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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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5.1.1B: Sanctions for noncompliance with the local rules will be governed by the Code of Civil Procedure, section 575.2 until the pertinent proposed California Rules of Court are adopted with an effective date.

5.1.4: "Declarations of Disclosure" will be defined by the Family Code, sections 2100 through 2113, until the pertinent proposed California Rules of Court are adopted with an effective date.

<u>5.1.5</u>: All references to "CRC" as the abbreviation for "Case Resolution Conference," throughout the local rules, should not be confused with the standard reference to CRC as the abbreviation for the California Rules of Court. While the abbreviation "CRC" cannot be changed in the local rules at this time, the court will use "FRC" as the working reference for the Family Resolution Conference. See California Rules of Court, rule 5.83.

5.1.5: All references to "request for order" and "RFO," throughout the local rules, will mean an order to show cause or a notice of motion until the pertinent proposed California Rules of Court are adopted with an effective date.

<u>5.2.8A</u>: Mandatory settlement conferences will continue to use the existing Form SDSC D-241 (Settlement Conference Brief/Mandatory Trial Statement) until the proposed pertinent California Rules of Court are adopted with an effective date.

<u>5.2.9</u>: Telephone appearances, not involving cases with the Department of Child Support Services, will be governed by the applicable 2011 local rules until the pertinent proposed California Rules of Court are adopted with an effective date.

5.3.1A & B: Ex parte applications will be governed by the applicable 2011 local rules until the pertinent proposed California Rules of Court are adopted with an effective date.

<u>5.5.1A</u>: Orders to show cause and noticed motions will be governed by the applicable 2011 local rules until the pertinent proposed California Rules of Court are adopted with an effective date.

<u>5.5.6</u>: Companion matters will be governed by the 2012 local rule, parts A and C. Part B will not apply until the pertinent proposed California Rules of Court are adopted with an effective date.

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

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

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

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

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

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

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

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

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

<u>5.12.1</u>: 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.

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

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

IT IS SO ORDERED.

DATED:

January 5, 2012

ROBERT J. TRENTACOSTA
PRESIDING JUDGE