

Superior Court of California
County of San Luis Obispo

Court Administration

Rita Federman
Presiding Judge

Michael Powell
Court Executive Officer



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March 29, 2024

Notice of Local Rules Updates

In compliance with California Rules of Court 10.613 and 10.614, the Superior Court is distributing for comment, proposed local rules and/or amendments to the local rules. The proposed changes will be effective July 1, 2024.

- RULE 3.05 VIDEOCONFERENCE COURT APPEARANCES
- RULE 10.02 ARREST AND SEARCH WARRANTS [REPEALED]
- RULE 10.11 SENTENCING
- RULE 19.21 INCORPORATION OF MARITAL SETTLEMENT AGREEMENT
- RULE 19.22 SURROGACY JUDGMENT CHECKLIST
- RULE 31.04 WAIVER OF FEES

The proposed changes are attached to this notice and may also be found online at:

<https://www.slo.courts.ca.gov/forms-filing/local-rules>. A hard copy of the proposed changes is available upon request.

Please submit all comments to LocalRulesComments@slo.courts.ca.gov.

Michael Powell,
Court Executive Officer

RULE 3.05 VIDEOCONFERENCE COURT APPEARANCES

- (a) Effective November 13, 2023 all three San Luis Obispo County Family Law Departments (7, 11 and Paso-1) will return to in-person appearances for all hearings except as indicated herein. Videoconference sessions will no longer be utilized except in limited circumstances and only after prior written request.
- (b) Parties and attorneys may ask for videoconference appearances for good cause on a case-by-case basis. Videoconference court appearances will generally not be granted solely because an attorney is double set in another courtroom, in trial in another county close in time to their appearance, or because they are from out of town.
- (c) The local form FL-015 to request a videoconference appearance is located on the court's website. The request must be made seven (7) days prior to the calendared hearing. The request must be granted. If the request is denied, you must attend court in person.
- ~~(d)~~ Videoconference court appearances ~~are still~~ will remain available for Domestic Violence hearings pursuant to California Family Code Section 6308, and non-evidentiary hearings such as voluntary settlement conferences, trial setting conferences, and trial readiness conferences.
- ~~(d)~~(e) Court appearances for hearings involving the Department of Child Support Services are only available by videoconference.

Rule 3.05 adopted effective July 1, 2024.

RULE 10.02 ARREST AND SEARCH WARRANTS [REPEALED]

~~All requests for search warrants must be presented to the District Attorney's Office for review prior to being presented to a judge and must be approved as to form by a prosecutor who has reviewed and approved the request. Search warrants for driving under the influence (DUI) cases which use the pre-approved template for a DUI blood draw search warrant do not require District Attorney approval.~~

~~*Rule 10.02 repealed effective July 1, 2024; (Adopted effective January 1, 2017-11/17; amended effective January 1, 11/2020.)*~~

RULE 10.11 SENTENCING

(a) Probation Modification

(1) Notice Requirements

The court requires not less than 10 days' notice to calendar a motion for modification of probation. The request to place the motion on calendar must be made by the defendant in person or by counsel.

(2) Jail Time Modifications

Request for "modification" of jail time may be calendared provided that not more than seven days have elapsed since the failure to appear at the jail and/or probation has not been revoked and a bench warrant issued. (Amended 1/1/08)

(b) Fine Payments

(1) Fine Payments by Installment

The Court will accept partial payments on criminal fines as ordered by a judicial officer. Court ordered payment plans will include specified due dates and minimum amounts of the payments.

(2) Cash Bail

In all cases wherein the defendant has posted cash bail and the court imposes a sentence which includes a fine payable in installments, any cash bail must be applied toward the fine. This must not relieve a defendant of making payment at such time and in such amount as ordered by the court, but must be credited to reduce the fine balance.

