

## CHAPTER 2 CASE MANAGEMENT

### Rule 5.2.1

#### **Case Assignment for All Purposes**

**A. Notice of Assignment and Service of Notice.** New cases are assigned to a specific judicial officer for all purposes. The petitioner will receive a *Notice of Case Assignment* when the petition is filed. A copy of this Notice 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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2019)

### Rule 5.2.2

**Family Resolution Conference (FRC) and Self-Represented Family Resolution Conference (SFRC) (collectively “conferences”)** (See *Family Centered Case Resolution Process-General Information* (form SDSC D-080) for additional information.)

**A. Purpose of Conferences.** The purpose of these conferences is to allow the court to manage cases from initial filing to final disposition in an effective and timely manner consistent with California Rules of Court, rule 5.83. These conferences benefit the parties by providing judicial assistance and case management for the purpose of expediting the processing of the case, reducing the expense of litigation, and focusing on early resolution by settlement. They are a tool to allow the court to better assist families.

#### **B. Scheduling and Service of Notice of Conference**

1. The court will set an initial FRC or SFRC hearing date and issue a *Notice of Hearing* of the conference at the time the petition is filed.

2. The petitioner must serve the respondent with a copy of this Notice along with the petition. The petitioner must also serve a copy of this 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.

#### **C. Continuance of a Conference**

1. A stipulated continuance of a conference must be requested by using the procedure in rule 5.1.6.

2. The court may grant the continuance upon a showing of good cause.

3. Upon submission of the request, the matter will remain on calendar with appearances required unless the parties are specifically informed otherwise by the court.

**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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

### Rule 5.2.3

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

**A. Mediation or Arbitration.** Except in cases involving domestic violence, ADR is encouraged but voluntary. Before participating in private mediation or arbitration, the parties should advise the court as soon as possible and must file a written and signed stipulation.

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

1. **Stipulation.** Before participating in the collaborative law process, the parties must file with the court a signed stipulation pursuant to Family Code section 2013.

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 may be removed from the collaborative process either by filing a signed stipulation by both parties or by either party by filing and serving a notice of termination. Termination of the process

does *not* require good cause. After filing the stipulation or notice of termination, the clerk will schedule an FRC or SFRC and notify the parties of the date.

**C. Privately Compensated Temporary Judge (PCTJ)**

1. A request for the appointment of a PCTJ and an RFO to withdraw the appointment must be directed to and heard by the supervising judge of the family law division.

2. Absent a court order withdrawing the appointment, the case will remain with the PCTJ until a *Notice of Case Completion* is filed by the PCTJ and accepted by the supervising judge of the family law division.

(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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

**Rule 5.2.4**

**Related Cases.** Parties must file and serve a notice of related case, as defined by the California Rules of Court, either at the time of filing a new case or immediately upon learning of the existence of a related case. The court encourages the use of the *Notice of Related Case* (Judicial Council form CM-015).

(Adopted 1/1/2013; Rev. 1/1/2015; Rev. 1/1/2017)

**Rule 5.2.5**

**Telephone Appearances in Family Court**

A. An appearance by telephone requires a court order for all hearings except an FRC or an ex parte hearing. (See rule 5.2.2).

B. All non-ADA requests for a telephone appearance at hearings other than an FRC and at ex parte hearings must be made on the *Request to Appear by Telephone and Order* (form SDSC D-259). The request must be filed with the court and served on all parties at least 10 court days before the scheduled hearing.

C. All telephone appearances must be made through CourtCall. All arrangements for a telephone appearance are the obligation of the attorney or party who intends to appear by telephone. CourtCall can be contacted at (888) 882-6878 or at <http://www.courtcall.com>.

D. For a telephone appearance request in the Family Support Division, see rule 5.10.3.

(Adopted 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2010; Rev. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)