

## **DIVISION V FAMILY LAW**

### **PREFACE**

Over the last several years, California family law has undergone significant changes including the adoption of numerous new and revised Family Rules of the California Rules of Court. Our local rules set forth those rules and procedures specific to the San Diego family courts not otherwise covered in the California Rules of Court or California statutes. The local rules are not intended as an educational guide to family law nor should they be relied upon as such. All attorneys and self-represented litigants are expected to abide by the state laws and rules that apply to their case. (Adopted 1/1/2013)

### **GENERAL**

#### **Rule 5.1.0**

##### **Self-Help; General Information; Forms; Website Disclaimer**

**A. Self-Help.** Extensive self-help information is available online at:

1. The court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) under the heading "Self-Help Center."
2. The California Courts, Judicial Branch website at [www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp).

**B. General Information.** Additional information may be found on the court's website under the tab "Family." Informational handouts are also available in the court's business office, from the Family Law Facilitators and from Family Court Services.

**C. Forms.** Local and Judicial Council family law forms can be found online at the above referenced websites.

**D. Disclaimer.** The San Diego Superior Court does not control or maintain the Judicial Council website and is not responsible for the accuracy of the information or its content. Additionally, the court's website is updated periodically. When using the court's website, the user is subject to its terms of use and privacy policy. (Adopted 1/1/2013)

#### **Rule 5.1.1**

##### **Application of Rules**

**A. Applicability of Rules.** These rules apply in all departments of the San Diego Superior Court hearing family law matters ("Family Law Courts").

**B. Sanctions.** Sanctions may be imposed for failure to comply with these rules (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.1.2**

##### **Family Law Courts and Venue**

**A. Proper Venue.** For purposes of filing, each of the Family Law Courts ("Central" in San Diego, "South County" in Chula Vista, "East County" in El Cajon, and "North County" in Vista) is a separate division and a separate venue with the exception of matters involving DCSS. For matters involving DCSS, refer to Chapter 9 of these rules. A list of filing districts by zip code is available online.

**B. Marvin Actions.** Any family law related action not specifically authorized by the Family Code (e.g., *Marvin* complaints) must be filed initially as a separate proceeding in the Civil Division. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.1.3**

##### **Work of the Family Law Courts**

**A.** Unless otherwise noted in these rules or by court order, the Family Court handles all matters arising under the Family Code and the Hague Convention on Civil Aspects of the Prevention of International Child Abduction.

**B.** The Family Court does not handle matters of adoption or freedom from parental control. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2013)

#### **Rule 5.1.4**

##### **Words and Phrases Defined**

Unless the context otherwise requires, the following definitions govern the construction of these rules.

1. “attorney” and “counsel” are used interchangeably and synonymously and include a self-represented litigant.
  2. “child” includes the plural “children.”
  3. “online” means the court’s website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov) and/or the California Courts, Judicial Branch website at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).
  4. “party” includes a self-represented litigant or a person represented by an attorney.
  5. “self-represented litigant” means any party who is representing himself or herself.
  6. “shall” and “must” are mandatory; “will” and “may” are permissive.
- (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.1.5**

##### **Applicable Abbreviations. The following abbreviations are used throughout these rules:**

ADR = Alternative Dispute Resolution

CLETS = California Law Enforcement Telecommunications System

DCSS = Department of Child Support Services, County of San Diego

DVTRO = Domestic Violence Temporary Restraining Order

FCS = Family Court Services

FRC = Family Resolution Conference (also known as a “Family Centered Case Resolution Conference)

FSD = Family Support Division

MSC = Mandatory Settlement Conference

PCTJ = Privately Compensated Temporary Judge

RFO = Request for Order

STC = Status Conference

SRL = Self Represented Litigant

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.1.6**

##### **Reserved for Future Use**

(Adopted 1/1/2012; Moved to 5.1.0 on 1/1/2013)

#### **Rule 5.1.7**

##### **Requirement for Current Mailing Address**

It is the obligation of all SRLs and attorneys to keep the court informed of their current mailing address by promptly filing a Notice of Change of Address which is available online or in the business office of the court.  
(Adopted 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.1.8**

##### **Official Court Reporters**

**A.** The Family Law Division of the San Diego Superior Court does not regularly provide for the reporting of hearings on all requests for orders or motions or other hearings unless required by law.

**B.** A list of hearings for which the court will provide an official court reporter is posted on the court’s website.

**C.** All statutory fees for those court reporters provided by the court remain in effect.

**D.** Policies and mandatory procedures on how a party may arrange for a certified court reporter for hearings at which the court does not provide a reporter is posted on the court’s website.

(Adopted 1/1/2013)

## **CHAPTER 2 CASE MANAGEMENT**

#### **Rule 5.2.1**

##### **Direct Calendar Case Assignment**

**A. Notice of Assignment.** New cases are randomly assigned to a judicial officer for all purposes. The petitioner will receive a notice of case assignment when the petition is filed. A copy of the notice of case assignment

must be served on the respondent with the petition.

**B. Notice of Reassignment.** All case reassignments initiated by the court as a result of the change of a judicial officer in a department are posted online and in the courthouse lobbies approximately 30 days in advance of the reassignment.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.2.2**

#### **Family Resolution Conference (FRC) and Status Conference (STC).**

**A. Purpose, Definitions and Procedures.** See Family Code sections 2450, 2451 and California Rules of Court, rule 5.83.

#### **B. Scheduling and Service of Notice of FRC or STC (collectively referred to as “conference(s)”)**

1. The court will set an initial FRC (cases with at least one attorney) or STC (cases where both parties are SRLs) hearing date and issue a “Notice” of the conference at the time the petition is filed.