(3) Failure to Pay Fine

Fines due on traffic cases and criminal cases with summary or bench probation without Victim Restitution orders may be referred to a collection agency for non-payment. Penal Code Section 1214.1 authorizes courts to "impose a civil assessment of up to one hundred dollars (\$100) against a defendant who fails, after notice and without good cause, to appear in court for a proceeding authorized by law or who fails to pay all or a portion of a fine ordered by the court or to pay an installment of bail as agreed to under section 40510.5 of the Vehicle Code." It shall be the policy of this court that the civil assessment fees shall not be imposed pursuant to this statute, will be subject to the addition of a \$300 Civil Assessment pursuant to PC1214.1 if the fine becomes delinquent. ~~In instances when the Court has contracted with a collection agency for the purpose of collecting delinquent court accounts, all payments for the cases referred to the collection agency will be made to the collection agency and remitted to the Court in accordance with the terms of the contract.~~

(Subd (b) amended effective July 1, 2024; previously amended effective July 1, 2022)

(c) Conditional Sentence

Informal probation, summary probation or bench probation are conditional sentences as defined in Penal Code Section 1203.

(d) Proof of Compliance with Conditions of Probation

In criminal and traffic cases in which a defendant has been placed on informal, summary, or bench probation with a requirement by a certain date that the defendant show:

- (1) Proof of completion of alternate work service;
- (2) Proof of obtaining a license;
- (3) Proof of payment of restitution;
- (4) Proof of fine payment;
- (5) Proof of completion of DUI School or AA attendance; or reappear in court on a certain date; the clerk is authorized to receive and file the appropriate proof and to take the matter off calendar.

In cases where there is some question as to whether the proof is appropriate, the clerk will so notify the defendant and advise the defendant to reappear in court.

(e) **Jail Sentences - Credit for Time Served**

Unless otherwise indicated by a sentencing judge, when a defendant is ordered to serve time in the County Jail either as a sentence or condition of probation, the defendant must be deemed entitled to credit for any days actually served in custody. Where possible, the sentencing judge must determine the total number of actual days to be credited to a defendant's time so that the date of admission and release from custody can be specified.

~~*(Subd(b) amended effective July 1, 2022)*~~

Rule 10.11 ~~*A*~~*a* amended effective July 1, 2018.

RULE 19.21 INCORPORATION OF MARITAL SETTLEMENT AGREEMENT

No marital settlement agreement shall be approved by the Court or incorporated by reference in a judgment unless:

- (a)** The petition refers to the property settlement agreement; or the agreement, or a separate stipulation signed and filed by the parties in pro per and their respective attorneys if they are represented provides that the agreement may be presented for Court approval and incorporation.
- (b)** If both parties are represented by counsel, the marital settlement agreement shall be signed by both attorneys and the parties.
- (c)** If only one party is represented by counsel, the attorney for that party signs the marital settlement agreement and the other party signs a statement in the agreement, or a declaration, or affidavit, that that party has been advised to consult an attorney regarding the agreement but declined to do so.
- (d)** If neither party is represented by counsel, the marital settlement agreement shall be signed by both parties.

Rule 19.21 adopted effective July 1, 2024.

RULE 19.22 SURROGACY JUDGMENT CHECKLIST

When filing a Parentage Judgment via surrogacy contract pursuant to California Family Code section 7620 et. seq., the submitting party must:

- (a)** Complete, sign and file a form FL016 - Surrogacy Judgment Checklist;
- (b)** File all related documents in the order set forth in the Surrogacy Judgment Checklist in the exact order of the checklist; and
- (c)** Identify and name all filed documents exactly as they are listed in the Surrogacy Judgment Checklist.

Rule 19.22 adopted effective July 1, 2024.

RULE 31.04 WAIVER OF FEES

The court permits a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court will consider and determine the application in accordance with sections 68632 and 68633 of the Government Code and will not require the party or attorney to submit any documentation other than that set forth in Government Code Section 68633. Nothing in this section requires the court to waive a filing fee that is not otherwise waivable.

Pursuant to Government Code Section 686636, the court may reconsider the initial fee waiver and order the fee waiver withdrawn for future fees and costs or deny the fee waiver retroactively. At the end of the case, the court may recover fees and costs that were initially waived pursuant to Government Code Section 68637.~~The court will consider and determine the application in accordance with section 68511.3 of the Government Code and will not require the party or attorney to submit any documentation other than that set forth in section 68511.3 of the Government Code. Nothing in this section requires the court to waive a filing fee that is not otherwise waivable.~~

~~*-Rule 31.04 amended effective July 1, 2024; (Adopted effective July 1, 20-7/1/15.)*~~