



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

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Terry McNally

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

The proposed amendments to the Superior Court of California, County of Kern, Local Rules of Court for January 1, 2017 are provided for your review at:
www.kern.courts.ca.gov

1. Rule 1.7.5 Metropolitan Division Venues
2. Rule 1.9 Facsimile Filing
3. Rule 1.10 Electronic Filing
4. Rule 6.1 Propria Persona Filings - Pleading Prepared by Third
5. Rule 6.1.1 Forms of Documents Presented for Filing
6. Rule 6.1.2 Obtaining a Hearing Date
7. Rule 6.18 Elisor Signatures By Clerk of Court
8. Rule 8.12 Forms of Documents Presented for Filing

You may submit your comments by email to: wadmin@kern.courts.ca.gov or mail your comments to:

Terry McNally, CEO
Superior Court of California
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received by 5:00 p.m. Tuesday, November 1, 2016.

Very truly yours,

TERRY McNALLY

Local Rules of Court (Distribution for Public Comment)

Per California Rules of Court 10.6.13, the Superior Court of California, County of Kern, is distributing the following proposed amendments to the Local Rules of Court for public comment for the January 2017 cycle. Public comment can be submitted by either mailing your comments to the Court Executive Officer, County of Kern, 1415 Truxtun Ave. Bakersfield, CA 93301 or submitting them via the following email site wmadmin@kern.courts.ca.gov. All submissions must be received by no later than the close of business on November 1, 2016.

1.7.5(g)(3) Family law cases that would have been filed in the Lake Isabella Branch in accordance with the “Venue by Zip Code” table as set forth in Appendix A instead shall be filed in the Ridgecrest Branch. When a case is filed in the Metropolitan Division by a Petitioner’s attorney who has an office in the Metropolitan Division, both parties reside in the Ridgecrest or Lake Isabella Branch venue, and at least one party is represented by an attorney whose office is in the East Kern Division venue, the case shall be transferred to the East Kern Division, Ridgecrest Branch, upon a properly noticed motion, unless the court hearing the motion finds that East Kern is an inconvenient forum.

Rule 1.9 Facsimile Filing (Effective 7/1/03; rev. 1/1/06; rev. 1/1/11; rev. 7/1/11; rev. 1/1/12; ren. 1/1/13, rev. 1/1/17)

The Superior Court of California, County of Kern, ~~has elected to~~ allows the filing of civil ~~and family law~~ documents by facsimile transmission through the use of a fax filing agency only. California Rules of Court Rules 2.300 et seq. applicable to fax filings through a fax filing agency apply. (Effective 7/1/03; rev. 1/1/11; rev. 7/1/11)

- (a) Fax filings received after 5:00 p.m. or on Court Holidays shall be deemed filed on the next court day. (Effective 7/1/03; rev. 1/1/11; rev. 7/1/11)
- (b) Fax filings not in compliance with applicable rules will not be accepted for filing by the court. The proper transmission of a document facsimile is the responsibility of the filing attorney or party, not the court. The filing agency must pay all applicable fees at the time of filing. (Effective 7/1/03; rev. 1/1/11; rev. 7/1/11)

~~(c) The transmission record, as defined in CRC Rule 2.301(6), shall serve as confirmation of filing. (Effective 7/1/03; rev. 1/1/11; rev. 7/1/11)~~

Rule 1.10 Electronic Filing (Eff. 1/1/12; ren. 1/1/13; rev. 1/1/17)

The Superior Court of California, County of Kern, has elected to allow the filing of civil documents by electronic transmission ~~through the use of one electronic service provider only~~. CRC Rule 2.250 et seq., applicable to electronic filings through an electronic service provider apply. (Eff. 1/1/12; rev. 1/1/17)

- (a) Electronic filings received after 5:00 p.m. or on Court Holidays shall be deemed filed on the next court day. (Effective 1/1/12)
- (b) Electronic filings not in compliance with applicable rules will not be accepted for filing by the court. The proper electronic transmission of a document is the responsibility of the filing attorney or party, not the court. The filing service provider must pay all applicable fees at the time of filing. (Eff. 1/1/12)
- (c) The Court's confirmation of filing constitutes verification of filing, as described in CRC Rule 2.259. (Effective 1/1/12)

Family Law

Rule 6.1 Propria Persona Filings - Pleading Prepared by Third Parties (Effective 7/1/03; rev. 1/1/2017)

Parties who retain the services of third parties (e.g.: ¶ typing services or paralegals) to prepare their pleadings must submit a declaration to the court with the following information: (Effective 7/1/03)

(a) Name, including Doing Business As (DBA) and Legal Document Assistant (LDA) number, address, and telephone number of person preparing the pleadings; and (Effective 7/1/03)

(b) Amount of compensation paid to third party for the preparation of the pleadings. (Effective 7/1/03)

(c) Authorization pursuant to Family Code § 7643, if If requesting access to Confidential Uniform Parentage Act actions is requested, include authorization pursuant to Family Code §7643.

