

FILED
LOS ANGELES SUPERIOR COURT

FEB 13 2009

John A. Clarke, Executive Officer/Clerk

By Ja. Ramirez, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re the Matter of:

**PROCEDURES FOR THE
APPOINTMENT, REAPPOINTMENT
AND/OR REVOCATION OF
APPOINTMENT OF HUMANE
OFFICERS**

GENERAL ORDER NO:

**ORDER ESTABLISHING PROCEDURES
FOR THE REAFFIRMATION OF
APPOINTMENT OR RE-APPOINTMENT
AND/OR REVOCATION OF
APPOINTMENT OF HUMANE
OFFICERS [Corp. Code, §14502 et seq.]**

**TO: ALL CORPORATIONS OR SOCIETIES CREATED FOR THE PURPOSE
OF PREVENTION OF CRUELTY TO ANIMALS**, who seek appointment or reappointment
of humane officers from the Los Angeles Superior Court pursuant to California Corporations
Code section 14502 et seq.

NOTICE IS HEREBY GIVEN, that in order to provide the Los Angeles Superior Court
with a suitable record and factual basis for appointing and/or re-appointing humane officers
pursuant to Corporations Code section 14502 et seq., and pursuant to the authority of the
Presiding Judge of the Court as set forth in California Rules of Court, rule 6.603, as well as the
authority of all judges as set forth in Code of Civil Procedure section 128, the Los Angeles
Superior Court hereby adopts the procedures and policies set forth herein for appointing and/or
re-appointing humane officers whose appointments/re-appointments have been recommended by
a humane society created under Corporations Code section 10400 et seq.

1 **ASSIGNMENT OF JURISDICTION:** The Supervising Judge of the Criminal Division
2 of the Los Angeles Superior Court or his or her designee is assigned all responsibility for
3 appointing, re-appointing and revoking the appointments of humane officers pursuant to
4 Corporations Code section 14500 et seq., which includes jurisdiction over all appointments of
5 humane officers that have heretofore been made, or the renewal thereof.

6 **1. REQUIRED FORM AND PROCEDURE FOR FILING OF APPLICATION:** All
7 recommendations for appointment and/or reappointment of humane officers pursuant to
8 California Corporations Code section 14502 shall be contained within an application requesting
9 relief that complies with California Rules of Court, rule 2.100 et seq.

10 **a. Caption:** The application shall be captioned “In re Application of: _____, a
11 corporation formed and existing for the prevention of cruelty to animals.”

12 **b. Pleading Name:** The application shall be named “RECOMMENDATION TO
13 SUPERIOR COURT TO REAFFIRM APPOINTMENT [RE-APPOINTMENT] OF HUMANE
14 OFFICER [Ca Corp. Code, §14502 et seq.]”

15 **c. File Location:** The application and all papers relating to the application may be filed
16 by mail or in person with the Clerk of Court, Los Angeles Superior Court, Clara Shortridge Foltz
17 Criminal Justice Center, 210 West Temple Street, 2nd Floor, Clerk’s Office. If a conformed copy
18 is desired, the Clerk shall be provided a suitable self-addressed envelope with sufficient prepaid
19 postage. The applicant must retain a copy of all filings.

20 **d. Special Proceeding Case Number:** At the time of filing, the Administrator shall
21 assign the application a unique Special Proceeding Number, preceded with the letters “HS”, and
22 such number shall be placed on the application and on all other matters relating to the application
23 for appointment/re-appointment of a humane officer.

