

## CHAPTER 5 REQUEST FOR ORDER (RFO)

### Rule 5.5.1

#### **Forms, Format and Procedures**

Requests for Orders shall comply with the California Rules of Court rules 5.90 through 5.125.

**A. Late Filed Papers.** The court, in its discretion, may refuse to consider late filed papers.

**B. Page Limits.** The court, in its discretion, may refuse to consider declarations which exceed the mandatory page limits.

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

### Rule 5.5.2

#### **Lodged Documents**

**A.** Exhibits filed or lodged by petitioner should be numbered. Exhibits filed or lodged by respondent should be lettered.

**B.** Exhibits which exceed 10 pages must be lodged rather than filed with the court. A “Notice of Intent to Lodge Documents” listing the name or description of the exhibit must be filed and served on all parties in conjunction with service of the moving, opposition and reply papers. A copy of the Notice shall be submitted with the lodged material. Documents lodged with the court must be tabbed to correlate to the Notice.

**C.** Lodged documents will be stamped “received” by the court. Documents may not be lodged more than ten court days and no later than three court days prior to the hearing except by court order. Absent an addressed envelope with sufficient postage for returning the lodged documents, all lodged documents must be picked up within five court days following the hearing or they may be discarded without further notice. All returned lodged documents must be retained by the party until the applicable appeal period has expired.

(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)

### Rule 5.5.3

#### **Related RFO**

An opposing party may request that an RFO reasonably related to the issues raised by a scheduled RFO be set on the same date and time. However, the related RFO must meet the standard statutory requirements for filing and service, absent an order shortening time.

(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)

### Rule 5.5.4

#### **Hearings on Request for Order**

**A. Calendaring.** The court will set a hearing date unless the RFO clearly specifies that no hearing date be set.

**B. Retroactive Order.** RFOs in which the date of filing determines retroactivity may be filed without setting a hearing date to preserve retroactivity. The RFO form must state “No Hearing Date” and “Preserve Retroactivity” where the date would otherwise be written. The RFO and all supporting papers must be filed and promptly served. The moving party must file the following documents within 180 days of the filing of the original RFO:

1. A new RFO form identical to the original but with the hearing date box left blank.

2. A conformed copy of the first page of the originally filed RFO.

3. Any additional declarations or exhibits supporting the RFO. For purposes of the California Rules of Court, rule 5.111(a), the 10 page limit for a party’s moving declaration is the total of the original plus any additional declaration.

4. A proof of service showing service of the original RFO.

5. Failure to file all of the documents listed above within 180 days will result in a dismissal of the original RFO and a retroactive order will not be entered.

**C. Hearing Time Commitments.** All RFOs must indicate a time commitment beneath the case number on the first page of the RFO form. “Time commitment” means the time needed for the hearing itself in the courtroom.

1. **Short Cause RFO.** Hearings committed for 40 minutes or less are set on the short cause calendar of the judicial officer assigned to the case.

2. **Special Set RFO.** Hearings committed to more than 40 minutes but less than two and a half hours are specially set and may be heard by another judicial officer in the family law department or any trial department.

3. **Long Cause RFO.** Hearings longer than two and a half hours are governed by the California Rules of Court, rule 5.393 and 5.394. Refer to Chapter 7 of these rules on “trials and long cause hearings.”

4. Failure to indicate a time commitment results in a default hearing time commitment of 20 minutes.

5. If the time commitment is reached before the hearing is completed, the court may continue the matter to a future date. The court may sanction any person who fails to adhere to the time commitment.

**D. Continuance of Hearing *Without* Reissuance of Order(s).**

1. Continuances are disfavored and will be granted only for good cause shown.

2. Unopposed requests for a continuance may be made by:

- a. Filing a stipulation stating good cause and signed by all parties; or
- b. Completing the on-line web form where available; or
- c. Calling the calendar clerk.

4. All continuances may be subject to statutory fees under the Government Code.

**E. Continuance of Hearing *With* Reissuance of Order(s).**

1. A moving party seeking to continue the hearing date of an RFO that contains any court order must request a judicial reissuance of the RFO in accordance with California Rules of Court, rule 5.94.

2. A reissuance is not necessary if the only order in the RFO is to attend mandatory Child Custody Recommending Counseling and the parties have already attended these services. However, the party must still comply with rule 5.5.4.D above.

**F. 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.

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

(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)