

Butte County Superior Court Local Rules  
Proposed Rule Changes  
Effective January 1, 2025

**LOCAL RULE 14 ATTORNEY FEES & COST REIMBURSEMENT** *(Effective 1-1-91, title amended 7-1-99, as amended 7-1-09, as amended 7-1-12, as amended 7-1-13, as amended 1-1-14, as amended 1-1-15, as amended 7-1-19, as amended 7-1-23, as amended 1-1-25)*

**14.3 ATTORNEY COST REIMBURSEMENT EXCEPT IN JUVENILE DEPENDENCY, FAMILY CODE §3150 APPOINTMENTS AND CAPITAL CRIMINAL CASES** *(Effective 7-1-09, as amended 1-1-15, as amended 7-1-19, as amended 7-1-23)*

(a) Unless an order of the Court is obtained authorizing the expenses referenced above, including investigative services and/or expert witness fees, counsel incur any and all expenses at their own risk. Expenses that depart from the current Butte County or Butte County Superior Court protocol and guidelines except for extraordinary circumstances shown will not be authorized.

(b) Expenses reasonably and necessarily incurred by counsel, including costs for investigative services and/ or expert witness(es) are eligible to be reimbursed. Prior authorization of the court and proper documentation that costs were incurred are required prior to reimbursement.

1. Claims for work, time, or expenses, for investigative or expert services incurred either after the case has concluded in any fashion (including a no contest or guilty plea, a verdict of guilty or not guilty, a dismissal by the court or prosecution), or after counsel who sought the order for funds is no longer counsel of record, will not be authorized by the court for reimbursement. Counsel seeking court ordered expense funding are obligated, by the court's order approving the funding, to notify the investigator and /or expert that the case has concluded, or that counsel is no longer counsel of record, and to cease work at public expense.

(c) For copies of court documents, the attorney is eligible to be reimbursed at the same rate the Clerk of the Court's office charges to make copies.

(d) For any other copies, the attorney is eligible to be reimbursed at a rate of 10 cents per page. Attorney time to make the copies is not reimbursable.

(e) Reimbursement for items such as parking fees, mileage from offices to the courthouse, local telephone calls or pro rata office expenses will not be allowed.

(f) Prior to incurring investigative, or other expert fees and/or other costs, the form of order presented for authorization must be accompanied by an [Income and Expense Declaration \(FL-150\) form in family matters](#), or a Financial Information form (GR.050) [for all other matters](#), and a declaration in support thereof, and shall contain the following language:

“The cost(s) and expense(s) of such service(s) or examination(s) shall not exceed \_\_\_\_\_ (which is the dollar amount indicated by the Court on each Ex Parte Appointment Order). The Court finds that the cost(s) for expert service(s) is/are a legitimate expense of the County of Butte and will be paid by the County of Butte upon written certification by the Butte County Superior Court that the expenses have been incurred.” *(Effective 7-1-09, as amended 1-1-15, as amended 7-1-19, as amended 7-1-23, as amended 1-1-25)*

**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)*

...

(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)

**LOCAL RULE 16 FAMILY LAW** (Effective date 7-1-90, as amended 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 7-1-09, as amended 1-1-10, as amended and renumbered 1-1-11, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12, as amended 7-1-14, as amended 1-1-15, as amended 7-1-15, as amended 1-1-17, as amended 7-1-17, as amended 1-1-18, as amended 7-1-18, as amended 1-1-19, as amended 1-1-20, as amended 4-20-20, as amended 6-12-20, as amended 7-1-20, as amended 1-1-21, as amended 7-1-21, as amended 1-1-23, as amended 7-1-24, as amended 1-1-25)

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)

- A. Appointment of Minor's Counsel, see CRC 5.240.
- B. Compensation of Minor's Counsel, see CRC 5.241.
- C. Qualifications of Minor's Counsel, see CRC 5.242.
- D. Rights and Responsibilities of Minor's Counsel, see CRC 5.242(i)-(k).  
(Effective 7-1-04, as amended 7-1-08)

E. 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 an Expense Declaration (FL-150) upon entering the case. ~~And~~ 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 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.

- i. 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 (CCP §§1209, 1218).
- ii. 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.
- iii. 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.

2. 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 30 days of the Court's order.

3. PAYMENT. Parties are to remit payment within sixty (60) days of a court order.

E-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 Court's Complaint Form. This form is available in the Court Clerk's or Self-Help Assistance & Referral Program (S.H.A.R.P.) Offices.
- b. Written acknowledgement that the Court has received the complaint will be sent to the complainant. Within twenty (20) court days an appropriate investigation will be conducted. 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)*

**LOCAL RULE 17 JUVENILE COURT RULES (ATTORNEYS REPRESENTING PARTIES IN DEPENDENCY PROCEEDINGS)** *(Effective 7-1-96, as amended 1-1-02, as amended 1-1-07, as amended 1-1-10, as amended 1-1-11, as amended 1-1-11, as amended 7-1-12, as amended 1-1-14, as amended 1-1-15, as amended 1-1-22, as amended 1-1-25)*

**17.11 INSPECTION OF RECORDS FOR WARDS AND DEPENDENT CHILDREN**

Individuals and agencies authorized under Welfare and Institutions Code § 827 to inspect and/or copy Juvenile case files must submit a declaration on the Mandatory Butte County Local Form *Declaration in Support to Inspect and/or Copy Juvenile Court Records Without a Court Order* (Form JV.030). The declaration must be filed in the Juvenile Division with proper photo identification. Authorized parties must use the information in juvenile records only for specific, lawful purposes. Unauthorized disclosure of juvenile records is prohibited and may result in legal penalties. *(Effective 1-1-25)*

**LOCAL RULE 20 CRIMINAL LAW** *(Effective Date 1-1-17, as amended 7-1-17, as amended 7-1-19, as amended 4-2-20, as amended 1-1-25)*

**20.3 ~~WORK PROGRAM CONVERSION RATES~~ MANDATORY CRIMINAL FORMS** *(Effective 7-1-19, as amended 1-1-25)*

~~(a) Pursuant to Penal Code Section 1209.5(a)(c)(2), the hourly rate applicable to community service (work program) fine conversions in Butte County shall be \$30.00 per hour. Local forms adopted for mandatory use shall be used, whenever applicable. The current version of each form is available for viewing and downloading on the Court's website by visiting <https://www.butte.courts.ca.gov/forms-filing/local-rules-and-forms>, section Rule 20 Criminal Law.~~ *(Effective Date 7-1-19, as amended 1-1-25)*

