



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

FAMILY SUPPORT DIVISION (FSD) INFORMATION – CENTRAL

This document includes information about Family Support Division cases in the Central Division of the Superior Court. For additional information, visit the Superior Court's website at: www.sdcourt.ca.gov.

Due to the COVID-19 pandemic, services available at the court may change. For the most current information, visit the Superior Court's website at www.sdcourt.ca.gov. Click on COVID-19 & Court Information page and refer to the Case Type-Specific Services Available during the COVID-19 Pandemic section.

FAMILY SUPPORT DIVISION

The Family Support Division (FSD) hears all actions filed by the Department of Child Support Services (DCSS) regarding support, support enforcement, medical insurance, and parentage. FSD also hears support issues in family law cases in which DCSS is providing enforcement services. If DCSS has opened a case to establish parentage and/or child support against an absent parent, a child support commissioner may order child support in that case. These cases are typically referred to as Family Support Division "Title IV-D", or governmental child support cases. FSD does not hear the following matters: divorce, custody, visitation, restraining orders, or property issues. These issues must be heard at one of the family law locations.

NOTICE OF ELECTRONIC CASE FILE AND IMAGED DOCUMENTS

Effective January 2, 2020, all new FSD cases initiated by DCSS will be imaged and the electronic version of the documents will be the official court record. All pleadings and documents, including all original documents attached to pleadings filed with the court will be destroyed. Once imaged, all paper filings will be held for 30 days. After that time the paper filings will be destroyed or recycled.

E-FILING

Effective October 19, 2020, San Diego Superior Court began accepting e-filing for Family Support Division matters. DCSS, attorneys, and the public are able to file documents with the court without physically coming to the courthouse. Some exceptions apply. Refer to Electronic Filing Requirements (Family) (SDSC Form #D-305) available on the court's website at www.sdcourt.ca.gov for additional information and a current list of documents not accepted for e-filing.

FILES OPENED BY DCSS

Typically, but not always, a case filed by DCSS is designated as a "DF" court file, indicating that the case is being heard in FSD.

FAMILY LAW FACILITATOR'S OFFICE (FLF)

Court attorneys and paralegals experienced in family law are available at no cost to help unrepresented parents and parties who have questions about family law issues. Visit the court's website at www.sdcourt.ca.gov for information about specific services provided by FLF, including hours of operation and locations.

INTERPRETER

If an interpreter is needed for a hearing, or if an interpreter was scheduled and is no longer needed, an Interpreter Request/Cancellation Form (SDSC Form #ADM-348) must be submitted. Visit the Language Access page on the Superior Court's website (www.sdcourt.ca.gov) for additional information.

SETTING HEARINGS

- **EX PARTE** - Hearing dates may be obtained by calling or appearing in person at the FSD Business Office **no later than 10:00 a.m. the day before the requested hearing date**. Papers **MUST** be submitted to the court no later than 12:00 p.m., and served on all parties by 2:00 p.m., the court day before the hearing. Moving papers **MUST** include a completed Ex Parte Application and Order – Family Law (SDSC Form #D-046) (see SDSC Local Rules, rule 5.3.1). **Consideration of late filed and/or late served papers is at the court's discretion.**
- **REQUEST FOR ORDER (RFO)** (JC Form #FL-300) - Hearing dates may be obtained by mail or in person at the FSD Business Office. If a request includes both FSD and Family matters under the same case number, the party is encouraged to submit two separate RFOs. A fee or approved fee waiver is required for RFOs regarding family issues (e.g. divorce, custody, etc.). See page 2 for information regarding serving an RFO.

REQUEST FOR TELEPHONE APPEARANCE

Requests are governed by the Family Code and California Rules of Court. All requests must be made by filing a Request for Telephone Appearance (Governmental) (JC Form #FL-679) (see SDSC Local Rules, rules 5.10.2 and 5.10.3).

