



MEMORANDUM

DATE: November 14, 2024

TO: Offices of the District Attorney, Public Defender, County Counsel, and County Bar Associations within a 100-mile radius of Napa, and the Sacramento office of the State Attorney General

CC: Attorney folders, Napa County Bar Association, Napa County Women Lawyers

FROM: Lloyd Llewelyn, Court Counsel

RE: Proposed Change to Approved Changes to Local Rules for the Superior Court of California, County of Napa, January 1, 2025, Cycle

Pursuant to California Rules of Court, Rule 10,.613, this memorandum serves as notice of the proposed requested change to Proposed Rule 4.8.

RULE 2: COURT ORGANIZATION

2.18 Traffic Infraction Ability to Pay: Clerk Determinations

The Clerk of the Court may make ability-to-pay determinations in traffic infraction cases, as authorized in Government Code section 68645.3, subdivision (e), when the criteria posted on the Court's website are met. (Effective 1/1/25)

RULE 4: CRIMINAL RULES

4.8 Child Forensic Interview Recordings

(a) Application

This rule applies in all criminal cases.

(b) Restrictions Video Recordings and Transcripts

Video recordings and transcripts of child forensic interviews, whether conducted at the Courage Center or elsewhere, must not be:

1. Publicly shown except during judicial proceedings in the pending case.

2. Provided or shown to anyone outside the prosecution and defense offices except persons necessary for the preparation or presentation of the case. Before a recording or transcript is provided or shown to another person, that person must be provided a copy of this rule.
3. Used by the defense for any purpose other than to prepare for the defense of the named defendant in the pending case.
4. Provided or shown to any member of the media.
5. Duplicated except as necessary for the prosecution or defense of the case. Any duplicate is governed by this rule as if it were an original.

(c) Return of Copies of Recordings

All copies of recordings must be promptly returned to the prosecution upon the earlier of: (i) termination of representation; or (ii) disposition of the matter following exhaustion of appeals and writs of habeas corpus.

(d) Noncompliance

Failure to comply with this rule may result in the imposition of sanctions.
(Effective 1/1/25)

RULE 6: CIVIL RULES

6.2 Trial Management Conference

- A. Generally.** Unless otherwise ordered by the Court, Trial Management Conferences are usually held the second to the last court day of the week preceding the week in which the jury will be selected, or, in a court trial, the first witness called. The case will be assigned to a trial judge at the Trial Management Conference. This assignment is deemed the assignment from the master calendar. All *in limine* motions will be heard at the Trial Management Conference, and the Court will attend to all other trial management issues to facilitate expeditious commencement of trial.
- B. Deemed First Day of Trial.** For all Civil actions other than Unlawful Detainer, The Trial Management Conference is deemed to be the commencement of trial for all purposes, including discovery and motion

cutoff, disclosure of witnesses and expert witnesses, and commencement of all trial-related fees, such as jury and court reporter fees.

- C. Unlawful Detainer.** For Unlawful Detainer actions for which jury trial has been properly requested, the parties, or for entity-parties a person with full settlement authority, shall personally appear at the Trial Management Conference and participate in Mandatory Mediation.
(Effective 7/1/02; revised 1/1/06; revised 1/1/11; revised and reformatted 1/1/25)

6.6.2 Mandatory Settlement Conferences

For all Civil actions other than Unlawful Detainer. In addition to requirements of California Rules of Court, rule 3.1380(c), each party shall, no later than 10 calendar days prior to the scheduled conference, submit to the Court and serve on each other a Settlement Conference Statement that must include a statement of the factual and legal contentions in dispute, a list of all special damages claimed, copies of documentary evidence *pertinent to settlement*, the highest previous offer and the lowest previous demand, the date when the last face-to-face or telephonic settlement discussion was held between all parties, and a statement as to any special problems relating to settlement such as lack of or disputed insurance coverage. While the Court places no page limit on Settlement Conference Statements, given the time constraints on the Court, the parties should make every effort to submit statements no longer than 25 pages in length. Similarly, while parties are encouraged to include copies of evidence pertinent to settlement with their Settlement Conference Statements, the inclusion of voluminous compendia of exhibits is cumbersome, wasteful, and not conducive to the settlement process.