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

FL.100, JV.020, LM.010, LM.040, PR.020, PR.030, PR.040, GR.050, FL.130, JV.030, CR.050, CR.050-INFO, CR.060

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE: FAX NO. ( <i>Optional</i> ): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<p style="text-align: center;"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b></p> <input type="checkbox"/> Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7002	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER:	
<p><b>STIPULATION AND ORDER APPOINTING PARENTING COORDINATOR</b></p>	CASE NUMBER:

A. PRINCIPLES:

1. The parents acknowledge that their child(ren) will benefit from a meaningful relationship with both parents, that continued parental conflict will generally negatively impact their child(ren)'s adjustment, and that every effort should be made to keep the child(ren) out of the middle of their parents' disputes and communications.
2. The parents agree voluntarily to enter into this Agreement because of a desire to:
  - a. De-escalate parental conflict to which the child(ren) are exposed;
  - b. Focus on their child(ren)'s needs and best interests;
  - c. Promote their child(ren)'s optimum adjustment;
  - d. Resolve issues and disputes between the parents concerning the clarification, implementation, modification and/or adaptation of the court-ordered parenting plan through the informal process described in this order in a timely and cost efficient manner without litigation; and
  - e. Benefit from the direction of a qualified professional chosen to serve as the Parenting Coordinator.
  - f. Parenting Coordination is a child-focused dispute resolution process that combines parent education, dispute assessment, mediation, facilitated negotiation, and conflict and communication management. When parents are unable to resolve their parenting disputes with the Parenting Coordinator's assistance, the Parenting Coordinator makes recommendations or decisions on issues that are specified in this Stipulation and Order. The ultimate goal is to help parents learn to resolve disputed or difficult issues amicably and efficiently on their own, without having to involve the Parenting Coordinator or the adversarial process.

IT IS ORDERED, ADJUDGED AND DECREED THAT:

B. APPOINTMENT:

1. \_\_\_\_\_ is appointed Parenting Coordinator by agreement of the parties until resignation of the Parenting Coordinator or written agreement of the parents, further court order, or \_\_\_\_\_ months (normally not to exceed three (3) years) after the date on which this stipulated Order becomes effective, whichever first occurs.
2. This appointment is based upon the expertise of the Parenting Coordinator as a licensed mental health professional or licensed attorney. However, the Parenting Coordinator process is not confidential. If the Parenting Coordinator is a licensed mental health professional, no therapist-patient relationship and/or privilege is created by this stipulation. If the Parenting Coordinator is a licensed attorney, no attorney-client relationship and/or privilege is created by this stipulation.
3. The Parenting Coordinator is a Court Officer and has quasi-judicial immunity. The Parenting Coordinator cannot be sued based on his/her actions in this matter. The Parenting Coordinator's file may not be subpoenaed, and the Parenting Coordinator may not be compelled to testify.
4. The Parenting Coordinator may resign any time he/she determines the resignation to be in the best interest of the child(ren) or the Parenting Coordinator is unable to serve out his/her term, upon thirty (30) days written notice to the parents.

C. AUTHORITY OF PARENTING COORDINATOR:

1. The role of the Parenting Coordinator is to decide disputes relating to the clarification and implementation of current court-ordered parenting plans. The Parenting Coordinator may also make decisions regarding the parenting matters listed below in Section D (Level One Authority), and the Parenting Coordinator may make recommendations, but not decisions, regarding the other parenting matters listed below in Section E (Level Two Authority).
2. If either party requests a decision or recommendation that would change a provision set forth in an existing order regarding child related issues, the party requesting the change must demonstrate to the Parenting Coordinator that a change in the family's situation has occurred which warrants changing the specific provision, including substantial child development issues, in an existing order.  
The Parenting Coordinator may only make decisions or recommendations resolving conflicts between the parents which do not affect the Court's exclusive jurisdiction to determine fundamental issues of custody and time-share. Specifically, the Parenting Coordinator does not have authority to make any decisions or recommendations that alter a custodial designation of joint or sole, legal or physical custody established in a current order of the Court, prohibit a party's contact with his/her child(ren), or require or prohibit adherence to a religion or substantially alter or reconfigure the parents' time sharing arrangements (defined as increasing or decreasing a parent's time more than two (2) twenty-four (24) hour periods in twenty-eight (28) days). These decisions and others relating to issues not included among those assigned to the Parenting Coordinator, as set forth in the Stipulation and Order, are reserved to the Superior Court of the State of California, County of Butte for adjudication.

3. For the matters described in Section E, the Parenting Coordinator's authority is limited to recommending to the parents (without any recommendation as to the preferred outcome) that the Court be requested to review and consider any such matter. A party who wishes a court review of the matter following a recommendation for review by the Parenting Coordinator must file and serve a Request for Order for the matter to be reviewed and considered by the Court.

D. AUTHORITY TO MAKE DECISIONS AND ORDERS (LEVEL ONE AUTHORITY):

1. Each party specifically agrees that the Parenting Coordinator may make decisions regarding possible conflicts they may have on the following issues, and that such decisions are effective when made and will continue in effect unless modified or set aside by a court of competent jurisdiction:
  - a. Minor alterations in schedule that do not substantially alter the child(ren)'s time with either parent during a thirty (30) day period.
  - b. Dates, times, designated person, location and method of pick-up and delivery.
  - c. Sharing of parent vacations and holidays.
  - d. Responsibility for transportation to accommodate time-sharing between the parents.
  - e. Selection of child care/daycare and babysitting providers.
  - f. Child rearing disputes such as bedtime, diet, clothing, homework, and discipline.
  - g. Participation in afterschool, enrichment, and athletic activities.
  - h. Scheduling disputes arising from after school, enrichment, athletic, religious education and training and other activities.
  - i. Health care management, such as scheduling appointments, and determining who attends appointments and who is responsible for reporting the outcome of any appointments to the other parent.
  - j. Participation of others in a parent's time with the child(ren) (significant others, relatives, etc.).
  - k. In the case of infants and toddlers, increasing time share when developmentally appropriate.
  - l. Right of first refusal for child care responsibilities; scheduling swaps of custodial time.
  - m. Coordinate participation in court-ordered alcohol and drug monitoring or testing, including setting a process for selection of monitors or testers if the parents cannot agree.
  - n. Other matters, subject to the stipulation of the parties and the approval of the Court.
2. Decisions on the matters listed above are binding when communicated by phone, voicemail, fax, email, including email attachments, or personal delivery. If communicated by phone or voicemail, a written communication will also be sent to the parents. At the request of either parent, a decision will be formalized by the Parenting Coordinator and submitted to the Court to be entered as a court order. By signing this agreement, each parent acknowledges his/her understanding that the Parenting Coordinator's

decisions on the issues listed above are binding on them. Such decisions are to be treated the same as final orders of the Court, which may be reviewed by the State Court of Appeals

(Note: The parents may exclude specified items from the above list by agreement of the parents and Parenting Coordinator.)

