



Superior Court of the State of California
County of Kings

Nocona Soboleski
Court Executive Officer
and
Clerk of the Court

NOTICE OF PROPOSED ADOPTION OR AMENDMENT OF LOCAL RULES
(Pursuant to Cal. R. Ct., rule 10.613)

To:

- The State Bar of California
- The Attorney General, State of California
- Local Bar Associations, Kings and adjoining Counties
- Office of the District Attorney, Kings and Adjoining Counties
- Office of the County Counsel, Kings and adjoining Counties
- Contracted Defense Counsel of Kings County
- Office of the Public Defender in Adjoining Counties
- Interested Others

Please be advised that on or before May 17, 2022, the Judges of the Kings County Superior Court will adopt additions and/or amendments to the official Local Rules of Court, to be effective on July 1, 2022.

On or before April 1, 2022, copies of all rules proposed for adoption and/or amendment will be posted on the Court's website (<http://www.kings.courts.ca.gov>) for review in conformity with Rule 10.613 of the California Rules of Court. In addition, paper copies of the Rules will be available for review in the Clerk's Office of each Division of the Kings County Superior Court.

The Court specifically invites any comments you may desire to make regarding the Court's proposed Rule changes. Requests for paper copies of the proposed changes to the Rules, and any comments on the proposed rules must be addressed as follows:

Nocona Soboleski, Executive Officer and Clerk of the Court
Superior Court of California, Kings County
1640 Kings County Drive
Hanford, California 93230

Comments must be received before 9:00 a.m. on May 16, 2022.

Thank you for your continuing assistance to us in maintaining and improving the administration and effectiveness of our local trial court rules.

NOCONA SOBOLESKI
Superior Court Executive Officer and Clerk of the Court
Publisher of Trial Court Rules

PROPOSED LOCAL RULES
(Effective 7/1/22)

The Kings County Superior Court proposes to add or amend the following Local Rules to become effective on July 1, 2022:

RULE 125 – Electronic Filing (E-Filing) Rules

K. Criminal and Traffic Cases

Absent express authorization of the presiding judge, no party or counsel may submit a document related to any criminal or traffic matter via e-filing. The court will reject any documents submitted in violation of this rule. However, the failure of the court to notify a party/counsel about its rejection of a document submitted in violation of this rule will not excuse or otherwise extend the original filing deadline for the document.

(Eff. 10/1/14; amended 7/1/18; amended and renumbered 7/1/21; amended eff. 7/1/22)

RULE 309 – Legal Research Copies

- A. In connection with ex parte applications or oppositions to ex parte applications to be heard by the court within 2 court days of filing, the moving party and any party opposing the application, shall lodge an additional copy of all filed documents and exhibits. The additional copy provided for under this rule shall be a complete unaltered photocopy of the documents and exhibits filed. Legal research copies are not required in connection with ex parte applications for orders shortening time and ex parte applications and/or oppositions, filed with more than 2 court days prior to the hearing. There is no exception for documents which are electronically filed.
- B. In connection with any regularly scheduled motion, any document filed within 2 court days of the hearing shall lodge an additional copy of all filed documents and exhibits. The additional copy provided for under this rule shall be a complete unaltered photocopy of the documents and exhibits filed. Unless expressly ordered by the assigned judicial officer, legal research copies are not required in connection with any document filed more than two court days prior to the hearing of a regularly scheduled motion. There is no exception for document that are electronically filed.
- C. In all instances where documents are filed electronically, legal research copies may be submitted via the following email address: research.copies@kings.courts.ca.gov. The email address may be used only for the submission of legal research copies and will not be monitored for communications.

Legal research copies submitted to this address must be in PDF format and be labeled as follows: Case No., Submitting Party, Document title, hearing date.

(For Example) Defendant JAMES DOE's Opposition to Motion for Summary Judgment in Case No. 23C0001 to be heard on January 1, 2024 shall be labeled:

23C0001JAMESDOEOppositiontoMotionforSummaryJudgmentJanuary12024

- D. In all instances where documents are not electronically filed, legal research copies may be submitted in person at the time of filing or by email as set forth above.
- E. Legal research copies must be submitted simultaneously with, or prior to, the actual filing of the document with the court.
- F. Any failure to strictly comply with this Rule may result in a delay of the court's hearing and consideration of the motion or application.