FILING DOCUMENTS

Documents may be filed with the court in person, by messenger or by mail. Papers may also be dropped in the drop box located outside of the main lobby of the Central Courthouse.

PAGE LIMITS ON DECLARATIONS

Declarations **MUST NOT** exceed the following page limits unless the declaration is of an expert witness or the court has granted permission to exceed the limit:

- o Ten (10) pages in length if submitted with or in response to a Request for Order.
- o Five (5) pages if a reply declaration (see Cal. Rules of Court, rule 5.111).

It is at the discretion of the court whether declarations exceeding the limit will be considered (see SDSC Local Rules, rule 5.5.1(G)).

LODGMENTS

Exhibits exceeding ten (10) pages **MUST** be lodged. To lodge documents party **MUST** do the following:

- o **STEP 1:** Submit a Notice of Intention to Lodge Documents (SDSC Form #D-235) or pleading.

NOTE: DO NOT ATTACH THE EXHIBITS.

- o **STEP 2:** No sooner than ten (10) court days and no later than three (3) court days prior to the hearing date, absent a court order, attach a filed copy of the D-235 or pleading to the exhibits and submit the documents to the court. The form Lodged Documents (SDSC Form #ADM-378) may be attached. See SDSC Local Rules, rule 5.5.5. for additional information and requirements.

SERVICE OF PROCESS OF COURT DOCUMENTS

For information regarding how to complete service of process on DCSS and the other parent, see Information Sheet for Service of Process (JC Form #FL-611). For assistance, contact FLF or a private attorney.

REQUEST TO RESCHEDULE RFO HEARING

A party may request to reschedule a hearing as follows:

RFO NOT SERVED

- o Prior to Hearing: By appearing ex parte and submitting the following: Ex Parte Application and Order Family Law (SDSC Form #D-046), Request to Reschedule Hearing (JC Form #FL-306), and Order on Request to Reschedule Hearing (JC Form #FL-309). Requests should be made at least **FIVE COURT DAYS** prior to the hearing date.
- o Day of Hearing: By appearing at the hearing, making an oral request, and submitting an Order on Request to Reschedule Hearing (JC Form #FL-309).

RFO SERVED

- o Prior to Hearing: By appearing ex parte and submitting the following: Ex Parte Application and Order – Family Law (SDSC Form #D-046), Request to Reschedule Hearing (JC Form #FL-306), declaration regarding notice, and Order on Request to Reschedule Hearing (JC Form #FL-309).
- o Day of Hearing: By appearing at the hearing, making an oral request, and submitting an Order on Request to Reschedule Hearing (JC Form #FL-309). Requests should be made at least **FIVE COURT DAYS** prior to the hearing date.

BY STIPULATION

Parties may also request to reschedule a hearing by submitting an Agreement and Order to Reschedule Hearing (JC Form #FL-308) prior to or at the time of the hearing. **NOTE: requests received less than five court days prior to the hearing are forwarded to the judicial office for consideration, however, it is possible that no decision will be made with regards to the request until the day of the hearing.**

For additional information on how to reschedule a hearing, refer to How to Reschedule a Hearing in Family Court (JC Form #FL-304-INFO). The clerk's office **CANNOT** continue a hearing set by the judicial officer.

CANCELLING A HEARING

If the RFO was **NOT SERVED**, the moving party may cancel the hearing prior to the hearing date by contacting the FSD Business Office. If the RFO was **SERVED** or a **RESPONSE** to the RFO has been filed, the clerk's office **CANNOT** cancel the hearing. For information regarding options, the Family Law Facilitator's office (FLF) or caseworker at DCSS may be contacted. The clerk's office **CANNOT** cancel a hearing set by the judicial officer.

EX PARTE COMMUNICATION

Ex parte communication occurs when a party to a case, or someone involved with the party, talks or writes to or otherwise communicates with the judicial officer about the case without the other parties' knowledge. **Ex parte communication is not allowed by parties or attorneys.**