E. AUTHORITY TO MAKE RECOMMENDATIONS TO THE COURT (LEVEL TWO AUTHORITY)

1. The Parenting Coordinator will have authority to make recommendations on the following issues:
  - a. Alterations in schedule that do not increase or decrease the child(ren)'s time with either parent by more than two (2) twenty-four (24) hour periods in twenty-eight (28) days.
  - b. Coordinating church attendance and religious classes.
  - c. Large changes in vacation and holiday timeshare.
  - d. Supervision of the child(ren)'s contact with a parent.
  - e. Private or public school education.
  - f. Appointment of counsel for the child(ren).
  - g. Recommending a child custody investigation, evaluation or re-evaluation, including setting a process for selection of a professional when the parents cannot agree.
  - h. Recommending participation by parents and/or child(ren) in alcohol and drug evaluation, monitoring, and/or testing.
  - i. Recommending participation by the parents and/or child(ren) in health services, including physical and psychological examinations, assessments, and psychotherapy, and including recommending a process for selection of providers.

(Note: The parents may exclude specified items from the above list by agreement of the parents and Parenting Coordinator.)

2. Recommendation on these matters shall be served on the Court, parties and counsel by mail, fax or personal delivery. Either party shall have the right to request a written explanation from the Parenting Coordinator of any recommendation which shall be provided within ten (10) calendar days to both parties, counsel and the Court. The Parenting Coordinator recommendations shall be subject to adoption by the Court as an order unless either party files and serves a motion objecting to entry of the order within twenty (20) calendar days of service of the recommendations.

F. PROCEDURE:

1. Both parents shall participate in the dispute resolution process as defined by the Parenting Coordinator and shall be present when so requested by the Parenting Coordinator. The Parenting Coordinator may conduct sessions which are informal in nature, by telephone or in person, and need not comply with the rules of evidence. No formal record need be made, except the Parenting Coordinator's written decision and recommendations and the parents' mutual agreements. The Parenting Coordinator shall have the authority to determine the protocol of all interviews and sessions including, in the case of meetings with the parents, the power to determine who attends such meetings, including individual and joint sessions with the parents

and/or the child(ren) and other relevant third parties.

2. The parents shall provide all reasonable records, documentation, and information requested by the Parenting Coordinator.
3. The Parenting Coordinator may utilize consultants as necessary to assist the Parenting Coordinator in the performance of the duties contained herein.

G. COMMUNICATION WITH PARENTING COORDINATOR:

1. The parents and their attorneys shall have the right to initiate or receive ex parte communication with the Parenting Coordinator under guidelines established by the Parenting Coordinator. Copies of all written communications to the Parenting Coordinator including emails are to be provided to the other party. The Parenting Coordinator may, in his/her sole discretion initiate written communications with a parent or counsel that are not copied to the other party.
2. The Parenting Coordinator may communicate with the parties' child(ren) outside the presence of the parents. The Parenting Coordinator may communicate with the therapists who are treating the parties' child(ren), as well. The Parenting Coordinator may keep such communications confidential.

H. CHILD ABUSE REPORTING:

1. The Duty to Report: The California Penal Code mandates that all child care custodians and health care practitioners (Doctors, Marriage and Family Therapists, Psychologists, Social Workers and others) report to law enforcement or Children's Services information regarding child abuse that comes to their attention. The reporting requirement is an exception to the confidentiality privilege.
2. Immunity for Child Abuse Reporting: Those mandated to report allegations of child abuse are not civilly or criminally liable for making their required reports. They cannot be sued for the report. Specific statutes provide for the immunity from civil suits.
3. Attorney Parenting Coordinator: The child abuse reporting statute does not apply to attorneys because attorneys are not named in the statute as a class of persons who mandatorily must report a child abuse allegation. However, an attorney Parenting Coordinator has the discretion to report any such allegation and may make such a report.
4. False Allegations of Child Abuse: Family Code section 3027.1, subdivision (a), provides for a monetary sanction and attorney fees for any knowingly false allegation of child abuse made during a child custody proceeding. This section does not apply to a Parenting Coordinator who reports an allegation made to him/her by a parent, child, or other third party, but does apply to the person making the allegation to the Parenting Coordinator if the Court finds that the initial allegation was made knowing that it was untrue.

I. FEES AND ALLOCATION OF FEES:

1. The Parenting Coordinator's fees shall be shared according to the allocation schedule in the form of a percentage for each parent based on income and ability to pay. The Parenting Coordinator will require an advance security deposit based upon their allocation percentage from each party. The Parenting Coordinator



may also require a retainer against which ongoing work is charged and which is to be replenished. Any unused amount of the retainer is to be returned to the parents at the end of the Parenting Coordinator tenure, less any balance owing by either party. This fee agreement is to be outlined by the Parenting Coordinator at the beginning of his/ her tenure.

2. The Parenting Coordinator fees are \$ \_\_\_\_\_ per hour. Time spent in interviews, report preparation, review of records and correspondence, telephone conversations with the parents or others relevant to the parental disputes, travel, court preparation and any of her time invested in connection with serving as Parenting Coordinator will also be billed at the \$ \_\_\_\_\_ hourly rate. The Parenting Coordinator fee for court appearances and settlement conference is \$ \_\_\_\_\_ per hour while in court and at the settlement conference and he/she shall have the right to allocate payment of his/her fees at a percentage different from the above if he/she believes there exists a disparity of income such that a unequal percentage is appropriate or the need for his/her services is attributable to the conduct and/or intransigence of one party. In addition to each parents' income, the Parent Coordinator may also take into consideration the parents' expenses, assets and other means of support (i.e. family support).
3. The Parenting Coordinator shall be reimbursed for any expenses he/she incurs in association with his/her role as Parenting Coordinator. These costs may include, but are not limited to, the following: photocopies, messenger service, clerical, long distance telephone charges, express and/or certified mail costs, parking, tolls, mileage, and other travel expenses.
4. The Parenting Coordinator may require payment at the end of each in-person session, and require payment within ten days of receipt of billing sent for all other services, as above and may require replenishment of the retainer. Any objection to the Parenting Coordinator bills must be brought to his/her attention in written form within five business days of the billing date; otherwise the billing shall be deemed agreed to. The Parenting Coordinator may cease to perform services for the parties if payment is not current.
5. In the event that either party fails to provide twenty-four (24) hour telephone notice of cancellation of any appointment with the Parenting Coordinator, such party shall pay all of the Parenting Coordinator charges of such missed appointment at the full hourly rate, at the discretion of the Parenting Coordinator.

