

Chapter VI. Family Law Rules

Preamble References in these rules to Orders to Show Cause and Motions shall also be deemed to apply to Requests for Orders.

All parties and attorneys in family law proceedings are expected to be familiar with and to comply with California Rules of Court, Rule 5.83 and the procedural milestones set forth therein. (Effective 1/1/13)

Rule 6.1 Propria Persona Filings - Pleading Prepared by Third Parties (Effective 7/1/03)

Parties who retain the services of third parties (e.g.: Typing services or paralegals) to prepare their pleadings must submit a declaration to the court with the following information: (Effective 7/1/03)

- (a) Name, including Doing Business As (DBA) and Legal Document Assistant (LDA) number, address and telephone number of person preparing the pleadings; and (Effective 7/1/03)
- (b) Amount of compensation paid to third party for the preparation of the pleadings. (Effective 7/1/03)

Rule 6.1.1 Forms of Documents Presented for Filing (Effective 1/1/10)

- (a) All pleadings shall comply with Rules 2.100-2.119 and 3.1110 of the California Rules of Court. All documents and/or pleadings submitted in which a matter is set for hearing must specify the department number, hearing date, and time underneath the title of the document and/or pleading.
- (b) Except those received via facsimile filing, All documents containing attachments, schedules, or exhibits shall be indexed and tabbed at the bottom. Where there is a single attachment or exhibit, the index requirement is inapplicable. All documents received via facsimile filing shall contain a titled cover sheet between attachments, schedules, and/or exhibits.
- (c) The Court shall endorse and or conform up to three (3) copies of all submitted documents for filing. (Effective 1/1/10)

Rule 6.1.2 Obtaining a Hearing Date (Effective 1/1/10)

Hearing dates are obtained at the time of the submission of motions filed including but not limited to Orders to Show Cause and/or Notice of Motions. Hearing dates are assigned by the Court. (Effective 1/1/10)

Rule 6.2 Result of Failure to Comply with Rules (Effective 7/1/03)

Failure of a party or parties to comply with these rules may result in one or more of the following on the request by the other party or on the court's own motion: (Effective 7/1/03)

- (a) Removal of the matter from the calendar; (Effective 7/1/03)
- (b) A continuance; (Effective 7/1/03)
- (c) An award of attorney's fees and costs against the non-complying party, the party's attorney, or both, without the necessity of filing an Income and Expense Declaration, or any noticed motion; (Effective 7/1/03)
- (d) An order based solely upon the pleadings properly before the court; (Effective 7/1/03)
- (e) Such other orders as the court deems appropriate. (Effective 7/1/03)

Rule 6.3 Continuances (Effective 7/1/03; rev. 1/1/07; rev. 7/1/14)

Rule 6.3.1 Orders to Show Cause and Motions (Eff. 7/1/03; Rev. 7/1/10)

- (a) Notice of a request for continuance must be given to the other party at the earliest opportunity. If a written notice is not presented to the adverse party at least three (3) court days prior to the date set for the hearing and a continuance is granted, an award of attorney fees may be ordered to the nonmoving party. (Eff. 7/1/03)
- (b) Continuance of Orders to Show Cause and motions by stipulation may be presented in written form to the Clerk's Office prior to the hearing date or may be requested orally of the court at the time set for the proceeding, provided counsel for all parties are present. (Eff. 7/1/03)
- (c) Stipulations for Continuances may be presented on the date of the hearing so long as all counsel or self-represented litigants have signed. In such cases, not all parties or counsel need to be present and no filing fees will be required for stipulations so presented and submitted on the date of hearing. (Eff. 7/1/03; Rev. 7/1/10)

Rule 6.3.2 Trial (Effective 7/1/03)

Any request for a continuance of a trial date shall be submitted in written form signed by the attorney, the party, or both. In the event of a stipulation to continue the trial date, both counsel must sign the stipulation. The proposed stipulation must be accompanied with a detailed explanation of the reason for the continuance. The stipulation must be submitted to the Family Law Department

not less than five (5) days before the trial date. The new date must be approved by the Court before the Stipulation is submitted. (Effective 7/1/03)

Rule 6.3.3 Calendar Conflicts (Effective 7/1/03; rev. 1/1/06)

In the event of a calendar conflict preventing or delaying a hearing, the attorney with the conflict shall notify the Court and, to the extent possible, the opposing counsel or unrepresented party, at the earliest opportunity. If notice is not given, the Court may award attorney's fees. (Effective 7/1/03; rev. 1/1/06)

Rule 6.3.4 Attorney Late Line Call-In Protocol (Effective 1/1/07; rev. 7/1/09; ren. 1/1/13)

See Rule of Court 1.1.2, page 1.

