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111 NORTH HILL STREET
LOS ANGELES, CA 90012-3014

Superior Court of California *County of Los Angeles*

September 13, 2019

PROPOSED REVISIONS TO LOCAL COURT RULES

Pursuant to California Rules of Court, Rule 10.613(g), the following proposed amendments to the Local Rules are hereby distributed for comment. The affected rules are:

- Rule 2.7 ASSIGNMENT OF MATTERS TO CENTRAL DISTRICT DEPARTMENTS
Amend rule to update and re-organize to rules 2.7 through 2.13. (Add new rules 2.8, 2.9, 2.10, 2.11, 2.12, and 2.13)
- Rule 2.18 APPLICATION TO PROCEED IN FORMA PAUPERIS (Cal. Rules of Court, rule 3.50 et seq.)
Amend to update title and court location.
- Rule 3.3 ASSIGNMENT OF DIRECT CALENDAR CASES
Amend rule to update assignment of complex and transfer of non-complex cases.
- Rule 3.4 ELECTRONIC FILING
Amend rule to clarify language.
- Rule 4.115 SETTLEMENTS OF CLAIMS OF MINORS OR PERSONS WITH DISABILITIES (INCLUDING ESTABLISHMENT AND FUNDING OF TRUSTS)
Amend rule to update filing requirement.
- Rule 7.1 JURISDICTION
Amend rule to clarify that the judge specified is the Supervising Judge of the Dependency Court.
- Rule 7.10 SPECIALLY DESIGNATED DEPARTMENTS
Amend rule to clarify that the judge specified is the Supervising Judge of the Dependency Court.
- Rule 7.31 PETITION PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 331
Amend rule to clarify that the judge specified is the Supervising Judge of the Dependency Court.
- Rule 7.32 CLIENT COMPLAINT PROCESS
Amend rule to clarify that the judge specified is the Supervising Judge of the Dependency Court.

The proposed amendments were reviewed and approved by both the Los Angeles Superior Court's Rules Committee and Executive Committee. Comments must be submitted via email at localrulescomments@lacourt.org, or in writing, to: Sandra Pigati-Pizano, Room 620, Judicial and Executive Support, Los Angeles Superior Court, 111 North Hill Street, Los Angeles, CA 90012. Comments must be received no later than 5:00 p.m. on **October 28, 2019**.

View LASC Local Rules at <http://www.lacourt.org>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 2.7 ASSIGNMENT OF MATTERS ~~- APPELLATE DIVISION TO CENTRAL DISTRICT~~
2 **DEPARTMENTS**

3 Subject to the authority of the Presiding Judge to apportion the work of the court, the following
4 actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT **(Stanley Mosk**
5 **Courthouse)** as follows:

6 **(a) APPELLATE DIVISION:**

8 Appeals from judgments and or orders in misdemeanor, 9 infraction, and limited civil cases (except small claims 10 cases), from anywhere in the C county.	Appellate Division
11 Habeas corpus petitions filed in conjunction with 12 misdemeanor, infraction, or limited civil appeals.	Department 70. Upon request of 13 Department 70, E evidentiary 14 hearings may be assigned to the 15 Criminal Division by the Criminal 16 Division Supervising Judge upon request of Department 70.
17 Petitions for writs of review, mandate, or prohibition and 18 review, in misdemeanor, infraction, and limited civil 19 cases, from anywhere in the C county.	Appellate Division
20 Petition for writ of review, mandate, or prohibition 21 related to a post-judgment enforcement order of the 22 small claims court	Appellate Division
23 Petition for writ of review, mandate, or prohibition 24 related to an act of the small claims court, other than 25 a post-judgment enforcement order	Judge assigned to the Appellate Division

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28 **[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13 and amended]**
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[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

2.8 ASSIGNMENT OF MATTERS IN CENTRAL DISTRICT – CIVIL DIVISION

Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT (Stanley Mosk Courthouse) as follows. **These assignments do not apply to matters heard in the other districts or in the Complex Litigation departments.:**

(b) CIVIL DIVISION:

(1) General Unlimited Civil Cases and Proceedings:

(A) Attachment and Writ of Possession Matters:

(a) Writs of Attachment and Possession, Unlimited Civil Cases

<p>Application for pre-judgment writs of attachment for and writ of possession matter, whenever made and other proceedings in connection with,</p>	<p>Department 82, 85, or 86 See Local Rule 2.9 2.7(b)(1)(G)</p>
<p>Application for post-judgment writ of attachment and writs of possession matter, application for and other proceedings in connection with,</p>	<p>Department 44</p>

Hearing fees required by the court’s Schedule of Fees must be paid at the first-floor filing window at the Mosk Courthouse before filing papers in the pertinent department.

(B) Civil Harassment Petitions:

~~— Civil Harassment Petitions Family Law Division~~

[See pages 6 through 8 for amendments to (b)(1)(C) through (F)]

(b) (b)(1)(G)(i) Injunctive Relief, Unlimited Civil Cases:

~~In all unlimited civil cases, except for Personal Injury Actions as defined in Rule 2.3(a)(1)(A), the following matters are to be heard in the direct calendar court:~~

[Clean version is alphabetical]

<p>An <i>Ex parte</i> application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made after the first scheduled date for an initial status conference or case management conference;</p>	<p>Direct calendar court</p>
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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An <i>Ex parte</i> application for an order shortening time for hearing on a motion for a preliminary injunction, made after the first scheduled date for an initial status conference or case management conference;	Direct calendar court
A Noticed motion for a preliminary injunction, no-matter when -whenever made;	Direct calendar court
Any Noticed motion or <i>ex parte</i> application to dissolve or modify a preliminary injunction, made after the first scheduled date for an initial status conference or case management conference;	Direct calendar court