24 **e. Notice and Service of Application:** Prior to the confirmation/reaffirmation of the
25 appointment of a humane officer, a humane society must notify the appropriate law enforcement
26 agencies, including the local police department and the sheriff of the county in which the society
27 is incorporated of the society’s intent to enforce laws for the prevention of cruelty to animals.
28

1 Corp. Code, §14502(n); Code Civ. Pro., §1013a. Each application shall include as the last page,
2 proof of service of a copy of the application upon:

- 3 (1) Sheriff of Los Angeles County, properly addressed to Los Angeles County Sheriff's
4 Department, Office of the Undersheriff, 4700 Ramona Blvd., Monterey Park, CA 91745,
5 (2) Los Angeles County District Attorney, properly addressed to Office of the Los
6 Angeles County District Attorney, Organized Crime Division, 201 North Figueroa Street,
7 Suite 1500, Los Angeles, CA 90012, Attn: Head Deputy;
8 (3) City Attorney of the City of Los Angeles, properly addressed to Los Angeles City
9 Attorney's Office, Chief of the Criminal Division, 500 City Hall East, 200 North Main
10 Street, Los Angeles, CA 90012.

11 **f. Fingerprint and Background Check Requirements:** The California Department of
12 Justice (DOJ) only accepts submission of fingerprints via LiveScan rather than the former
13 method of submitting fingerprint imprints taken on an 8x8 card. It is the applicant's
14 responsibility to submit fingerprints for LiveScan results through a private vendor. The
15 application must be filed within sixty (60) days of the submission of the LiveScan. The
16 submission of fingerprints via LiveScan results in a written report issued by the DOJ regarding
17 the applicant's background which includes the applicant's criminal record, if any. This letter
18 constitutes sufficient evidence to fulfill the mandated background check requirement under
19 Corporations Code sections 14502(c) and 14052(d). It is the applicant's responsibility to
20 confirm the Court's receipt of the DOJ report. In the event that the written report comes to the
21 applicant, it is the applicant's responsibility to file the DOJ's written report with the application
22 for appointment/re-appointment of a humane officer.

23 **g. Representation to the Superior Court:** For each application for the appointment
24 and/or reappointment of a humane officer requested, the body of the pleading shall include a
25 representation from the applicant, supported by the evidence set forth below, concerning the
26 qualifications and fitness of each appointee that is the subject of the application.
27
28

1 **2. REQUIRED DECLARATIONS AND EVIDENCE:** Each application containing a request
2 for appointment or reappointment of a humane officer shall have attached thereto a declaration
3 under the penalty of perjury and supported by documentation, establishing each of the following

4 **a. Recommendation by a Corporation:** The appointee is recommended for
5 appointment [or re-appointment] as a humane officer by a nonprofit corporation created
6 for the prevention of cruelty to animals formed under Corporations Code section 10400.
7 Corp. Code, §§ 14500, 14502(a)(1)(A)(i), 14502(a)(2), 14502(b).

8 (i) Qualified Corporate Status: The applicant is a humane society or society for
9 the prevention of cruelty to animals eligible to apply for an appointment of an
10 individual as a humane officer pursuant to Corporation Code sections 14500 et
11 seq. and 14500 et seq, including evidence establishing:

12 (a) Qualifying Name: That the corporation existed prior to 1997, or does
13 not use or specify a name or style of the same, or substantially the same,
14 as that of any previously existing society or corporation in this state
15 organized for a like purpose. Corp. Code, §§ 14500, 14502(a)(1)(A)(i).

16 (b) Incorporated in Los Angeles County: The applicant humane society is
17 incorporated in the County of Los Angeles. Corp. Code, § 14502(b).

18 **b. Proof of Incorporation.** The humane society recommending appointment of the
19 human officer must submit proof of its incorporation in compliance with Corporation
20 Code section 10400 et seq. Corp. Code. §§14502(b), 14502(b).

21 **c. Length of Incorporation:** The recommending humane society must submit
22 proof that it has been incorporated for six months prior to its recommendation of an
23 appointee as a humane officer. Corp. Code, §14502(a)(2).

24 **d. Liability Insurance:** The recommending humane society must submit proof that
25 it possesses liability insurance policy of at least one million dollars (\$1,000,000) for
26 bodily injury or property damage. Corp. Code, §14502(a)(2); 14502(b).

