

**CHAPTER 5
REQUEST FOR ORDER (RFO)**

Rule 5.5.1

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 in accordance with rule 5.5.2

B. 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 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.

5. Refer to rule 5.1.8 for availability of and payment for court reporters at RFOs.

C. 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. The official court reporter will stop reporting after 40 minutes.

2. RFOs with limits of more than 40 minutes but less than two and a half hours may be heard by the judicial officer assigned to the case, another judicial officer in the family law department, or any trial department.

3. RFOs longer than two and a half hours 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.

D. 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.

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; or

b. Completing the online webform, *Notice of Continuance Request/Settlement*. 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.

5. All continuances are subject to statutory fees under the Government Code.

E. 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.

F. 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.

G. 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)

Rule 5.5.2

Retroactive Order.

An RFO in which the date of filing may determine retroactivity may be filed without setting a hearing date to preserve retroactivity by using the following procedure:

A. The RFO form must state “No Hearing Date” and “Preserve Retroactivity” where the date would otherwise be written.

B. The RFO and all supporting papers must be filed and served no later than 10 calendar days after the date of filing.

C. 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.

a. For purposes of the California Rules of Court, the page limit for a party’s moving declaration is the total of the declaration filed and served with the original “no hearing date” RFO and the additional declaration filed and served with the “hearing date” RFO.

b. The moving party’s “no hearing date” declaration may be a brief statement that the supporting declaration will be timely filed and served when the hearing date is set to preserve the party’s declaration page limits.

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

D. The original RFO will not be heard and the moving party will forfeit all rights to a retroactive order if the documents required in subsection C above are not timely filed.

(Rev. & Renum. 1/1/2017)

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. Prior to filing, 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. 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 Family Court Services 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)

Rule 5.5.5

Exhibits.

A. Identification of Exhibits. All exhibits must be filed or lodged with the court. The court encourages petitioner to file or lodge exhibits using numbers and respondent to file or lodge exhibits using letters.

B. Filed Exhibits. Exhibits that do not exceed ten pages must be filed in paper format, or by e-filing, if it is available.

C. Lodged Exhibits. The following exhibits must be lodged with the court and will not be accepted for filing:

1. Exhibits that exceed ten pages, exclusive of tabs/dividers.
2. Compact Discs (CD's), Digital Video Discs (DVD's) and/or other types of recorded or digital storage devices that require the use of any equipment to hear or view the exhibit.

D. Lodging Procedures.

1. A *Notice of Intent to Lodge Documents* (form SDSC D-235 or in pleading form) 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 three 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 lodgment.
5. A conformed copy of the notice of lodgment must be the face page of the lodged documents.

E. 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.

F. 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.

G. Return and Party Retention of Lodged Documents.

1. The court will only return lodged documents 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.

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

(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)