



*Superior Court of the State of California*

**COUNTY OF TULARE**

ADMINISTRATION

221 S. Mooney Blvd., Room 303

Visalia, California 93291

Telephone: (559) 730-5000

Facsimile: (559) 737-4290

Stephanie Cameron  
Court Executive Officer/  
Jury Commissioner

**NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF RULES  
AND INVITATION TO COMMENT**

(Pursuant to CRC, rule 10.613)

September 30, 2022

To: State Bar of California  
Attorney General, State of California  
Local Bar Associations – Tulare, Kings, Kern, Fresno, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Inyo, Mono, Mariposa, Tuolumne, Merced, Madera, Stanislaus, San Benito and Monterey Counties  
Office of the District Attorney – Tulare, Kings, Kern, Fresno, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Inyo, Mono, Mariposa, Tuolumne, Merced, Madera, Stanislaus, San Benito and Monterey Counties  
Office of the County Counsel – Tulare, Kings, Kern, Fresno, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Inyo, Mono, Mariposa, Tuolumne, Merced, Madera, Stanislaus, San Benito and Monterey Counties  
Office of the Public Defender – Tulare, Kings, Kern, Fresno, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Inyo, Mono, Mariposa, Tuolumne, Merced, Madera, Stanislaus, San Benito and Monterey Counties  
Contracted Defense Counsel of Tulare County  
All Other Interested Parties

Please take notice, the judges of the Tulare County Superior Court will adopt additions and/or amendments to their Local Rules of Court, to become effective on January 1, 2023.

Pursuant to California Rules of Court, rule 10.613, all rules proposed for adoption and/or amendment will be posted on the Court's website for review. The Court's website is: <https://www.tulare.courts.ca.gov/>. Additionally, hard copies of the proposed rules will be available for review at the Clerk's office of each division of the Tulare County Superior Court.

The Court invites comments regarding the proposed rule changes. Comments must be received on or before **November 15, 2022**. Comments and proposed changes to the rules should be addressed as follows:

Matt Amaro, Trial Court Judicial Attorney  
Tulare County Superior Court, 221 South Mooney Blvd., Room 303, Visalia, CA 93291

Thank you for assisting in improving the effectiveness of our local court rules.

Stephanie Cameron  
Court Executive Officer/Jury Commissioner

1. **Updated Penal Code section 987.9 policy (attached separately).**
2. **Updated listing of local forms (attached separately)**
3. **Updated Rule 935 re: Supervised Visitation Providers**

Rule 935 – Processing and Maintaining Reports and Declarations from Supervised Visitation Providers

Supervised visitation providers have a number of legal responsibilities and duties under Family Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). Providers should be familiar with all requirements. In addition, the following obligations must be satisfied.

- (a) Professional Supervised Visitation Providers' Obligations - The professional supervised visitation provider must sign a *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) stating that all training and qualification requirements to be a professional provider have been met, both:
  1. Before providing initial supervised visitation in a case; and
  2. When updating the form and attaching an original report of the supervised visitation monitored by the visitation provider. *See* Cal. Rules of Court, subs. (e) & (r) of Standard 5.20.

When the Declaration is submitted before provision of initial supervised visitation in a case, a copy of the form must be submitted to the Director of Family Court Services. Every time the professional visitation provider submits a report to the court required by Standard 5.20(j)(3), a separate copy of the report must be submitted to the Director of Family Court Services.

- (b) Nonprofessional Supervised Visitation Providers' Obligations – If ordered by the court, the nonprofessional supervised visitation provider must sign the local court form Declaration of Supervised Visitation Provider (Nonprofessional) (FAM-013) stating that all requirements to be a nonprofessional provider have been met and that the provider has read the Judicial Council publication entitled “Supervised Visitation A Guide for Non-Professional Providers” or will have read it prior to visits beginning. *See* Cal. Rules of Court, subd. (d) of Standard 5.20. If ordered, the Declaration must also be submitted to the Director of Family Court Services. (01/01/22)

#### **4. Update to Rule 930 re: new Self-Help location**

##### Rule 930 - Self Help Resource Center/Family Law Facilitator - Resource for People Who Represent Themselves

- (a) The services provided by the Family Law Facilitator are pursuant to the Family Law Facilitator Act, Family Code section 10000 et seq., including the additional duties set forth in Family Code section 100005.
- (b) To the extent adequate funding is provided the duties set forth in Family Code section 10005, in addition to those mandated by Family Code section 10004, are adopted as a local rule of court. These duties include that the Family Law Facilitator's office may meet with litigants to draft stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Family Code section 10003; and may prepare formal orders consistent with the court's announced order in cases where both parties are unrepresented.
- (c) The Family Law Facilitator has offices located at Room 203 of the Visalia courthouse located at 221 South Mooney Boulevard, Visalia, CA 93291, and at the Self Help Resource Center of the South County Justice Center located at 300 E. Olive Avenue, Porterville, California 93257. Parties may call (559) 737- 5500 for information regarding the services of the Family Law Facilitator. (01/01/07) (Revised 01/01/09, 01/01/10, 01/01/18, 01/01/23)