2. The petitioner shall serve the respondent with a copy of the Notice along with the petition. Petitioner must also serve a copy of the Notice on all parties or their attorneys of record who have made an appearance in the case before the scheduled conference.

3. Subsequent conferences may be set and noticed by the court as needed or if requested by a party.

**C. Attendance.** All parties or their counsel must personally attend the first conference unless otherwise ordered by the court. Personal appearance at all subsequent conferences will be ordered at the court’s discretion.

**D. Alternative Dispute Resolution (ADR) and Reconciliation.** Parties who file a stipulation prior to the conference indicating they are participating in ADR or attempting reconciliation will be exempt from the conference for six months. If a judgment or dismissal is not filed within six months of the filing of the stipulation, the parties will be required to attend the noticed conference

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. & Renum. 1/1/2013)

### **Rule 5.2.3**

#### **Alternative Dispute Resolution (ADR)**

Except in cases involving domestic violence, ADR is encouraged but voluntary. The Alternative Dispute Resolution Informational Notice (Form SDSC D-9) is available at the family court business offices or online.

**A. Mediation or Arbitration.** Before participating in mediation or arbitration, the parties must file with the court a written and signed stipulation.

#### **B. Collaborative Law Process**

1. **Stipulation.** Before participating in the collaborative law process, the parties shall file with the court a signed stipulation that must include the following:

a. The parties will engage in the full and candid informal exchange of all relevant information and documentation;

b. The parties will jointly retain any consultants needed to assist them in reaching a collaborative settlement;

c. No contested motions shall be filed while the case is proceeding as a collaborative case; and

d. The collaborative attorneys are disqualified from continuing to represent the parties if the collaborative law process is terminated by either party.

2. **Designation.** The words “Collaborative Case” must be included below the case number in the case caption of every document filed with the court.

3. **Termination.** The case will be removed from the collaborative process by the court upon the filing of a written stipulation of the parties or by either party, without cause, by filing and serving a notice of termination. Upon the filing of the stipulation or notice of termination, the clerk will schedule a FRC or STC and notify the parties of the date.

4. **Applicable Law.** Except as otherwise provided in these rules, the procedures for collaborative cases are governed by Family Code section 2013 and all other applicable statutes and California Rules of Court.

**C. Privately Compensated Temporary Judge (PCTJ).** A request for the appointment of a privately compensated temporary judge must be directed to and granted by the family court supervising judge.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013)

**Rule 5.2.4**

**Related Cases.** Parties shall file and serve a notice of “related case,” as defined by California Rules of Court, rule 5.440, as soon as possible upon learning of the existence of a related case.  
(Adopted 1/1/2013)

**Rule 5.2.5****Mandatory Settlement Conference (MSC)**

**A. Settlement Brief.** As part of a Case Resolution Plan and/or FRC order, the court may order an MSC. Unless otherwise ordered by the court, a settlement conference brief is mandatory. The contents of the settlement brief must include all the information required for a trial brief as set forth in California Rules of Court, rule 5.394. Parties may use the optional local settlement brief form SDSC D-241 available online or in the family court business office. The brief and all attachments must be exchanged between the parties and served on the settlement conference attorney in a manner that ensures they are received no later than 4:00 p.m., 3 court days before the MSC, unless otherwise ordered by the court.

**B. MSC Confirmation.** No later than 10 calendar days before the scheduled MSC, parties must call the court to confirm that the MSC will go forward and to receive the name and address of the settlement conference attorney.

**C. Continuances.** An MSC may be continued only by court order. No continuance will be granted within 3 court days of the scheduled date for the MSC.

(Adopted 2005; Rev. 2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. & Renum. 1/1/2013)

**Rule 5.2.6****Telephone Appearances in Family Court**

Appearance by telephone shall be governed by the applicable California Rules of Court, presently rule 5.9. All requests for appearance by telephone shall be made on local Form SDSC D-259. A request for a telephone appearance shall be filed with the court and served on all parties at least 10 court days before the scheduled hearing.  
(Adopted 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013)

### **CHAPTER 3 EMERGENCY ORDERS (EX PARTE ORDERS)**

**Rule 5.3.1****Emergency Orders (Ex Parte Orders)**

**A.** Requests for emergency (ex parte) orders will be governed by the applicable California Rules of Court, presently rule 5.151 through 5.169.

**B.** Parties must obtain an emergency order hearing date either by calling the court or by appearing in person at the court’s business office no later than 10:00 a.m. the day before the requested hearing date. The telephone numbers for the business office of each branch court can be found online

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013)

**Rule 5.3.2****Non-Emergency Orders Not Requiring Notice**

The business office at each division has a drop box where a request for a non-emergency order may be deposited for processing. Non-emergency orders are listed in California Rule of Court, presently rule 5.170. An attorney service slip or stamped self-addressed envelope should be included if conformed copies are requested.

(Adopted 1/1/2013)

### **CHAPTER 4 DOMESTIC VIOLENCE RESTRAINING ORDERS (DVRO)**

**Rule 5.4.1****Domestic Violence Restraining Orders**

Temporary and permanent domestic violence restraining orders are governed by the applicable statutes and

California Rules of Court, presently rules 5.380 through 5.386.  
(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.4.2**

##### **Residence Removal Orders**

If a DVTRO includes an order to have the restrained party removed from the residence, a separate order directing the Sheriff to assist in the removal must be prepared and submitted to the court for signature. Form SDSC D-072 (Order for Removal from Residence) is online. The Sheriff requires two certified copies of the removal order. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012)

#### **Rule 5.4.3**

##### **Terminating a Restraining Order by Protected Party**

The protected party may ask the court to terminate a restraining order before its expiration date by filing Form SDSC D-001 (Ex Parte Request and Order to Vacate Restraining Order). If granted, the court will deliver a copy of the order to the Sheriff for removal from CLETS. (Adopted 1/1/2012; Rev. 1/1/2013)

### **CHAPTER 5 REQUEST FOR ORDER (RFO)**

#### **Rule 5.5.1**

##### **Forms, Format and Procedures**

Requests for Orders shall comply with the applicable California Rules of Court, presently rules 5.90 through 5.125.