RULE 404 – Procedures in Unlawful Detainer Cases

J. Application for Stay of Eviction

1. After the issuance of Judgment and Writ of Possession any party-initiated application for stay of execution must be directed first to the trial judge who rendered the Judgment. The court may stay execution of the judgment for up to 40 days without the landlord's consent in a limited civil case, or up to 70 days in an unlimited case.

2. Any Application for Stay of Execution must be presented using Kings County Superior Court Local Form UD-10 or a declaration which includes the same information. Subject to page limitations otherwise set forth within the Local Rules of the Kings County Superior Court, additional pages may be added to Local Form UD-10 as needed. Any Application submitted without the use of Form UD-10 must on either the first or last page, include the following advisement in at least 12-point type:

NOTICE TO LANDLORD/OWNER: You are being served with a copy of this Application because the Defendant in this case has sought an order staying execution of a Judgment and Writ of Possession previously issued. If you wish to oppose the Application, you should immediately file and serve your written opposition with the court. If a hearing is set in regard to the Application, you will be mailed notice by the court. ***Please see Kings County Superior Court Local Rule 404 for more information about this process.***

3. Prior to filing, an Application for Stay of Execution must be served via personal delivery, overnight mail, or electronic service upon the opposing party or their attorney of record. Proof of such service must accompany the Application at the time of filing.

4. Applications for Stay of Execution will be processed as follows:

(a) Two (2) court days after receiving an Application for Stay of Execution, the Application will be directed to the trial judge who rendered the Judgment. **No hearing date will be set.**

(b) The trial judge will review the Application to determine whether: the application should be granted without hearing, a hearing should be set, or the application should be denied without hearing. If a hearing is set, the Clerk of the Court will mail notice to all parties in the action as to the date, time, and location of the same.

(c) If a hearing date is set and a stay of execution is order pending that hearing, the Clerk of the Court will notify the Kings County Sheriff's Department that a temporary stay of execution has been issued by the court.

(d) Where a hearing date is set by the court, any party wishing to oppose the Application who has not already filed an opposition with the court, may file and serve a written opposition. The opposition shall be filed and served not less than two (2) court days prior to the hearing. Any documents received less than two (2) court days prior to the hearing may not be considered by the court or may result in a delay of the relevant hearing. Service of the opposition shall be completed via personal delivery, overnight mail, or electronic service.

5. A separate Application must be filed by each Defendant seeking to stay execution of the writ of possession.
6. Nothing contained herein restricts the ability of the trial judge to *sua sponte* stay enforcement of Judgment or a Writ of Possession.

(Eff. 1/1/99 as Rule 406; renumbered 1/1/17; amended 7/1/18; amended 7/1/22)

RULE 513 – Circumstances in Aggravation

A. Consistent with California Penal Code §1170(b)(2), except where evidence supporting an aggravating circumstance is admissible to prove or defend against the charged offense or enhancement at trial, or it is otherwise authorized by law, circumstances in aggravation alleged in the indictment or information may be bifurcated from the trial of charges and enhancements.

B. On or before trial readiness, the Defendant shall inform the People and the court whether a request for bifurcation consistent with California Penal Code §1170(b)(2) is being made.

C. Any dispute between the parties about whether evidence supporting an aggravating circumstance is admissible to prove or defend against a charged offense or enhancement at trial, or is otherwise authorized by law, shall be submitted for determination by in the form of a motion in limine.

D. Where bifurcation has been requested by Defendant as set forth herein, the People shall prepare a separate verdict form addressing bifurcated factors in aggravation.

(Eff. 7/1/22)

RULE 535 – All Purpose Assignment

All-purpose judicial assignments have been adopted in connection with criminal cases. All interested parties are directed to review the current version of the Standing Order re All Purpose Assignment of Criminal Cases available for public viewing on the court's website.