#### **5. Update to Rule 503 in light of transition to paperless files:**

##### Rule 503 - Entry of Court Orders in Minutes

The clerk will keep minutes of court orders and will upload a copy of each minute order in the court's electronic file of actions in chronological order in lieu of a minute book, pursuant to Government Code sections 69844 et seq. (07/01/00) (Revised 1/1/23)

- 6. Re: Ex parte motions for temporary conservatorship (Rule 1010) - Removal of the requirement for petitioners to deliver a set of hard copies of the pleadings to the document examiners and court investigators:**

##### Rule 1010 - Ex Parte Motions for Temporary Conservatorships

All persons seeking temporary appointment as a probate conservator must complete the following:

- (a) Set an appointment with the clerk of the judge acting as the probate judge at least 24 hours prior to the hearing;
- (b) Comply with all statutory notice requirements;

- (1) File the petition for temporary conservatorship and general conservatorship and all the supporting documents;
  - (2) Secure a hearing date from the clerk's office, Room 201, for the petition to appoint a temporary probate conservator and enter the hearing date on the proposed temporary order as the date for expiration of the temporary order and letters;
- (c) The document examiner will review the documents and provide the court with a checklist indicating the completeness of the documents prior to the hearing.
- (d) Once a hearing date has been issued on the petition for general conservatorship, it may not be removed from the calendar except by written stipulation and order of the court.  
(01/01/07) (Revised 01/01/09)

# TULARE COUNTY SUPERIOR COURT

## POLICY AND PROCEDURES ON REQUESTS FOR FUNDS AND PAYMENTS IN CAPITAL CASES UNDER PENAL CODE SECTION 987.9 AND IN ALL OTHER CRIMINAL CASES

### I. POLICY

Penal Code section 987.9 provides for authorization of funds for payments to investigators, experts and others that are reasonably necessary for preparation of the defense of indigents in capital cases. Section 987.9 is only applicable to murder cases in which the death penalty is sought, even though the offense charged is statutorily punishable by death. However, prosecutions under Penal Code section 190.05(a) (second degree murder with prior prison term for murder) are covered by section 987.9.

Additionally, as to *all* criminal cases (including those in which the death penalty is not sought) and juvenile cases an indigent defendant's or minor's (hereinafter referred to as defendant) right to counsel includes the right to use investigators, experts and others in the preparation of a defense pursuant to the federal Constitution's guaranty of the right to counsel and its due process clause (U.S. Constitution, 6<sup>th</sup> and 14<sup>th</sup> Amendments).

**Review Judge:** A judge assigned by the presiding judge of the Tulare County Superior Court will review all requests for funds submitted in death penalty cases under section 987.9. This judge shall be known as the "987.9 judge". (See exhibit one attached hereto for the name of the current 987.9 judge.)

The 987.9 judge will also review requests for funds for investigators and ancillary services in *all* criminal cases in which the death penalty is not sought. Requests in juvenile matters must be presented to the presiding judge of the Juvenile Court. *However, the judge where the matter is currently pending, and not the 987.9 judge, has the responsibility to review all requests for funds and payments to experts in cases not seeking the death penalty pursuant to Evidence Code section 730 or other applicable code section.*

**Confidentiality:** All requests for funds submitted to the 987.9 judge, and orders issued in response, shall be confidential and maintained in a case file that is separate from the criminal case. The confidential file shall have an independent file number and be known as the "987.9 file".

If a defendant waives his or her privilege of confidentiality by providing information on the record to a judge in a criminal department concerning his or her 987.9 file, the 987.9 judge may release information to the judge in the criminal department regarding the status and contents of requests and orders contained in the defendant's 987.9 file.

**Revocation of Orders:** *All orders authorizing funding for a pro-per defendant are immediately revoked and vacated upon termination of a defendant's pro-per status or resolution of the criminal or juvenile case.* The court will deny all requests for payment for work performed or services provided subsequent to the termination of a defendant's pro-per status or resolution of the criminal case unless pre-approved by the court.

The defendant shall immediately notify the 987.9 judge and judge in the pending criminal department if granted expert funding in a non death penalty case and all service providers of the termination of his or her pro-per status or resolution of the criminal case.

