

**DIVISION V
FAMILY**

The Family Rules (Divisions 1 and 2) of the California Rules of Court and the Judicial Council state forms continue to undergo significant modifications throughout the 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.

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)

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 non-confidential family law matters. “[IMAGED]” will appear in the case title of the search results for imaged cases.

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)

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 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).

(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)

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 must 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)

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. Official court reporters will not be provided by the court in family law matters except for FSD matters, domestic violence restraining order hearings, contempt hearings and RFO hearings scheduled and lasting for 40 minutes or less.

C. For an RFO scheduled for 40 minutes or less, the moving party is charged the mandatory court reporter fee.

1. The fee must be paid at the time the RFO is filed.

2. If the matter is continued, for any reason, before the case is called, the fee continues over to the next hearing.

3. If the matter is continued, for any reason, after the case is called, the party requesting the continuance must pay a new and separate fee for the next hearing and submit proof of payment before the next hearing.

4. If a hearing is taken off-calendar before the case is called, the fee will be refunded.

a. Claiming a refund is solely the responsibility of the party.

b. Refunds may be requested by filing a [Request for Payment of Trust Funds/Refund](#) (form SDSC CIV-180).

D. Parties may arrange with a private provider for the appointment of an official court reporter pro tempore, in accordance with the court's mandatory procedures, for hearings at which the court does not provide an official court reporter.

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

Rule 5.1.9

Imaged Cases. At the time a petition is filed, the court will issue a “Notice of Electronic Case File and Imaged Documents”.

A. Service of Notice. Petitioner must serve Respondent and any other party with a copy of the notice along 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 form) 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)