

**DIVISION V
FAMILY**

The Family Rules (Divisions 1 and 2) of the California Rules of Court and the Judicial Council state forms are often revised mid-year. To the extent any conflicts arise with these local rules, they are preempted by the applicable state laws and California Rules of Court.

**CHAPTER 1
GENERAL**

Rule 5.1.1

Application of Rules and Sanctions

A. These rules apply in all departments of the San Diego Superior Court hearing family law matters (“Family Law Division”). They must be read and applied in conjunction with the applicable law, including federal and state statutes, and the California Rules of Court.

B. Violation of and/or failure to comply with these local court rules in accordance with the applicable California Rules of Court is good cause for imposing sanctions whether or not specifically stated.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2010; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.1.2

Definitions

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

1. “Party” includes a self-represented litigant or a person represented by an attorney.
2. “Person” is as defined in California Rules of Court, rule 5.14.
3. “Self-represented litigant” means any party who is representing himself or herself.
4. “Must” is mandatory; “may” is permissive.
5. “Imaged cases” are family law cases filed on or after August 23, 2015, in which all documents have been imaged and stored electronically by the court. The word “[IMAGED]” will appear in the case title.
6. “Non-imaged cases” are family law cases filed on or before August 22, 2015, in which all documents are stored in paper format by the court.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.1.3

Abbreviations

The following abbreviations are used throughout these rules:

- DCSS = Department of Child Support Services, County of San Diego
DF = All actions under Title IV-D of the Social Security Act (See Chapter 10)
FCS = Family Court Services
FL# = Judicial Council state form
FLF = Family Law Facilitator
FRC = Family Resolution Conference (when at least one party is represented by an attorney)
FSD = Family Support Division
MSC = Mandatory Settlement Conference
RFO = Request for Order
SDSC# = Local court form
SFRC = Self-Represented Family Resolution Conference (when neither party is represented by an attorney)
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; Rev. 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018)

Rule 5.1.4

A. Website Information

1. The San Diego Superior Court's website address is <http://www.sdcourt.ca.gov>. References to "online" throughout these rules generally refer to this court's website. A register of actions is available online for all family law matters. Information about inspecting or copying court records is available on the court's website.

2. The "California Courts Website" address is <http://www.courts.ca.gov>.

3. Both websites contain extensive family law information, detailed self-help instructions, and forms, including all forms referenced in these rules.

B. Other Resources. Informational handouts are also available in the court's business office, from FLF and FCS.

C. Disclaimer. The San Diego Superior Court does not control or maintain the California Courts 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 San Diego Superior Court's website, the user is subject to its terms of use and privacy policy.

(Adopted 1/1/2013; Rev. 1/1/2014; Del. & Reserved for Future Use 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.1.5

Family Law Divisions and Venue

A. Proper Division and Venue for Filing Action. Each family court location ("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 according to zip code.

B. The zip code list for filing divisions is [Zip Code List](#) (SDSC form ADM-254).

C. Matters involving surrogacy and DCSS are the only exceptions to the zip code filing rule and must be filed in the Central Division.

D. Marvin Actions. *Marvin* actions, or any similar family law related action not specifically authorized by the Family Code, must be filed as a separate proceeding in the Civil Law Division.

E. Venue Declaration

1. All initial case filings must include a completed Family Law Certificate of Assignment *Venue Declaration* (SDSC form D-049).

2. In DF cases, the initial filing of a request for a domestic violence temporary restraining order or an RFO for child custody/visitation must include a completed *Family Law Certificate of Assignment-Venue Declaration* (form SDSC D-049) and a completed Declaration Under Uniform Child Custody and Jurisdiction Act (SDSC form FL-105). (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; Rev. 1/1/2014; Renum. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.1.6

Notice to Court and Sanctions

A. Parties must immediately notify the judicial officer assigned to the case when circumstances arise that might cause any scheduled proceeding to be continued or taken off calendar; for example, inability to timely serve, a stipulation, or illness.

B. Notice to the judicial officer assigned to the case should be made through the judicial officer's name on the court's webform, [Notification of Continuance Request/Settlement](#).

C. If an SRL has no access to the internet, notice must be given to the assigned judicial officer's courtroom clerk by telephone.

D. Failure to notify the court in accordance with this rule is good cause for imposing sanctions.

(Adopted 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2019)

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 or Other Contact Information](#) (Judicial Council form MC-040).

(Adopted 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.1.8

Official Court Reporters and Reporters Pro Tempore

A. The court's policy regarding the availability and unavailability of official court reporters is subject to change without notice.

B. The court will not provide official court reporters for any family law hearings except in FSD cases and contempts.

C. Parties may arrange with a private provider for the appointment of an official court reporter pro tempore for hearings at which the court does not provide an official court reporter in accordance with the court's mandatory procedures. Information on official court reporters pro tempore can be found at: <http://www.sdcourt.ca.gov>.

(Adopted 1/1/2013; Rev. 1/1/2014; Rev1/1/2015; Rev. 1/1/2016; Rev. 1/1/2019)

Rule 5.1.9

Imaged Cases

A. Notice of Imaged Case and Service of Notice. The petitioner will receive a *Notice of Electronic Case File and Imaged Documents* when the petition is filed. A copy of this Notice must be served on the respondent with the petition.

B. "Imaged" Identifier. All documents filed in an imaged case must include the words "IMAGED FILE" in all caps immediately under the case number.

C. Original Documents. All original documents filed in an imaged case will be destroyed. If a party wants to retain an original document, it should be lodged as an exhibit in accordance with subsection E below.

D. Proposed Orders. Proposed orders should only be submitted for temporary emergency orders (ex parte) or hearings in which proposed orders are statutorily required. Proposed orders should not be submitted for an RFO until after the hearing.

E. Lodged Documents. The original *Notice of Intent to Lodge Documents* (forms SDSC D-235 or in pleading format) must not have the lodged documents attached. The lodged documents will not be imaged, will not be part of the official court file, and will be returned only if specifically requested. All other procedures for lodged documents set forth in rule 5.5.5 will apply to imaged cases.

(Adopted 1/1/2018; Revised 1/1/2019)