Rule 6.4 **Ex Parte Matters** (Effective 7/1/03; rev. 7/1/09)

Ex Parte matters are noticed in the Family Law Division. (Effective 7/1/03)

- (a) Ex Parte hearings must be set in matters requesting residence exclusion, change of custody, or a substantial change in current visitation orders. (Effective 7/1/03)
- (b) Notice shall be given to all counsel and all opposing parties, if not represented by counsel, by 10:00 a.m. the court day before the scheduled hearing. All paperwork for the Ex Parte hearing shall be returned to the clerk by 12:00 noon the court day before the scheduled hearing. (Effective 7/1/03)
- (c) This rule shall not apply to matters filed under the Domestic Violence Act. (Effective 7/1/09)

Rule 6.5 **Return of Service** (Effective 7/1/03)

- (a) Orders to Show Cause and notices of motion shall be calendared when filed. Proof of service must be filed before the matter is called. If there is no proof of service filed, yet both parties appear and agree to proceed, the court, in its discretion, may hear the matter. (Effective 7/1/03)
- (b) If a party receives Temporary Assistance for Needy Families (CalWORKS/TANF) or other public benefits and an Order to Show Cause or notice of motion is filed requesting child support, the party filing the OSC must serve a copy of their moving papers on the Department of Child Support Services (local child support enforcement agency). (Eff. 7/1/03)

Rule 6.6 **Confidential Documents** (Effective 1/1/13)

All documents obtained from any juvenile case file or from any child welfare agency must be treated as confidential by all parties and attorneys in accordance

with Welfare and Institutions Code sections 827, 827.10, and California Rules of Court, Rule 5.552. Any party who seeks to file with or present to the Family Court any juvenile case or child welfare agency document or record must first present a request to file such documents under seal. Any pleading filed with the Family Court which attaches, recites, or quotes from any juvenile case or child welfare agency record without a prior request and order to file under seal, may be stricken from the Family Court file or ordered to be placed in a confidential portion of the file. (Effective 1/1/13)

Rule 6.7 Stipulations (Effective 7/1/03; rev. 1/1/10; rev. 1/1/13)

Written stipulations resolving all or part of issues to be litigated are encouraged and have priority. While a matter is trailing, the court should be kept informed of the status of settlement negotiations. (Effective 7/1/03)

- (a) Written stipulations resolving all or part of issues to be litigated are encouraged and have priority. While a matter is trailing, the court should be kept informed of the status of settlement negotiations.
- (b) Stipulated Judgments or Judgments containing a Marital Settlement Agreement must include signatures from all parties and their respective attorneys, if any. Parties and/or Counsel may waive signatures and submit the terms of a stipulated Judgment on the record pursuant to Code of Civil Procedure §664.6. (Effective 1/1/10)
- (c) Parties requesting to vacate or otherwise terminate personal conduct or stay-away orders issued under the Domestic Violence Prevention Act cannot do so by Stipulation and must file a noticed motion and appear before the Court to request relief. (Effective 1/1/10)

Rule 6.8 Case Status Conferences, Family Centered Case Resolution, and Settlement Conferences (Effective 1/1/13)

These rules apply to all cases filed after January 1, 2013, seeking Dissolution of Marriage; Nullity; Legal Separation; Termination of Domestic Partnership; and establishment of paternity under the Uniform Parentage Act. The parties and attorneys are expected to comply with the procedural milestones set forth in California rules of Court, Rule 5.83. (Effective 1/1/13)

Rule 6.8.1 Status Conference (Effective 1/1/13)

- (a) When the Petition is filed, the Clerk of the Court shall set an initial Status Conference in approximately 180 days. The notice of the initial Status Conference date shall be provided to the Petitioner at the time the Petition is filed. The Petitioner shall serve a copy of the Notice on the Respondent along with the Petition. (Effective 1/1/13)