27 **e. Resolution by Corporation:** The recommending humane society's board of
28 directors or trustees must appoint a humane officer. Each appointment of a humane

1 officer must be by separate resolution of the recommending humane society's board of
2 directors or trustees. Corp. Code, §§14502(a)(2), 14502(a)(3). The resolution must
3 include:

- 4 (1) The full name and address of the appointing agency;
- 5 (2) The full name of the person so appointed;
- 6 (3) The fact that he/she is a citizen of the United States and a resident of the State
7 of California; and
- 8 (4) The number of the badge to be allotted to the appointed humane officer. (*Id.*)

9 In addition, the resolution must be certified to be correct by the president and secretary of
10 the society, attested by its seal, duly entered on the minutes and provide a signature line
11 for the bench officer's signature. Corp. Code, §14502(b).

12 A copy of this resolution meeting these requirements must be filed with the Court
13 Corp. Code, §§ 14502(a)(2), 14502(a)(3), 14502(b). The resolution must be signed
14 within a reasonable time contemporaneous to the filing of the application, such that the
15 resolution is signed no more than six (6) months prior to the filing of the application.

16 **f. Citizenship:** The recommended appointee must be a citizen of California. Corp.
17 Code, section 14502 (a)(2).

18 **g. Proof of Training:** In every application to reaffirm an appointment or
19 reappointment of a humane officer, the recommending humane society must declare, and
20 attach documentation as evidence, that the appointee has satisfactorily completed the
21 applicable training requirements set forth under Corporations Code section 14502(i) (*See*
22 Corp. Code, §14502(a)(2); §14502(a)(3); §14502(b)) and attest to the appointee's fitness
23 to act as a humane officer. In its declaration, the applicant humane society must also
24 indicate:

- 25 (1) Whether the appointee is applying to become a Level 1 or Level 2 humane
26 officer;
- 27 (2) Whether the appointee is applying to the court for appointment or re-
28 appointment as a humane officer;

1 (3) Describe how the appointee has fulfilled his/her training requirements;

2 (4) Explain how certificates provided as evidence of completion of training meet
3 the specific training requirements described under Corporations Code §14502.

4 **3. EXPIRATION OF APPOINTMENT:** All appointments of humane officers shall
5 automatically expire if the society disbands or legally dissolves. In addition, all appointments
6 automatically expire within three years from the date on which the certified copy of the court
7 order was filed with the county clerk. Corp. Code §14502(f).

8 **4. FILING OF OPPOSITION AND REPLY:**

9 Opposition to the application to reaffirm may be filed by any interested party. All papers
10 filed in opposition to the application to reaffirm and in reply to the opposition must conform to
11 law and motion pleading requirements, pursuant to California Rules of Court Rule 3.1113(d).
12 Any opposition may not exceed 15 pages in length and the reply may not exceed 10 pages in
13 length, excluding exhibits and declarations.

14 a. Any opposition must be filed no later than 15 court days after service of the complete
15 application accepted by the court for filing. In instances where a party is not served,
16 opposition must be filed within 15 court days of posting of notice of filing of the
17 application to reaffirm on the court's website.

18 i. Any opposition must be served on all parties indicated on the Proof of Service
19 attached to the application to reaffirm.

20 ii. Any opposition must be served on the Court in Department 100 of the Clara
21 Shortridge Foltz Justice Center at 210 West Temple Street, Los Angeles
22 California, 90012.

23 b. The applicant's reply, if any, to the opposition must be filed 10 court days after
24 service of the opposition.

25 i. The reply must be served on all parties indicated on the Proof of Service
26 attached to the application to reaffirm and to any party not named on the Proof
27 of Service but who has filed an opposition.
28

1 ii. The reply must be filed in Department 100 of the Clara Shortridge Foltz
2 Justice Center at 210 West Temple Street, Lo Angeles California 90012.

3 The matter will be deemed submitted for ruling, without a hearing, unless the Court
4 notifies the interested parties of its intention to hold a hearing. In this event, the court clerk will
5 notify the interested parties of the date and time set for the hearing.

6 **5. PROPOSED ORDER:**

7 The application recommending the court reaffirm an appointment (or reappointment) of a
8 humane officer must be accompanied by a proposed order for each appointee, complying with
9 California Rules of Court, rule 2.100 et seq.

