



# SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

## JUDGES

Kenneth C. Twisselman II  
Michael G. Bush  
John D. Oglesby  
Colette M. Humphrey  
John R. Brownlee  
Judith K. Dulcich  
Raymonda Burnham Marquez  
J. Eric Bradshaw  
Charles R. Brehmer  
Bryan K. Stainfield  
Susan M. Gill  
Jose R. Benavides  
John W. Lua  
Stephen D. Schuett  
Thomas S. Clark  
Brian M. McNamara  
Kenneth G. Pritchard  
David R. Zulfa  
Marcos R. Camacho  
David Wolf  
Kenneth R. Green Jr.  
Tiffany Organ-Bowles  
Gloria J. Cannon  
Gregory A. Pulskamp  
Therese M. Foley  
Chad A. Louie  
Jason W. Webster  
Bernard C. Barmann, Jr.  
Wendy Avila  
Lisa Pacione  
Elizabeth Rodriguez  
Andrew B. Kendall  
Christie Canales Norris  
Michael A. Caves  
T. Mark Smith  
Dawn Bittleston  
Stephanie R. Childers  
Marcus Cuper  
Tanya R. Richard

## COURT COMMISSIONERS

Cynthia L. Loo  
Roger H. Ponce Jr.  
Donald B. Griffith  
Gina M. Cervantes  
Murray Robertson  
Brett V. Myers  
Sally Ackernecht  
Kevin Moran

## COURT EXECUTIVE OFFICER CLERK OF THE COURT

Tamarah Harber-Pickens

Superior Court of California  
County of Kern  
1415 Truxtun Avenue  
Bakersfield, CA 93301  
(661) 610-6000

September 8, 2023

The proposed amendments to the Superior Court of California, County of Kern Local Rules of Court, for January 1, 2024, have been posted for comment at [www.kern.courts.ca.gov](http://www.kern.courts.ca.gov). A hard copy of the proposed rules is available upon request.

1. Chapter I – General Rules
2. Chapter III – Civil Rules
3. Chapter VI– Family Law Rules
4. Chapter VIII – Probate Matters

You may submit comments by e-mail to [WMAdmin@kern.courts.ca.gov](mailto:WMAdmin@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 Monday, October 23, 2023.

Sincerely,

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

**CHAPTER I. GENERAL RULES – PROPOSED CHANGES**

**Rule 1.1.1 Remote Court Appearances** (Effective 7/1/03; rev. 7/1/09; renum. 1/1/13; rev. 7/1/14; rev. 3/7/22; **rev. 1/1/24**)

...

~~(c) Remote proceedings in the Taft Multi-Divisional Courthouse are limited to telephonic appearances.~~

**Rule 1.5 Subordinate Judicial Officers, ~~and~~ Temporary Judges, and Referees** (Effective 7/1/04; rev. 7/1/18; rev. 7/1/20; **rev. 1/1/24**)

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*(c) A “temporary judge” appointed at the request of the parties is an attorney appointed by the court upon stipulation of the parties to decide the case under Article VI, Section 21 of the California Constitution. Matters before such temporary judges are governed by California Rules of Court, rules 2.830-2.834. The Supervising Judge of the Civil Department appoints such temporary judges in all cases except family law cases. The Supervising Judge of the Family Law Division appoints such temporary judges in family law cases. (See Cal. Rules of Court, rule 2.831(b).) The stipulation and order for appointment must be made using mandatory local form available on the Court’s website.*

*(d) A “referee” is a person appointed by the court to hear issues in a case, which may include trial. A reference made pursuant to agreement of the parties is governed by Code of Civil Procedure section 638, and a reference made upon motion of a party or on the court’s own motion is governed by Code of Civil Procedure section 639. (See also Cal. Rules of Court, rules 3.900 - 3.907, 3.920 – 3.926, and 3.930 – 3.932.) The Supervising Judge of the Civil or Family Law Division may appoint a referee who will hear the case for all purposes, including trial. The trial court may appoint a referee who will hear limited issues and issue a report and recommendation for the trial court’s approval. (Cal. Rules of Court, rule 3.901(a).) The appointment must be made using the form available on the Court’s website.*

*~~(e)~~(e) Proceedings Open to the Public. All proceedings before a temporary judge or referee must be open to the public, with no restriction on attendance that would not be applicable if the proceedings were held in a courthouse. A notice containing the contact information of a person for any member of the public to contact in order to attend proceedings shall be posted by the clerk as required by California Rules of Court, rules 2.834 and 3.931 on the Court’s website and in the courthouse lobbies of any courthouse where the*

