

**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 |
| IC | = An independent calendar department where cases are assigned to a judicial officer for all purposes |
| 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; Rev. 1/1/2020)

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](#) (form SDSC 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* (form SDSC 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 (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; Rev. 1/1/2020)

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](#) (form MC-040).

(Adopted 1/1/2010; Rev. & Renum. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2020)

Rule 5.1.8

Official Court Reporters and Reporters Pro Tempore. The court official policy of availability of official court reporters in family proceedings is set forth in the Court’s Policy Regarding Normal Availability and Unavailability of Official Court Reporters (form SDSC #ADM-317), which is available on the Court’s website, www.sdcourt.ca.gov, and Division I, Rule 1.2.3.

(Adopted 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2019; Rev. 1/1/2020)

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. Lodged Documents. The original *Notice of Intent to Lodge Documents* (form 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; Rev. 1/1/2020)

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* (form CM-015). (Adopted 1/1/2013; Rev. 1/1/2015; Rev. 1/1/2017; Rev. 1/1/2020)

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.

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 unless otherwise ordered by the court.

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. Parties should be prepared to provide a copy of their valid fee waiver order directly to CourtCall. 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; Rev. 1/1/2020)

CHAPTER 3 TEMPORARY EMERGENCY ORDERS (EX PARTE ORDERS)

Rule 5.3.1

Temporary Emergency Orders (Ex Parte Orders)

A. Parties must obtain a hearing date for a temporary emergency order 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.

B. Notice of a request for temporary emergency orders (ex parte orders) is governed by the California Rules of Court.

C. Moving papers must be submitted to the court no later than 12:00 p.m. and served on all parties by 2:00 p.m. the court day before the hearing. In addition to the documents required by the California Rules of Court, the moving papers must include a completed form *Ex Parte Application and Order – Family Law* (form SDSC D-046). Consideration of late filed and/or late served papers is at the court's discretion.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2020)

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. An attorney service slip or stamped self-addressed envelope must be included if conformed copies are requested.

(Adopted 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015)

CHAPTER 4 DOMESTIC VIOLENCE RESTRAINING ORDERS

Rule 5.4.1

Domestic Violence Restraining Order Hearings

A. **Definitions.** The initial temporary order, if granted, is referred to as a temporary restraining order or a DVTRO. The final order, if granted, is referred to as a restraining order after hearing or a DVRO.

B. **Continuance of Hearing Date.** A request to continue the hearing date scheduled on a DVTRO must be made either by:

1. Ex parte request prior to the scheduled hearing; or
2. In court on the day of the hearing when the case calendar is called.

C. **Forms.** All requests for a continuance must be submitted on the mandatory form *Request to Continue Hearing* (Judicial Council form DV-115) and the completed top portion of the mandatory form *Order on Request to Continue Hearing* (Judicial Council form DV-116).

D. Dismissal of DVTRO. A request by the protected party to dismiss the DVTRO and have the DVRO hearing taken off calendar prior to the hearing may be submitted by ex parte application using *Ex Parte Request and Order to Terminate Domestic Violence Temporary Restraining Order* (form SDSC D-001). (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; Del. 1/1/2015; Adopted 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.4.2

Residence Removal Orders. A protected party requesting to have the restrained party removed from the residence must prepare and submit for the court's signature the *Order for Removal from Residence* (form SDSC D-072). If granted, the protected party must give the Sheriff two certified copies of the removal order for service. (Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

CHAPTER 5 REQUEST FOR ORDER (RFO)

Rule 5.5.1

Hearings on Request for Order

A. Hearing Time Limits

1. All RFOs must indicate a time limit beneath the case number on the first page of the RFO form. "Time limit" means the time needed for the entire hearing.
2. Failure to indicate a time limit will result in a default hearing time limit of 20 minutes.
3. If the time limit is reached before the hearing is completed, the court may continue the matter to a future date.
4. Failure to adhere to the time limit constitutes good cause for imposing sanctions.

B. Hearing Assignments

1. RFOs limited to 40 minutes or less are set on the short cause calendar of the judicial officer assigned to the case.
2. RFOs with limits of more than 40 minutes but less than a single court day may be heard by the judicial officer assigned to the case, another judicial officer in the family law department, or any trial department.
3. **Long-Cause Hearing.** RFOs longer than a single court day may be heard by the judicial officer assigned to the case, another judicial officer in the family law department, or any trial department, and are subject to the California Rules of Court regarding long-cause hearings.