10 The proposed order must be entitled “Order Reaffirming Appointment [or
11 Reappointment] of Humane Officer (Cal. Corp. Code §14502, et seq.)] and should include
12 verbiage similar to the following:

13 “[Name of Humane Society] having applied to the Superior Court in
14 which it is incorporated to reaffirm its appointment of the following
15 individual as a humane officer pursuant to Corporations Code
16 section 14502, and having provided satisfactory evidence that it is an
17 entity entitled to appoint humane officers pursuant to that section,
18 and that the individual listed herein is qualified and fit to act as a
19 humane officer, the court reaffirms that appointment [or
20 reappointment] and grants the application for a period of three years
21 pursuant to Corp. Code §14502(f).

22 _____ (Appointee’s name)
23 _____ (Appointing agency)
24 _____ (Badge Number)

25 Good cause appearing therefore, IT IS SO ORDERED.

26 Date: _____
27 _____ (Typed name of Judge)
28 Superior Court Judge”

29 **6. REVOCATION OF APPOINTMENT OF HUMANE OFFICERS**

30 **a. Revocation by Corporation That Appointed Humane Officer:** The corporation
31 appointing an officer may unilaterally revoke an appointment at any time by filing in the office
32 of the county clerk in which the appointment of the officer is recorded a copy of the revocation

1 in writing under the letterhead of the corporation and duly certified by its executive officer. Upon
2 the filing, the county clerk shall enter the fact of the revocation and the date of the filing thereof
3 opposite the name of the officer in the record of humane officers. Corp. Code, § 14502 (g)(1).

4 **b. Revocation Initiated by a Law Enforcement Agency or State Humane**

5 **Association of California:** A revocation hearing may be initiated by petition from any duly
6 authorized sheriff or local police agency or the State Humane Association of California. The
7 petition shall show cause why an appointment should be revoked and shall be made to the
8 superior court in the jurisdiction of the appointment. Corp. Code § 14502(g)(2).

9 (i) Title: The Petition shall be entitled “Petition for Revocation of Appointment of
10 Humane Officer [name of officer and badge number] (Corp. Code § 14502(g)(2).”

11 (ii) Hearing: Hearing date is obtained by contacting the court clerk in Department 100
12 of the Clara Shortridge Foltz Criminal Justice Center, Los Angeles Superior Court,
13 Criminal Division.

14 (iii) Service, Filing and Format of Petition: Filing, service and format protocol shall
15 conform to the law and motion requirements under Code of Civil Procedure, California
16 Rules of Court and the California Corporations Code. Corp. Code, §1700.

17 (a) Notice of the hearing date and a copy of the Petition must be served in the
18 same manner as a summons upon the humane officer subject to the Petition and
19 upon the corporation who appointed the officer. (See generally, Code of Civ. Pro.,
20 §§ 416.10, 413.10, 417.10, 412.30 [must contain adequate notice to person that
21 he/she is served on behalf of the corporation and/or is being served individually.]

22 (b) All papers filed in opposition to the Petition and in reply to the opposition
23 must conform to law and motion requirements. (See generally, Code Civ. Pro., §§
24 1005, 1010, 1012, 1013a; Cal. Rules of Court, rule 3.1110 et seq.)

25 (iv) Upon a finding of good cause, the court shall issue an order granting the petition
26 revoking the appointment. Corp. Code § 14502(g)(2). The court’s revocation order shall
27 immediately be forwarded by the clerk of the court for filing to the office of the county
28 clerk in which the appointment of the officer is recorded. Upon filing the county clerk

1 shall enter the fact of the revocation and the date of the filing thereof opposite the name
2 of the officer in the record of humane officers.

3 (v) The clerk of the court shall give notice of the Court's order to all parties, as well as to
4 all entities named on the service list of this order. (See, *infra*.)