Additionally, all service providers shall verify a case is active and, if the defendant was pro-per when authorization for funding was approved, that the defendant continues to be pro-per prior to performing work or providing a service.

## **II. PROCEDURES**

### **A. Request for Funds**

**Contents of Request:** All initial requests for funds submitted by a defendant or defendant's counsel to the court shall be in writing and contain:

- 1) The name of the defendant, description of pending charges and criminal case number;
- 2) A detailed description of the service requested and the need for the service; and
- 3) A declaration signed under penalty of perjury by the defendant that lists the defendant's assets and liabilities and shows that he or she is indigent. Defendants who are represented by counsel shall use the Mandatory Judicial Council Form CR-115 entitled Defendant's Statement of Assets.

All subsequent requests for funds shall state:

- 1) the name of the defendant and the 987.9 file number instead of the criminal case number; and
- 2) a detailed description of the service and need for service.

**Phone Cards:** Requests for phone cards provided by the Tulare County Sheriff's Office to pro-per defendants who are in custody shall also state the amount of money the defendant requests per week for legal telephone calls.

**Office Supplies:** Requests for office supplies provided by the Tulare County Sheriff's Office to pro-per defendants who are in custody shall also state the tier level of supplies the defendant requests as follows:

- 1) Tier 1 for cases in which the death penalty is sought--supplies may be ordered up to the current limit set by the Sheriff's Office once per week;

- 2) Tier 2 for all other felony cases—supplies may be ordered up to the current limit bi-weekly; and
- 3) Tier 3 for misdemeanor cases—supplies may be ordered once a month.

**Service Providers:** Requests for funds for a service provider shall also state:

- 1) the name, address, and qualifications of the provider;
- 2) the proposed hourly rate to be paid for work performed; the rate shall not exceed \$50.00 per hour.
- 3) the number of hours anticipated for the work to be completed; and
- 4) the total fee for the work requested.

A request for funds for a private investigator shall also state the investigator's professional license number.

**Orders:** All requests for funds shall contain an original separate proposed order allowing for the request plus one copy and a self-addressed stamped envelope.

If the request is for a service provider, the proposed order shall state:

- 1) the name and address of the provider appointed;
- 2) the proposed hourly rate to be paid;
- 3) the number of work hours authorized; and
- 4) the total fee approved.

If the request is for a phone card, the proposed order shall state the amount of money authorized per week for the phone card; if the request is for office supplies, the proposed order shall state the tier level of supplies authorized.

If a request for funds is approved, the defendant or defendant's counsel shall provide a copy of the order approving the request and a copy of this policy to the provider authorized to receive the funds.

If the defendant or defendant's counsel submits additional copies of the proposed order, the clerk of the 987.9 judge will mail conformed copies of the order to the defendant or defendant's counsel.

**Presentation of Request:** All requests for funds, **except for requests for expert funding in non death penalty cases**, shall be presented to Court Administration. (See exhibit one attached hereto for the location of Court Administration.) The request shall not be filed or lodged with the criminal clerks in Room 124. **Request for expert funding in non death penalty cases shall be presented to the clerk of the judge in the pending criminal department.**

All requests to the 987.9 judge shall be contained in a sealed envelope marked confidential and addressed only to the 987.9 judge.

**Approval of Request:** The court will only approve requests for funds that are shown to be reasonable and necessary.

**B. Request for Payment**

**Allowable payments:** All service providers, including the Tulare County Sheriff's Office, shall only submit requests for payment for work performed or services provided that have been previously authorized in writing by the 987.9 judge. The court will deny requests for payment that have not been pre-approved.

All service providers shall only submit one request for payment per month per case. *The request shall only include work performed or services provided in the immediate prior month (i.e. a request submitted in May shall only include work performed or services provided in April).* Late requests for work performed or services provided in any earlier month will be denied.

**Contents of Request:** Requests for payment shall state the defendant's name and the 987.9 file number instead of the criminal case number. Requests shall contain a detailed statement showing:

- 1) the date of service;
- 2) type of service;
- 3) time spent;
- 4) costs incurred;
- 5) sub-total for each entry; and
- 6) grand total of the amount requested.

The court will not approve requests for payment for normal overhead costs which include, but are not limited to, a portion of the provider's office rent, telephone installation or monthly charges, or time spent preparing a request for payment.

Each request for payment for work performed shall contain a declaration submitted by the provider that states:

"I, \_\_\_\_\_, declare under penalty of perjury, that the work for which payment is being requested was performed as submitted to the court in this request for payment."