- (b) If the Response is filed after the initial Status Conference, the Court shall provide to all parties notice of the next Status Conference. If the next Status Conference is set more than 90 days after the Response is filed, the Court may advance the Status Conference to a date that is closer to 60 calendar days after the Response is filed. (Effective 1/1/13)
- (c) If the Petition has been served and proof of service filed, a Response has been filed or default entered, and Preliminary Declarations of Disclosure have been served, any party may file a Request and Order to Change Status or obtain a Case Resolution Conference Date and request a new Status Conference date or a Family Centered Case Resolution Conference (FCCRC). Preliminary Declarations of Disclosure are not required in cases filed under the Uniform Parentage Act. In any action, if a final and complete Judgment has been entered, the Status Conference will be vacated. (Effective 1/1/13)
- (d) The purpose of the Status Conference is to review the status of the case and progress toward resolution, including whether the procedural milestones described in California Rules of Court, Rule 5.83, subd. (c)(4), have been met. (Effective 1/1/13)
- (e) At the Status Conference the Court may do any of the following:
 - i. Refer the case to mediation;
 - ii. Consider the procedural steps to reach disposition in the case;
 - iii. Set time limits and deadlines, including but not limited to service of process and filing proof of service, entry of default, service of preliminary declarations of disclosure, or submission of judgment;
 - iv. Appoint an attorney for a minor child upon the stipulation of the parties or schedule a hearing for this issue to be considered;
 - v. Schedule a FCCRC, hearing, or trial on all or some issues;
 - vi. Schedule a further Status Conference;
 - vii. Put on the record stipulations of the parties resolving all or some of the issues in the case, and terminate the marital status if the parties are in agreement and all appropriate milestones have been met;
 - viii. Take any other actions permitted by law that would promote a just and efficient disposition of the case. (Effective 1/1/13)
- (f) Attorneys and self-represented parties shall attend each Status Conference unless excused in advance by the Court, the case has been dismissed, or a Judgment resolving all issues has been filed. Parties who are represented by an attorney are not required to attend a Status Conference unless ordered by the Court to appear. (Effective 1/1/13)

- (g) Appearance at a Status Conference may be made via teleconference, provided that the party or attorney has made arrangements with CourtCall, LLC, for such an appearance and that the Court has not ordered the party or attorney to appear in person. At least ten calendar days before the scheduled Status Conference, the attorney or party must arrange for the telephonic appearance and pay the required fee for CourtCall's services. On the day of the Status Conference, those appearing by telephone must call the toll-free conference line designated by CourtCall at least five minutes before the Status conference. (Effective 1/1/13)
- (h) If the procedural milestones described in California Rules of Court, Rule 5.83, subd. (c)(4) have not yet been met, the Status Conference will be continued for no more than 60 days upon a showing of due diligence by the Petitioner. (Effective 1/1/13)
- (i) If no party appears at a scheduled Status Conference without leave of Court obtained in advance, a further Status Conference will be scheduled. The Clerk shall provide notice of the Status Conference, notifying the parties that if they fail to appear at the next Status Conference, the case may be subject to dismissal. If both parties fail to appear at the next Status Conference, notice will be given that the case is subject to dismissal unless identified action is taken. (Effective 1/1/13)
- (j) Parties who are participating in mediation or who are actively negotiating a settlement of their case will be exempt from the Status Conference for 180 days, if they file notice of the same with the Court. If the Judgment or a Request for Dismissal is not filed within 180 days of the filing of the notice, the Court will proceed with the Status Conference. (Effective 1/1/13)
- (k) Parties who are attempting reconciliation will be exempt from the Status Conference for 180 days, if they file notice of the same with the Court. If a Judgment or Request for Dismissal is not filed within 180 days of the filing of the notice, the Court will proceed with the Status Conference. (Effective 1/1/13)

Rule 6.8.2 Family Centered Case Resolution Conference (Effective 1/1/13)

- (a) Attendance at the Family Centered Case Resolution Conference (FCCRC) is mandatory. Personal appearance by the parties and attorneys is encouraged. However, if a party is out of state or must travel long distances to attend the FCCRC, consideration will be given to allow the party to appear by counsel or telephonically, if the party is self-represented. (Effective 1/1/13)
- (b) At the FCCRC the Court may set the matter for further FCCRC, Status Conference, Settlement Conference, or Trial and a Mandatory Settlement Conference. (Effective 1/1/13)

Rule 6.8.3 Voluntary Settlement Conferences (Effective 1/1/13)

At any time after the Preliminary Declarations of Disclosure have been exchanged and proof thereof filed with the Court, and after participating in an informal "meet and confer conference," the parties and/or counsel may request a Voluntary Settlement Conference. The request shall be accompanied by an Income and Expense Declaration, as well as a Settlement Conference Statement that identifies all issues in detail, and that party's position with respect to each issue. (Effective 1/1/13)

Rule 6.8.4 Mandatory Settlement Conference (Effective 1/1/13)

- (a) When a matter is set for trial, a Mandatory Settlement Conference will be scheduled 30-60 days prior to the trial. Statement must be filed five (5) calendar days before the settlement conference date. (Effective 1/1/13)
- (b) At least five (5) days prior to the Mandatory Settlement Conference, the parties shall exchange and file current Income and Expense Declarations and a Settlement Conference Statement that identifies all issues in detail, and that party's position with respect to each issue in all cases involving monetary issues. The Settlement Conference Statement shall include points and authorities, if appropriate. An updated Income and Expense Declaration will not be required if there are no remaining issues of child support, spousal support, or attorneys' fees. (Effective 1/1/13)
- (c) A request to continue a settlement conference is within the discretion of the court and requires a showing of good cause. (Effective 1/1/13)