**A. Page Limits.** The court, in its discretion, may refuse to consider declarations which exceed the mandatory page limits.

**B. Custody and Visitation.** When filing an RFO regarding custody or visitation, the moving party must also file Form SDSC FCS-046 (Family Court Services Screening Form)

**C. Summary Judgments.** California Rules of Court, rule 5.74(b), excludes all summary determinations pertaining to the sufficiency of any petition, answer, RFO and OSC including requests for summary rulings on the merits of a claim, undisputed material fact, defense or legal issue.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev 1/1/2012; Rev. 1/1/2013.)

#### **Rule 5.5.2**

##### **Lodged Documents**

**A.** The format for submission of exhibits shall be governed by California Rules of Court, rules 3.1110, 3.1116 and 3.1302.

**B.** Exhibits filed or lodged by petitioner should be numbered. Exhibits filed or lodged by respondent should be lettered.

**C.** Exhibits which exceed 10 pages must be lodged rather than filed with the court. A "Notice of Intent to Lodge Documents" listing the name or description of the exhibit must be filed and served on all parties and a copy submitted with the lodged material. Documents lodged with the court must be tabbed to correlate to the Notice.

**D.** Lodged documents will be stamped "received" by the court. Exhibits may not be lodged more than ten court days and no later than three court days prior to the hearing except by court order. Absent an addressed envelope with sufficient postage for returning the lodged documents, all lodged documents must be picked up from the courtroom within five court days following the hearing or they may be discarded without further notice. All returned lodged documents must be retained by the party until the applicable appeal period has expired.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013.)

#### **Rule 5.5.3**

##### **Related RFO**

**A.** An opposing party may request that an RFO reasonably related to the issues raised by a scheduled RFO be set on the same date and time. However, the related RFO must meet the standard statutory requirements for filing and service, absent an order shortening time.

**B.** A related RFO should not be filed for affirmative relief that is otherwise available by law in the responsive declaration.

C. Absent a prior court order, an OSC re Contempt may not be filed as a related RFO.  
(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. & Renum. 1/1/2008; Rev. 1/1/2011; Rev. 1/1/2012; Rev. & Renum. 1/1/2013)

#### **Rule 5.5.4**

##### **Hearings on Request for Order**

**A. Calendaring.** The Business Office will assign a hearing date on an RFO unless the moving party asks that no hearing date be set. Preferred dates and times for hearings may be indicated to the business office in an informal writing attached to the RFO.

**B. Retroactive Order.** Motions in which the date of filing determines retroactivity may be filed without setting a hearing date to preserve retroactivity. The pleading must plainly state “NO HEARING DATE REQUESTED” just below the hearing date line. The motion and all supporting papers must be filed and promptly served on the opposing counsel/party. The moving party must submit the following documents within 180 days of the filing of the original RFO to have a hearing date set in the ordinary course:

1. A new RFO form as previously filed, but without the request for no hearing date.
2. A conformed copy of the first page of the originally filed RFO.
3. Any additional declarations or exhibits supporting the RFO that were not available at the time of the filing of the original RFO keeping in mind the party’s single declaration page limits.
4. The proof of service showing the opposing party was properly served with the original RFO.
5. Failure to file the documents listed above within 180 days will result in the loss of a retroactive order based on the original RFO. The party will be required to file a new RFO.

**C. Time Estimates.** All RFOs must indicate a time estimate immediately beneath the case number on the first page of the pleading. Hearings estimated at 40 minutes or less are set on the court’s regular calendar by the business office. Hearings estimated at more than 40 minutes may be assigned to another judicial officer in the family law department or a trial department.

**D. Judicial Reissuances.** An RFO must be reissued if the moving party needs to continue the hearing date and the RFO itself contains any court order including, but not limited to, temporary emergency orders, an order to appear, an order to attend mandatory custody services or an order shortening time for service.

1. All requests for a reissuance of an RFO shall be made in accordance with California Rules of Court, presently rule 5.94.

2. A reissuance of an RFO under this subdivision includes a continuance of the hearing date.

3. Absent a court order or conflicts with the court’s calendar, the hearing date on the reissued RFO will be set no later than 30 calendar days from the date of the presently scheduled hearing.

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

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

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

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

4. The statutory fee for a continuance shall be paid with each application.

**F. No Hearing on Merits.** If counsel have a good faith belief that the matter will not be heard on the merits at the scheduled hearing, counsel should confirm with the opposing side and advise the court as soon as possible.

**G. Calendar Calls.** Requests for calendar priority should be made prior to the calendar call. Parties or counsel unable to appear at the calendar call must notify the opposing party at the earliest reasonable time.

**H. Extra Copies of Pleadings.** Parties should always bring an extra set of all relevant pleadings and exhibits to the hearing in case the court file is incomplete.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. & Renum. 1/1/2013)

## CHAPTER 6 PARTIES' INCOME

### Rule 5.6.1

**A. Income and Expense Declaration.** Income and Expense Declarations on Form FL-150 should be printed on green paper for ease of identification.

