

JUDGE ALICIA L LATIMORE
DEPENDENCY DIVISION 03 GUIDELINES

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Courtroom 5

**ALL COURT RELATED EMAIL CORRESPONDENCE FOR DIVISION 03
MUST BE SENT TO 3orange@ninthcircuit.org.
OPPOSING COUNSEL MUST BE COPIED ON ALL EMAILS FOR ALL MATTERS**

SETTING CONTESTED HEARINGS:

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

REQUEST FOR HEARING TIME:

Available hearing time may be obtained by emailing Division 3 at 3orange@ninthcircuit.org and copying opposing counsel and/or all parties. The hearing request must include: 1- Case number and style of the case 2-Title of the petition(s)/motion(s) to be heard 3-Amount of time requested for the hearing 4-Evidentiary or Non-Evidentiary. If any of the above information is not included in your email, the Judicial assistant will email you back to inquire. The judicial assistant will provide three (3) available dates and time for the hearing. Your selection of date and time must be confirmed within three (3) business days after receipt. Failure to select one of the proposed hearing times within three (3) business days may result in your hearing time being taken by another case. Your hearing time is not confirmed and will not be added to the docket until you receive a reply from the Judicial Assistant. Do not notice your matter until confirmation is received.

Any hearing requests for longer than one (1) hour must be approved by Judge Latimore.

Only the party who scheduled the hearing may cancel it. Additionally, the Judicial Assistant must be advised immediately of the intent to cancel, and a Notice of Cancellation must be filed copying all parties.

NOTICE OF HEARING:

For a hearing 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:

Stipulated or agreed upon orders for evidentiary hearing, trials, or out-of-court matters may be submitted to chambers via e-mail. You are encouraged to include the terms “Stipulated”, Agreed or “Unopposed” to the title of the Order when applicable.

Proposed orders and judgments may also be submitted, but please clearly note when these are not agreed upon. If there are significant differences in proposed orders (i.e. positions after a trial) then separate proposed orders/judgements may be submitted.

Emailed orders are to be in WORD format and not PDF format to allow editing by the Court.

Proposed Orders for Advisory, Arraignment and Judicial Review hearings must be submitted via Division 03 email.

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 and explain their rights and responsibilities. Hearing time must be set with the judicial assistant, and the proposed permanent guardian(s) must appear for the hearing.

ADMINISTRATIVE ORDER:

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 Resource & Tools, Administrative Orders, and then running a search for active Dependency Orders.

VIRTUAL/TELEPHONIC APPEARANCES:

VIRTUAL: 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. Court approved virtual appearances will be noticed through the Court’s division WEBEX link by the moving party. Virtual appearances will be through the Court’s Division 3 WEBEX link which must be included in the proposed Order Granting Virtual Appearance submitted to the Court. That link may be obtained from the judicial assistant.

Five minutes before the hearing, all individuals should connect to the video conference and remain in the virtual waiting room. At the time the case is called, the judge will connect to the video conference and admit the individual into the virtual hearing room.

TELEPHONIC: If there is a need for a party or witness to appear telephonically a motion must be filed, good cause found, and an order entered by the Court. For court approved telephonic appearances, the contact number for the witness or party must be provided to the judicial assistant and/or clerk prior to the start of the court hearing.

All attorneys are expected to appear in person at the courthouse unless granted leave to appear otherwise for good cause.

SHELTER HEARING:

All shelter hearings will be held in person at the Juvenile Justice Center. Judges Latimore, Marques and Rodriguez will alternate presiding over shelter hearings on a three-week rotation. Affidavits of Indigency and Address Forms will be available in the courtrooms and **must be** completed by each parent/prospective parent who appears for court to decide as to eligibility for court appointed counsel. If the parent is not present for the shelter hearing, then the Affidavit of Indigency and Address Form must be completed at the first hearing for which the parent appears.

PRETRIAL CONFERENCE/HEARINGS:

All pretrial conferences/hearings will be held in person at the Juvenile Justice Center. The Court expects that when a case is noticed for trial at the pretrial conference that the file is complete (i.e. UCCJEA, Putative Father Registry, Birth Certificates, Publication etc.) discovery is complete, witness and exhibit lists in compliance with the Juvenile Rules of Procedure are filed, and witness availability has been verified. Court must be advised of the need for interpreters at trial.

All pretrial motions must be heard during a scheduled hearing time set prior to trial and **will not** be heard on the day of trial.

EVIDENTIARY HEARING AND TRIALS:

Trials will be conducted on a three-week rotation beginning at 10:00 a.m. for the morning session and 1:30 p.m. for the afternoon session, unless indicated otherwise the Court. Be prepared at announce at pretrial conference the sufficient time needed for trial or whether a multi-day trial schedule will be necessary.

Should your case settle, please advise the Court as soon as settlement is confirmed by sending an email to the Division 03 email. Please also advise how the case is intended to proceed, (i.e. consent or dismissal) and how much time will then be sufficient to address the matter.

DISPOSITION HEARINGS:

Prior to the start of the disposition hearing, the Department must provide a copy of the case plan or, at minimum, a list of the proposed case plan tasks, the case plan goal and expiration date, assigned case manager's name and number to the parent's attorney in writing,

ADOPTIONS:

Adoption hearings must be scheduled at least fourteen days in advance; all preliminary orders, home study, consents and required materials must be in the court file and the time for appeal lapsed. Family members are welcome, and cameras are allowed if agreed to by the parties.

If the adoptive family is not local, a motion may be filed in advance of the hearing for court approval for virtual appearance. *See Virtual/Telephonic Hearings section above.*

GENERAL:

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. As a reminder, proceedings for termination of parental rights are closed to the public. Please kindly excuse yourself from the courtroom if you are not a party or participant for the TPR proceeding.

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 Latimore in Division 03 only. It is recommended that you refer to the procedure of each Judge or contact the Judicial assistant in the division for instructions.

These guidelines are subject to change at the discretion of Judge Latimore