Rule 6.9 **Appointment of Expert Witnesses** (Effective 7/1/03; rev. 1/1/13)

Requests for costs for appraisers, accountants and experts will not be considered in the absence of a specific showing by declaration of the need for expert assistance, and the projected cost of the examination requested. Projected costs must be established by the declaration of the expert, which must include a general breakdown of anticipated costs. (Effective 7/1/03)

Rule 6.10 **Child Custody and Visitation** (Effective 7/1/03; rev. 1/1/13)

- (a) In all original and subsequent proceedings where child custody, visitation, or both, are issues, the parties must attach a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) form. (Effective 7/1/03)
- (b) Before a hearing involving a disputed issue of custody, visitation, or both, the parties must meet with a mediator at Family Court Services. (Effective 7/1/03)
- (c) The mediation session is private and confidential. Only the parent or the

parties involved in the action may be present in the mediation session. Children over eight (8) years of age must attend the mediation session and be interviewed by the mediator. (Effective 7/1/03)

- (d) In the event mediation does not result in an agreement, the mediator shall make no recommendation to the court. The mediator may not be called as a witness. (Effective 7/1/03)
- (e) The mediator may recommend to the court that counsel be appointed to represent a minor and may inform the court why the appointment of counsel is recommended. Where the parties have not reached an agreement upon completing mediation, the mediator may recommend that a full Family Court Services Unit investigation be conducted. (Effective 7/1/03)

Rule 6.11 Civil Investigations (Effective 7/1/03; rev. 1/1/13)

- (a) When directed by the court, a Family Court Services investigator must conduct a standard custody investigation or a focused custody investigation and file a written confidential report and recommendation. (Effective 7/1/03)
- (b) Questionnaires must be submitted to the investigator within ten (10) days of the court's order referring the matter for evaluation. (Effective 7/1/03)

Rule 6.12 Family Law Facilitator (Effective 7/1/03; rev. 1/1/07; rev. 1/1/13)

- (a) The services of the Office of the Family Law Facilitator are available to all unrepresented parents and parties at times and dates as set by the Family Law Facilitator. (Effective 7/1/03; rev. 1/1/07)
- (b) When performing duties under the Family Law Facilitator Act (Family Code Section 10000, et. seq.) and specifically Family Code Section 10004, the duties of the Facilitator may include any or all of the duties set out in Family Code Section 10005, as designated by the court and subject to adequate funding. (Effective 1/1/07)
- (c) The Court may assign duties to the Facilitator outside the scope of the Family Law Facilitator Act if funding other than AB 1058 funding is available to expand the Facilitator's services. (Effective 1/1/07)
- (d) Neither the Family Law Facilitator nor their staff may be called as a witness. (Effective 1/1/07)

Rule 6.13 Judicial Council Form 191 - Child Support Case Registry (Effective 1/1/07; rev. 1/1/13)

- (a) Any submission of a Findings and Order After Hearing or Judgment

containing an initial order or modification of child or family support must include a completed Judicial Council Form 191- Child Support Case Registry form with the order. (Effective 1/1/07)

- (b) Any change to a party's information previously submitted through the Child Support Case Registry form must be resubmitted with the completion of an updated Child Support Case Registry form within ten (10) days of the change (Effective 1/1/07)
- (c) Parties shall not be required to submit this Form 191 if the Department of Child Support Services is currently involved in the collection of support. (Effective 1/1/07)

Rule 6.14 Counsel for Minor Children (Effective 1/1/10; rev. 7/01/11; rev. 1/1/13)

Rule 6.14.1 Qualifications (Effective 1/1/10; rev. 7/01/11; rev. 1/1/13)

Any and all attorneys accepting appointments as counsel for minor children in family law proceedings must lodge with the Family Law Department proof of their qualifications pursuant to California Rule of Court 5.242. Such counsel must update proof of their qualifications annually or as required by the Supervising Family Law Judge. (Effective 1/1/10; rev. 7/01/11)

Rule 6.14.2 Termination of Appointment (Effective 1/1/10; rev. 7/01/11; rev. 1/1/13)

An attorney appointed as minors counsel may be relieved as attorney of record by a Judicial Officer following disposition of the matter in Court. If an attorney appointed as minors counsel wishes to withdraw from a proceeding as attorney of record for the minor and has not been previously relieved by a Judicial Officer, he or she must file a motion seeking such relief. (Effective 1/1/10; rev. 7/01/11)