**B. Attachments to Income and Expense Declaration; Privileges and Protective Order.** Documents required by this rule to be served with the Income and Expense Declaration may be lodged with the court rather than filed. Parties must serve copies of all the applicable listed documents with their Income and Expense Declaration:

**1. Salaried Employees:**

- a. The prior calendar year's W-2
- b. All pay stubs for the last two months showing all forms of year-to-date earned income

**2. Self-employed Individuals, including Independent Contractors:**

- a. A schedule reflecting all compensation received year-to-date
- b. The last two filed IRS 1040 Schedule C or C-EZ
- c. Profit-and-loss statements and balance sheets for the two prior calendar years and the

current year-to-date

**3. Employees who are shareholders in a closely-held corporation:**

- a. The prior calendar year's W-2
- b. All pay stubs for the last two months showing all forms of year-to-date earned income
- c. All IRS K-1's for the two prior years
- d. The last filed IRS Schedule E (Part II)
- e. Profit and loss statements and balance sheets for the two prior calendar years and the

current year-to date

**4. Partnership Income:**

- a. A schedule reflecting all compensation received year-to-date
- b. All IRS K-1's for the two prior years
- c. The last filed IRS Schedule E (Part II)
- d. Profit and loss statements and balance sheets for the two prior calendar years and the

current year-to-date

**5. Rental Income:**

- a. The last filed IRS Schedule E (Part I)
- b. Summaries of all rental receipts, deposits, disbursements and expenses for the prior

calendar year, and for all periods year-to-date

**6. Dividend Income, Interest Income or other Unearned Income:**

- a. The prior calendar year's IRS 1099's
- b. The last filed IRS Schedule
- c. An itemized summary of all funds on deposit, shares of stock, bonds, or other income producing assets owned, and the rate of return currently being paid thereon
- d. Any income derived therefrom during the prior calendar year, and year-to-date

**C. Privileges and Protective Order.** Attachments to an Income and Expense Declaration remain subject to all privileges under the law. It is the obligation of the party to obtain a protective order when necessary. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev & Renum. 1/1/2013)

## CHAPTER 7 TRIALS AND LONG CAUSE HEARINGS

### Rule 5.7.1

**Trials and Long Cause Hearings.** Trials and long cause hearings shall be governed by the applicable California Rules of Court, presently rules 5.393 through 5.394 and trial court orders.

**A. Assignments.** Trials and long cause hearings may be assigned to another judicial officer in the family law department or a trial department.

**B. Trial Issues.** Issues related directly to the trial (ex: motions in limine, continuances) shall be directed to the judicial officer assigned to the trial.

**C. Court Reporter Fees.** Each party must pay the mandated statutory court reporter fee for each half day of trial and any hearing over one hour for court-provided court reporters in domestic violence and contempt

hearings. It is the duty of each party to know the amount of this fee before the day of trial and to deliver this amount to the clerk in the trial department before the start of each half day of trial. Refer to the court's website or the business office for additional payment information.

**D. Family Support Division.** See Chapter 9 of these rules for additional information governing trials and long cause hearings in FSD.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

## **CHAPTER 8 PARENTAGE AND SURROGACY ACTIONS**

### **Rule 5.8.1**

#### **Parentage Actions**

**A. Inspection of UPA Paternity Files.** Inspection and copying of documents in a paternity action filed by an individual under the Uniform Parentage Act is governed by Family Code, section 7643.

#### **B. Written Authorization for Inspection and Copying of Paternity File**

**1.** In addition to the statutory requirements for inspection and copying of documents in a paternity file pursuant to Family Code section 7643, the court recommends that any written authorization also include ALL of the following specific information:

- a.** Case number
- b.** Name and signature of the party or attorney authorizing the inspection
- c.** Name and signature of the "agent" authorized to inspect and/or copy the documents in the file
- d.** The relationship of the "agent" to the party or attorney authorizing the inspection
- e.** A designated time frame or duration for the authorization
- f.** Any limitations on inspection and/or copying.

**2.** The original of the written authorization shall be filed stamped and placed in the court file.

**3.** All requests to inspect and/or copy documents from a paternity file without written or statutory authorization will require a court order.

**C. Disclosure of DCSS Files with Paternity Judgment.** Disclosure of all documents and information in an action brought or maintained by DCSS, including a paternity judgment, shall be governed by Family Code, section 17212.

(Adopted 1/1/2010; Renum. 1/1/2012; Rev. & Renum. 1/1/2013)

### **Rule 5.8.2**

#### **Surrogacy Actions**

**A.** All surrogacy cases must be set for a hearing pursuant to a Request for Order. The court will endeavor to set the hearing within 30 calendar days of the filing of the motion.

**B.** Additional information and a model order may be found online.

(Adopted 1/1/2013)

## **CHAPTER 9 FAMILY SUPPORT DIVISION**

### **Rule 5.9.1**

#### **Family Support Division**

**A.** All actions under title IV-D of the Social Security Act initiated or maintained by the Department of Child Support Services (DCSS) are referred to as Family Support Division ("FSD") matters and are governed by the applicable state and federal law and the California Rules of Court, presently rules 5.300 through 5.375.

**B.** All FSD matters are heard in the specified FSD departments located in the Central Division at 220 W. Broadway (referred to as "Central Division" in this Chapter) and the North County Division.

(Adopted 1/1/2012; Rev. 1/1/2013)

### **Rule 5.9.2**

#### **Mandatory Meet and Confer; Pre-Read Requests**

**A. Mandatory Meet and Confer.** All parties and/or counsel must meet and confer with DCSS on the day



of a hearing and prior to appearing in court.

**B. Pre-Read Requests in Short Cause Hearings.** If a party would like the court to read the file prior to a hearing, a pre-read request must be submitted to the court. The requestor must give notice to all parties at least two court days before the pre-read request is submitted to the court. Any objections to the pre-read request must be specific and submitted in writing to the court. If the request designates eight or more documents in the court file, the requestor must immediately arrange with the court to properly identify the documents in the file.

