

## **DEPENDENCY DIVISION 07 GUIDELINES**

### **WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, ALL OPPOSING COUNSEL AND/OR PRO SE LITIGANTS MUST BE INCLUDED IN THE EMAIL**

#### **SETTING A HEARING AND AVAILABLE HEARING TIME:**

All motions must be filed with the Clerk's office and viewable before hearing time can be requested.

Available hearing time may be obtained by emailing a courtesy copy of the Motion to the Judicial Assistant with a request for hearing time. Please note the case number/name of the case/and time needed for your hearing.

Hearing time is not held. The Judicial Assistant will send an e-mail confirmation securing the hearing time. The hearing time is not confirmed until you have received a confirmation email from the Judicial Assistant. Do not notice your matter until confirmation is received.

When emailing the Judicial Assistant to schedule a hearing, all counsel and/or self-represented litigants must be included in the email.

Hearings are not scheduled over the telephone.

Cancellations must be accompanied by a *Notice of Cancellation*. Only the party who scheduled the hearing may cancel it.

#### **NOTICES OF HEARING:**

For hearings that are scheduled through the Judicial Assistant, all notices must include the exact title, filing date of the motion being addressed, and the time set aside for the hearing. If the notice is resetting a previously scheduled hearing please make sure that the new notice cancels the old hearing time so that it is deleted from the Odyssey system.

#### **ORDERS:**

All orders shall include a complete title, not just the word "order", whether the order grants or denies the motion, the filing date of the motion, and, if a hearing was held, the date of the hearing. If the order is unopposed, please state that in the order.

Stipulated or agreed upon orders for evidentiary hearings, trials, or out of court matters may be submitted to chambers via e-mail.

Proposed orders and judgments may also be submitted, but please clearly note when these are not agreed upon. If there are small discrepancies in proposed orders a "redline" or "mark-up version" is preferred. If there are significant differences in proposed orders (ie: positions after a

trial) then separate proposed orders/judgments may be submitted. If you have questions about your orders please contact the judicial assistant and he/she will be happy to guide you.

Emailed orders are to be in “word” format and not PDF format.

Beginning July 5, 2022 orders from advisory, arraignment and judicial review hearings are to be submitted in court and not emailed to the Judicial Assistant.

Orders for advisory hearings, arraignment hearings, judicial review hearings and other “in court” matters (not including complex evidentiary hearings and trials) shall be completed in the courtroom at the conclusion of the hearing, signed by the Judge and filed with the Clerk.

#### **PERMANENT GUARDIANSHIP ORDERS:**

Permanent guardianship orders will no longer be signed in chambers but will require a short hearing so that the Court can address the proposed permanent guardian(s) and explain their rights and responsibilities.

#### **ADMINISTRATIVE ORDERS:**

All parties should become familiar with the administrative orders for dependency cases. These orders can be found on the Ninth Judicial Circuit webpage, by clicking on Resources & Tools, Administrative Orders, and then running a search for active Dependency Orders.

#### **VIRTUAL/TELEPHONIC APPEARANCES:**

All hearings after July 5, 2022 will be live hearings. If there is a need for a witness or party to appear virtually a motion must be filed, good cause found, and an order entered by the Court. For telephonic appearance all parties and their counsel must agree to waive any defects in the oath.

All attorneys are expected to appear live at the courthouse.

Court approved virtual appearances after July 5, 2022 will be noticed through the Court’s WEBEX link by the moving party.

#### **SHELTER HEARINGS:**

Beginning July 5, 2022 all shelter hearings will be held live at the Juvenile Justice Center. Judges Tynan and Higbee will alternate shelter hearings on a bi-weekly basis. *Affidavits of Indigency* and *Address Forms* will be available in the Courtrooms and must be completed by each parent/prospective parent who appears for the Court to make attorney determinations at the time of shelter.

#### **PRETRIAL HEARINGS:**

Beginning July 5, 2022 all pretrial hearings will be held live at the Juvenile Justice Center. The Court expects that when a case is noticed for trial at the pretrial hearing that the file is complete

(ie: UCCJEA, Putative Father Registry, Birth Certificates, Publication etc.), that discovery is complete, witness and exhibit lists in compliance with the Juvenile Rules of Procedure are filed, and witness availability has been verified.

**EVIDENTIARY HEARINGS AND TRIALS:**

Trials will be conducted on a bi-weekly basis beginning at 10:00 a.m. for the morning session and 2:00 p.m. for the afternoon session. Be prepared at pretrial to state whether you need a two hour, three hour, five hour, or multi day trial period.

If your case settles please advise the Court as soon as settlement is confirmed by sending an email to the Judicial Assistant.

**ADOPTIONS:**

Adoption hearings must be scheduled at least fourteen days out, all preliminary orders must be in the court file and the time for appeal lapsed. Family members are welcome and cameras are allowed.

If the adoptive family is not local, a virtual hearing can be arranged through the Judicial Assistant using the Court's WebX link.

**GENERAL:**

As we adjust to live court appearances, at this time we are asking that you please wait in the common areas until your case is called to allow access and egress of attendees without crowding. Cases will be called over the intercom by the Clerk. Enter the courtroom only when your case is called.

Once your case is concluded, please leave the courtroom promptly after your business is complete so that the next case can be called.

**PLEASE NOTE:** *These guidelines apply to Judge Heather L. Higbee in Division 7 only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in the division for instructions. It is our pleasure to serve you.*