J. GRIEVANCES:

1. The Parenting Coordinator may be disqualified on any of the grounds applicable to the removal of a judge, commissioner, referee or arbitrator.
2. Neither party may initiate court proceedings for the removal of the Parenting Coordinator or to bring to the Court's attention any grievances regarding the performance or actions of the Parenting Coordinator without meeting and conferring with the Parenting Coordinator in an effort to resolve the grievance. Participation in an alternative dispute resolution process such as arbitration to resolve grievances may be required by the Parenting Coordinator prior to the Parenting Coordinator's acceptance of this appointment.
3. Neither parent shall complain to the Parenting Coordinator's professional licensing board without first meeting and conferring with the Parenting Coordinator in an effort to resolve the grievance. In the event no resolution is reached, the parents and Parenting Coordinator shall attend at least one session of mediation or other alternate dispute resolution process prior to any action being undertaken.

4. The Court shall reserve jurisdiction to determine if either or both parents and/or the Parenting Coordinator shall ultimately be responsible for any portion of the Parenting Coordinator time and costs spent in responding to any grievance and the Parenting Coordinator's attorney's fees, if any.
5. If either party or the Parenting Coordinator believes that there exists a grievance between them with respect to this stipulation that cannot be resolved, either party or the Parenting Coordinator can move the Court for relief from this stipulation, after complying with paragraph thirty (30) above.

K. ENFORCEMENT:

1. The Court reserves jurisdiction in the family law action to enforce the provisions of this stipulation.
2. In the event that arbitration proceedings or a legal action becomes necessary to enforce any provision of this order, the non-prevailing party shall pay attorney's fees and costs as may be incurred.

L. ADDITIONAL REPRESENTATIONS:

1. I have had an opportunity independently to consult with a lawyer of my choice before entering into this stipulation. I have read this stipulation and understand it. I freely and voluntarily enter into this stipulation.
  - a. Initials \_\_\_\_\_
2. I choose to use the Parenting Coordinator process as an alternate method of dispute resolution to reduce future custody and visitation litigation. I waive the right to formal court litigation over the issues assigned to the Parenting Coordinator by this stipulation and order subject to the Court's power to review the Parenting Coordinator's decision.
  - a. Initials \_\_\_\_\_
3. I understand that no California court can appoint a Parenting Coordinator without the consent of the parents, and that no California statute or court rule authorizes the appointment of a Parenting Coordinator absent such consent.
  - a. Initials \_\_\_\_\_
4. I understand that the Parenting Coordinator will resolve certain disputes between the parties without a court hearing, and will issue some decisions that will be court orders automatically, and others that are recommendations for court orders.
  - a. Initials \_\_\_\_\_
5. I understand that I cannot sue the Parenting Coordinator; that the Parenting Coordinator process is a quasi-judicial process; i.e., that the Parenting Coordinator has immunity from lawsuits to the broadest extent permissible under the law. The procedures set forth in this stipulation and order for addressing grievances about the Parenting Coordinator decision-making process and decisions are the sole remedy for complaints about the Parenting Coordinator available to me.
  - a. Initials \_\_\_\_\_
6. I understand that the Parenting Coordinator has made no warranties or guarantees relating to his/her conclusions, findings, or orders. The Parenting Coordinator shall exercise independent judgment in making decisions. The fees and costs paid under this stipulation and order are not contingent on results or outcome.
  - a. Initials \_\_\_\_\_

7. I agree that the executed copy of this Stipulation is a release allowing the Parenting Coordinator to speak with mental health providers who are treating me and/or my children. I understand that by signing this stipulation that the mental health providers may share confidential information with the Parenting Coordinator.

a. Initials \_\_\_\_\_

8. I have had the opportunity to investigate and consider the training and experience of the Parenting Coordinator appointed in this stipulation, and I am satisfied that this person is qualified to serve as my Parenting Coordinator.

a. Initials \_\_\_\_\_

9. I agree that the decisions of the Parent Coordinator will be based on his/ her belief in what is best for my child(ren) in this case and these decisions may NOT be in my own best interests.

a. Initials \_\_\_\_\_

Date: \_\_\_\_\_  
Petitioner

Date: \_\_\_\_\_  
Respondent

Date: \_\_\_\_\_  
Attorney for Petitioner

Date: \_\_\_\_\_  
Attorney for Respondent

I agree to serve as Parenting Coordinator in this case.

Date: \_\_\_\_\_  
Parenting Coordinator

**FINDINGS AND ORDER**

Based upon the stipulation of the parents (who have signed this stipulation and initialed this stipulation where indicated to document their agreement), the Court finds that the parties have knowingly, intelligently, and voluntarily agreed to the terms of this stipulation, after having been advised to consult with independent counsel.

Upon reading the foregoing stipulation, and good cause appearing therefor, IT IS SO ORDERED:

Date: \_\_\_\_\_  
~~Hon.~~  
Judge of the Superior Court  
Judicial Officer  
Superior Court of California



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**C. PETITION TO PROHIBIT DISCLOSURE OF FILE OR RECORD**

**Petitioner:**     District Attorney     Minor's Counsel     Probation    Other \_\_\_\_\_

Pursuant to WIC § 676(e), this Petition seeks relief from the Juvenile Court to prohibit disclosure to the public of any file or record as it appears that harm to the minor, victims, witnesses or public from the public disclosure outweighs the benefit of knowledge based on the following: [petitioner to fill in]

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\_\_\_\_\_  
Date

\_\_\_\_\_  
Petitioner [print name]

\_\_\_\_\_  
Petitioner [signature]

**Court**

- On the grounds stated above, the Court finds good cause to grant the relief requested.
- The request is denied.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judicial Officer  
Superior Court of California

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE: FAX NO. ( <i>Optional</i> ): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b> <input type="checkbox"/> Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7002	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER:	
<input type="checkbox"/> <b>DECLARATION RE: NOTICE OF EX PARTE APPLICATION FOR ORDERS</b> <input type="checkbox"/> <b>ORDER SHORTENING TIME</b>	CASE NUMBER:

I, \_\_\_\_\_, do declare:

1. That I am  Counsel for  Plaintiff  Defendant in the within action.
2. I have given notice of the present application for an ex parte order and/or order shortening time to:
  - Counsel for  Plaintiff  Defendant in the following manner:
    - a.  By telephone call: at \_\_\_\_\_ .m., on \_\_\_\_\_, 20\_\_\_\_.
 