~~In all unlimited civil cases, the following matters are heard in the writs and receivers departments:~~

An <i>Ex parte</i> application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made before the first scheduled date for an initial status conference or case management conference in the direct calendar court	Department 82, 85, or 86 See Local Rule 2.9
An <i>Ex parte</i> application for an order shortening time for hearing on a motion for a preliminary injunction, made before the first scheduled date for an initial status conference or case management conference in the direct calendar court. If the application for shortened time is granted, the motion for preliminary injunction shall also be heard in the pertinent writs and receivers department	Department 82, 85, or 86 See Local Rule 2.9
An <i>Ex parte</i> application or noticed motion for injunctive relief or appointment of a receiver in a Personal Injury Action, whenever made	Department 82, 85, or 86 See Local Rule 2.9

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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(c) ~~(b)(1)(G)(ii)~~ Receivers, Unlimited Civil

Ex parte application or noticed motion for appointment of a receiver and all matters pertaining to the receivership, made post-judgment	Department 44
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<p>A pre-judgment Ex parte application or noticed motion for appointment of a receiver (and all matters pertaining to the receivership), whenever made pre-judgment is assigned to the writs and receivers departments;</p>	<p>Department 82, 85, or 86 See Local Rule 2.9</p>
Ex parte application or noticed motion for appointment of a receiver in a Personal Injury Action, whenever made	Department 82, 85, or 86 See Local Rule 2.9

(d) ~~(b)(1)(G)(iii)~~ Special Proceedings, ~~Heard in Writs and Receivers Departments~~ Unlimited Civil

Cemetery, petition to replat or vacate (Health and & Safety Code, §§ 8701-8715)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Common interest development, petition to reduce votes required to amend declaration of covenants and restrictions (Civ. H Code, § 4275)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Contempt, order to show cause and trial	Post-judgment Dept. 44; Pre-judgment (See Local Rule 3.11)
Corporations, involuntary winding up of corporation after a decree or stipulation of winding up (Corp. Code, § 1806 1805)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Corporations, petition to obtain order of involuntary dissolution (Corp. Code § 1804), and petition to fix value of shares (Corp. Code, § 2000) (See below for general partnership, limited liability company, and limited partnership)	writs and receivers department Direct calendar court

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Corporations, petition to take jurisdiction over voluntary winding up (Corp. Code, § 1904)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Declaratory relief, only when joined with a petition for a writ of review, mandate or prohibition;	
Director, petition to appoint provisional director (Corp. Code, §§ 308 and 1802)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Director, petition to determine election (Corp. Code, §§ 709, 5617, 7616, and 9418)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
General partnership, application for judicial supervision of winding up (Corp. Code, § 16803)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
General partnership, petition to obtain order of dissolution (Corp. Code, §16801)	Direct calendar court
Insurance company, insolvency proceedings	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Late claim proceeding (Gov. Code, § 946.6), where the underlying case has been filed and is pending. In that circumstance, the petition will be heard in the	D irect calendar court to which the underlying case is assigned
Late claim proceeding (Gov. Code, § 946.6), where unless the underlying case has not been filed	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9
Law practice, assumption of jurisdiction over (Bus. & Prof. Code, §§ 6126.3, 6180.2, and 6190)	writs and receivers department Department 82, 85, or 86 See Local Rule 2.9

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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<p>Limited liability company, petition to obtain order of dissolution (Corp. Code, § 17707.03), and petition to fix value of shares (Corp. Code, § 17707.03)</p>	<p>Direct calendar court</p>
<p>Limited liability company, winding up after order of dissolution (Corp. Code, §17707.04) petition ordering winding up (Corp. Code, §§ 17352(b), 17353(b));</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Limited partnership, petition to dissociate limited or general partner, and petition to dissolve limited partnership (Corp. Code, §§ 15906.1, 15906.03, 15908.02)</p>	<p>Direct calendar court</p>
<p>Limited partnership, petition ordering winding up after order of dissolution (Corp. Code, § 15683 §15908.03)</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Mandate, petition for writ of (except where assigned to the Appellate Division by these rules)</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Prohibition, petition for writ of (except where assigned to the Appellate Division by these rules)</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Public Records Act proceeding, and reverse Public Records Act proceeding</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Quo Warranto, petition for writ of</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Review, petition for writ of (except where assigned to the Appellate Division by these rules)</p>	<p>writs and receivers department Department 82, 85, or 86 See Local Rule 2.9</p>
<p>Other special proceedings not listed above</p>	<p>Direct calendar court</p>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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(e) ~~(b)(1)(F)~~ Supplemental and Miscellaneous Proceedings:

(b)(1)(C) Eminent Domain: All eminent domain or inverse condemnation cases will be assigned to a direct calendar court for “all purposes”, including post-judgment motions to enforce the judgment and applications to withdraw funds on deposit after the case has been closed.	Direct calendar court
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Enforcement of Judgment Proceedings:

~~All enforcement of judgment proceedings~~

<p>except contempt proceedings. Examples of E enforcement of Judgment proceedings, includeing:</p> <ul style="list-style-type: none"> - Application for post-judgment examination hearing; - Charging order; - Claim of exemption hearing; - Court order for sale for real property pursuant to writ of execution; - Debtor examination hearing; - Hearing on third party claim pursuant to writ of execution; - Motion for appointment of a receiver after judgment; - Motion for assignment order; - Third party examination hearing; and - Any other Proceeding under See also, Code of Civil Procedure sections 680.010 – 720.800 	<p>Department 44 check the court’s website</p>
Escheat, hearing on petition for relief	<p>Department 44 check the court’s website</p>
<p>Gender change for adult, petition and hearing</p> <ul style="list-style-type: none"> - with issuance of new birth certificate (See also name change for adult) 	<p>Department 44</p>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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<p>Gender change for minor, petition and hearing - with issuance of new birth certificate (including optional name change)</p>	<p>Department 44</p>
<p>(b)(1)(D) Guardian <i>ad litem</i> appointments: Guardian <i>ad litem</i> appointments for a particular case Petitions for general guardianships and not for a particular case</p>	<p>Department 94 check the court's website Probate Division</p>
<p>(b)(1)(E) Long Cause Cases trial (20 or more days of testimony) A "long cause case" is defined as a trial that will take at least twenty court days, excluding jury selection and jury deliberation. Long cause cases are the primary responsibility of the direct calendar judge or other judge initially assigned to try the case. If that judge cannot try the case due to its length, it</p>	<p>Direct calendar court; may be transferred to the Supervising Judge of the Civil Division for assignment to a long cause trial department judge sitting in the Central District.</p>

~~Ex parte orders shortening time in Department 1.....check the court's website~~
~~In forma pauperis applications for civil limited andcheck the court's website~~
~~unlimited actions (except family law and probate)~~
~~and for appeals to the appellate court~~
~~In forma pauperis applications for small claimscheck the court's website~~

<p>Name change, petitions and hearings (See also gender change for minor)</p>	<p>Department 44 check the court's website</p>
<p>Name change for adult, petition and hearing - with recognition of change of gender and issuance of new birth certificate</p>	<p>Department 44</p>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Newspaper, petition to establish standing	Direct calendar court check the court's website
Publication of summons, application and orders for	Department 94 check the court's website
Service on Secretary of State of summons on corporation, application and order for (Corp. Code §1702)	Department 94 check the court's website
Voter information, petition to declare confidential (Elec. Code §2166)	Department 1 check the court's website

(f) ~~(b)(2)~~ Limited Civil and Small Claims Cases and Proceedings

(Including Small Claims Appeals and Unlawful Detainer Cases):

Appeal of administrative hearing (including parking appeals)	Department 44 check the court's website
Assignment orders, application for	Department 94 check the court's website
Claim of exemption hearing	Department 94 check the court's website
Dissolve or modify preliminary injunction, motion to	Department where case is assigned
<i>Ex parte</i> application (limited civil):	Department 94
Law and motion (limited civil)	Department 94
Minor's compromise hearing	Department 94
Non-unlawful detainer default prove-up	Department 94
Post-judgment debtor and third party examination	Department 94 check the court's website
Publication of summons, application and order for	Department 94 check the court's website

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Receiver, pre-judgment , application for appointment of	Department 82, 85, or 86 See Local Rule 2.9
Service on Secretary of State of summons on corporation, application and order for (Corp. Code, §1702)	Department 94 check the court's website
Small claims trial and appeal	Department 90 and Department 1A
Third party examination hearing	Department 94 check the court's website
Unlawful detainer law and motion	Departments 91 or 97
Waiver of court fees and costs, limited, application for	Department 44
Waiver of court fees and costs, small claims, application for	Department 1A or 90
Writs of attachment, application for and other proceedings in connection with	Department 82, 85, or 86 See Local Rule 2.9 2.7(b)(1)(G)
Writs of possession, application for and other proceedings in connection with	Department 82, 85, or 86 See Local Rule 2.9 2.7(b)(1)(G)

**2.9 ASSIGNMENT OF PROCEEDINGS TO WRITS AND RECEIVERS DEPARTMENTS
- CENTRAL DISTRICT**

Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT **(Stanley Mosk Courthouse)** as follows. **These assignments do not apply to matters heard in the other districts or in the Complex Litigation departments.**

~~(b)(1)(G)~~ — *Writs and Receivers Matters and Special Proceedings:*

Matters assigned to Department 82, 85, or 86 (the “writs and receivers departments”) for all purposes pursuant to ~~this r~~ **Local Rule 2.8** will be assigned by the clerk at the time of filing, using a random system to insure that no party or person can control or determine ~~in advance to which the~~ department **a to which a** case ~~is~~ **will be** assigned.

~~Matters~~ **Certain applications/motions (provisional remedies) in cases** assigned for all purposes to an unlimited civil ~~trial department, in which certain applications/motions (provisional remedies)~~ **direct calendar court in the Stanley Mosk Courthouse** are ~~to be~~ heard in a writs and

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

308 receivers department pursuant to ~~this rule,~~ **Local Rule 2.8. The provisional remedy matter** will be
 309 heard in Department 85 if the case number ends in 1, 2, 3, or 4, in Department 86 if the case number
 310 ends in 5, 6, or 7, and in Department 82 if the case number ends in 8, 9, or 0. Where two or more cases
 311 have been ordered related pursuant to Local Rule 3.3(f), the writs and receivers department assigned
 312 to the lowest numbered case will hear the provisional remedy ~~ies application/motions~~ **matters** for the
 313 related cases. ~~Ex parte matters are heard daily in all three departments at 8:30 a.m.~~

2.10 ASSIGNMENT OF MATTERS IN CENTRAL DISTRICT – CRIMINAL DIVISION

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 315 Subject to the authority of the Presiding Judge to apportion the work of the court, the following
 316 actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT as follows. **These**
 317 **assignments do not apply to matters heard in the other districts.:**