If a defendant is represented by counsel, a request for payment shall contain a declaration submitted by the attorney that states:

"I, \_\_\_\_\_, declare under penalty of perjury, that the work for which payment is being requested is within the scope of work I requested."



**Receipts:** Requests for payment of costs shall contain a copy of the receipt showing the cost was incurred.

Costs for photocopies shall be paid at a reasonable rate, but shall not exceed 10 cents per copy.

**Mileage:** Mileage shall be paid at the rate of 62.5 cents unless otherwise stated in the order approving the request for funding.

*The court will not approve a request for payment for miles driven or travel time spent between an investigator's/expert's office located outside of Tulare County and the Tulare County border unless pre-approved. This means that an investigator/expert whose office is located outside of Tulare County will be paid mileage and travel time only from the Tulare County border for conducting any business in Tulare County.*

All providers who maintain an office outside of Tulare County and request funding for mileage or travel time shall submit a declaration with a request for payment that states:

“I, \_\_\_\_\_, declare under penalty of perjury that no time or travel expense between Tulare County and my office which is located outside of Tulare County is included in this statement.”

The court will not approve a request for payment for mileage and travel time outside of California unless it is *pre-approved or authorized in the order granting a request for funding.*

**Hotel Accommodations, Meals, and Air Faire:** The court will not approve a request for payment of hotel accommodations, meals, or air faire unless it complies with State of California guidelines and is *pre-approved or authorized in the order granting a request for funding.* State of California guidelines presently provide for compensation of meals as follows: \$8.00 for breakfast, \$12.00 for lunch and \$20.00 for dinner.

**Expert Witness Compensation:** Experts shall be compensated at a reasonable rate not to exceed \$200.00 per hour for review of court documents, consultation with attorney and/or client, laboratory work and preparation of testimony. The rate paid for courtroom testimony is \$500.00 for ½ day and \$800.00 for a full day. The rate paid for travel time is \$75.00 per hour.

**Orders:** All requests for payment shall contain an original separate proposed order allowing for the request plus one copy. *The proposed order shall not state the name of the defendant or the criminal case file number.*

The proposed order shall state:

- 1) the 987.9 file number;
- 2) the name, address, and social security or tax identification number of the provider; and
- 3) the grand total of the amount requested.

If a service provider submits additional copies of the proposed order and a self-addressed stamped envelope, the clerk will mail a conformed copy(s) of the order to the provider.

**Presentation of Request:** All requests for payment, **except for requests for payment to experts in non death penalty cases**, shall be presented to Court Administration. (See exhibit one attached hereto for the location of Court Administration.)

The request shall not be filed or lodged with the criminal clerks in Room 124. **Requests for payment to experts in non death penalty cases shall be presented to the judge in the pending criminal department.**

All requests shall be contained in a sealed envelope marked confidential and addressed only to the 987.9 judge.

**Approval of Request:** The court will only approve requests for payment that are shown to be reasonable and necessary.

#### EXHIBIT ONE

**Name and Address of the 987.9 Judge:**

Nathan D. Ide, Judge  
Tulare County Superior Court  
Visalia Division, Department 1  
221 S. Mooney Blvd.  
Visalia, CA 93291

**Address of the Clerk of the 987.9 Judge:**

Executive Assistant, Court Administration  
Tulare County Superior Court  
Court Administration  
221 S. Mooney Blvd., Room 303  
Visalia, CA 93291

The following forms are located on the court's website, [www.tulare.courts.ca.gov](http://www.tulare.courts.ca.gov) on the Local Forms Page. These forms are for mandatory use unless otherwise specified:

**CIVIL**

Declaration of Judgment Debtor Regarding Satisfaction of Judgment (CCP 116.850 (c)-Optional	CIV-001	Effective 07/01/2016
Notice of Motion/Motion-for Order Setting Aside Default/Judgement/Stay-Optional	CIV-002	Revised 06/28/2022
Order on Motion for Order Setting Aside Default/Judgement/Stay-Optional	CIV-003	Effective 08/01/2019

**COLLECTIONS**

Waiver of Rights for Bail Forfeiture	COL-001	Revised 05/01/2018
Waiver of Rights for Bail Forfeiture-Spanish	COL-002	Revised 06/01/2018
Collection Installment Application	COL-003	Revised 12/01/2017
Collection Installment Application-Spanish	COL-004	Revised 08/02/2022 (number change)
Correspondence to Commissioner-Optional	COL-005	Revised 08/02/2022 (number change)
Correspondence to Commissioner-Spanish/Optional	COL-006	Revised 08/02/2022 (number change)