C. Continuance of Hearing Date

1. Continuances are disfavored and will be granted only for good cause shown.
2. If an RFO has been timely served, either party may request a continuance of the hearing. The party asking for the continuance must complete and submit the *Request to Continue Hearing* (form FL-306) and an *Order on Request to Continue Hearing* (form FL-307) pursuant to the California Rules of Court.
3. An *unopposed* request for a continuance may be made by either party. The request must be made at least two court days before the hearing either by:
 - a. Filing a stipulation stating good cause and signed by all parties with a completed *Request to Continue Hearing* (form FL-306) and an *Order on Request to Continue Hearing* (form FL-307); or
 - b. Completing the online webform, *Notice of Continuance Request/Settlement* and submitting a completed *Request to Continue Hearing* (form FL-306) and *Order on Request to Continue Hearing* (form FL-307) to the court no later than the date of the hearing. Self-represented litigants without internet access must timely make their request to the courtroom clerk by telephone.
4. A continuance of an RFO that includes any temporary emergency order is governed by the California Rules of Court.

D. 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.

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

F. Page Limits and Late Filed Papers. The court, in its discretion, may refuse to consider declarations which exceed the mandatory page limits and/or late filed papers. (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; Rev. 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019)

Rule 5.5.2

Proposed Orders Entered at Hearing

A. Parties are encouraged to submit proposed orders at the time of the hearing, including but not limited to, income withholding orders.

B. In the event the court does not sign or issue a written order immediately following the hearing, the procedures set forth in the California Rules of Court shall be followed regarding the preparation, service and submission of orders after hearing.

(Rev. & Renum. 1/1/2017; Rev. 1/1/2018; Del. 1/1/2019; Adopted 1/1/2020)

Rule 5.5.3

Related RFO.

A. Reasonably Related Issues

1. Subject to calendar availability, a party may request that an RFO with issues reasonably related to the issues raised by a scheduled RFO be set on the same date and time only if the related RFO meets the standard statutory time requirements for filing and service.

2. The first page of the related RFO must state "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; Rev. 1/1/2014; Renum. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017)

Rule 5.5.4

RFO Procedures

A. Tabbing. Imaged cases should not include tabbing. For non-imaged cases, the court encourages the tabbing of documents with specific colored post-its placed at the bottom of the face or first page of the document prior to filing. The following colors should be used:

1. RFO – Red
2. Response to RFO - Blue
3. Reply to Response to RFO – Yellow
4. Income and Expense Declaration - Green

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

C. FCS Data Sheet. When filing an RFO regarding custody or visitation, each party must submit a *Family Court Services Data Sheet* (form SDSC FCS-002), directly to FCS prior to their scheduled FCS appointment.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2018)

Rule 5.5.5

Exhibits

A. Identification of Exhibits. All exhibits must be filed or lodged with the court. The petitioner's exhibits must be numbered and the respondent's exhibits must be lettered.

B. Filed and Lodged Exhibits

1. Exhibits that do not exceed 10 pages may be filed rather than lodged.
2. For imaged cases, the court's copy of exhibits filed in paper format must not include overhanging tabs or dividers. Copies for counsel, the judicial officer and witnesses should have tabs/dividers and should be BATES stamped or numbered consecutively.
3. Exhibits that exceed 10 pages, exclusive of tabs/dividers, should be lodged.
4. Compact Discs (CDs), Digital Video Discs (DVDs) and/or other types of recorded or digital storage devices that require the use of any equipment to hear or view the exhibit must be lodged.

C. Lodging Procedures

1. A *Notice of Intent to Lodge Documents* (form SDSC D-235 or in pleading format) listing the name or description of the exhibit must be filed and timely served with the moving, opposition and reply papers.

2. The documents themselves must be lodged with the court no sooner than 10 court days and no later than five court days prior to the hearing, absent a court order.

3. Lodged documents will be stamped "received" by the court.

4. Lodged documents must be tabbed to correlate to the notice of intent to lodge documents and BATES stamped or numbered consecutively throughout the entirety of the lodgment.

5. A conformed copy of the notice of intent to lodge documents must be the face page of the lodged documents.

D. Recorded or Digital Exhibits Offered as Evidence. A party who intends to offer into evidence an electronic or digital sound or sound-and-video recording must strictly comply with the provisions of California Rules of Court, rule 2.1040.