~~(e) CRIMINAL DIVISION and MENTAL HEALTH MATTERS:~~

~~(1) Criminal matters:~~

Arraignments, felony complaints	<p>Clara Shortridge Foltz Criminal Justice Center (Foltz-CJC): Department division 30 CJC Metro: Department division 66 69 Metro East LA: Division 5 East LA Department 1/ site judge</p>
Arraignments, misdemeanor complaints	<p>Foltz-CJC: All courts Males in custody: Department 40 Females in custody and all out of custody: Department 48 Metropolitan Branch: Department^s 60 and 66 for City Attorney filings Department^s 62, and 65 and 68 for District Attorney filings East LA: Based on case number, Inquire at courthouse</p>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Certificate of rehabilitation and pardon, petition for	Department 100
Corum nobis, petition for writ of	Department where case is, or was last, pending
Exhume a body for criminal investigation	Department 100
Expungements - felony case, s Clara Shortridge Foltz -CJC Courthouse (CJC) only	Department 100
Expungements - misdemeanor case, s Foltz -CJC only	Department 56
Firearm return, r restoration of right to own, etc. (Welf. & Inst. Code, §§ 8100, 8103)	Mental Health Department Department 95
Firearm return, all other	Department where case is, or was last, pending
Habeas corpus, involuntary commitment (Welf. & Inst. Code, §§ 5254.1 and 5275)	Mental Health Department Department 95
Habeas corpus, person held for extradition	Department 100
Habeas corpus under the Hague Convention on International Child Abduction	Department 2 Stanley Mosk Courthouse
Habeas corpus, all other	See Local Rules 2.7(a) and 8.33.
Mandate or prohibition in felony case, after holding order	Court of Appeal
Mandate or prohibition in felony case, prior to holding order	Department 100
Mandate or prohibition in misdemeanor or and -infraction cases	Appellate Division
Mental competence trial and hearing, felony case, after holding order	Department where case is assigned
Mental competence trials and hearings, felony cases, prior to holding order	Mental Health Department Department 95
Mental competence trials and hearings, misdemeanor or infraction cases	Mental Health Department Department 95

[See page 13, new Local Rule 2.13 below for amendments to (c)(2) Mental health matters]

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

352 Mentally disordered sex offender under former , extension	Mental Health Department
353 proceeding (Welf. & Inst. Code, § 6300)	Department 100
354 <i>Pro per</i> privileges at variance with policy	Department where case is pending

2.11 ASSIGNMENT OF MATTERS - FAMILY LAW DIVISION- CENTRAL DISTRICT

(d) FAMILY LAW DIVISION:

358 Subject to the authority of the Presiding Judge to apportion the work of the court, the following
359 actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT **(Stanley Mosk**
360 **Courthouse)** as follows. **These assignments do not apply to matters heard in the other districts.**

361 Any matter arising under the Family Code, excluding emancipation of minors and adoption,
362 and other matters specifically assigned to other departments by these rules or order of court, is assigned
363 to the Family Law Division. **The following matters are also assigned to the Family Law Division:**
364 **any request for personal conduct and/or “stay away” restraining order which does not also seek**
365 **money damages including but not limited to request for civil harassment restraining order,**
366 **petition for workplace violence restraining order, petition for order prohibiting abuse or**
367 **program misconduct (relative to a transitional housing program), petition for gun violence**
368 **restraining order, and request for elder or dependent adult abuse restraining order (except in**
369 **cases in which there is a conservatorship proceeding in the Probate Division).**

370 Family Law Division courts in the Central District are direct calendar courts, with the
371 following exceptions:

373 Child support cases	See also Local Rule 5.24
374 Civil Harassment Petitions	Department 2C
375 Defaults	Department 2
376 Domestic violence restraining orders	Department 8
377 Guardianship of minors when related to a family law child 378 custody proceeding is also assigned to the Family Law 379 Division	See also Local Rule 5.2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Habeas corpus under the Hague Convention on International Child Abduction	Department 2
Surrogacy	Department 2

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2.12 ASSIGNMENT OF MATTERS – JUVENILE DIVISION

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Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT as follows. **These assignments do not apply to matters heard in the other districts.:**

~~(e) JUVENILE DIVISION:~~

A petition for adoption or emancipation of minor is assigned to the Juvenile Division.

Any matter arising under the Juvenile Court Law is assigned to the Juvenile Division, including:

~~— Emancipation of minors, petition for~~

- Habeas corpus, petition for writ of, minor under 18, under arrest;
- Medical treatment for minor, petition to provide; **and**
- Parental custody and control, petition to free a minor from, filed by Department of ~~Adoptions~~ **Children and Family Services**, and proceedings to determine the necessity of parental consent directly related thereto.

2.13 ASSIGNMENT OF MATTERS - PROBATE DIVISION and MENTAL HEALTH MATTERS

Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT as follows. **These assignments do not apply to matters heard in the other districts.:**

(a) Probate

~~(f) PROBATE DIVISION:~~

Any matter arising under the Probate Code, and any other action, proceeding, or procedure which by statute is to be heard by a judge hearing probate matters, is assigned to the Probate Division. (See, e.g., proceedings to establish record of birth, death or marriage under Health & Safety Code, § 10550, *et seq.*)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

415 **A petition for** ~~€~~ compromise of a minor's **or disabled person's** claim **when no** ~~prior to trial~~
 416 ~~in a civil case is~~ **has been filed is** assigned to the Probate Division, ~~if the direct calendar judge~~
 417 ~~who participated in a conference at which the compromise was accomplished is unavailable. If~~
 418 ~~an application is made to the direct calendar judge for~~ **When a civil settlement or judgment**
 419 **includes** a special needs trust for the benefit of a minor or an incompetent person under Probate Code
 420 section 3602 or 3611, the terms of the trust shall be reviewed and approved by the Probate Division
 421 **pursuant to Local Rules 4.115 - 4.117.**

422 Any proceeding to make a withdrawal from an account blocked for the benefit of a minor
 423 or an incapacitated person is assigned to the Probate Division.

