



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

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Tamarah Harber-Pickens

Superior Court of California
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-4934

September 9, 2021

The proposed amendments to the Superior Court of California, County of Kern Local Rules of Court, for January 1, 2022, have been posted for comment at www.kern.courts.ca.gov. A hard copy of the proposed rules is available upon request.

1. Chapter I – General Rules
2. Chapter VI– Family Law Rules
3. Chapter VII – Probate Matters

You may submit comments by e-mail to WMAAdmin@kern.courts.ca.gov or mail to the following address:

Tamarah Harber-Pickens, Court Executive Officer
Superior court of California, County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received no later than 5:00 p.m. on Thursday, October 28, 2021.

Sincerely,

Tamarah L. Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern

CHAPTER I. GENERAL RULES – PROPOSED CHANGES

Rule 1.8.1 Additional Court Fees (Effective 7/1/14; rev. 1/1/20; *rev. 1/1/22*)

The Superior Court of California, County of Kern will charge the following fees:

- Off-site retrieval of files: \$20.00/per file
- Copy requests on compact discs (CD provided by Court) for copies of 30 pages or more:

<u>Number of pages</u>		<u>Total Cost</u>	
1-50 pages	-	\$13.00	<i>\$14.00</i>
51-75 pages	-	\$17.00	<i>\$19.00</i>
76-100 pages	-	\$21.00	<i>\$24.00</i>
101-125 pages	-	\$26.00	<i>\$29.00</i>
126-150 pages	-	\$30.00	<i>\$34.00</i>
151-200 pages	-	\$38.00	<i>\$44.00</i>

- ~~Postage for CD \$ 3.95~~
- ~~Additional Fees in addition to copy fees, search, and offsite record retrieval fees (if applicable), include but may not be limited to:~~

- *media platform (Blu-Ray, Cassette, VHS, etc.)*
- *\$58.00 per hour fee for:*
 - *CD/DVD - if transfer of recording requires more than one (1) hour of staff time*
 - *Making photocopies from hardcopies*
 - *Transfer of records from all other media platforms*
- *search fees*
- *offsite record retrieval fees (if applicable)*
- ~~p~~*Postage/s*Shipping (envelope provided by Court) for ~~h~~*Hardcopies:*

• 1-15 pages -	\$1.88	<i>\$2.13</i>
• 16-30 pages -	\$2.33	<i>\$2.73</i>
• 31-45 pages -	\$2.78	<i>\$3.13</i>
• 46-60 pages -	\$3.08	<i>\$3.73</i>
• 61-75 pages -	\$3.38	<i>\$4.13</i>

- ~~p~~*Postage for CD \$3.95**4.86*

The Court reserves the right to increase these fees ~~above~~ when the *cost of postage is increased by the* U.S. Postal Service ~~increase the cost of postage~~. A summary of the *calculations and documentation that support any increases in calculation of the Superior Court, County of Kern,* additional fees ~~is~~ *are available upon written request from*

~~on file with the Accounting Division and can be obtained by writing:~~

Superior Court of California, County of Kern
Accounting Division
1415 Truxtun Avenue
Bakersfield, CA 93301

Rule 1.13 Prohibition of Harassment, Discrimination, Retaliation, and Inappropriate Workplace Conduct Based on a Protected Classification (Effective 1/1/22)

The Court shall ensure that all persons are free from sexual harassment, discrimination, retaliation, and inappropriate workplace conduct based upon a protected classification. Any person who perceives he/she is the victim of such conduct in the courthouse, or any person who witnesses such conduct against another person, should immediately notify the Court Executive Officer, who may conduct an investigation. Alternatively, notification may be made to the Deputy Court Executive Officer of Human Resources, or any supervisor or manager. If the conduct originates from a judicial officer, notification should be made to the Presiding Judge or the Court Executive Officer.

The Court Executive Officer, or his/her designee, shall have the following duties and powers:

- a. Investigate any complaints promptly and thoroughly.*
- b. Ensure that the complainant's rights are protected.*
- c. When appropriate, consult with attorneys and/or members of the public.*
- d. Maintain confidentiality.*
- e. Maintain quarterly reports on complaints received.*
- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate such conduct in the court system.*

Rule 1.14 Civility (Effective 1/1/22)

Attorneys are expected to comply with the California Rules of Professional Conduct and strive to conduct themselves with dignity, courtesy, and integrity at all times.

CHAPTER VI. FAMILY LAW RULES - PROPOSED CHANGES

Rule 6.11 Custody Investigations by Family Court Services (Effective 7/1/03; rev. 1/1/13; rev. 7/1/18; rev. 1/1/22)

...

(c) The parties must disclose the existence of any related case involving either of the parties or the minor children of the parties. Examples of related cases include family

law, guardianship, domestic violence, criminal, and/or juvenile cases involving a minor child of one or both of the parties. (Effective 1/1/22)

(d) Nothing in this rule shall prevent an investigator from reporting to the Court the existence of another court case involving minor child(ren) at issue or their parent, stepparents, or legal guardians, for the purposes of coordinating court hearings and delivery of services. (Effective 1/1/22)

(e) Family Court Services mediations and investigations shall be held in private and shall be confidential. All communications, both verbal or written, made by the parties to the mediator/investigator during the investigation are deemed confidential. Family Court Services staff will not release information to any individual, except as authorized by the Court or statute. (Effective 1/1/22)

(f) It is the responsibility of the Court to assure that Family Court Services investigators and mediators adhere to the minimum qualifications, training, continuing education, and experience requirements as set forth in the California Rules of Court, rule 5.225. The Court's Human Resources Department will maintain a record of all required training. (Effective 1/1/22)