Rule 6.14.3 Complaint Procedure (Effective 7/01/11; rev. 1/1/13)

In a family law proceeding in which the Court has appointed counsel for a minor child or children, any party or attorney for a party in the action or the minor child may present a complaint about the performance of appointed counsel. The complaint must be in writing, fact specific, and filed and served on all counsel and self-represented parties. A copy of the complaint with proof of service on all attorneys and self-represented parties must be delivered to the Supervising Family Law Judge in care of the Judicial Secretary. The Supervising Family Law Judge or his or her designee shall review the complaint and respond by doing one of the following:

- a. Issuing a written response to the complaint, which will be provided to the complainant and to all attorneys and self-represented parties, and to the assigned bench officer in the case, if any;
- b. Requesting a written response or written comments from the other

- attorney(s) or self-represented party(ies).
- c. Investigating the complaint;
- d. Setting a hearing on the complaint. (Effective 7/01/11; rev. 1/1/13)

Rule 6.15 Collaborative Law Cases (Effective 7/1/10; rev. 1/1/13)

Rule 6.15.1 Contested Matters.

It is the intent of the Collaborative Law Process that, no contested matters shall be filed with the Court in matters designated as Collaborative Law Cases. (Effective 7/1/10; rev. 1/1/13)

- (a) “Contested Matters” filing is defined as the filing of an at-issue memorandum or any pleading, motion, or order to show cause requesting that the court resolve an issue of fact or law. The filing of a Petition, or Response, a stipulated order, or a Request to Enter Default where the issues subject to disposition by the Court in a proceeding are the subject of a written agreement, shall not be considered a contested matter. (Effective 7/1/10; rev. 1/1/13)

Rule 6.15.2 Designation. (Eff. 7/1/10; rev. 1/1/13)

- (a) A case may be designated a “Collaborative Law Case” upon the filing of a signed a written Collaborative Law Agreement that provides for 1) a full exchange of information, 2) the withdrawal of the collaborative attorney (whether or not said attorney is of record) upon the termination of the collaborative law process, 3) the joint retention of any consultants needed to assist the parties in the Collaborative Law Process, unless otherwise authorized by the written agreement of the parties, and 4) the agreement by the parties to use their best efforts and make a good faith attempt to resolve family law disputes without resorting to adversary judicial intervention. (Eff. 7/1/10)
- (b) The words “Collaborative Law Case” shall be placed below the case number in the case caption on all documents filed with the Court. (Eff. 7/1/10)
- (c) Attorneys representing parties to a Collaborative Law Case may be, but are not required to be of record. (Eff. 7/1/10)

Rule 6.15.3 Terminations/Filing of Contested Matters. (Eff. 7/1/10; rev. 1/1/13)

- (a) Either party may terminate the designation of a case as a Collaborative Law Case without cause by either providing a written notice of such termination to the other party and filing with the court the original notice of termination and a proof of service upon the other party. (Eff. 7/1/10)
- (b) The filing of a contested matter by either party shall also terminate the

designation for the case as a Collaborative Law Case, effective on the date of such filing. (Eff. 7/1/10)

- (c) Upon termination of the Collaborative Law Case designation, any party's attorney's status as attorney of record shall terminate without further notice. (Eff. 7/1/10)
- (d) The filing by an attorney of record of a motion to withdraw from a Collaborative Law Case does not terminate the designation of a Collaborative Law Case. (Eff. 7/1/10)

Rule 6.16 Failure to Comply with Rules (Effective 1/1/13)

Any failure to comply with these rules may result in the issuance of an order to show cause why sanctions, including monetary sanctions, issue sanctions, evidence sanctions, or terminating sanctions, should not be imposed. (Effective 1/1/13)

Rule 6.17 Title IV-D Support Actions (Effective 1/1/13)

Rule 6.17.1 Meet and Confer Requirement (Effective 7/1/2012; rev. 1/1/13)

Prior to the hearing of any matter on the IV-D calendar, all attorneys and self-represented parties must in good faith participate in a "meet and confer conference" with an attorney or other representative designated by the Chief Attorney of the local child support agency in Room 300 of the Justice Building. The purpose of the "meet and confer conference" is for the parties to identify and narrow issues that will require a hearing, exchange and review documentary evidence, and attempt to resolve the issues of the matter by stipulated agreement. This rule does not apply to hearings regarding motions or requests to modify or quash income withholding orders or health insurance assignments, requests for issuance of a SLMS release, or to persons who are appearing telephonically. (Effective 7/1/2012; rev. 1/1/13)