424 ~~A mental health proceeding will be heard as specified in subdivision 2.7(c).~~ **An**
 425 **application for appointment of general guardianship is heard in the Probate Division. An**
 426 **application for a guardian *ad litem* is heard in the division hearing the matter.**

(b) ~~(e)(2)~~ **Mental health matters**

~~(e)(2)(A) Civil commitment proceedings -- not LPS~~

~~(e)(2)(B) Civil commitment proceedings -- LPS~~

Accounting; of LPS conservatorship	Mental Health Department Department 95
Appeal of medication capacity findings and order (<i>de novo</i> hearing) (Welf. & Inst. Code, § 5334(e)(1))	Mental Health Department Department 95
Developmental disability commitments (<i>In Re Hop</i>; & (Welf. & Inst. Code, § 6500))	Mental Health Department Department 95
ECT capacity hearing (Welf. & Inst. Code, §§ 5326.7, 5326.75)	Mental Health Department Department 95
<i>Ex parte</i> petition for temporary LPS conservatorship by County Mental Health Director/Public Guardian	Mental Health Department Department 95
In In <i>Re Roger S.</i> pre-commitment hearing	Mental Health Department Department 95
LPS € conservatorship (Welf. & Inst. Code, § 5350)	Mental Health Department Department 95

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Mentally disordered person dangerous to others proceedings (Welf. & Inst. Code, § 5300)	Mental Health Department Department 95
Site-based certification review hearings (<i>Doe vs. Gallinot</i>), (Welf. & Inst. Code, § 5256)	Mental Health Department Department 95
Site-based medication capacity hearings (Welf. & Inst. Code, § 5332)	Mental Health Department Department 95

(c) ~~(e)(2)(C)~~ **Criminally-related proceedings**

Commitment, judicial review	Mental Health Department Department 95
Continued involuntary treatment, mentally disordered offenders (Pen. Code, § 2972)	Mental Health Department Department 95
Extension of commitment and re-commitment to California Youth Authority (Welf. & Inst. Code, § 1800)	Mental Health Department Department 95
Firearm return and restoration of right to own (Welf. & Inst. Code, §§ 8100, 8103)	Mental Health Department Department 95
Mental competence trial and hearing, felony case, after holding order	Court where case is assigned
Mental competence trials and hearings, felony cases, prior to holding order	Mental Health Department Department 95
Mental competence trials and hearings, misdemeanor or and infraction cases	Mental Health Department Department 95
Mentally disordered sex offenders proceedings (former Welf. & Inst. Code, § 6300)	Mental Health Department Department 95
Petition to extend commitment and re-commitment of defendant found not guilty by reason of insanity (Pen. Code § 1026.5(b))	Mental Health Department Department 95

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

[Sections 2.7 (b) through (f) are moved to new Local Rules 2.8 through 2.13]

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Petition to release following restoration to sanity (Pen. Code, § 1026.2)	Mental Health Department Department 95
Qawi petition	Mental Health Department
Sexually violent predator, after probable cause hearing, and pre-trial matter	Department 56S, Clara Shortridge Foltz Criminal Justice Center
Sexually violent predator, pre-trial and post-trial issues petition prior to probable cause hearing	Mental Health Department Department 95B
Sexually violent predator, probable cause hearing	Department 56, for assignment to a criminal court
Sexually violent predator trial	Department 100, for assignment to a trial court

(Rule 2.7 [7/1/2011, 12/21/2011, 1/1/2012, 7/1/2012, 5/17/2013, 7/1/2014, 7/1/2015, 1/1/2017,
7/1/2017, 7/1/2018, 1/1/2019] amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 3.3 ASSIGNMENT OF DIRECT CALENDAR CASES

2 (a) Proportionate Assignment. A *pro rata* share of all cases filed in or transferred to any district
3 shall be assigned for all purposes to each judge assigned to hear direct calendar cases in that district.

4 (b) Regulation of Case Assignment. The clerk must take all reasonably appropriate steps,
5 including a system of random use of case numbers, to ensure that neither any party nor any counsel
6 will be able to anticipate a case assignment. The name of the judge to whom the case is assigned will
7 be designated by the clerk on the summons and the complaint.

8 (c) Notice of Case Assignment. At the time that a civil case is filed, the clerk must provide a
9 Notice of Case Assignment, which must indicate the name of the judge to whom the case has been
10 assigned. Each plaintiff (and cross-complainant) must serve a copy of the notice, with the complaint
11 (and cross-complaint), and give notice of any date set for a case management or status conference.

12 (d) Improper Refiling. A party must not dismiss and then refile a case for the purpose of
13 obtaining a different judge. Whenever a case is dismissed by a party or by the court prior to judgment
14 and a new action is later filed containing the same or essentially the same claims and the same or
15 essentially the same parties, the new action will be assigned, unless the **Presiding Supervising** Judge
16 for good cause orders otherwise, to the judge to whom the first case had been assigned. When multiple
17 cases involving the same or essentially the same claims, and the same or essentially the same parties,
18 are filed on the same date, the cases shall be assigned to the judge to whom the low numbered case (or
19 first filed case) has been assigned, whether or not that case has been dismissed.

