditions as the court deems just.

G. Reconciliation

Parties who indicate to the court that they are attempting reconciliation will be relieved of the case plan disposition standards. If, however a dismissal or judgment is not filed within 12 months of filing the Petition, the court will set the case for case review conference.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Telephone Number BAR NUMBER: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE 255 North Forbes Street, Lakeport, CA 95453	
PETITIONER RESPONDENT	
FAMILY LAW CASE STATUS REPORT	CASE NUMBER: COURT DATE:

Use this form to let the Court know what is going on in your case.

1. **Reconciled:** Have the parties reconciled?
 - No
 - Yes, please dismiss the case.
 - We are seeing if we can reconcile. Put case on hold for : 6 months 12 months
2. **Service:**
 - Respondent has been served
 - I need more time for service.
 - I need more time for service, I am not sure I want to serve Respondent.
 - I cannot find Respondent, I will ask for an order for service by Publication or Posting.
3. **Default:** If it has been more than 30 days since the Respondent was served, have you filed the Request to enter Default?
 - Yes. If yes, Judgment will be filed on or before _____
 - No. If no, why not?
 - Response filed.
 - We are working together to settle the case and/or are in mediation.
 - I have given Respondent more time to file a Response.
 - Other: _____
4. **Settled:** Has the case settled?
 - No
 - Yes. If yes, Judgment will be filed on or before: _____

5. **Issues:** What are the things you do not have agreement about?

- Child Custody and Visitation Child Support Spousal Support
- Dividing Interest in Home Dividing Pensions Dividing Debts
- Attorney's Fee and Costs Other: _____

6. **Family Mediation:** Have the parties completed Family Mediation?

- Petitioner No Yes
 Respondent No Yes

7. **Exchange of Information:** (Dissolution or Legal Separation only.)

Were the Declarations of Disclosure served?

- | | Preliminary | | Filed Declaration re Service (FL-141) | |
|------------|-----------------------------|------------------------------|---------------------------------------|------------------------------|
| Petitioner | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| Respondent | <input type="checkbox"/> No | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Yes |

Filed and Served current Income and Expense forms?

- Petitioner No Yes If, yes, date filed: _____
 Respondent No Yes If, yes, date filed: _____

8. **Case Progress:**

- The case is moving along fine.
 - I do not know what to do next.
 - I need more time to work out an agreement.
 - I need more time because of financial issues. (for example, selling house, bankruptcy)
 - I need more time because of my health or the other person's health.
 - Other reasons for not moving forward: _____
-
-

9. **Mandatory Settlement Conference/Trial Date:**

If a Response has been filed, the Court will schedule a Mandatory Settlement Conference and Trial date, when the Court deems the case at-issue and/or a party files a Request for Mandatory Settlement Conference and Trial.

When do you think it should be scheduled? Month: _____

10. **Dates you are not able to come to Court:** _____

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

Date: _____

 Petitioner

Date: _____

 Respondent

6. If you do not agree on these issues, what do you want?

a. Child Custody Petitioner _____
 Respondent _____

b. Child Support Petitioner _____
 Respondent _____

c. Spousal Support Petitioner _____
 Respondent _____

d. Attorney Fees Petitioner _____
 Respondent _____

e. Paternity Petitioner _____
 Respondent _____

7. Property and Debts: Attach a Property Declaration (FL-160), Propertizer or other equivalent spreadsheet. If the parties are unable to agree on the contents of the attachments, each party may complete and attach separate forms.

8. Disputed Issues: Each party must attach a concise statement of legal and factual positions on any disputed issues.

9. Dates you are not available to come to court: _____

Signature of Petitioner or Attorney

Date

Signature of Petitioner or Attorney

Date

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Telephone Number BAR NUMBER: ATTORNEY FOR (Name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LAKE 255 North Forbes Street, Lakeport, CA 95453	
PETITIONER RESPONDENT	
<p style="text-align: center;">REQUEST FOR MANDATORY SETTLEMENT CONFERENCE/TRIAL DATE (COUNTER ___)</p>	CASE NUMBER:

Petitioner/Respondent/request that a Mandatory Settlement Conference and Trial date be set on a date after:
 _____ Estimated trial time: _____

Additionally, the following dates are unacceptable for the Mandatory Settlement Conference/Trial Date: _____.

Names, addresses and telephone numbers of attorney or of parties representing themselves:

For Petitioner

For Respondent

I hereby represent to the court that all essential parties have been served with process or have appeared, and declared that this case is at issue as to all such parties; that no amended or supplemental petition or cross-petition/complaint or other affirmative pleading remains unanswered; that, to my knowledge, other parties will not be served with summons prior to the time of trial; and that I know of no further pleading(s) to be filed.

Date _____

 Signature of Attorney/Party

PROOF OF SERVICE BY MAIL

I am over the age of 18 and not a party to this cause. I am a resident of, or employed in, the county where this mailing occurred. I served the REQUEST FOR MANDATORY SETTLEMENT CONFERENCE/TRIAL DATE(FAMILY LAW), by place a true copy in sealed envelope with postage prepaid, addressed to each person whose name and address is given below, and depositing the envelope in the United States mail on the date stated below.

Date of deposit _____ Place of deposit _____
City and State

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

Executed on _____

Residence/business address of declarant

Signature of declarant

NAME AND ADDRESS OF EACH PERSON TO WHO MAILED

NOTES: Any party not in agreement with the information or estimates given in the statement shall, within 10 days after service, serve and file a statement in his/her behalf.

Affidavit of mailing must be completed before acceptance by the Court.

All parties **must** serve Preliminary and Final Declarations of Disclosure and file proof of service with the court prior to the Mandatory Settlement Conference.