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**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

<b>IN RE SUSPENSION AND CLARIFICATION OF DIVISION V:</b>	}	<b>GENERAL ORDER OF THE PRESIDING DEPARTMENT</b>
<b>(1) LOCAL RULE 5.5.4. E. REQUEST FOR CONTINUANCE OF HEARING ON REQUEST FOR ORDER</b>	}	<b>ORDER NO. 031913</b>
<b>(2) LOCAL RULE 5.9.8 COORDINATION OF TITLE IV-D CASES &amp; RELATED FAMILY LAW MATTERS</b>	}	

THE COURT FINDS AND ORDERS AS FOLLOWS:

The Court is continuing to address significant budget cuts including the on-going reduction of staff and resources. To maximize the efficient use of its time and resources, the Court will need to suspend and clarify portions of the following two local family law rules: (1) Rule 5.5.4. E. regarding the procedures to request a continuance of a hearing on a Request for Order (RFO); and (2) Rule 5.9.8 regarding the coordination of Title IV-D cases with related family law matters.

IT IS HEREBY ORDERED that the mandatory language of rule 5.5.4, subdivision E. only, is suspended and clarified with permissive language as set forth below. Subdivisions A, B, C, D, F, G and H of rule 5.5.4 will remain in effect, as written.

1 **5.5.4. E. Continuances.** Continuances of RFO hearings even pursuant  
2 to stipulation are disfavored and will not be automatically granted. Prior to  
3 the hearing date, a request for continuance may be made only for an RFO  
4 that does not require a judicial reissuance of any court order(s) within the  
5 RFO itself, as set forth in “D” above.

6 **1.** All requests for a continuance, including stipulations, ~~shall~~ *may*  
7 be made on the local form application, SDSC D-260.

8 **2.** Written and signed stipulations should be attached to the  
9 completed form application.

10 **3.** The first two applications for a stipulated continuance or a  
11 continuance based on the moving party’s failure to serve the RFO  
12 may be made through the calendar clerk. The application ~~must~~  
13 *should* be submitted no later than 2 court days before the  
14 scheduled hearing. All subsequent applications, including  
15 stipulations, ~~shall~~ *should* be submitted to a judicial officer by ex  
16 parte application or in court on the day of the hearing.  
17 Continuances requested at the hearing will only be granted for  
18 good cause. The Court and all other parties shall be given as much  
19 advance notice as possible when it is anticipated that a request for  
20 a continuance will be made on the day of the hearing.

21 **4.** ~~The statutory fee for a continuance shall be paid with each  
22 application.~~

23 IT IS FURTHER ORDERED that the language of Rule 5.9.8 “Coordination  
24 of Title IV-D Cases with Related Family Law Matters,” subdivisions B through E  
25 is suspended in its entirety and subdivision A is clarified as set forth below.

26 **5.9.8 Custody, Visitation, and Domestic Violence Matters in FSD Cases.**

27 An “open” DF case means DCSS has not closed its case in accordance  
28 with state and federal regulations or policy as set forth in Family Code,  
section 17404. Parties may use the open DF case to litigate custody,  
visitation and domestic violence issues in a non-FSD, family court  
department. Motions should be filed in the appropriate venue.

This order is issued pursuant to the authority set forth in Rule 10.603 of the  
California Rules of Court, and as authorized by the San Diego Superior Court Executive  
Committee. To the extent that the language of any local rule is inconsistent with this  
General Order, the language of that local rule is also hereby suspended. This order is

1 effective immediately upon the posting of the signed order on the Court's website and  
2 shall expire on December 31, 2013, unless otherwise ordered by this court.

3  
4 IT IS SO ORDERED.

5 Dated: March 19, 2013



6 **ROBERT J. TRENTACOSTA**  
7 **Presiding Judge**