The person to whom I spoke was \_\_\_\_\_.

The message left was:
    - b.  By letter:  mailed  personally delivered at \_\_\_\_\_ .m., on \_\_\_\_\_, 20\_\_\_\_.
3. I received the following response to said notice:
4. I did not give notice of the present application for the following reason(s) indicated:
  - a.  Notice of this ex parte application would frustrate the purpose of the orders sought herein.  
(Explain)\*
  - b.  The applicant would suffer immediate and irreparable harm before the adverse party could be heard in opposition.  
(Explain)\*

c.  No significant direct burden or inconvenience to the adverse party will be likely to result from the order sought herein.

(Explain)\*

d.  Prior attempts to give notice have failed and would probably be futile or unduly burdensome.

(Explain)\*

**NOTE: CALIFORNIA RULE OF COURT 3.1200-3.1207 GOVERNS NOTICE REQUIREMENT**

I Declare under Penalty of Perjury under the Laws of the State of California That the Foregoing Is True and Correct.

Place: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
(Signature of Party or Party's Attorney)

**ORDER SHORTENING TIME**

Time for:  service is shortened. Service shall be on /or before \_\_\_\_\_, 20\_\_\_\_.  
(Date)

hearing is shortened. Hearing is set \_\_\_\_\_, 20\_\_\_\_.  
(Date)

Date: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Judge/Commissioner of the Superior Court)  
Judicial Officer  
Superior Court of California

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE: FAX NO. (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b> <input type="checkbox"/> Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7002	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER:	
<b>ORDER ON REQUEST FOR A PRETRIAL DISCOVERY CONFERENCE</b>	CASE NUMBER:

The Court has read and considered the Request for a Pretrial Discovery Conference and any Opposition to Request for a Pretrial Discovery Conference that was filed.

The Request for a Pretrial Discovery Conference is granted.

The Pretrial Discovery Conference is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm.

The Request for a Pretrial Discovery Conference is denied. The Court grants permission to file a motion to compel initial responses to interrogatories / discovery, requests for production and requests for admission.

Any motion is to be filed no later than \_\_\_\_\_ days from this order.

Dated:

\_\_\_\_\_  
 Hon.  
 Judge of the Superior Court  
 Judicial Officer  
 Superior Court of California



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE: FAX NO. ( <i>Optional</i> ): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b>  <input type="checkbox"/> Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002 <input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7002	
PETITIONER/PLAINTIFF:  RESPONDENT/DEFENDANT:  OTHER:	
<b>ORDER APPOINTING COURT INVESTIGATOR</b>	CASE NUMBER:

In the Matter of the Guardianship of the  Person  Estate

Proposed Ward: \_\_\_\_\_

- To:  Children’s Services Division Court Investigator  
 (For non-relative placement or when CSD is presently involved)
- Family Court Services Court Investigator  
 (For placement with a relative)

You are hereby appointed Court Investigator in the above-entitled matter and are directed to prepare an assessment pursuant to Probate Code §1513(a) that includes, but is not limited to:

1. A review of the basis for the guardianship;
2. A determination whether the initiation of the guardianship is in the proposed ward’s best interest; and
3. The proposed ward’s wishes, if any.

Your findings must be reported to the Court at least two days before the hearing set for:

\_\_\_\_\_ at \_\_\_\_\_ am/pm.

Date: \_\_\_\_\_

~~JUDGE OF THE SUPERIOR COURT~~  
 Judicial Officer  
 Superior Court of California

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE: FAX NO. ( <i>Optional</i> ): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b>	
<input type="checkbox"/> Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7002	<input type="checkbox"/> North Butte County Courthouse 1775 Concord Avenue, Chico, CA 95928 (530) 532-7002
In Re the Conservatorship of :  _____ Conservatee	
<b>ORDER CONTINUING CONSERVATORSHIP</b>	CASE NUMBER:

This matter having come regularly before the Court for a review hearing on \_\_\_\_\_,

the Court finds that the above conservatorship continues to be necessary;

It is therefore ordered that the conservatorship is continued.

A Court Investigator Information Sheet is to be filed by \_\_\_\_\_.

The matter is set for a review hearing on \_\_\_\_\_ at \_\_\_\_\_ a.m.

Date: \_\_\_\_\_

\_\_\_\_\_  
**Judge of the Superior Court**  
 Judicial Officer  
 Superior Court of California

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE:  FAX NO. (Optional):  ATTORNEY FOR (Name):	FOR COURT USE ONLY
<p style="text-align: center;"><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Butte County Courthouse                      One Court Street, Oroville, CA 95965                      (530) 532-7002                 </div> <div style="width: 45%;"> <input type="checkbox"/> North Butte County Courthouse                      1775 Concord Avenue, Chico, CA 95928                      (530) 532-7002                 </div> </div>	
<input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> GUARDIANSHIP OF (Name):	
<p><b>EX PARTE PETITION TO DISPENSE WITH ACCOUNTING AND ORDER (PROBATE CODE §2628)</b></p>	CASE NUMBER:

1. I am (we are) now the duly appointed, qualified, and acting conservator(s)/guardian(s) of the estate of said conservatee/minor( s ).
2. Petitioner's accounting, if presented, would cover the period from \_\_\_\_\_ . (date) through and including \_\_\_\_\_ (date).
3. The estate at the beginning and end of this period of account consisted of property of a total net value of less than \$15,000.00 and the property on hand at the end of this accounting period is \$ \_\_\_\_\_
4. Income of the estate for each month of this period of account, exclusive of public benefit payments, was less than \$2,000.00. All of the income of the estate during this period of account, if not retained, was spent for the benefit of the conservatee/minor.
5. During this period of account, petitioner has managed and administered the conservatee's estate with ordinary care and diligence, has provided for the conservatee's/minor's care, has paid the expenses of said care, has collected assets of the estate, and has provided for their safekeeping. Petitioner is not requesting compensation.
6. During the accounting period, the conservatee/minor has resided at:  
  
\_\_\_\_\_
7.  No Request for Special Notice has been filed in this matter.
8.  Request for Special Notice has been filed and notice has been given to \_\_\_\_\_
9.  All attachments to this form are incorporated by this reference as though placed here in this form.  
 Check here if attachments are included. There are \_\_\_\_\_ pages attached to this form.