**1. Central Division:** Both the pre-read request and any objections must be submitted to the court no later than 12:00 p.m., two court days before the hearing.

**2. North County Division.** Both the pre-read request and any objections must be submitted to the court no later than 12:00 p.m., one week before the hearing.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2009; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.9.3**

#### **Telephone Appearance**

**A. Authority.** Telephone appearances are governed by the California Rules of Court, presently rule 5.324 and/or by court order.

**B. Meet and Confer.** All parties granted a telephone appearance must meet and confer with DCSS by telephone prior to their court appearance. For the meet and confer, parties must be available at the number listed on their telephone appearance request form for at least two hours prior to their hearing.

(Adopted 1/1/2008; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.9.4**

#### **Trials and Long Cause Hearings**

**Conferences.** The Judicial Officer may schedule a pre-trial or pre-hearing conference with the parties, their attorneys and DCSS in accordance with the California Rules of Court.

(Adopted 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2011; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.9.5**

#### **Emergency Orders (also known as “ex parte” application)**

Refer to Chapter 3 above.

(Adopted 1/1/2006; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev. 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.9.6**

#### **Reserved for Future Use**

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Renum. 1/1/2012; Del. 1/1/2013)

### **Rule 5.9.7**

#### **Reserved for Future Use**

(Adopted 1/1/2010; Renum. 1/1/2012; Del. 1/1/2013)

### **Rule 5.9.8**

#### **Coordination of Title IV-D Cases with Related Family Law Matters.**

**A. Custody, Visitation, and Domestic Violence Matters in FSD Cases.** Non-FSD, family court departments have been designated to hear all custody, visitation and domestic violence issues between parties that have an open DF case. An “open” DF case means DCSS has not closed its case in accordance with state and federal regulation or policy as set forth in Family Code, section 17404. The non-FSD designated family law departments are located in the Central and North County Divisions only. Parties may use the open DF case to litigate custody, visitation and domestic violence issues as long as the designated family law department is the proper venue and it has jurisdiction over all parties.

**B. Independent Action to Modify or Enforce Support.** The designated departments will also hear a party’s independent motion to modify or enforce a support order pursuant to and in accordance with Family Code, section 17404, subsection (f).

#### **C. Filing and Hearing Location.**

**1.** Parties who live in the central, east or south part of the county will file their motions in the Central Division and have their matters heard in the designated department.

2. Parties whose DF cases have been transferred to North County will file their motions in the North County Division and have their matters heard in the designated department.

**D. Uniform Parentage Act Cases with DCSS Involvement.**

1. **Transfer and/or Reassignment of Case.** Any parentage action originally filed by an individual under the UPA, and in which DCSS is presently providing support enforcement services, may be transferred and/or reassigned on the court's own motion to one of the designated departments for further hearings on custody and/or visitation.

2. **Consolidation.** Upon a finding of good cause, the court may, on its own motion, consolidate the UPA case with the DF case and make the DF case the lead.

3. **Confidentiality.** Upon consolidation, all records, documents and information in the DF file shall be confidential and governed by Family Code, section 17212 and all other applicable law. All records, documents and information in the UPA case shall be confidential, except the paternity judgment, and governed by Family Code, section 7643, and all other applicable law.

**E. Domestic Violence Cases with DCSS Involvement.**

1. **Transfer and/or Reassignment of Case.** Any DV action originally filed by an individual in which there is no pending action or final judgment in a dissolution, legal separation or nullity matter and in which DCSS is presently providing support enforcement services, may be transferred and/or reassigned on the court's own motion to one of the designated departments for further hearings on restraining orders, custody and/or visitation.

2. **Consolidation.** Upon a finding of good cause, the court may, on its own motion, consolidate the DV case with the DF case and make the DF case the lead case.

3. **Confidentiality.** Upon consolidation, all records, documents and information in the DF file shall be confidential and governed by Family Code, section 17212, and all other applicable law. All records, documents and information in the DV file shall be governed by the applicable law.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Renum. 1/1/2010; Rev. 1/1/2011; Rev. & Renum. 1/1/2012; Rev. 1/1/2013)

## **CHAPTER 10 CHILD CUSTODY AND VISITATION**

### **Rule 5.10.1**

**Child Custody Recommending Counseling (previously called "mediation").**

A. Except as otherwise provided in these rules or as otherwise ordered by the court, before a hearing on any disputed issue of custody or visitation, the parties must attend and participate in child custody recommending counseling either with a court-court connected counselor at FCS or with a private (also referred to as a non-court connected) custody counselor at the parties' own expense.

B. The court, in its discretion, may make temporary custody and/or visitation orders pending the counseling session.

(Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.10.2**

**Non-Confidentiality; Recommendation**

A. **Non-Confidential.** Unless otherwise stipulated to by the parties or ordered by the court, all child custody counseling in San Diego County is *non-confidential* as between the counselor, the court, the parties and their attorneys, but remains confidential as to the public.

**B. San Diego is a "Recommending" County**

**1. FCS Report**

a. If the parties reach an agreement during the FCS session and both parties are self-represented, the counselor may prepare a written agreement that will be approved and signed by the parties and filed with the court. If the parties reach an agreement and either of the parties is represented by an attorney, the represented party will have the opportunity to have his or her attorney review the agreement before signing it and having it filed with the court.

b. If the parties do not reach an agreement, the counselor will submit a full written report to the court that includes background information, a custody and visitation recommendation and the reasons for the recommendation. FCS will provide copies of the full written report to the parties and their attorneys before the custody hearing.

**2. Court's Consideration of Report.** The entire FCS report will be considered by the court and may be used as a basis for the court's order regardless of whether the report is admitted into evidence.