*Court has approved the parties' request for a pending case to be assigned to a temporary judge or a referee has been appointed.*

~~(d)~~(f) *Upon appointment the temporary judge or referee must also submit to the Court a "Statement of Public Access," using the mandatory local form found on the Court's website. The form should be emailed to [WMAdmin@kern.courts.ca.gov](mailto:WMAdmin@kern.courts.ca.gov) to ensure this information is accurately posted.*

~~(e)~~(g) *This rule does not apply to probate referees.*

**Rule 1.7.5 Metropolitan Division Venues. The following matters must be filed in the Metropolitan Division (Effective 7/1/08; rev. 1/1/11; rev. 7/1/11; rev. 1/1/13; rev. 7/1/15; rev. 1/1/17; rev. 1/1/18; rev. 7/1/18; rev. 1/1/20; rev. 7/1/22; rev. 1/1/23; rev. 1/1/24)**

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~~(f)~~(h) **Venue for Family Law Cases: except as otherwise provided in paragraph (g)(2) and (g)(5). (Effective 7/1/08; rev. 1/1/10; rev. 7/1/11; rev. 7/1/15; rev. 1/1/17; rev. 1/1/24)**

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2. Family law cases that would be filed in the ~~Taft and Lamont Branches~~ **Multi-Divisional Courthouse** in accordance with the "Venue by Zip Code" table as set forth in Appendix A. shall be filed in the Metropolitan Division, Family Law Department. (Effective 7/1/08; rev. 1/1/10; rev. 7/1/11; **rev. 1/1/24**)

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 **Multi-Divisional Courthouse** ~~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. (Effective 7/1/08; **rev. 1/1/24**)

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5. Any Petition to Establish Parental Relationship that would be filed in the ~~Taft and Lamont Branches~~ **Multi-Divisional Courthouse** in accordance with "Venue by Zip Code" shall be filed in the Metropolitan Division, Family Law Department. Filings that would be filed in the Delano, Shafter, Ridgecrest,

and Mojave Branches, shall be filed in accordance with the “Venue by Zip Code” table as set forth in Appendix A. Out-of-County filings shall file in accordance with the “Venue by Zip Code” table as set forth in Appendix A based on the zip code of the minor child listed within the Petition. Petitions to Establish Parental Relationships related to surrogacy agreements are excluded from this paragraph, as they are subject to venue Rule 1.7.5 (f). (Effective 1/1/11; rev. 7/1/15; rev. 7/1/18; **rev. 1/1/24**)

**Rule 1.8.1 Additional Court Fees** (Effective 7/1/14; rev. 1/1/20; rev. 1/1/22; rev. 1/1/23; **rev. 1/1/24**)

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**(c) Fee for Late Cancellation of Non-Spanish Language Interpreters**

*Requests for interpreters for limited English proficient (LEP) parties in languages other than Spanish shall be made no later than five (5) court days in advance. The Court will attempt to accommodate untimely requests to the extent possible.*

*If a request for a non-Spanish language interpreter has been made, and (1) the scheduled hearing’s time and/or date are changed or canceled by the parties, or (2) the individual requiring the interpreter will not be present at the hearing, the party or counsel making the change, cancellation or decision about their presence, must notify the Court as soon as possible. Such notifications must be made not less than two (2) court days in advance of the original scheduled date. To cancel an interpreter, complete the online Request to Cancel an Interpreter Form (pdf) and submit via email to: [MetroInterpretersOffice@kern.courts.ca.gov](mailto:MetroInterpretersOffice@kern.courts.ca.gov) or call 661-610-6649 within the required time frame.*

*Any time an interpreter is requested and appears, but is not used regardless of the reason, the attorney or party may be held financially responsible for all interpreter fees.*

**Rule 1.10 Electronic Filing and Service** (Effective 1/1/12; rev. 1/1/13; rev. 1/1/17; rev. 7/1/18; rev. 1/1/19; rev. 7/1/19; rev. 7/1/20; rev. 1/1/21; rev. 1/1/23; **rev. 1/1/24**)

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(k) Certain documents/filings are not eligible for submission through electronic filing and must be filed through conventional methods. These documents include:

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~~**10. Letters filed in the Probate Department related to Probate, Guardianship and Conservatorship**~~

Note: current subsections 11 through 14 will be renumbered

...