5 **7. FILES OPEN TO PUBLIC INSPECTION:** All pleadings, orders and papers are to be filed
6 and maintained as a court file open to public inspection, except for any reports received as to the
7 record of the appointee from the Department of Justice, which reports are required by law to be
8 maintained confidentially, and which should be retained in a sealed portion of the file not open
9 or available to the public.

10 **8. SEARCH WARRANTS:** All search warrants requested by any Humane Society which has
11 been endorsed pursuant to these procedures shall be filed in Los Angeles Superior Court,
12 Department 100, 210 W. Temple Street, Los Angeles, CA 90012, to be heard by the Supervising
13 Judge or Assistant Supervising Judge of the Criminal Courts. Additionally, all search warrants
14 requested by any Humane Society which has been endorsed pursuant to these procedures shall
15 contain the name of the humane officer requesting the search warrant, his or her badge number,
16 and his or her date of certification with the Los Angeles Superior Court. Corp. Code §14502(f).

17 **9. REFERRAL TO RULES COMMITTEE:** A copy of this order shall be referred to the
18 Rules Committee of the Court for consideration and recommendation for suitable local rules to
19 replace or facilitate this Order.

20 **10. SUPERSEDING ORDER:** This order supersedes and replaces the Court's General Order
21 entitled "Order Establishing Procedures for Recommendations for the Reaffirmance of
22 Appointments of Humane Officers" signed by the Honorable William A. Maclaughlin and filed
23 on December 12, 2005.

24 **11. DIRECTIONS TO THE COURT CLERK RE: SERVICE OF THIS ORDER:** The
25 clerk of the court is directed to mail a copy of this order to each of the below listed societies for
26 the prevention of cruelty to animals, which societies have applied to the court for the
27 appointment or reappointment of humane officers within the past five years, and to fax a copy of
28 this order to these societies that have a fax number, and to file a certificate of such mailing with

1 this order. Additionally, the clerk is directed to mail and fax a copy of this order to local law
2 enforcement agencies identified below and to file a certificate of such mailing with this order.
3 The clerk is also directed to take steps to have this order be made available to the public on the
4 court's website, and provided to each person or entity making inquiry concerning or seeking an
5 order from the court appointing or re-appointing of a humane officer.

6
7 **SPCALA**

8 5026 W. Jefferson Blvd.
9 Los Angeles, CA 90016
Phone: (888) SPCA-LA1
Fax: (323) 730-5333

GLENDALE HUMANE SOCIETY

717 Ivy Street
Glendale, CA 91204
Phone: (818) 242-1128
Fax: (818) 242-4565

10 **PASADENA HUMANE SOCIETY**

11 361 South Raymond Avenue
12 Pasadena, CA 91105
13 Phone: (626) 564-4352
Fax: (626) 792-3810

AMERICAN HUMANE SOCIETY

Film and Television Unit
15366 Dickens Street
Sherman Oaks, CA 91403
Phone: (818) 501-0123
Fax: (818) 501-8725

14 **INLAND VALLEY HUMANE
15 SOCIETY AND SPCA**

16 500 Humane Way
17 Pomona, CA 91766
18 Phone: (909) 623-9777
Fax: (909) 523-0432

Los Angeles County Sheriff's Department

Office of the Undersheriff
4700 Ramona Blvd.
Monterey Park, CA 91745
Phone: (323) 526-5115
Fax: (323) 267-6615

19 **Office of the Los Angeles County
20 District Attorney**


21 Organized Crime Division
22 201 North Figueroa Street, Suite 1500
23 Los Angeles, CA 90012.
Attn: Head Deputy
Phone: (213) 580-3388
Fax: (213) 240-8630

Office of the City Attorney, Los Angeles

Chief of the Criminal Division
500 City Hall East
200 North Main Street
Los Angeles, CA 90012
Attn: Chief of the Criminal Branch
Phone: (213) 978-7948
Fax: (213) 978-9112

24
25 Good cause appearing, IT IS SO ORDERED.

26
27 Date: 2/13/09


28 HON. CHARLES W. McCOY
Presiding Judge
Los Angeles Superior Court