**I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.**

Date: \_\_\_\_\_

\_\_\_\_\_  
 TYPE OR PRINT NAME OF CONSERVATOR(S)/GUARDIANSHIP(S)

\_\_\_\_\_  
 SIGNATURE OF CONSERVATOR(S)/GUARDIANSHIP(S)

CONSERVATORSHIPOF (Name):	CASE NUMBER:
---------------------------	--------------

**PROOF OF SERVICE**

1. I am over the age of 18 and am not a party in this case. I live or work in the county where the mailing occurred.
2. My (the server's) home or business address is: \_\_\_\_\_  
\_\_\_\_\_
3. I served the Ex Parte Petition to Dispense with Accounting and Order on each person named below by putting a copy in a sealed envelope addressed as shown below AND

- depositing the sealed envelope with the United States Postal Service on the date and at the place shown in item 4 with the postage fully prepaid.
- placing the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United State Postal Service in a sealed envelope with postage fully prepaid.

4. Date mailed: \_\_\_\_\_ Place mailed (city, state) \_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Server's Name)

\_\_\_\_\_  
(Server Signs Name)

Name of Person	Address Where it Was Mailed from
CONSERVATEE/MINOR 12 OR OLDER)	

**ORDER TO DISPENSE WITH ACCOUNT**

THE COURT FINDS that the facts stated in the forgoing Ex Parte Petition to Dispense with Accounting are true.  
THE COURT ORDERS THAT the Conservator/Guardian shall file a declaration in lieu of accounting annually so long as all the above conditions remain.

The next annual declaration will be filed on \_\_\_\_\_.

DATE: \_\_\_\_\_

\_\_\_\_\_

JUDICIAL OFFICER

**SUPERIOR COURT OF CALIFORNIA**

SIGNATURE FOLLOWS LAST ATTACHMENT

<b>Financial Information</b> <b><del>Confidential</del> FINANCIAL INFORMATION</b> <b>(Local Rule 14.3(f))</b>		<u>Court Use Only (if applicable):</u> <input type="checkbox"/> Approved <input type="checkbox"/> Denied Initials _____
IN RE:		
CASE NUMBER:		

**PARTY INFORMATION**

Full Name: \_\_\_\_\_ Date of birth: \_\_\_\_\_ Telephone: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
(City) (State) (Zip Code)

Mailing Address (if different from above): \_\_\_\_\_  
(City) (State) (Zip Code)

Social Security Number: \_\_\_\_\_ Driver's License Number: \_\_\_\_\_

Marital Status:  Single  Married  Divorced  Separated  Widowed

Spouse's Name: \_\_\_\_\_ Number of Children under 18: \_\_\_\_\_ Ages: \_\_\_\_\_

Are the children in the home?  Yes  No

**I receive (pick all that apply):**

- Food stamps  Supp. Sec. Inc.  SSP  Medi-Cal  County Relief/Gen. Assist.  IHSS  Cal WORKS or Tribal TANF  
 CAPI  WIC  Unemployment

**My gross monthly household income (before deductions for taxes) is less than the amount listed below.**

<b>Family Size</b>	<b>Family Income</b>	<b>Family Size</b>	<b>Family Income</b>	<b>Family Size</b>	<b>Family Income</b>	If more than 6 people are at home, add \$856896.67 for each extra person.
1	\$2,430510.00	3	\$4,143303.34	5	\$5,8566,096.67	
2	\$3,286406.67	4	\$5,000200.00	6	\$6,713993.34	

**Employment and Income**

Currently, Employed?  Yes  No

Receiving Unemployment  Yes  No Amt. \$ \_\_\_\_\_

Receiving Social Security  Yes  No Amt. \$ \_\_\_\_\_

Gross Salary per Month: \$ \_\_\_\_\_

Total Monthly Deductions: \$ \_\_\_\_\_

Net Salary per month (after taxes): \$ \_\_\_\_\_

Other Income (List Source & Amount): \$ \_\_\_\_\_

Child Support: \$ \_\_\_\_\_

**Total Monthly Income:** \$ \_\_\_\_\_

**Monthly Expenses**

Rent/House Payment: \$ \_\_\_\_\_

Utilities & Telephone: \$ \_\_\_\_\_

Monthly Food & Household Expenses: \$ \_\_\_\_\_

Monthly Medical/Dental Expenses: \$ \_\_\_\_\_

Transportation, gas, repair, insurance: \$ \_\_\_\_\_

Clothing/Laundry: \$ \_\_\_\_\_

Child, Spousal Support: \$ \_\_\_\_\_

Other Court fines: \$ \_\_\_\_\_

School, Child Care: \$ \_\_\_\_\_

Installment payments: \$ \_\_\_\_\_

**Total Monthly Expenses:** \$ \_\_\_\_\_





**ORDER**

The Court, having read and considered the request by party to review ability to pay determination hereby makes the following order:

- The Court grants your request for a hearing on your ability to pay determination. Please **appear at your court hearing** on the date below. You may bring information about your financial situation to the hearing.

<b>Hearing Date</b>	Date: _____
	Time: _____

- The Court has reviewed your written statement and additional supporting facts. The court confirms the prior Findings and Order on Minor’s Counsel Fees and Ability to Pay ordered on \_\_\_\_\_. No changes have been made to your order and it remains in effect.
- The Court has reviewed your written statement and additional supporting facts. The court **will amend** the prior Findings and Order on Minor’s Counsel Fees and Ability to Pay within thirty (30) days and mail it to the address on file.
- Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SO ORDERED.**

DATE: \_\_\_\_\_

\_\_\_\_\_

JUDICIAL OFFICER



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  TELEPHONE: FAX NO. ( <i>Optional</i> ): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b>  Butte County Courthouse One Court Street, Oroville, CA 95965 (530) 532-7010	
IN RE:	CASE NUMBER:
<b>Declaration in Support to Inspect and/or Copy                  Juvenile Court Records Without a Court Order                  (W&amp;I 827)</b>	