*(p) Letters filed electronically in the Probate Department must contain a signature of the appointed individual(s) in the affirmation section of the applicable form. The signature may be electronic, as defined in California Rules of Court, rule 2.257 (Effective 1/1/24)*

**CHAPTER III. CIVIL RULES - PROPOSED CHANGES**

**Rule 3.2.1 Remote Court Appearances** (Effective 3/7/22; *rev. 1/1/24*)

~~(e) Remote proceedings in the Taft Multi-Divisional Courthouse are limited to telephonic appearances.~~

(d) This rule shall be in effect until **January 1, 2026** ~~July 1, 2023~~.

**Rule 3.3.1 Civil Law and Motion – Civil** (Effective 7/1/03; renum. 1/1/13; rev. 1/1/14; rev. 7/1/15; rev. 7/1/20; renum. 7/1/23; *rev. 1/1/24*)

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In the regional divisions, a civil law and motion date can be obtained at the particular court's Civil Division office/counter by calling the appropriate regional court listed below: (Effective 7/1/03; renum. 1/1/13; rev. 1/1/14; *rev. 1/1/24*)

Superior Court - East Division	(Ridgecrest)	<b>(661) 610-7450</b>
Superior Court - East Division	(Mojave)	<b>(661) 610-7400</b>
Superior Court - North Division	(Delano)	<b>(661) 610-7300</b>
Superior Court - North Division	(Shafter)	<b>(661) 610-7200</b>
Superior Court - South Division	(Lamont)	<b>(661) 610-7100</b>
<del>Superior Court - South Division</del>	<del>(Taft)</del>	

**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. 7/1/21; rev. 1/1/22; *rev. 1/1/24*)

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(h) *The witness fee required for a Family Court Services investigator is set under Government Code section 68097.2 and must be paid in the Family Law Department before serving the subpoena. Witness fees will not be required from requesting parties with a valid fee waiver or from court-appointed counsel compensated by the County of Kern. (Effective 1/1/24)*

**CHAPTER VIII. PROBATE MATTERS - PROPOSED CHANGES**

***Rule 8.18 Witness Fees (Effective 1/1/24)***

*The witness fee required for a Family Court Services investigator is set under Government Code section 68097.2 and must be paid in the Probate Department before serving the subpoena. Witness fees will not be required from requesting parties with a valid fee waiver or from court-appointed counsel compensated by the County of Kern. (Effective 1/1/24)*

Note: current rule 8.18 will be renumbered.

**Rule 8.3 Settings, Assignments, and Continuances (Effective 7/1/03; renum. 7/1/18; rev. 7/1/21; *rev. 1/1/24*)**

***8.3.1.1 Reserving a Motion Date (Effective 1/1/24)***

*All law and motion matters will be heard pursuant to applicable courtroom schedules. Hearing dates for regularly noticed law and motion proceedings in the Probate Department that are filed by attorneys shall be pre-cleared and reserved by calling the Probate Department at (661) 610-6901. All motions that are pre-cleared and reserved must be filed, and the motion filing fees paid within three (3) days of the date that the reservation is made. Failure to pay the filing fee and file the moving papers timely will result in the expiration of the reserved hearing date.*

**Rule 8.4.4 Ex Parte Proceedings (Effective 7/1/03; rev. 1/1/10; rev. 7/1/15; rev. and renum. 7/1/18; *rev. 1/1/24*)**

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***(d) Stipulation to Temporary Judge: Ex parte applications and petitions assigned to the Probate Department may be heard and decided by (1) a Commissioner of the Superior Court, acting as a temporary judge pursuant to California Constitution, Article VI, §§ 21 and 22 and Code of Civil Procedure Code § 259, for All Purposes; or (2) a temporary judge, who is a probate research attorney who meets all the requirements set forth in California Rules of Court Rule 2.812 to serve as a temporary judge. Except as provided in Code of Civil Procedure § 259, subdivisions (a), (b), (c), (e), (f), and (g), parties are required to stipulate to a commissioner hearing a matter acting as a temporary judge pursuant to California Constitution, Article VI §§ 21 and 22 and Code of Civil Procedure § 259(d), and to an attorney acting as a temporary judge. If the parties subject to the ex parte application or petition have not appeared in the case before, the moving party's filing of the ex parte application or***

*petition will constitute their stipulation to the case being heard and decided by a temporary judge unless the moving party makes clear they object.*

*The moving party must provide notice to the responding party or parties that a temporary judge may hear and rule on the application or petition. Such notice must be submitted with the ex parte application or petition on the form available on the court's website. If the responding party or parties do not object, their failure to object will also constitute such a stipulation.*

*If all parties are consenting to an order requested in an expedited court proceeding, such consent will be deemed to include an agreement to a temporary judge ruling on the requested order.*