(g) Family Court Services investigators and mediators must document that they meet the qualifications and training requirements by submitting Judicial Council form FL-325 (Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications), to the Court. The FL-325 will be submitted: (1) within 10 days of the appointment; (2) prior to initiating evaluation services on a case; and (3) annually by January 1st of each year. The Court's Human Resources Department will maintain the FL-325 forms. (Effective 1/1/22)

Rule 6.21 Processing and Maintaining Reports and Declarations from Supervised Visitation Providers (Effective 7/1/21; rev. 1/1/22)

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~~ *All* professional supervised visitation providers 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. See Standard 5.20(e)(13). *Only trainings approved by the Judicial Council of California will be accepted by Kern County Superior Court.* The Declaration must be submitted to the Manager of the Family Court Services Department *before the first supervised visit for new providers. The FL-324(P) must be submitted the first week of January each year for professional providers already included on the list.* 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 Manager of the Family Court

Services Department. The forms and reports will be maintained by the Family Court Services Department. The Family Court Services Department will maintain a roster of providers who have submitted a form FL-324(P) in the past year. The roster will also be available on the Court's website, and the forms are available for review upon request. *The Court has the discretion to add or remove providers from the list based upon the needs of the Court, but does not endorse, evaluate, supervise, or monitor the listed providers or their facilities. (Effective 7/1/21; rev. 1/1/22)*

(b) Nonprofessional Supervised Visitation Providers' Obligations:

~~The~~ *All* nonprofessional supervised visitation providers must sign a Declaration of Supervised Visitation Provider (Nonprofessional) (form FL-324(NP) stating that all requirements to be a nonprofessional provider have been met. See Standard 5.20(d)(3)~~(e)(13)~~. The Declaration must be submitted to the Manager of the Family Court Services Department. The forms will be maintained by the Family Court Services Department. *(Effective 7/1/21; rev. 1/1/22)*

CHAPTER VIII. PROBATE MATTERS - PROPOSED CHANGES

Rule 8.10.3 Guardianship Questionnaires and Investigations (Effective 1/1/20; rev. 1/1/22)

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(f) Each proposed guardian must cooperate with the Family Court Services investigator in the preparation of an investigation report and must use all reasonable efforts to provide requested information in a timely fashion. The investigation may require an interview of the proposed ward, who must be made available for that purpose. (Effective 1/1/22)

(g) Nothing in this rule shall prevent an investigator from reporting to the court the existence of another case involving the children at issue or their parents, stepparents, legal guardians, or proposed guardians, for the purposes of coordinating court hearings and delivery of services. (Effective 1/1/22)

(h) The involvement of a minor in any other past or current court proceeding must be reported to the court and/or the investigator. The case name, the court, and the case number must be provided. (Effective 1/1/22)

(i) Nothing in this rule restricts an investigator from reporting suspected abuse or neglect of protected persons and the fact that such a report was made. However, the identity of the reporting party shall not be reported or disclosed. (Effective 1/1/22)

(j) Nothing in this rule restricts an investigator from reporting or serving as a witness when a crime has been committed, or is alleged to have been committed. (Effective 1/1/22)

(k) A proposed guardian's history of allegations of abuse or neglect reported by official agencies and any criminal history shall be submitted to the court in a confidential

supplemental report and will be released to the parties and/or counsel only if ordered by the court. (Effective 1/1/22)

Rule 8.11 Conservatorships (Effective 7/1/03; renum. 7/1/18; *rev. 1/1/22*)

Rule 8.11.1 Appointment of Conservator *and Investigation* (Effective 7/1/03; rev. 7/1/18 and renum. 7/1/18; *rev. 1/1/22*)

~~(a) A Petition for the Appointment of a Conservator must be filed in quadruplicate (for paper filings only), together with the Order Appointing Court Investigator and the Referral for Investigator's Report. (Effective 7/1/03; rev. 7/1/18)~~

~~(b)~~(a) The clerk will issue the initial citation. If the citee has not been served with *the* citation or such service is defective, a new citation must issue. If the matter is continued because the citation has not been served or service is defective, the court will order a new citation to issue and fix a new hearing date. (*Renum. 1/1/22*)

(b) *All proposed conservators filing initial petitions, except the Public Guardian and previously qualified private professional conservators, must provide the required information in order for a CLETS record check to be performed on the proposed conservator and other adults in the household. (Effective 1/1/22)*

(c) *Proposed conservator(s) must cooperate with the Family Court Services investigator in the course of the investigation and must use all reasonable efforts to provide information in a timely fashion. The investigation shall require an interview of the proposed conservatee, who must be made available for that purpose. (Effective 1/1/22)*

(d) *Nothing in this rule shall prevent an investigator from reporting to the court the existence of another case involving the proposed conservatee or conservatee or their proposed conservator for the purposes of coordinating court hearings and delivery of service. (Effective 1/1/22)*

(e) *Nothing in this rule restricts an investigator from reporting suspected abuse or neglect of protected persons and the fact that such a report was made. However, the identity of the reporting party shall not be reported or disclosed. (Effective 1/1/22)*

(f) *Nothing in this rule restricts an investigator from reporting or serving as a witness when a crime has been committed, or is alleged to have been committed. (Effective 1/1/22)*

(g) *A proposed conservator's history of allegations of abuse or neglect reported by official agencies and any criminal history shall be submitted to the court in a confidential supplemental report and will be released to the parties and/or counsel only if ordered by the court. (Effective 1/1/22)*