

**CHAPTER 14
MISCELLANEOUS**

Rule 5.14.1

Attorneys of Record.

A. Attorneys Seeking to be Relieved or Substitute Out. Absent a court order, no attorney may be relieved as attorney of record or substitute out until all outstanding proposed orders after hearing and judgments have 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 submitting 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)

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. 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 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)

Rule 5.14.3

Interpreters. Court-funded interpreters are not generally provided in family court. It is the party's obligation to determine if they must bring their own qualified interpreter.

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

Rule 5.14.4

Family Law Facilitator.

A. Authority. The services provided by 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. (California 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).

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)