

JUL 28 2020

By: A. HUSTED, Deputy

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

IN RE: SUSPENSION AND
MODIFICATION OF SUPERIOR COURT
OF SAN DIEGO COUNTY, LOCAL
RULES, RULE 5.5.1.C REGARDING
RESCHEDULING OF HEARINGS

GENERAL ORDER OF THE
PRESIDING DEPARTMENT

ORDER NO. 072820-78

THE COURT FINDS AS FOLLOWS:

Effective July 1, 2020, California Rules of Court, rule 5.95, was amended and new and updated forms regarding requests to reschedule hearings in family law matters have been adopted. In light of this amendment and the adoption of new and updated forms, the court finds that portions of Superior Court of San Diego County, Local Rules, rule 5.5.1 conflicts with, and is preempted by, California Rules of Court, rule 5.95, effective July 1, 2020. To eliminate this conflict, subdivision C of Superior Court of San Diego County, Local Rules, rule 5.5.1 must be suspended and modified.

Thus, it is hereby ORDERED that Superior Court of San Diego County, Local Rules, rule 5.5.1, subdivision C, is suspended and modified as follows:

5.5.1 C. ~~Continuance of Rescheduling Hearing Date~~

1. The procedures and forms for rescheduling a hearing date are governed by California Rules of Court, rule 5.95. Rescheduling hearing dates is disfavored and will be granted only for good cause shown.
2. In addition to the procedures for written agreements (stipulations) to reschedule a hearing per rule 5.95, parties may complete the online webform, *Notice of Rescheduling Request/Settlement* and submit an *Agreement and Order to*

1 *Reschedule Hearing* (form FL-308) or other written stipulation and order to the
2 court no later than the date of the hearing.

3 3. If a response to a request to reschedule a hearing is not provided by the court
4 before the hearing, parties should attend the scheduled hearing.

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

6 ~~2. If an RFO has been timely served, either party may request a continuance of the
7 hearing. The party asking for the continuance must complete and submit the
8 Request to Continue Hearing (form FL-306) and an Order on Request to Continue
9 Hearing (form FL-307) pursuant to the California Rules of Court.~~

10 ~~3. An unopposed request for a continuance may be made by either party. The
11 request must be made at least two court days before the hearing either by:~~

12 ~~—a. Filing a stipulation stating good cause and signed by all parties with a
13 completed Request to Continue Hearing (form FL-306) and an Order on Request
14 to Continue Hearing (form FL-307); or~~

15 ~~—b. Completing the online webform, Notice of Continuance Request/Settlement
16 and submitting a completed Request to Continue Hearing (form FL-306) and Order
17 on Request to Continue Hearing (form FL-307) to the court no later than the date
18 of the hearing. Self-represented litigants without internet access must timely make
19 their request to the courtroom clerk by telephone.~~

20 ~~4. A continuance of an RFO that includes any temporary emergency order is
21 governed by the California Rules of Court.~~

22 Subdivisions A, B, D, E, and F of Superior Court of San Diego County, Local Rules, rule
23 5.5.1 remain in effect as written.

24 To the extent the language of any local rule is inconsistent with this Order, the language of
25 the local rule is suspended.

26 **IT IS SO ORDERED.**

27 DATED: July 28, 2020

28 

HON. LORNA A. ALKSNE
PRESIDING JUDGE