E. Service of Lodged Exhibits. The time frame for lodging documents with the court does not affect the statutory time for service of the notice of lodgment and the exhibits themselves which must be done with the moving, opposition, or reply papers. This includes transcripts of electronic or digital exhibits to be offered as evidence and/or a duplicate of the electronic or digital recording as set forth in California Rules of Court, rule 2.1040.

F. Return and Party Retention of Lodged Documents.

1. The court will return lodged documents only in accordance with the California Rules of Court. Otherwise, all lodged documents must be retrieved within five court days following the hearing or trial, unless the court provides otherwise. Any lodged documents not timely retrieved may be discarded without further notice.

2. All returned lodged documents must be retained by the party until the applicable appeal period has expired and must be re-lodged for subsequent hearings.

G. This rule does not apply to the lodgment of Assisted Reproduction Agreements for Gestational Carriers.

H. The above procedures do not apply to pleadings, declarations, and Judicial Council forms, which must be filed with the court.
(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2008; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. & Renum. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2020)

CHAPTER 6 INCOME AND EXPENSE DECLARATION

Rule 5.6.1

Parties' Income

A. Income and Expense Declaration (I&E). For non-imaged cases, an *Income and Expense Declaration* (form FL-150) should be printed on green paper for ease of identification. For imaged cases, it should be printed on white paper.

B. Filing and Service. An I&E required with the moving or responsive papers must be filed and served pursuant to the California Rules of Court. If an *updated* I&E is required pursuant to statute, rules, or court order, it must be filed with the court and served on all parties no later than five court days prior to the hearing.

C. Privileges and Protective Order. It is the obligation of the party asserting a privilege to obtain a protective order.
(Adopted 1/1/2005; Renum. 1/1/2006; Rev. 1/1/2008; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2020)

CHAPTER 7 MASTER CALENDAR ASSIGNMENTS

Rule 5.7.1

Master Calendar Assignments and Procedure

A. Assignments.

1. Trials and RFO hearings with time limits over 40 minutes may be assigned to any judicial officer in the family law department or a trial department. This assignment will be made by the supervising judge of the family law division, or his or her designee, as a master calendar assignment.

2. If necessary, post appeal remands will be made by the supervising judge of the family law division, or his or her designee, as a master calendar assignment.

B. Procedures.

1. Other than requests for continuances, issues related directly to a trial or an RFO, including, but not limited to, discovery motions, must be directed to the assigned IC judicial officer.

2. A request for a continuance of a trial or an RFO must be directed to the judicial officer assigned to conduct the RFO or trial.

(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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. 1/1/2017; Rev. 1/1/2020)

CHAPTER 8 MANDATORY SETTLEMENT CONFERENCES AND TRIALS

Rule 5.8.1

Mandatory Settlement Conference (MSC)

A. Setting Trials and MSC Date. An MSC is required before any trial unless excused by court order. The MSC will be set only when all parties and/or their attorneys have completed, signed and filed the *Joint Readiness Declaration–Mandatory Settlement Conference* (form SDSC D-274).

B. Settlement Conference Brief and Supporting Documents

1. Unless otherwise ordered by the court, a settlement conference brief is required. The court encourages the use of the *Mandatory Settlement Conference Brief-Long Cause Hearing Brief-Trial Brief* (form SDSC D-241)

2. The settlement conference brief and all attachments must be exchanged between the parties and served on the assigned settlement conference attorney in a manner that ensures they are received no later than 4:00 p.m., three court days before the MSC, unless otherwise ordered by the court.

C. 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.

D. Continuances and Sanctions. An MSC may be continued only by court order, requested at least five court days before the scheduled date for the MSC. Failure to timely request a continuance, for any reason, other than the settlement of the entire case, is good cause for imposing sanctions.

E. Personal Appearance and Sanctions. All parties must personally appear at the MSC unless excused in advance by the court. Failure to personally appear at the MSC is good cause for imposing sanctions.

F. Stipulated Judgment. If the parties intend to enter a stipulated judgment on the day of the MSC, they may bring the following prepared forms along with the required self-addressed stamped envelopes: *Judgment* (form FL-

180), *Notice of Entry of Judgment* (form FL-190), *Appearance, Stipulations and Waivers* (form FL-130), *Declaration Regarding Service of Disclosure and Income and Expense Declaration* (form FL-141), *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144), and *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170).