It is the policy of the Court to encourage settlements at any stage of the proceedings and the civil master calendar judge may, at the request of a party to the action, set a cause for a Voluntary Settlement Conference on any date convenient to the Court and counsel.

(Effective 7/1/02; revised 1/1/06; revised 1/1/07, 1/1/24 and 7/1/24.)

6.11 Hearings Exceeding 15 Minutes

- A.** If any hearing on a regularly noticed motion exceeds 15 minutes, the Court shall have the authority to continue said hearing to a different date when the Court has adequate time to hear extended argument. (Effective 7/1/03; renumbered 1/1/06; renumbered 7/1/17)
- B.** Any regularly noticed motion for which oral argument is expected to exceed 30 minutes, shall be set on a Thursday or Friday at 9:30 am. The moving party shall include, in the Notice of Motion, reference to this Rule,

and an estimate for the anticipated length of argument. The Court may continue said hearing to a different time and/or date when the Court has adequate time to hear extended argument.

Effective 7/1/03; renumbered 1/1/06; renumbered 7/1/17; revised 1/1/25.)

RULE 7: FAMILY LAW PROCEEDINGS

7.10 Child Custody and Visitation

B. Complaints Regarding Appointed Counsel for the Child

Complaints regarding the conduct of or procedures employed by counsel for minor children appointed by the Court are handled as follows:

Complainant shall complete a form provided by Family Court Services and mail or deliver it to the Court Executive Officer. A copy of the complaint must be provided to all parties.

The Court Executive Officer or that officer's designee ("investigator") will conduct an investigation of the matter including consultation with the minor's counsel assigned to the case. Within 15 days, the investigator will determine whether to replace the challenged minor's counsel or take no action. The date and action will be recorded by the investigator and minor's counsel, the complainant, and all (other) parties will be informed promptly in writing. The investigator's decision is final.

(Effective 1/1/99; revised and renumbered 1/1/11; revised and renumbered 7/1/11; revised 1/1/23; revised 1/1/25.)

7.15 Automatic Application and Enrollment for Title IV-D Services for New Child Support Orders and Opt-Out

- A. Applicability.** This rule applies to all child support orders the Court issues after the rule's effective date.
- B. Definitions.** "Child support order," "local child support agency," and "Title IV-D" are defined as set forth in Family Code section 17000.
- C. Automatic Enrollment.** All new child support orders will be designated automatically as applications for enrollment in Title IV-D services. This automatic designation enables the local child support agency to provide necessary services and entitles child support recipients to enforcement services through the local child support agency without a separate application or enrollment.
- D. Notification.** Upon issuance of a new child support order, the Court or the local child support agency will orally inform the parties of the automatic application and enrollment for Title IV-D services and the benefits available through the local child support agency. The local child support agency will make efforts to have information available in the courtroom for distribution to the parties such as the

California Child Support Services Publication 301
(<https://childsupport.ca.gov/publications/>).

- E. Service Integration.** The local child support agency is responsible for coordinating services related to the child support order, including payment processing, enforcement actions, and communication with the parties.
- F. Evaluation.** The local child support agency shall review the effectiveness of this rule annually to assess its impact on child support collections and enforcement actions.
- G. Opt-Out.** The party ordered to receive support may opt-out of the automatic application and enrollment for Title IV-D services for new child support orders. The party ordered to receive support may opt-out (1) orally or in writing at the time the order is made, or (2) by filing a voluntary closure with the local child support agency after the order is made. No opt-out or voluntary closure is permitted if the party ordered to receive support has assigned the right to support to the county pursuant to Welfare and Institutions Code section 11477, except as permitted by law.
(Effective 1/1/2025.)

The proposed changes will become effective on January 1, 2025. Please submit your comments in writing to:

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The complete text of the proposed revisions may be viewed and downloaded from www.napa.courts.ca.gov. A hard copy of the proposed revised rules is available on request.