**C. Subpoena Process.**

**1.** FCS counselors are employees of the Superior Court. For live testimony, the party shall first contact FCS to determine the counselor's availability on the hearing date. The party must then serve FCS with a subpoena at least ten calendar days before the hearing with fees deposited as required by Government Code sections 68097, 68097.1, and 68097.2. It is the responsibility of the subpoenaing party to notify FCS as soon as possible if the counselor's appearance is no longer required.

**2.** If the matter is or will be continued to a date different than the date on the subpoena, the subpoenaing party is responsible for contacting FCS as soon as possible to determine the counselor's availability on the new proposed hearing date. The subpoenaing party must also notify FCS in writing that the counselor's appearance is required on the new date.

**3.** If at the time of the hearing, the FCS counselor is no longer an employee of Superior Court, is on leave, or other circumstances prevent the Superior Court from producing the counselor as a witness in response to a subpoena, FCS will assign the case for another child custody recommending counseling session with a different counselor.

**4.** The court will not authorize depositions of counselors absent a showing of extraordinary good cause.

**5.** Certain privileges attach to FCS files. Judicial officers will not order the release of any FCS documents without a prior in-camera review. A party desiring an in-camera review shall serve FCS with a subpoena duces tecum for the file/documents at least fifteen calendar days before the trial or hearing. If an objection is received, the subpoenaing party must file a request for order compelling the in camera review.  
(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Renum. & Rev.1/1/2012; Rev. 1/1/2013)

**Rule 5.10.3**

**FCS Child Custody Recommending Counseling**

**A. FCS Counseling Sessions.** If a motion involves contested custody and/or visitation, the court will set an FCS appointment date. Detailed and important information about FCS counseling procedures before, during and after the counseling session is available online or from FCS (local Form SDSC FCS-022) and should be read by the parties no later than one week before the appointment. Absent a court order, FCS appointments may be set only once every twelve months regardless of a pending or newly filed custody motion.

**B. Cancellation, Rescheduling; Sanctions.**

**1. Cancellation.** Parties may cancel an FCS appointment no later than two court days before the appointment if the custody/visitation issue is settled, the parties are using a private counselor, or the other party has not received timely notice of the appointment. It is the moving party's obligation to notify FCS of the cancellation which may be done by calling the FCS office directly.

**2. Rescheduling.** Parties may reschedule the FCS appointment one time by stipulation by notifying FCS no later than two court days before the appointment. All subsequent requests to reschedule require a court order.

**3. Sanctions.** Failure to timely cancel or reschedule an FCS appointment or failure to attend the counseling session may subject the offending party to monetary sanctions of up to \$1,500 pursuant to Code of Civil Procedure section 177.5.

**C. Materials for FCS Review.** No writings or other materials may be submitted to FCS for the counselor's review absent a court order or at the request of FCS. Copies of any documents submitted to FCS must be provided to the other party concurrently with the submission to FCS.

**D. Ex Parte Communication with FCS.** Ex parte communications between FCS counselors, parties, attorneys, including minors' counsel, are governed by Family Code sections 216 and 1818.

**E. Peremptory Challenge.** A peremptory challenge of an FCS counselor is not allowed.

**F. Counselor Reassignment due to a Conflict of Interest.**

Before or during a counseling session, if a party or the counselor discovers a conflict of interest, the matter shall be brought to the attention of Family Court Services management for consideration of reassignment to a different counselor.

**G. Complaint Procedure.** Complaints about an FCS counselor must be submitted on the FCS Complaint (local Form SDSC FCS-044) which is available online or from FCS. A complaint may not be based on a party or an attorney's dissatisfaction or disagreement with the counselor's recommendation or a related court order.  
(Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. & Renum. 1/1/2008; Rev. 1/1/2009; Rev.

#### **Rule 5.10.4**

##### **Private (non court-connected) Child Custody Counseling**

**A. Stipulation.** The parties may stipulate to use a private child custody counselor at the parties' own expense. The private counseling may be confidential or non-confidential as agreed to by the parties.

**B. Qualifications.** It is the parties' obligation to investigate and know that a private counselor meets the statutory qualifications, training and continuing education requirements.

**C. Formal Order.** It is the parties' obligation to prepare a formal stipulation and order for the court's signature with the statutory required content before participating in private counseling.

**D. Agreements.** If the parties reach an agreement, the private counselor will prepare a report setting forth the terms of the agreement. If the counseling was stipulated as non-confidential, either party or the counselor may submit the report to the court.

##### **F. Unresolved Issues.**

**1. Confidential Counseling.** If no agreement is reached and the private counseling was stipulated to as confidential, the parties must then participate in non-confidential counseling before the matter is heard by the court. This non-confidential counseling may be either with a private counselor or with FCS.

**2. Non-confidential Counseling.** If no agreement is reached and the private counseling was stipulated to as non-confidential, the counselor will submit a full written report with a recommendation and reasons for the recommendation to the parties, their attorneys and the court before the hearing.

**3. Court's Consideration of Report.** The private counselor's entire written report will be considered by the court and may be used as a basis for the court's order regardless of whether the report is admitted into evidence.

**G. Ex Parte Communication with the Private Counselor.** Communications between private counselor, parties, and attorneys, including minors' counsel, shall be governed by the provisions of Family Code sections 216 and 1818.

(Adopted 1/1/2008; Rev. 1/1/2010; Renum. & Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.10.5**

##### **Child Custody Evaluations**

The court may order a child custody evaluation in accordance with the law.

##### **A. Order Appointing Evaluator.**

**1.** The order appointing a private child custody evaluator (Form FL-327) may be supplemented by and/or attached to a separate stipulation prepared by the parties. It is the responsibility of the parties to ensure that the form and content of the order, including but not limited to, the purpose and scope of the order, complies with the law. Failure to ensure the order complies with the law may be considered as a factor in a party's objection related to the evaluator's report.