20 (e) Duty of Counsel. Every counsel in the second action referred to in subdivision (d) above
21 must immediately bring the fact of the dismissal and refile to the attention of the court. Counsel for
22 plaintiff or cross-complainant (if the earlier action is renewed in a cross-complaint) must do so at the
23 time that pleading is filed. Counsel for all other parties must do so upon their first appearance, or as
24 soon thereafter as they discover the facts. The notice must be given in a “Notice of Related Case” as
25 provided in California Rules of Court, rule 3.300.

26 (f) Related Cases. (Cal. Rules of Court, rule 3.300.)

27 (1) Where one of the cases listed in a Notice of Related Cases has been assigned to a
28 Complex Litigation department, the judge in the Complex Litigation department shall determine
29 whether the cases will be ordered related and assigned to the Complex Litigation department;

30 (2) Where the cases listed in a Notice of Related Cases contains a probate or family
31 law case, Department 1 shall determine whether the cases shall be ordered related and, if so, to which
32 department they shall be assigned if the cases are all pending in the Central District or pending in two
33 different districts. If the cases are all pending in one district that is other than the Central District, the
34 Supervising Judge of that district shall determine whether the cases shall be ordered related and, if so,
35 to which department they shall be assigned. In addition to filing the Notice of Related Cases in the
36 departments of all pending cases, a copy of the Notice of Related Cases must be filed in Department 1
37 for matters to be determined in Department 1, and in the courtroom of the Supervising Judge of a
38 district if the matter is to be determined by the Supervising Judge of that district;

39 (3) In the event that the **pertinent**-judge **designated** under California Rules of Court,
40 rule 3.300(h)(1)(A)(B)(C) **to make the decision**, does not order related any of the cases set forth in
41 the Notice of Related Cases, any party may file a motion to have the cases related. Department 1 shall
42 hear the motion, if the cases are all pending in the Central District or are pending in two or more

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

43 different districts. If the cases are all pending in one district that is other than the Central District, the
44 motion shall be heard by the Supervising Judge of that district. The motion must be served on each
45 party in every case listed in the Notice of Related Cases, with proof of service attached; and

46 **(4) Complex cases. Under California Rules of Court, rule 3.300(h)(3), the**
47 **provisions in (3) of this subdivision do not apply in cases that have been designated as complex**
48 **by the parties or determined to be complex by the court.**

49 (g) Consolidation of Cases.

50 (1) Cases may not be consolidated unless they are in the same department. A motion
51 to consolidate two or more cases may be noticed and heard after the cases, initially filed in different
52 departments, have been related into a single department, or if the cases were already assigned to that
53 department.

54 (2) Upon consolidation of cases, the first filed case will be the lead case, unless
55 otherwise ordered by the court. After consolidation, all future papers to be filed in the consolidated
56 case must be filed only in the case designated as the lead case.

57 (3) Before consolidation of a limited case with an unlimited case, the limited case must
58 be reclassified as an unlimited case and the reclassification fee paid.

59 ~~(h) Coordination of Non-Complex Cases. A civil case which is not complex as defined by~~
60 ~~Standard 3.10 of the Standards of Judicial Administration may be transferred to the court from~~
61 ~~a superior court in another county, if it involves a common question of fact or law within the~~
62 ~~meaning of Code of Civil Procedure section 404. The coordination motion shall be made in~~
63 ~~compliance with the procedures established by California Rules of Court, rule 3.500.~~
64 ~~Coordination motions seeking to transfer a case or cases to the Central District shall be filed and~~
65 ~~heard in Department 1. Coordination motions seeking to transfer a case or cases to a district~~
66 ~~other than the Central District shall be heard by the supervising judge in that district.~~

67 (h) Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except
68 as the Presiding Judge may otherwise direct, each judge shall schedule, hear and decide all matters for
69 each case assigned.

70 (i) Effect of Judge Unavailability. Whenever a judge is unavailable to perform his or her
71 duties, the cases previously assigned to that judge shall be reassigned to another judge as the **Presiding**
72 **Supervising** Judge determines.

73 (j) Complex Litigation.

74 (1) The Complex Litigation Program of the Los Angeles Superior Court will consist
75 of the departments designated by order of the Presiding Judge. Complex cases must be filed in the
76 districts designated according to Local Rule 2.3. Complex cases must be designated or counter-
77 designated in the civil cover sheet as provided by California Rules of Court, rules 3.401-3.402.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

78 (2) Except **as** provided in subsection ~~7~~**(8)** below concerning class actions, the **Assistant**
79 Supervising Judge, **Civil/Complex**~~Litigation Courts~~, (or his or her designee) (collectively,
80 **“Assistant Supervising Judge, Civil/Complex**~~Supervising Judge”~~) ~~shall~~**will** review all cases in
81 which a plaintiff/petitioner or a defendant/respondent has designated or counter-designated the case as
82 complex and all cases that are designated on the civil cover sheet as “provisionally” complex (*see*
83 California Rules of Court, rule 3.400(c)). This review ~~shall~~**will** be conducted as soon as feasible after
84 the case is filed,~~in consultation with the judge to whom the case is assigned~~ **but before the case is**
85 **assigned to a judge**. The **Assistant Supervising Judge, Civil/Complex** ~~Supervising Judge~~ **shall will**
86 determine (with or without a hearing) whether ~~or not the case should be designated~~ **to designate the**
87 **case** as complex pursuant to California Rules of Court, rule 3.403. If the matter is designated as
88 complex and if ~~all parties~~ **any party has** ~~have~~ not yet paid the complex case fee required by
89 Government Code section 70616(a), the court shall order payment of that fee. **If the case is designated**
90 **complex, the Assistant Supervising Judge, Civil/Complex will assign the case to a judge in the**
91 **Complex Litigation Program. If the case is not designated complex, the Supervising Judge, Civil**
92 **will assign the case.**