**Confidentiality Requirements/Warning:**

**No person or entity may copy or inspect confidential psychological, medical, or education information absent an order from the ~~Presiding~~ Judge of the Juvenile Court.**

**NOTE: A Request for Release of Juvenile Court File (JV-570) must be submitted to the ~~Presiding~~ Judge of the Juvenile Court for review if copies of sealed records are being requested by individuals or entities listed below.**

**For Records you inspect or are provided today, all records, reports or information obtained from Juvenile Court shall not be further released or disseminated to persons or agencies not otherwise entitled pursuant to Welfare and Institutions Code sections 827 or 362.5. Said information shall not be attached to any document without prior approval of the ~~Presiding~~ Judge of the Juvenile Court unless they are used in connection with adult criminal or juvenile court proceedings to declare a minor a dependent or ward of the court.**

**Declaration Regarding Your Role: (Please check all applicable boxes under section 1 and/or 2).**

**1. I am one of the following individuals or work for one of the following entities that may inspect and receive copies of the Juvenile Case without an order of the juvenile Court pursuant to Welfare and Institutions Code sections 827 or 362.5.**

- District Attorney, authorized to prosecute criminal or juvenile cases under state law.
- The child or nonminor dependent who is the subject of the proceeding.
- The child’s parent(s) or guardian for a child who is less than 17 years and 6 months of age and my parental rights have NOT been terminated. IF the subject is older than 17 years and 6 months of age, I am currently receiving reunification services from the Social Services Agency.
- An attorney for a party in the juvenile court proceeding in the above-captioned case or related appellate proceeding.
- A probation office, or law enforcement officer who is actively participating in criminal or juvenile proceedings involving the child or nonminor defendant, including the district attorney if the nonminor is also a ward of the Juvenile Court.
- County Counsel, City Attorney, or any other attorney representing the petition agency in a dependency action.
- A member of a child protective agency as defined in Penal Code Section 11165.9
- An assigned social worker or probation officer charged with review of court records for the purpose of making a written recommendation to the court in a social study report pursuant to Welfare and Institution code 241.1 for determination of dual status suitability of a current dependent or ward of the court.
- A Court Appointed Special Advocate (CASA)

**2. I am or represent one of the following individuals and entities that may inspect a juvenile case file without a court order. I understand I am not authorized to receive copies of the juvenile case file without a court order.**

- A member of the child's multidisciplinary team, person or agency providing treatment or supervision of the child.
- A statutorily authorized or court-appointed investigator who is investigating pursuant to Family Code section 7663, 7851, or 9001, or who is actively participating in a guardianship case involving a minor pursuant to Probate Code Section 1500, et seq. and acting within the scope of the investigator's duties in that active case.
- A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders.
- A court-appointed mediator or evaluator conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Family Code 3150.
- A child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent for the purpose of determining an appropriate placement or service that has been order for the minor or nonminor dependent by the court pursuant to Welfare and Intuition code section 786(g)(1)(H).
- A probation officer who is preparing a report pursuant to Welfare and Intuitions section 1178 on behalf of a person who has petitioned the Board of Juvenile Hearings for an honorable discharge.

**3. INSPECTION OF RECORDS: I have read and agree to the following terms:**

- a. Any information contained in the records shall not be disclosed or disseminated to any person, unless otherwise ordered by the Juvenile Court.
- b. Records contained in the juvenile case file shall not be altered, deleted, transmitted, copies or photographed by any means.
- c. Records placed in confidential or sealed envelopes shall NOT be opened or viewed without a court order.
- d. The Court may monitor the inspection of the records for compliance with the court's order.

**4. COPY OF RECORDS: I have read and agree to the following terms:**

- a. Any information contained in the records shall not be disclosed or disseminated to nay person, unless otherwise ordered by the Juvenile Court.
- b. Records placed in a confidential file or sealed envelope shall NOT be opened without a court order.

**5. I understand the above warning regarding dissemination of juvenile court records. I will abide by the terms and conditions set forth for inspection and record of copies of the juvenile court records.**

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

Date:

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Signature

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b> ONE COURT STREET OROVILLE, CA 95965	FOR COURT USE ONLY
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	SUPERIOR COURT CASE NUMBER
<b>MISDEMEANOR DIVERSION REQUEST (PC § 1001.95) ADVISAL AND WAIVER OF RIGHTS</b>	

Defendant: Initial each statement below.

1. I am the defendant in the above-entitled case, which charges the following misdemeanor violation(s) for which I am requesting Misdemeanor Diversion (Penal Code § 1001.95):

\_\_\_\_\_.

2. I have been advised of, understand, and waive my right to a speedy trial in this case.

3. I understand that Misdemeanor Diversion, if granted will be no longer than two years and may include terms and conditions imposed by the court, including but not limited to a victim restitution order, protective order, stay away order, and/or firearm prohibition order, where applicable.

4. I understand that if Misdemeanor Diversion is granted, failure to comply with the terms and conditions imposed by the court may result in reinstatement of criminal proceedings.

5. I understand that if I am arrested or charged with a new criminal offense while on Misdemeanor Diversion, criminal proceedings in this case may be reinstated and I may be found no longer eligible for Misdemeanor Diversion.

6. I understand that if I perform satisfactorily during the period of Misdemeanor Diversion, the court will dismiss the criminal charges. I understand that, upon successful completion of Misdemeanor Diversion and dismissal of the charges, the arrest upon which the Diversion was based shall be deemed to have never occurred, except as stated in statement 7, below.

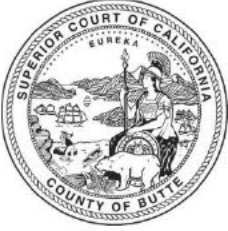
7. I have been advised and understand that, regardless of my successful completion of Misdemeanor Diversion, the arrest upon which the Diversion was based may be disclosed by the Department of Justice in response to a peace officer application request, and that I am still obligated to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in Penal Code § 830.

I declare under penalty of perjury under the laws of the State of California that I have read and understand each of the foregoing seven statements, and by initialing each statement I agree to their contents.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Type or Print Name

\_\_\_\_\_  
 Signature of Defendant



## SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE

### MISDEMEANOR DIVERSION (PC 1001.95) INFORMATION

Effective January 1, 2021, sections 1001.95 - 1001.97 were added to the Penal Code (see Stats. 2020, Ch. 334 [AB 3234]), authorizing trial courts to grant diversion to individuals charged with most misdemeanor offenses, over the objection of the prosecution. The controlling statutes are cited in full at the bottom of this document.