(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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2020)

Rule 5.8.2

Trial Setting. All trial related dates and procedures, including but not limited to, discovery cut-off dates, designation of expert witnesses, trial briefs, motions in limine, exchange and submission of exhibit lists and exhibits, and witness lists will be as ordered by the court, and if the court fails to set the dates, the dates will be pursuant to the Code of Civil Procedure. (Adopted 1/1/2017; Rev. 1/1/2020)

Rule 5.8.3

Trial Exhibits. Absent a separate court order, all trial exhibits must be lodged in a format in accordance with Rule 5.5.5.B. above. (Adopted 1/1/2017; Rev. 1/1/2019; Rev. 1/1/2020)

CHAPTER 9 PARENTAGE ACTIONS

Rule 5.9.1

Inspection and Copying of Court Files in a Parentage Action. The inspection and copying of documents in a parentage action are governed by state and federal law, orders within the file and general orders by the Presiding Judge of the San Diego Superior Court. Any dispute as to who can inspect a parentage file and/or what documents may be copied without a prior court order must be determined by a judicial officer.

(Adopted 1/1/2010; Renum. 1/1/2012; Rev. & Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017; Rev. 1/1/2018)

CHAPTER 10 FAMILY SUPPORT DIVISION

Rule 5.10.1

Family Support Division. 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 “FSD” matters. Case files are delineated and referred to as “DF” files

(Adopted 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017)

Rule 5.10.2

Pre-Hearing Mandatory Meet and Confer; Acknowledgment of Advisement of Rights

A. All parties and/or counsel must meet and confer with DCSS on the day of the hearing and prior to appearing in court. The DCSS office at the Superior Court Central Division is at 330 West Broadway (Hall of Justice), Room 456, San Diego, California 92101. The North County DCSS office is located in the Annex Building of the Superior Court North County Division at 325 S. Melrose, Vista, California 92081.

B. Parties granted a meet and confer by telephone must be available at the number listed on their telephone appearance request form for at least two hours prior to their hearing.

C. Each party must sign and file an *Acknowledgment of Advisement of Rights* (form SDSC D-253) prior to 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; Rev. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017; Rev. 1/1/2020)

Rule 5.10.3

Telephone Appearance in FSD

A. An appearance by telephone in FSD is governed by the Family Code and the California Rules of Court.

B. All requests must be made by filing a *Request for Telephone Appearance (Governmental)* (form FL-679). (Adopted 1/1/2018)

**CHAPTER 11
CHILD CUSTODY AND VISITATION**

Rule 5.11.1

Child Custody Recommending Counseling

A. FCS Counseling Sessions. Detailed and important information about FCS counseling procedures before, during and after the counseling session is available online or from FCS (*Family Court Services Child Custody Recommending Counseling Information Sheet*, form SDSC FCS-022) and should be read by the parties no later than one week before the session.

B. Absent a court order, an FCS session may be set only once every 12 months.

C. Cancellation, Rescheduling and Sanctions

1. Cancellation. Only the moving party in an RFO may request that an FCS session be cancelled. This request must be made by notifying FCS directly, no later than 4:00 p.m. on the court business day before the session. The moving party is responsible for notifying the other party of the FCS cancellation. The cancellation must be based on one of the following reasons:

- a. The custody/visitation issue is settled.
- b. The parties are using a private counselor.
- c. The other party has not received timely notice of the session date.

2. Rescheduling. The parties may ask to reschedule an FCS session one time by notifying FCS directly of their joint agreement to reschedule, no later than 4:00 p.m. on the court business day before the session. All subsequent requests to reschedule require a court order.

3. Sanctions. The following conduct is good cause to order monetary sanctions of up to \$1,500 pursuant to Code of Civil Procedure section 177.5:

- a. Failure to timely cancel an FCS session.
- b. Failure to timely reschedule an FCS session.
- c. Failure of the moving party to notify the other party of a cancelled session.
- d. Failure to attend the counseling session.

D. Materials for FCS Review

1. No documents may be submitted to FCS for the counselor's review absent either a court order or a specific request for the materials by the counselor.