93 (3) ~~If the Complex Supervising Judge designates a case as complex, he or she shall~~
94 ~~inquire whether the judge to whom the case has been assigned elects to keep the case and handle~~
95 ~~it for all purposes, including trial. If that judge does not elect to keep the case, the case will be~~
96 ~~reassigned to a judge sitting in a complex litigation department.~~—The judge who manages the
97 complex case should do so with due consideration of Standard 3.10 of the Judicial Administration
98 Standards and the case management concepts set forth in the Deskbook on Complex Civil Litigation
99 published by the Judicial Council of California.

100 (4) **If a party wishes to seek a designation that a case is a complex case, the party**
101 **may seek to transfer the case to the Complex Litigation Program in the following manner. The**
102 **party must complete the Complex Civil Case Questionnaire designated by the Assistant**
103 **Supervising Judge, Civil/Complex. The Questionnaire must be filed in the court in which the**
104 **case is pending. A courtesy copy of the Questionnaire must be provided to the Assistant**
105 **Supervising Judge, Civil/Complex, who shall determine, with or without a hearing, but with**
106 **notice to the assigned judge, whether the case should be assigned to the Complex Litigation**
107 **Program in light of the caseload of the Program, the relative complexity of the case compared**
108 **with cases then assigned to the Program, and the length of time the case has been pending.**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

109 (54) Nothing in this rule will be construed to alter the continuing power of a judge
110 assigned to a case to decide at a later date that the case is complex or that a case previously declared
111 to be complex is not. (*See* Cal. Rules of Court, rule 3.403(b).)

112 (65) ~~In the event that~~ **If** the judge to whom a case is assigned determines that a case
113 is a complex case ~~even though the Complex Supervising Judge did not designate it as one~~, the
114 judge may seek to transfer the case to the Complex Litigation Program in the following manner. The
115 judge or the party **ies**, on order of the court, shall complete the Complex Civil Case Questionnaire
116 designated by the **Assistant Supervising Judge, Civil/Complex.** ~~Supervising Judge, The~~
117 **Questionnaire must be filed in the court in which the case is pending. A courtesy copy of the**
118 **Questionnaire must be provided to the Assistant Supervising Judge, Civil/Complex,** who shall
119 determine, ~~(with or without a hearing)~~, but with notice to the assigned judge, whether ~~or not~~ the case
120 should be assigned to the Complex Litigation Program in light of the caseload of the Program, the
121 relative complexity of the case compared with cases then assigned to the Program, and the length of
122 time the case has been pending. ~~The Questionnaire must be filed in the court in which the case is~~
123 ~~pending. A courtesy copy of the Questionnaire must be provided to the Assistant Supervising~~
124 ~~Judge Complex.~~

125 (76) ~~The policy of the court, consistent with California Rules of Court, rule 3.403,~~
126 ~~is that the issue of whether a case is complex should be decided as soon as feasible after a case is~~
127 ~~filed.~~

128 **A decision by the assigned judge to deem the case complex does not cause the case**
129 **to transfer into the Complex Litigation Program. Only the Assistant Supervising Judge,**
130 **Civil/Complex decides if a case will transfer into the Complex Litigation Program.**

131
132 (87) Recognizing that class actions are defined as provisionally complex pursuant to
133 California Rules of Court, rule 3.400(c), considering the factors which make a case complex
134 enumerated in California Rules of Court, rule 3.400(b), and consistent with the policy to determine as
135 soon as reasonably practicable whether a case is complex under California Rules of Court, rule 3.403,
136 all class actions are presumed to be complex and **at filing** are assigned to the Complex Litigation
137 Program of the court. Pursuant to Government Code Section 70616(a), the complex case fee and first
138 appearance fee must be paid at the time of the filing of the first paper in a class action proceeding. **If**
139 **class action claims are added to the case after the original filing of the complaint, and a party**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

140 **wants the case transferred to the Complex Litigation Program, the party must follow the**
141 **procedure provided in subsection (4).**

142 (Rule 3.3 [7/1/2011, 1/1/2012, 7/1/2012, 1/1/2013, 5/17/2013, 1/1/2015]
143 amended and effective _____)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

1 4.115 SETTLEMENTS OF CLAIMS OF MINORS OR PERSONS WITH DISABILITIES
2 (INCLUDING ESTABLISHMENT AND FUNDING OF TRUSTS)

3 Where there is a judgment or settlement of claim(s), including a covenant not to sue, for a
4 minor or person with a disability, as defined by Probate Code section 3603, the following procedures
5 apply. (*See also* Code Civ. Proc., § 372; Prob. Code, § 2500 *et seq.*; Prob. Code, § 3500, Prob. Code,
6 §§ 3600 - 3612; Standards of Judicial Administration, Section 7.10; and Cal. Rules of Court, rule
7 3.1384 and rule 7.950 *et seq.*)

8 (a) Proper Court to Approve Settlement.