Rule 6.1.1 Forms of Documents Presented for Filing (Effective 1/1/10; rev. 1/1/2017)

(a) All pleadings shall comply with Rules 2.100-2.119 and 3.1110 of the California Rules of Court. All documents and/or pleadings submitted in which a matter is set for hearing must specify the department number, hearing date, and time underneath the title of the document and/or pleading.

(b) Except those received via facsimile filing or electronic filing, all documents containing attachments, schedules, or exhibits shall be indexed and tabbed at the bottom. Where there is a single attachment or exhibit, the index requirement is inapplicable. All documents received via facsimile filing or electronic filing shall contain a titled cover sheet between attachments, schedules, and/or exhibits.

(c) The Court shall endorse and/or conform up to three (3) copies of all submitted documents for filing. (Effective 1/1/10)

Rule 6.1.2 **Obtaining a Hearing Date** (Effective 1/1/10; rev. 1/1/2017)

Hearing dates are obtained at the time of the submission of motions, filed including, but not limited to Orders to Show Cause, and/or Notices of Motions, or Requests for Orders. Hearing dates are assigned by the Court. (Effective 1/1/10)

Rule 6.18 **Elisor Signatures By Clerk of Court ELISOR SIGNATURES BY CLERK OF THE COURT** (Effective 1/1/2017)

- a) The Clerk of the Court is assigned the duty of Elisor signatures required or arising from orders made pursuant to Family Code §1101.
- b) The Clerk of the Court shall not execute any document or otherwise participate in the enforcement of community property orders issued pursuant to Family Code §1101, prior to the expiration of the time to appeal in California Rule of Court 8.104.
- c) On noticed motion, the Court may find good cause exceptions to this rule.
- d) Elisor signatures by the Clerk of the Court shall be limited to affect only real property found in the State of California.
- e) The following shall be submitted for review by the Clerk of the Court prior to execution of documents:
 - 1) Original Interspousal or other deed/title for Signature by Clerk of the Court;
 - 2) Relevant fees assessed by the Court;
 - 3) A filed order or judgment awarding the specific property address, which order or judgment includes the legal description; and/or APN of the property; awarding the property to the party requesting signature; and ordering the Clerk of the Court to sign forthwith on behalf of a party due to that party's noncompliance with the order or judgment as previously ordered;
 - 4) The original deed to property at issue;
 - 5) A copy of the current tax bill; and
 - 6) Proof of compliance and/or enforcement attempts.
- f) The Court does not provide notary services. Notary services and arrangements for of the same are the responsibility of the party requesting services.

Probate

Rule 8.12 **Forms of Documents Presented for Filing** (Effective 1/1/06; Rev. 7/1/09; rev. 1/1/10; rev. 7/1/15; rev. 1/1/17)

- (a) All pleadings shall comply with Rules 2.100-2.119 and 3.1110 of the California Rules of Court. Documents that exceeding 20 pages shall be bound by two-prong fasteners or binder clips. All documents and/or pleadings submitted in which a matter is set for hearing must specify the department number, hearing date, and time underneath the title of the document and/or pleading. (Effective 1/1/06; rev. 1/1/17)

- (b) Except those received via facsimile ~~or electronic filings~~ filing, all documents containing attachments, schedules, or exhibits shall be indexed and tabbed at the bottom. Where there is a single attachment or exhibit, the index requirement is inapplicable. Each page shall have page numbers to facilitate review by the eCourt. All documents received via facsimile ~~or electronic~~ filing shall contain a titled cover sheet between attachments, schedules, and/or exhibits. (Effective 1/1/06; rev. 1/1/10; rev 1/1/17)
- (c) Parties shall be required to provide an original and one (1) ~~copies~~ copy of all submitted documents for filing. (Effective 1/1/06; rev. 1/1/10; rev. 7/1/15; rev. 1/1/17)