2. A party seeking a court order that documents be submitted to FCS for review must prepare a Notice of Lodgment attaching copies of the proposed documents and must serve the Notice of Lodgment with attached documents on the other side prior to requesting the court order.

3. If the court issues an order granting a request that materials be submitted to FCS for review, the requesting party must provide FCS with a conformed copy of the court order and a copy of those documents as to which the court has granted the request.

4. When FCS requests documents from one of the parties, the responding party must provide copies of the submitted documents to the other side as soon as possible and no later than when the requested documents are submitted to the FCS counselor.

E. Ex Parte Communication with FCS. Ex parte communications between FCS counselors, parties, attorneys, including minors' counsel, are governed by Family Code section 216 and California Rules of Court, rule 5.235.

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

G. 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 must be brought to the attention of FCS management for consideration of reassignment to a different counselor.

H. Complaint Procedure. Complaints about an FCS counselor must be submitted on the *Family Court Services Complaint Form* (form SDSC FCS-044) which is available online or from FCS. A complaint may not be based on a party's 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. 1/1/2010; 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017; Rev. 1/1/2018)

Rule 5.11.2

Non-Confidentiality and Recommendation

A. Non-Confidential. Unless otherwise ordered by the court, all child custody recommending 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.

1. Confidentiality of Reports. The confidentiality of FCS reports is governed by statute including, but not limited to, Family Code sections 3025.5 and 3177.

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.

b. If the parties do not reach an agreement during the FCS session, the counselor will submit a comprehensive written report to the court that includes, but is not limited to, a custody and visitation recommendation and the reasons for the recommendation.

2. Court’s Consideration of Report. Absent timely evidentiary objections, the entire FCS report will be considered by the court and may be used as a basis for the court’s order.

C. Subpoena Process. As employees of the Superior Court, witness subpoenas for FCS counselors, are governed by Government Code sections 68097.1 and 68097.2, including the subpoenaing party’s obligation for all statutory fees and salary reimbursements.

1. Counselor’s Availability and Service of Process. Before serving the subpoena, the party must first contact FCS to confirm the counselor’s availability on the scheduled hearing date and time. After confirmation of the counselor’s availability, FCS must be served with the subpoena at least 10 calendar days before the hearing along with the required fee deposit.

2. Hearing Off-Calendar or Continued

a. If the counselor’s appearance will no longer be required, the subpoenaing party must notify FCS at their earliest opportunity.

b. If the counselor’s appearance will still be required, but for a continued hearing date, a new subpoena will not be necessary *if* the subpoenaing party does both of the following: (1) contacts FCS, at their earliest opportunity, to determine the counselor’s availability on the continued hearing date and time; and (2) immediately provides FCS written notice that the counselor’s appearance is required on the new date and time.

3. If at the time of the hearing, the FCS counselor is no longer an employee of the 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. Depositions. The court will not order depositions of counselors absent a showing of extraordinary good cause.

5. FCS Files. Certain privileges attach to FCS files. The court will not order the production of any FCS documents without a prior in-camera review. A party desiring an in camera review must serve FCS with a subpoena duces tecum for the file/documents at least 15 calendar days before the trial or hearing. If an objection is received, the subpoenaing party must file an RFO 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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Rev. & Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2020)

Rule 5.11.3

Reserved for Future Use

(Adopted 1/1/2005; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. & Renum. 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Renum. & Rev. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Del. 1/1/2014; Renum. 1/1/2017)

Rule 5.11.4

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 statutorily 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.

E. 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. Absent timely evidentiary objections, 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.

F. Ex Parte Communication with the Private Counselor. Communications between a private counselor, parties, and attorneys, including minors' counsel, are 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; Rev. 1/1/2015; Renum. 1/1/2017; Rev. 1/1/2019)

Rule 5.11.5

Child Custody Evaluations

A. Order Appointing Evaluator. The court may order a child custody evaluation in accordance with the law.

1. The *Order Appointing 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

1. 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 is available on the California Court's website. 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.

2. 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* (form FL-326) within 10 days of the appointment.

3. The court does not maintain a list of qualified evaluators nor does it endorse any mental health professional.

4. 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. A peremptory challenge of a private evaluator appointed by the court is not allowed.

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 10 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 and California Rules of Court, rule 5.235.

H. Complaints. Complaints about an evaluator must be in writing and addressed to the supervising judge of the family law division. Complaints must be as specific as possible in describing what the evaluator did or did not do. The supervising judge, or his or her designee(s), will investigate, evaluate and respond to the complaint in due course.