**2.** Parties must immediately provide a copy of the order to the appointed evaluator.

**B. Finding a Qualified Private Child Custody Evaluator.** The specific criteria required under the law, including licensing, education and training, for a private, mental health professional to be qualified as a court-appointed child custody evaluator by the San Diego court is available to the public on the court's website or from FCS. The list of qualifications may then be used to search through any standard public resource, such as the internet, to find a mental health professional who meets all the legal criteria. A private, court appointed evaluator must be able to sign under penalty of perjury and file a Declaration of Private Child Custody Evaluator Regarding Qualifications within ten days of the appointment. The court does not maintain a list of qualified evaluators nor does it endorse any mental health professional. The parties are responsible for ensuring a private child custody evaluator meets all the legal qualifications.

**C. Qualifications Declaration.** The parties are responsible for ensuring the timely filing of the qualifications declaration signed by the private evaluator. Failure to ensure the timely filing of the qualifications declaration may be considered by the court as a factor in a party's objection related to the evaluator's report.

**D. Child Custody Evaluator's Report.** The court may consider the evaluator's report in accordance with the law, including proceedings indirectly related to child custody or visitation.

##### **E. Peremptory Challenges and Challenges for Cause.**

**1.** There shall be no peremptory challenges allowed for a private evaluator appointed by the court.

**2.** A party may challenge an evaluator for cause by noticed motion upon a substantial showing that the evaluator is biased or prejudiced against one of the parties or otherwise unable to render a fair and impartial

evaluation.

**F. Withdrawing from a Case.** A private evaluator may petition the court to withdraw from the case for good cause by delivering a letter addressed to the trial judge assigned to the case stating the reasons for their request. A copy of the letter must also be served on all parties and minor's counsel. Any objections to the request to withdraw must be filed with the court and served on the evaluator, all parties, and minor's counsel, within ten court days of notice of the petition to withdraw. Based on the court's review of the petition and any objections, the court may schedule a hearing or decide the matter by issuing an ex parte order. All withdrawals require a court order.

**G. Ex Parte Communications.** Ex-parte communications between an attorney, including minor's counsel, and the court-appointed evaluator, are governed by Family Code sections 216 and 1818.

**H. Complaints.** Complaints about an evaluator must be in writing and addressed to the Supervising Judge of the Family Court. Complaints shall be as specific as possible in describing what the evaluator did or did not do. The Supervising Judge or his/her designees will investigate, evaluate and respond to the complaint in due course. A complaint may not be based on a party or an attorney's dissatisfaction or disagreement with the evaluator's conclusions or a related court order.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Renum. & Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.10.6**

##### **Reserved for Future Use**

(Adopted 1/1/2008; Renum. & Rev. 1/1/2011; Rev. 1/1/2012; Del. 1/1/2013)

#### **Rule 5.10.7**

##### **Visitation Monitors**

**A. List.** A list of visitation monitors is available through the San Diego Superior Court Programs Resource List (PRL) which is online. The individuals/entities have identified themselves to the San Diego Superior Court as visitation monitors. The visitation monitors are not affiliated with the court, and each visitation monitor is independently responsible for compliance with any and all applicable legal requirements. The court does not endorse, evaluate, supervise, or otherwise monitor the visitation monitors.

**B. Requirements.** All supervised visitation monitors, professional and non-professional and including friends and relatives, are required to follow the legal requirements and obligations set forth in California Rules of Court, Judicial Administrative Standard 5.20. Informational materials about the role of a provider, the terms and conditions of supervised visitation, and the legal responsibilities and obligations of a provider are available at all FCS locations.

**C. Non-Professional Visitation Monitors.** A non-professional visitation monitor is defined as any person who is not paid for providing supervised visitation services. Prior to supervising any visitation, the non-professional visitation monitor must complete and file with the court a Non-Professional Visitation Monitor Declaration (local Form SDSC D-25) available on the court's website

(Adopted 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Renum. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.10.8**

##### **Reserved for Future Use**

(Adopted 1/1/2012; Del. 1/1/2013)

## **CHAPTER 11 JUDGMENTS AND ORDERS AFTER HEARING**

#### **Rule 5.11.1**

##### **Judgments: Default or Uncontested**

**A.** Default and uncontested judgments are governed by the applicable statutes and California Rules of Court, presently rules 5.401 through 5.415.

**B.** Parties are encouraged to review the Judicial Council judgment checklist which can be found on the California Courts, Judicial Branch website and in the California Rules of Court, presently rule 5.405.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

#### **Rule 5.11.2**

##### **Preparation of Orders After Hearing, Judgments and Stipulations**

**A. Procedure.** Preparation and submission of orders after hearing, judgments and stipulations shall be governed by the applicable California Rules of Court, presently rules 5.125, 5.405, 5.409, 5.411 and 5.415. If both parties are self-represented, the court may direct the Family Law Facilitator's Office to prepare the order or judgment and submit it directly to the court.

**B. Format.**

1. Orders After Hearing on Form FL-340 should be printed on brown paper for ease of identification.

2. Judgments on Form FL-180 should be printed on pink paper for ease of identification.

3. The recommendation portion only of an FCS counselor's report or a non-confidential, private counselor's report may be attached as an exhibit to an order or judgment when the court has adopted the recommendation as its order. No other portion of the report shall be attached to the order.

