

FILED
Clerk of the Superior Court

JAN 05 2012

By: Amy Helfers

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

LOCAL RULES, DIVISION V – FAMILY LAW

**RULES AFFECTED BY ADOPTED AND
PENDING FAMILY LAW CALIFORNIA
RULES OF COURT**

**EMERGENCY ORDER OF THE
PRESIDING DEPARTMENT**

ORDER NO. 010512

The 2012 local rules for the San Diego Superior Court, Division V, Family Law, were written based on the projected adoption by the Judicial Council of all the newly proposed Family Law California Rules of Court no later than December 31, 2011. There was an unforeseeable delay of the adoption, as well as the renumbering, of many of the proposed state rules referenced in the 2012 local rules. Due to the piecemeal adoption, compliance with some of the California Rules of Court cited in the local rules will be delayed until the state rule is adopted with an effective date. Due to the renumbering, the state rules may not be correctly cited in the local rules. Also, until the complete adoption of all the new family law state rules, the California Rules of Court numbers may not be organized by subject matter or be in consecutive order.

To minimize confusion while insuring compliance with the new state rules that go into effect on January 1, 2012, the court makes this emergency order to clarify the status of the San Diego Superior Court Local Rules for the Family Law Division. On January 1, 2012, the new local rules will become effective as written, except as provided in this order.

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1 **5.5.8:** Hearings for “Requests for Orders” will continue to be called an order to show cause or notice of
2 motion until the pertinent proposed California Rules of Court are adopted with an effective date. Part G
3 will be governed by the 2012 local rule and California Rules of Court, rule 5.119 [not 5.113]. Part H
4 will be governed by the 2012 local rule and California Rules of Court, rule 5.93 [not 5.247].

5 **5.6.1:** Service of declarations of disclosure will governed by Family Code, sections 2100 through 2113,
6 until the pertinent proposed California Rules of Court are adopted with an effective date. In addition, on
7 July 1, 2012, service of declarations of disclosure will also be governed by the new California Rules of
8 Court, rule 5.405.

9 **5.6.4:** Disclosure of income tax returns will be governed by the applicable 2011 local rule until the
10 pertinent proposed California Rules of Court are adopted with an effective date.

11 **5.7.1:** Trials and long cause hearings will be governed by the applicable 2011 local rules until the
12 pertinent proposed California Rules of Court are adopted with an effective date or unless otherwise
13 ordered in a case resolution plan.

14 **5.7.2:** Trials and long cause hearings will be governed by the applicable 2011 local rules until the
15 pertinent proposed California Rules of Court are adopted with an effective date or unless otherwise
16 ordered in a case resolution plan.

17 **5.9.4.A:** Trials and long cause hearings in the Family Support Division will be governed by the
18 applicable 2011 local rules until the pertinent proposed California Rules of Court are adopted with an
19 effective date or unless otherwise ordered in a case resolution plan.

20 **5.9.5:** Ex parte applications in the Family Support Division will be governed by the applicable 2011
21 local rules until the pertinent proposed California Rules of Court are adopted with an effective date.

22 **5.11.1:** Default and uncontested judgments will be governed by the current California Rules of Court,
23 rules 5.116, 5.122, 5.124, 5.134 and 5.136 until the pertinent proposed California Rules of Court are
24 adopted with an effective date. In addition, on July 1, 2012, default and uncontested judgments will
25 also be governed by the new California Rules of Court, rules 5.405, 5.407 and 5.409.

26 **5.11.2:** Preparation of orders and judgments will be governed by the applicable 2011 rules until the
27 pertinent proposed California Rules of Court are adopted with an effective date.

28 **5.12.1:** Requests for child support will be governed by the 2012 local rule and the current California
Rules of Court, rule 5.128, until the pertinent proposed California Rules of Court are adopted with an
effective date.

1 5.14.11: Limited scope representation will be governed by the current California Rules of Court, rules
2 5.70 and 5.71, until the pertinent proposed California Rules of Court are adopted with an effective date.

3 This Order shall expire on December 31, 2012, unless otherwise ordered by this court.

4 IT IS SO ORDERED.

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6 DATED: January 5, 2012



ROBERT J. TRENTACOSTA
PRESIDING JUDGE