9 (1) No Civil Action Pending. If no civil action is pending, the settlement must be
10 approved by the probate court as provided in Probate Code sections 2505(b) and 3500.

11 (2) Pending Civil Action. If a settlement for a minor or a person with a disability is
12 reached in a pending civil action, the settlement must be approved in the court in which the action is
13 pending (Prob. Code, § 2505(a)).

14 (b) Disposition of Proceeds. Proceeds from a settlement or judgment may be handled in the
15 following manner (except for settlements made pursuant to Probate Code section 3500(d)):

16 (1) Distribution to a parent of a minor. (Prob. Code, § 3611(e) and 3400 *et seq.*);

17 (2) Distribution to one or more insured blocked accounts deposited in financial
18 institutions in California. (Prob. Code, § 3602(c)(1).) Deposits in financial institutions covered by
19 FDIC insurance must not exceed the amount covered;

20 (3) Distribution to a guardian or conservator of the estate after filing of appropriate
21 bond. (Prob. Code, § 3602(b) and 3611(a).);

22 (4) Distribution to a custodian under the Uniform Transfers to Minors Act. The
23 custodian may be required to place the funds into a blocked account or be bonded in the amount
24 required by Probate Code section 2320 *et seq.* (Prob. Code, §§ 3602(c) and 3611(f).);

25 (5) Purchase of a single-premium deferred annuity. (Prob. Code, §§ 3602(d) and
26 3611(b).);

27 (6) Creation and distribution to a special needs trust. (Prob. Code, §§ 3602(d) and
28 3611(c).); and

29 (7) Creation and distribution to a trust for a minor that is revocable at age 18. (Prob.
30 Code, §§ 3602(c)(3) and 3611(g).)

31 (c) Special Needs Trusts and Other Trusts. When the settlement proposes the establishment
32 of a special needs **trust, minor's trust,** or other trust as provided in Probate Code sections 3600 to
33 3612, the terms of the proposed trust must be reviewed by the Probate ~~Department~~ **Division.** The
34 terms of the trust must include the provisions required in California Rules of Court, rule 7.903, and
35 Local Rule 4.116. **To facilitate timely review, a party seeking to establish and fund a trust as part**
36 **of a petition for approval of a compromise filed in a civil department pursuant to subsection**
37 **(a)(2) of this rule must, within two court days of the filing of the petition for approval of**
38 **compromise and trust, lodge with the filing window of the Probate Division at Stanley Mosk**
39 **Courthouse a physical copy of the face page of the petition to approve compromise and attach a**
40 **copy of the proposed trust instrument and the proposed order approving the compromise and**
41 **trust.**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

42 (d) Orders.

43 (1) Order Approving Compromise. The order must be on Judicial Council form
44 “Order Approving Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of
45 Judgment for Minor or Adult Person with a Disability.” **(Judicial Council form MC-351).**

46 (2) Order Establishing Trust. When the order establishes a trust, the order must set
47 forth the provisions of the trust in their entirety.

48 (e) Post-Judgment Procedure.

49 (1) Commencement of Trust Proceeding. An order approving a settlement **where**
50 **proceeds will be deposited into a trust** must provide that the trustee(s) commence a separate trust
51 proceeding with a probate case number in the ~~County~~ **Probate Division of the court unless the court**
52 **finds good cause otherwise. The trustee(s) must file, within 60 days of approval of the**
53 **compromise and trust, a “Notice of Commencement of Proceedings for a Court Supervised**
54 **Trust” (form LASC PRO 044) and attach a certified copy of the order approving compromise, a**
55 **copy of the executed trust instrument, and a copy of any required trustee’s bond. The Probate**
56 **Division will then issue a new probate case number for court supervision of the trust and set an**
57 **Order to Show Cause hearing to ensure filing of the first trust accounting within one year. A**
58 ~~certified copy of the settlement order establishing the trust and a copy of the trustee’s bond(s)~~
59 ~~must be filed with the court as an attachment to a pleading which will create a new probate case.~~
60 ~~The accounting will be tracked by the court in the new probate case.~~

61 (2) Blocked Account: A certified or file endorsed copy of ~~the Judicial Council form~~
62 ~~an~~ **“Order To Deposit Money Into Blocked Account” (Judicial Council form MC-355)** must be
63 delivered to the financial institution. ~~The Judicial Council form A~~ **“Receipt and Acknowledgment**
64 **of Order for the Deposit of Money to Blocked Account” (Judicial Council form MC-356)** must be
65 signed by the depository and promptly filed with the court pursuant to California Rules of Court, rule
66 7.953. Counsel must ensure that funds are deposited in accordance with the order. Attorney’s fees
67 must not be paid until a receipt reflecting the deposit is filed with the court.

68 (3) Withdrawal of Funds from Blocked Account: In order to withdraw funds from a
69 blocked account **approved by a prior probate court order**, ~~Judicial Council form a~~ **“Petition for**
70 **Withdrawal of Funds from Blocked Account” (Judicial Council form MC-357)** must be filed in the
71 ~~p~~**Probate Division court**. Petitions may be presented *ex parte*. ~~In Central District cases, contact~~
72 ~~Minor’s Account Section, Stanley Mosk Courthouse.~~

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

73 When withdrawal is sought because the minor has reached majority and the “Order ~~To~~
74 Deposit Money Into Blocked Account” is self-executing, *i.e.*, provides for release when minor attains
75 the age of 18, no petition is necessary and the former minor must contact the financial institution
76 directly for release of funds.

77 (Rule 4.115 [7/1/2011, 7/1/2014, 1/1/2017] amended and effective _____)
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