**CRIMINAL**

Petition and Order for Dismissal Under PC Section 1210.1(e) (1)-Optional	CRIM-001	Revised -06/28/2022 (number change)
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**FAMILY**

Findings and Order After Hearing-Optional	FAM-001	Revised 07/01/2022
Settlement Conference Statement/Trial Brief-Optional	FAM-002	Effective 07/01/2016
Child Custody and Visitation Declaration Attachment-Optional	FAM-003	Effective 07/01/2016
Child Support Modification Declaration Attachment-Optional	FAM-004	Effective 07/01/2016

Attachment to Judgment-Child Custody Visitation	FAM-005	Effective 07/01/2016 Updated 08/09/22 number change
Attachment to Judgment-Child Support	FAM-006	Effective 07/01/2016 Updated 08/09/22 number change
Attachment to Judgment-Child Support Payable	FAM-007	Effective 07/01/2016 Updated 08/09/22 number change
Attachment to Judgment-Spousal Support	FAM-008	Effective 07/01/2016 Updated 08/09/22 number change
Attachment to Judgment-Property Division	FAM-009	Effective 07/01/2016 Updated 08/09/22 number change
Attachment to Judgment-Other Orders	FAM-010	Effective 07/01/2016 Updated 08/09/22 number change
Petition for Grandparent Visitation	FAM-011	Effective September 2022
Declaration of Supervised Visitation Provider (non-professional)	FAM-013	Effective September 2022
Stipulated Order for Relocation	FAM-012	Effective 07/01/2016 (Updated 08/30/22 number change)

**FAMILY COURT SERVICES**

Online Family Dispute Resolution Orientation Directions	FCS-001	Revised 07/22/2022
Online Family Dispute Resolution Orientation Directions-Spanish	FCS-001a	Revised 08/26/2022
<b>Minor Marriage</b>		
Pre-Age (Minor) Marriage Questionnaire	FCS-200	Effective 07/01/2016
Pre-Age (Minor) Marriage Questionnaire-Spanish	FCS-201	Effective 07/01/2016
Certification of Premarital Counseling	FCS-202	Effective 07/01/2016 (number change 8/8/22)
<b>Probate-Conservatorship</b>		
Confidential Contact Information Conservatorships-Optional	PRO-001	Effective 07/01/2016

Confidential Conservatorship Care Plan	PRO-005	Effective 07/10/2018 (number change 8/29/22)
Conservatorship Questionnaire	PRO-006	Effective 07/01/2016 (number change 8/29/22)

**Probate-Guardianship**

Objection to Guardianship-Optional Petition for Order To Modify Order, etc.	PRO-002 PRO-003	Effective 07/01/2016 Effective 07/01/16 (number change 8/29/22)
Confidential Guardianship Questionnaire	PRO-004	Effective 06/01/2016 (number change 8/29/22)
Petition to Transfer Venue of Guardianship or Conservatorship-Optional	PRO-007	Effective 08/01/2019
Declaration of Due Diligence	PRO-008	Effective 06/01/2016 (number change 8/29/22)

**Step-Parent Adoption**

Declaration of Due Diligence in Support of a Request for an Order of Publication or For Order Dispensing with Notice-Optional	ADO-001	Effective 07/01/2016
Petition to Declare Minor Free from Parental Custody and Control and Terminate Parental Rights	ADO-002	Effective 07/01/2016 (number change 8/30/22)
Declaration of Custodial Parent	ADO-003	Effective 07/01/2016 (number change 8/30/22)
Citation for Freedom from Parental Custody	ADO-004	Effective 07/01/2016 (number change 8/30/22)
Application and Order for Publication or Dispensing with Notice to Alleged Father on Petition to Terminate Parental Rights	ADO-005	Effective 07/01/2016 (number change 8/30/22)

Findings and Order of the Court on the Petition to Declare Minor(s) Free from Parental Custody and Control and Terminate Parental Rights	ADO-006	07/01/2016 (number change 8/30/22)
Stepparent or Domestic Partner Adoption Informational Questionnaire	ADO-007	Effective 07/01/2016 (number change 8/30/22)

**JUVENILE**

Appeal Rights-Delinquency-Optional	JUV-001	Effective 07/01/2018
Appeal Rights (Parent)-Dependency-Optional	JUV-002	Effective 07/01/2018
Appeal Rights (Child)-Dependency-Optional	JUV-003	Effective 07/01/2018

**MISCELLANOUS**

Request for Permission to Use Electronic Device- Private Attorney or Unrepresented Party	TCSC-001	Revised 01/01/2020
Request for Permission to Use Electronic Device on All Cases Assigned	TCSC-002	Revised 01/01/2020