The decision to allow Misdemeanor Diversion is wholly vested in the individual discretion of each judge. There are two forms available for use in cases deemed appropriate for this type of Misdemeanor Diversion, the Misdemeanor Diversion Request (PC § 1001.95) Advisal and Waiver of Rights, and the Misdemeanor Diversion Order.

Once the judge grants Diversion, that judge should keep the case for all future review/dismissal hearings.

#### Statutorily Ineligible Offenses (PC § 1001.95(e))

- (1) Any offense for which a person, if convicted, would be required to register pursuant to PC § 290.
- (2) PC § 273.5.
- (3) PC § 243(e).
- (4) PC § 646.9.

#### Factors/Information to consider in deciding whether to grant diversion

- Seriousness of the offense
- Input from the victim/whether the victim was particularly vulnerable (children, elders, animals)
- Criminal history of the defendant
- Whether restitution is required (Restitution may still be imposed – see PC § 1001.96(b))
- Whether a Fourth Amendment Waiver should be required
- Time elapsed since crime occurred and whether there has been additional criminality
- Suitability factors for other diversion statutes
- Rules of Court regarding factors in mitigation or aggravation

#### Terms and Conditions to consider imposing where applicable/appropriate

- Victim restitution (see PC 1001.96(b))
- A protective order, stay-away order, or order prohibiting firearm possession (see PC § 1001.96(c))
- Consider common conditions of summary probation

#### Controlling Statutes

##### **PC § 1001.95**

- (a) A judge in the Superior Court in which a misdemeanor is being prosecuted may, at the judge's discretion, and over the objection of a prosecuting attorney, offer diversion to a defendant pursuant to these provisions.
- (b) A judge may continue a diverted case for a period not to exceed 24 months and order the defendant to comply with terms, conditions, or programs that the judge deems appropriate based on the defendant's specific situation.
- (c) If the defendant has complied with the imposed terms and conditions, at the end of the period of diversion, the judge shall dismiss the action against the defendant.
- (d) If it appears to the court that the defendant is not complying with the terms and conditions of diversion, after notice to the defendant, the court shall hold a hearing to determine whether the criminal

proceedings should be reinstated. If the court finds that the defendant has not complied with the terms and conditions of diversion, the court may and the diversion and order resumption of the criminal proceedings.

- (e) A defendant may not be offered diversion pursuant to this section for any of the following current charged offenses:
  - (1) Any offense for which a person, if convicted, would be required to register pursuant to Section 290.
  - (2) Any offense involving domestic violence, as defined in Section 6211 of the Family Code or subdivision (b) of Section 13700 of this code.
  - (3) A violation of Section 646.9.

#### **PC 1001.96**

A defendant who was diverted pursuant to this chapter shall be required to complete all of the following in order to have their action dismissed:

- (a) Complete all conditions ordered by the court.
- (b) Make full restitution. However, a defendant's ability to pay restitution due to indigence shall not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion.
- (c) Comply with a court-ordered protective order, stay-away order, or order prohibiting firearm possession, if applicable.

#### **PC § 1001.97**

- (a) Upon successful completion of the terms, conditions, or programs ordered by the court pursuant to Section 1001.95, the arrest upon which diversion was imposed shall be deemed to have never occurred. The defendant may indicate in response to any question concerning their prior criminal record that they were not arrested. A record pertaining to an arrest resulting in successful completion of the terms, conditions, or programs ordered by the court shall not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.
- (b) The defendant shall be advised that, regardless of their successful completion of diversion, the arrest upon which the diversion was based may be disclosed by the Department of Justice in response to a peace officer application request and that, notwithstanding subdivision (a), this section does not relieve them of the obligation to disclose the arrest in response to a direct question contained in a questionnaire or application for a position as a peace officer, as defined in section 830.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE</b> ONE COURT STREET OROVILLE, CA 95965	FOR COURT USE ONLY
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT	SUPERIOR COURT CASE NUMBER

**MISDEMEANOR DIVERSION ORDER (PC § 1001.95)**

Defendant is charged with the following misdemeanor violations: \_\_\_\_\_ and requests Misdemeanor Diversion (Pen. Code § 1001.95). The terms and conditions are as follows:

1. Diversion will be for a term of \_\_\_\_\_ months.
2. Defendant shall:
  - Obey all laws and court orders (minor traffic infractions excluded).
  - Appear in court at all future hearings set by the court in this case.  Personal appearance is required. Notice of the hearing may be provided in court, by mail, or through counsel. Defendant shall always have a current address on file with the court.
  - Have no contact with/stay away from \_\_\_\_\_.
  - Attend \_\_\_\_\_ 12-Step/Community based support meetings per week. Keep and maintain a log of your attendance and bring those logs to court to show proof of attendance.
  - Successfully complete \_\_\_\_\_ hours of community service and submit proof to the court by \_\_\_\_\_.
  - Do not cultivate marijuana. Do not use or possess cannabis products of any kind, either recreationally or by way of a Prop 215 recommendation during your grant of diversion.
  - Fourth Amendment Waiver: Submit person, vehicle, residence, property, personal effects,  \_\_\_\_\_, ( including computers, cell phones, or other devices storing electronic information) to search at any time with or without a warrant, and with or without reasonable cause, when requested by a law enforcement officer.
  - Not knowingly possess any weapon, firearm, replica firearm or weapon, body armor, ammunition, or any instrument used as a weapon.
  - Pay victim restitution of \$ \_\_\_\_\_ to victim \_\_\_\_\_. Interest on said restitution is to accrue from the date of loss, which is \_\_\_\_\_.
  - Successfully complete a firearms safety training course and submit proof to the court by \_\_\_\_\_.
  - Successfully complete an anger management course and submit proof to the court by \_\_\_\_\_.
  - Successfully complete a hunter's safety course and submit proof to the court by \_\_\_\_\_.
  - \_\_\_\_\_.
  - \_\_\_\_\_.
  - \_\_\_\_\_.
  - \_\_\_\_\_.

**IT IS SO ORDERED**

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judge of the Superior Court

Defendant by signing below, (1) agrees to accept the above terms and conditions of Misdemeanor Diversion; and (2) understands and acknowledges that a failure to appear in court as directed may result in termination from Misdemeanor Diversion, reinstatement of criminal proceedings, and issuance of an arrest warrant.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Signature of Defendant

Defendant's Address: \_\_\_\_\_  

Street
City
State
Zip Code