(Eff. 7/1/22)

RULE 614 – Standards of Representation in Dependency Cases

E. Each court appointed counsel, including those employed by county offices, must annually complete and file a "Certificate of Competency," and file it with the Presiding Judge of the Juvenile Court. A copy of a form "Certificate of Competency" will be provided upon request. Requests and completed Certificates should be directed to:

Ms. Hope Hernandez, Sr. Executive Svc. Coordinator
Kings County Superior Court
1640 Kings County Drive
Hanford, California 93230

(Eff. 1/1/99 as Rules 623 through 625; amended and renumbered 7/1/08; amended 7/1/17, amended 7/1/22)

RULE 615 – Standards of Representation in Delinquency Cases

Ms. Hope Hernandez, Sr. Executive Svc. Coordinator
Kings County Superior Court
1640 Kings County Drive
Hanford, California 93230

(Eff. 7/1/17, amended 7/1/22)

RULE 623 – Remote Appearances in Dependency Cases

A. Except as otherwise ordered by the court, after disposition orders have been made, any party or counsel participating in the proceeding may, but is not required to, appear remotely at non-contested hearings without further notice to any party or counsel.

B. For contested hearings, all parties, counsel, and non-expert witnesses are required to appear in-person unless otherwise specifically authorized by the Court. Any person providing testimony must appear in-person absent agreement by all the parties.

C. Parties or witnesses appearing remotely must be in a location free of distractions or outside noise. In addition, they must have access to the appropriate technology to facilitate their remote appearance. The Kings County Superior Court utilizes BlueJeans Video Conferencing to allow parties and witness to appear for remote appearances.

D. Remote proceedings are confidential, and remain confidential even where parties or counsel appear remotely. Accordingly, no photographs, recording, and/or broadcasting may occur. In addition, any party or witness appearing remotely in a Juvenile Dependency Case must be in a location and have the necessary privacy and security to maintain the confidential nature of the conference, hearing, proceeding, or trial.

E. Remote link information can be obtained from the Administrative Office of the Court (Ext. 6003).

(Eff. 7/1/2022)

In addition, the Kings County Superior Court proposes to adopt the following local forms for use beginning on July 1, 2022:

1. Request for Release of Confidential Adoption and/or Related Information [AD-50];
2. Order Regarding Request for Release of Confidential Adoption Information [AD-51]; and,
3. Application for Stay of Eviction [UD-10]

Copies of each of the proposed local forms are attached hereto for review.

The Kings County Superior Court will remove from its website and/or local rules, reference to the local forms titled:

1. "Advisement of Rights, Waiver, and Plea Form Deferred Entry of Judgment (Penal Code §1000 *et. seq.*)" [PRU-1000]; and,
2. Withdrawal of Request for Order [FL-3]

Furthermore, the following local rules, which were previously noticed for adoption on January 1, 2022, will instead be submitted to Judicial Council for adoption on July 1, 2022:

RULE 106 – Payment of Fees and Fines

J. *The court is not required to accept payment in coin.*

(Eff. 1/1/99; amended 7/1/08; amended 7/1/22)

RULE 113 – Filing Exhibits to Documents with the Court

D. Since they cannot be easily scanned into the court's electronic case management system, exhibit tabs should not be used to separate exhibits from pleadings, motions, *declarations*, or other documents.

(Eff. 7/1/15; amended 7/1/22)

RULE 404 – Procedures in Unlawful Detainer Cases

D. Request to Set Trial Date –

1. Within fifteen (15) days from the date the unlawful detainer answer is filed, the plaintiff shall file a Request to Set Case for Trial (UD-150), unless a judgment, request for dismissal, or notice of conditional settlement has been filed. By filing a Request to Set Case for Trial, a party represents that the case is at issue and will be ready to proceed to trial on the date assigned. The opposing party may object to the Request to Set Case for Trial in an unlawful detainer action by serving and filing a counter request within five (5) days. *In the event that a jury trial is requested and set both parties shall comply with Local Rule 312 – Rules for Civil Trial.*

(Eff. 1/1/99 as Rule 406; renumbered 1/1/17; amended 7/1/18; amended 7/1/22)

ATTORNEY OR PARTY <i>(Name and Address):</i>	TELEPHONE NO.:	<i>FOR COURT USE ONLY</i>
ATTORNEY FOR (NAME):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD, CA 93230		
Case Name:		
REQUEST FOR RELEASE OF CONFIDENTIAL ADOPTION AND/OR RELATED INFORMATION		Case Number:

YOU MUST PROVIDE A VALID COPY OF YOUR GOVERNMENT ISSUED IDENTIFICATION WITH THIS REQUEST

1. Case Number: _____
2. Adopted name of child: _____
3. Name of child prior to adoption: _____
4. Name of adoptive parents: _____
5. Name of natural parents: _____
6. Approximate date of adoption in Kings County: Month ____ Day ____ Year ____
7. Approximate birth date of child: Month ____ Day ____ Year ____

8. I am the: Adoptive father/mother Natural father/mother Adopted child
 Other: _____

9. I desire: Certified copy of adoption decree
 Other: _____

10. Name(s) of person(s) submitting request:

Present Name: _____

Former Name: _____

11. Telephone number of person making request: _____

12. **STOP HERE** if you are the adoptive parent, attorney of record, or an employee of the Social Services/Probation Dept.