(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; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2019)

Rule 5.11.6

Supervised Visitation Providers

A. List. A list of visitation monitors is available through the San Diego Superior Court Program 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. Declaration of Qualifications. All professional and non-professional supervised visitation providers must sign and file the *Declaration of Supervised Visitation Provider* (form FL-324), or a declaration containing the same qualifications information, before the first supervised visit.

C. Qualifications. It is the parties' obligation to investigate and know that a professional or non-professional supervised visitation provider meets the statutory qualifications, training and continuing education requirements.

(Adopted 1/1/2008; Rev. 1/1/2009; Rev. 1/1/2010; Renum. 1/1/2011; Rev. 1/1/2012; Rev. 1/1/2013; Rev. & Renum. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2019)

CHAPTER 12 JUDGMENTS AND ORDERS AFTER HEARING

Rule 5.12.1

Preparation of Orders After Hearing and Judgments

A. Procedure. Failure to comply with the mandatory requirements for an order after hearing as set forth in the California Rules of Court or allowed under Rule 5.2.2 may be good cause to impose sanctions.

B. Format

1. For non-imaged cases, parties are encouraged to submit *Findings and Order After Hearing* (form FL-340) printed on brown paper for ease of identification. For imaged cases, it should be printed on white paper.

2. For non-imaged cases, parties are encouraged to submit *Judgments* (form FL-180) printed on pink paper for ease of identification. For imaged cases, it should be printed on white paper.

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

C. Attachments or Exhibits.

1. Only the recommendation portion 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 may be attached to the order.

D. Mandatory Forms. All orders and judgments, whether contested or by stipulation, must include all applicable Judicial Council mandatory forms. All judgment packets should include a *Judgment Checklist* (form FL-182). The parties are encouraged to indicate on the FL-182 what date the previously submitted documents were filed or to include a courtesy copy for the court's review.

E. Requests for a Statement of Decision and Objections.

1. All requests for a statement of decision and objections to the proposed statement of decision must be filed and served pursuant to the California Rules of Court and a courtesy copy must be provided directly to the IC department.

(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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016; Renum. 1/1/2017; Rev. 1/1/2018; Rev. 1/1/2019; Rev. 1/1/2020)

CHAPTER 13 MINOR'S COUNSEL

Rule 5.13.1

Minor's Counsel

A. Qualifications Declaration. The failure by minor's counsel to timely file the required *Declaration of Counsel for a Child Regarding Qualifications* (form FL-322) may result in a forfeiture of fees and costs incurred prior to the filing date.

B. Review Hearings and Compensation

1. The court generally will hold a review hearing every 90 days to consider both the continued appointment of minor's counsel and the parties' ability to pay.

2. Minor's counsel must submit a declaration and order for payment of fees on the *Declaration and Order for Payment of Attorney Fees and Costs of Minor's Counsel* (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. Failure to timely submit the fee declaration may result in the forfeiture of all billings older than 180 days.

C. Complaint Procedure

1. **Written Complaint.** A complaint regarding minor's counsel must be submitted in writing addressed to the supervising judge of the family law division, and contain all the following information:

- a. Case name and number;
- b. Name of the judicial officer assigned to the case;
- c. Name of the minor's counsel;
- d. Specific facts, conduct and dates regarding the alleged inadequacies or behaviors which give rise to the complaint.

2. **Complaint Basis.** A complaint *cannot* be based on a party's or an attorney's dissatisfaction or disagreement with a court order in which minor's counsel was involved.

3. **Court Response.** The supervising judge has 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 Family Law Bar Association. If referred to the chairperson, the chairperson will attempt to resolve the complaint informally.

4. **Review Panel.** If the complaint cannot be resolved informally, a review panel will be convened to investigate the complaint and provide a written report with recommendations to the supervising judge. The review

panel will include the supervising judge or his or her designee and two volunteer attorneys. The attorneys will have no connection to the underlying case and at least one will be a qualified minor's counsel. Based on the report, the supervising judge will take appropriate action.
(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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2019)

CHAPTER 14 MISCELLANEOUS

Rule 5.14.1

Attorneys of Record

A. Attorneys Seeking to be Relieved. The court may deny a request to be relieved as attorney of record if there are outstanding proposed orders after hearing or judgments that have not been submitted to the court for filing.