4. The order or judgment shall be prepared so that at least two lines of text appear on the page which will have the judge's signature and no text may appear after the judge's signature.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

## **CHAPTER 12**

### **Reserved for Future Use**

#### **Rule 5.12.1**

##### **Reserved for Future Use**

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Del. 1/1/2013)

#### **Rule 5.12.2**

##### **Reserved for Future Use**

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Del. 1/1/2013)

## **CHAPTER 13**

### **MINOR'S COUNSEL**

#### **Rule 5.13.1**

##### **Minor's Counsel**

##### **A. Appointment of Counsel for Children and Compensation**

1. After the appointment of minor's counsel, the court will determine counsel's rate of compensation and the parties' financial ability to pay all or a portion of the minor's counsel's fees and expenses in accordance with the law.

2. The failure by minor's counsel to timely file the required form Declaration of Counsel for a Child Regarding Qualifications may result in a forfeiture of fees and costs incurred prior to the filing date.

**B. Review Hearings.** The court will generally hold a review hearing every 90 days to consider both the continued appointment of minor's counsel and the parties' ability to pay. Minor's counsel shall submit a declaration and order for payment of fees on Form SDSC D-137 at every "ability to pay" and/or "review" hearing or no less than every 90 days if there is no pending review hearing.

**C. Complaint Procedure.** A complaint regarding minor's counsel shall be submitted in writing, addressed to the Family Court Supervising Judge. The written complaint shall include the case name, number, the name of the judicial officer assigned to the case, and the name of the minor's counsel. The complaint shall be as specific as possible regarding the alleged inadequacies or behaviors which give rise to the complaint. The Supervising Judge shall have the discretion to respond to the complaint directly, to consult with other judges, or to refer the complaint to the Chairperson of the Minor's Counsel Subcommittee of the San Diego County Bar Association. If referred to the Chairperson, the Chairperson will attempt to resolve the complaint informally. If the Chairperson is able to resolve the complaint informally, he or she will notify the Supervising Judge. If the Chairperson is not able to resolve the complaint informally, he or she will convene a Review Panel to investigate the complaint. The Review Panel shall be comprised of two volunteer attorneys who have no connection to the underlying case and at least one of whom is qualified to be appointed as minor's counsel and the Supervising Judge or his or her designee. The Review Panel shall investigate the complaint and make a written report with recommendations to the Supervising Judge. The Supervising Judge will then take whatever steps he or she deems appropriate with respect to the complaint. A complaint may not be based on a party or an attorney's dissatisfaction or disagreement with a court

order in which minor's counsel was involved.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

## **CHAPTER 14 MISCELLANEOUS**

### **Rule 5.14.1**

#### **Attorneys Seeking to be Relieved or Substituted as Attorney of Record.**

Absent a court order, no attorney may be relieved as counsel of record or substitute out of the case until all outstanding orders after hearing and judgments are signed by the court.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Renum. 1/1/2010; Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013)

### **Rule 5.14.2**

#### **Elisors**

A motion and proposed order for appointment of an elisor must designate "The Clerk of the Court or the Clerk's Designee" as the elisor and not a specific court employee. If the court grants the order, the party must contact the business office to make an appointment for the actual signing of the document(s) to ensure the availability of an authorized elisor. If the elisor is signing documents requiring notarization, the party must arrange for a notary to be present when the elisor signs the document(s).

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2010; Rev. 1/1/2012; Rev. & Renum 1/1/2013)

### **Rule 5.14.3**

#### **Interpreters**

For all matters for which there is no legal right to an interpreter, parties must bring their own qualified interpreter if needed.

(Adopted 1/1/2013)

### **Rule 5.14.4**

#### **Family Law Facilitators**

**A. Authority.** The services provided by the Family Law Facilitator are pursuant to the Family Law Facilitator Act.

**B. Facilitator's Disqualification or Bias.** If, at any time, a facilitator providing services deems himself or herself to be disqualified or biased, the facilitator will immediately stop providing services and arrange for a new facilitator to assist that litigant.

**C. Complaint Procedure.** Complaints against a facilitator should be submitted on Form SDSC FLF-008 (Family Law Facilitator Customer Complaint Form) to the FLF Manager. The FLF Manager or his or her designee will investigate, evaluate and respond to the complaint in due course. A complaint shall not be based on a party's dissatisfaction or disagreement with a court order.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Renum 1/1/2010; Rev. & Renum. 1/1/2013)

### **Rule 5.14.5**

#### **Communication between Court Divisions**

The San Diego Superior Court has developed and adopted communication procedures among its court divisions issuing criminal protective orders and orders involving child custody and visitation that meet the minimum elements set forth in California Rules of Court, Rule 5.450(c), including:

**A.** A procedure requiring courts issuing any orders involving child custody or visitation to make reasonable efforts to determine whether there exists a criminal court protective order that involves any party to the action; and

**B.** A procedure requiring courts issuing criminal court protective orders to make reasonable efforts to determine whether there exist any child custody or visitation orders that involve any party to the action.

**C.** A procedure by which the court that has issued a criminal court protective order may, after consultation with a court that has issued a subsequent child custody or visitation order, modify the criminal court protective order to allow or restrict contact between the person restrained by the order and his or her children.

**D.** The requirements of Penal Code section 136.2(f)(1) and (2).

(Adopted 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2008; Rev. & Renum. 1/1/2010; Renum. 1/1/2013)

**Rule 5.14.6****Appointment of Counsel under Servicemembers Civil Relief Act (SCRA)**

If the court reasonably believes a person is covered by the SCRA, the court will appoint counsel from the SCRA Pro Bono Panel Program for a limited scope representation.

(Adopted 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2008, Rev. 1/1/2009; Rev. & Renum. 1/1/2010; Rev. 1/1/2011; Rev. & Renum. 1/1/2013)

**Rules 5.14.7****Limited Scope Representation**

Limited scope representation shall be governed by the applicable California Rules of Court, presently rule 5.245.

(Adopted 1/1/2012; Rev. & Renum. 1/1/2013)

**Rules 5.14.8 – 5.14.11**

(Del. 1/1/2013)