13. If you are not a person listed on Item 12, the Clerk must have written authority of the Court before providing information. The Court will not give such authorization except in "exceptional circumstances" (Family Code 9200)

Explain here the reason(s) you require the information requested: _____

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

Dated: _____

Signature

Page 2

REQUEST FOR RELEASE OF CONFIDENTIAL ADOPTION AND/OR RELATED INFORMATION

ATTORNEY OR PARTY <i>(Name and Address):</i>	TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (NAME):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD, CA 93230		
Case Name:		
ORDER REGARDING REQUEST FOR RELEASE OF CONFIDENTIAL ADOPTION INFORMATION		Case Number:

The Court has reviewed _____ *(name of petitioner)* Request for Release of Confidential Adoption Information.

Based upon the circumstances outline in the request, the Court orders:

Authority is granted to the Clerk to release adoption information to the person requesting.

Request is denied.

DATE: _____

 JUDGE OF THE SUPERIOR COURT

ORDER REGARDING REQUEST FOR RELEASE OF CONFIDENTIAL ADOPTION INFORMATION

ATTORNEY OR PARTY (Name and Mailing Address): TELEPHONE NO.: ATTORNEY FOR (NAME):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS STREET ADDRESS: 1640 KINGS COUNTY DRIVE MAILING ADDRESS: 1640 KINGS COUNTY DRIVE CITY AND ZIP CODE: HANFORD, CA 93230	
PLAINTIFF: DEFENDANT:	
<p style="text-align: center;">APPLICATION FOR STAY OF EVICTION (Kings County Superior Court Local Rule 404)</p> <p>NOTICE TO APPLICANT: You must serve a copy of this Application upon the Property Owner/Landlord. Failure to do so in a timely manner may delay consideration of your request.</p>	Case Number:

Defendant/I _____ submit(s) this Application and Declaration for Stay of Eviction, as follows:

1. The Judgment was entered on _____.
2. This Application has not been filed more than 10 days past the notice of appeal period [40 days without the landlord's consent in a limited civil case, or up to 70 days in an unlimited case]. (CCP 918(b).)
3. The address of the property is: _____.
4. Defendant/I still reside on the property.
5. Defendant/I has/have received notice that removal from the Property will occur on:
 Date: _____ Time: _____ Agency: _____
6. An Appeal has / has not been filed in this case.
7. Defendant/I will suffer extreme hardship in the absence of a stay and/or will be irreparably injured by removal from the property, as follows: *(additional pages may be added to explain the extreme hardship or irreparable injury as well as documents proving same)*

PLAINTIFF:	Case No.
DEFENDANT:	

8. Defendant/I understand(s) that as a condition of remaining on the property, Defendant/I may be ordered by the court to compensate Plaintiff in a sum reflecting the daily rental value of the property.

9. Defendant/I allege(s) that the daily rental value of the property is: _____.

10. Defendant/I is/am asking to remain on the property until: _____.

11. A copy of this Application has been mailed or delivered to Plaintiff or Plaintiff's attorney. (Attach proof that service has been completed to this form). Defendant/I understand(s) that without proof that service of this Application has occurred, the court may delay its consideration of this request.

12. I declare under penalty of perjury pursuant to the laws of the State of California, that the facts set forth herein are true and correct. As to those matters expressly stated to be on information on belief, I believe them to be correctly and truthfully stated herein.

Dated: _____ (signature)

_____ (print name)

Defendant [or] Attorney for Defendant

NOTICE TO PROPERTY OWNER/LANDLORD

You are being served with a copy of this Application because the Defendant in this case has sought an order staying execution of Judgment and a Writ of Possession previously issued. If you wish to oppose the Application, you should immediately file and serve your written opposition with the court. If a hearing is set in regard to the Application, you will be mailed notice by the court.

Please see Kings County Superior Court Local Rule 404 for more information about this process.