B. Attorneys Seeking to Withdraw. No attorney may withdraw as attorney of record absent compliance with Code of Civil Procedure section 285.1.

C. Conflicts and Errors in Orders After Hearing and Judgments

1. Any and all conflicts or disagreements on the form, content, or language of an order after hearing or judgment must be resolved in accordance with the California Rules of Court before submitting the proposed order after hearing or judgment.

2. If an order after hearing or judgment is returned for any errors and/or corrections, the attorney of record for the party or, if no attorney of record, the self-represented litigant who submitted the order after hearing or judgment must promptly correct all errors and resubmit the order or judgment to 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; Rev. 1/1/2016; Rev. 1/1/2018; Rev. 1/1/2020)

Rule 5.14.2

Appointment of Elisor

A. Request for Order. A court order for the appointment of an elisor must be made by a request for order, and cannot be granted on an ex parte basis unless previously ordered otherwise. The request for order must include at least one supporting declaration with a list of the exact documents the elisor is being asked to sign. The request must be accompanied by a proposed order.

B. Mandatory Information in Supporting Declaration(s). The supporting declaration(s) must include all of the following:

1. The title, date, page(s) and line(s) of the court order upon which the request to appoint an elisor is based.

2. A description of the good faith efforts to meet and confer to resolve the issue informally.

3. Specific facts establishing the necessity of the appointment of an elisor, including the reason, by a person with personal knowledge, why each document requires the elisor's signature.

C. Mandatory Language in Proposed Order. The proposed order must include all of the following:

1. Designate "The Clerk of the Court or Clerk's Designee" as the elisor. The order cannot state a name or title of a specific court employee.

2. State the party's name for whom the elisor is being appointed; the exact title or a sufficient description that accurately identifies each document to be signed; and the capacity in which the elisor will be signing each document.

D. Mandatory Additional Requirements

1. Copies of all documents to be signed must be attached to the proposed order.

2. The original documents presented to the elisor for signing must be identical to the copies of the documents attached to the proposed order.

E. Order Granted

1. If the court grants the order, the party must contact the business office to schedule an appointment for the actual signing of the documents.

2. If the elisor is signing documents requiring notarization, the party must arrange for a notary public to be present when the elisor signs the documents.

(Adopted 1/1/2005; Renum. 1/1/2006; Rev. & Renum. 1/1/2010; Rev. 1/1/2012; Rev. & Renum 1/1/2013; Rev. 1/1/2016; Rev. 1/1/2020)

Rule 5.14.3

Reserved for Future Use.

(Adopted 1/1/2013; Rev. 1/1/2014; Del. 1/1/2017)

Rule 5.14.4

Family Law Facilitator

A. Authority. The services provided by the FLF are pursuant to the Family Law Facilitator Act, Family Code section 10000 et seq. including the additional duties set forth in Family Code section 10005. The duties set forth in

Family Code section 10005 are expanded to include that the FLF may prepare a formal order after hearing in cases where one or both of the parties is represented by counsel when directed by the court to do so. All orders prepared by the FLF at the request of the court will be submitted directly to the court unless otherwise ordered.

B. Facilitator 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 must be submitted to the FLF manager on the *Family Law Facilitator Customer Complaint Form* (form SDSC FLF-008). The FLF manager, or his or her designee will investigate, evaluate and respond to the complaint in due course. A complaint must *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; Rev. 1/1/2014; Rev. 1/1/2015; Rev. 1/1/2016)

Rule 5.14.5

Communication and Coordination Regarding Criminal Protective Orders, Domestic Violence Restraining Orders and Child Custody and Visitation Orders. (Cal. Rules of Court, rule 5.445)

Refer to San Diego Superior Court Rules, Division I, Chapter 4, rule 1.4.5.
(Adopted 1/1/2005; Renum. 1/1/2006; Renum. 1/1/2008; Rev. & Renum. 1/1/2010; Renum. 1/1/2013; Rev. 1/1/2014; Rev. 1/1/2015)

Rule 5.14.6

Appointment of Counsel under Servicemembers Civil Relief Act (SCRA)

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

B. A party or counsel having knowledge that an opposing party is or may be protected by the SCRA must notify the court at the earliest opportunity.

(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; Rev. 1/1/2020)