

LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE

DIVISION 7

FAMILY LAW

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Rule 700. Subject Matter of the Family Law Court

All motions, ex parte applications, and orders to show cause, and all trials in the following proceedings must be filed in the Family Law Court:

- A. Dissolution of marriage or domestic partnership;
- B. Legal separation or legal separation of a domestic partnership;
- C. Nullity of marriage or domestic partnership and determination of the rights of putative spouses pursuant to Chapter 3 of Part 2 of Division 6 of the Family Code;
- D. Proceedings pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code sections 3400 et seq.);
- E. Proceedings pursuant to Parts 1, 2, and 3 (excluding Chapter 5) of Division 12 of the Family Code (Parent and Child Relationship);
- F. Non-marital relationship cases, e.g., Marvin v Marvin (1976) 18 Cal3d 660, when consolidated with a family law matter;
- G. Proceedings pursuant to the Domestic Violence Prevention Act (Family Code sections 6200 et seq.);
- H. Proceedings pursuant to the Uniform Interstate Family Support Act (Family Code sections 4900 et seq.);
- I. Proceedings pursuant to Part 2 (Child Support) of Division 9 of the Family Code sections 3500 et seq.;
- J. Proceedings to terminate parental rights, and adoption pursuant to Family Code sections 7660 et seq.; 7800 et seq.; 8600 et seq.;
- K. Proceedings pursuant to Family Code sections 3101-3104 (Visitation Rights of Non-parents);

Rule 700 amended effective July 1, 2014; Adopted eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2002; revised eff. August 1, 2004; revised eff. January 1, 2007; revised eff. July 1, 2011; revised effective January 1, 2013.

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Rule 700.5 Attorneys and Self Represented Parties

Attorneys and self represented parties must comply with all applicable statutes in addition to Local Rules and the California Rules of Court. All references to party or parties in these rules apply equally to self represented person and persons represented by an attorney of record.

(Adopted effective January 1, 2007; revised effective July 1, 2011)

Rule 700.6 Family Law Filings [VACATED]

(Vacated effective July 1, 2018. Adopted effective January 1, 2012)

Rule 700.7 Electronic Filing in Family Law Cases

Pursuant to Code of Civil Procedure section 1010.6, documents filed by represented parties in all family law actions must be filed electronically unless the Court excuses parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with electronic filing.

The electronic filing of documents must be effected using the court's electronic service providers. Electronic service provider information is available on the Court's website at www.occourts.org.

Electronically filed documents filed prior to midnight on a court day will be deemed filed as of that day, pursuant to Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.253(b)(7). For purposes of this Rule, filing occurs at the time the document is received by the court and a confirmation of receipt is created (See Cal. Rules of Court, rule 2.259(a)(1) and (c)). Any electronically filed document received by the Court at midnight, or filed on a non-court day, will be deemed filed on the first court day after it is received. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This Rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

This Rule is subject to the provisions set forth in Code of Civil Procedure section 1010.6 and California Rules of Court 2.250 and 2.259.

(Adopted effective January 1, 2018)

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Rule 701. Assignment of Family Law Cases

All Family Law cases heard by the Family Law Panel will be randomly assigned to a Family Law Panel judge or commissioner for all purposes:

- A. For any Family Law case(s) not already assigned to a judge or commissioner for all purposes, the party that files the first document requesting an initial court hearing must include the Family Law Coversheet for Assignment to Orange County Justice Center (L-0560) with the request. The assignment to a judge or commissioner will be determined by the residence of the filing party as indicated on the coversheet.
1. Exceptions; Do not file in the following cases:
- a) Domestic Violence Prevention Service Project cases
 - b) Self-Represented Party (SRP) calendared cases
 - c) Cases scheduled for a Default Prove Up hearing
 - d) Cases initiated by the Department of Child Support Services
 - e) Proceedings for Freedom from Parental Custody and Control
 - f) Adoption cases
 - g) Cases specifically assigned at the discretion of the Family Law Supervising Judge
- B. The assigned judicial officer will handle all proceedings in the case, including but not limited to, requests for orders, orders to show cause, law and motion matters, pretrial conferences, and trial.
- C. After assignment to one judicial officer for all purposes, all pleadings must have clearly typed on the face page of each pleading, directly under the case number, the following:
- 1. Department (insert number)
 - 2. Judicial Officer (insert name)
- D. When the random assignment is to a commissioner, the form entitled Assignment of Commissioner as Temporary Judge (local mandatory form L-200) will be given to the petitioner/moving party who must serve this form on the respondent/opposing party. Both parties must file the form in the assigned department indicating acceptance or declination of the assignment of the commissioner for all purposes. If either party declines the case will be randomly assigned to another judicial officer.

Rule 701 revised effective January 1, 2020; Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective October 1, 1996; revised effective January 1, 2002; revised effective August 1, 2004; revised effective January 1, 2007; revised effective July 1, 2011; amended effective July 1, 2014.

Rule 701.1 Family Centered Case Resolution Process

- A. The goal of the Family Centered Case Resolution process is to finalize dispositions as set forth in California Rules of Court, rule 5.83.
- B. Processes and procedures to manage cases from initial filing to disposition shall be established in accordance with California Rules of Court, rule 5.83, Family Code section 2450(a) and Standards of Judicial Administration, standard 5.30. In addition to maintaining processes and procedures in the normal course of business, Family Centered Case Resolution processes will be posted on the Court public website.
- C. Cases involving self-represented litigants will be referred to the Self-Help Center to assist in complying with the Family Centered Case Resolution process. Written material as required by California Rules of Court, rule 5.83(g) will be provided by the Clerk upon filing of first papers in actions under the Family Code.

Rule 701.1 revised effective January 1, 2016; adopted effective January 1, 2013; amended effective July 1, 2014.

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Rule 701.5 Related Cases

- A. A related case for purposes of Division 7 of these rules is a court case involving either of the parties or the minor children of the parties. Examples of a related case include a family law case, a guardianship case, a domestic violence case, a child support collection case, a criminal case, and/or a juvenile case involving a minor child of one or both of the parties.
- B. In order to identify related cases for the purpose of avoiding duplicate cases, conflicting orders and unnecessary hearings, every person appearing in a Family Law case before the Orange County Superior Court will be assigned a person identification number or otherwise have all cases in which the person is a party linked together.
- C. The parties must disclose the existence of any related case and provide the full name, known aliases, date of birth and last four digits of the social security number if available, for themselves and of each minor, and of the parent, guardian and/or caretaker of each minor. Parties shall expend due diligence in attempting to obtain personal identification information and have a continuing responsibility to ascertain and provide personal identification information. This information shall be provided to the court by filing a Confidential - *Party Identification and Notice of Related Case(s)* (local mandatory form L-1120.) The court must maintain the form as Confidential and shall require a Court Order to release said information at any time to any party.
- D. A completed Confidential - *Party Identification and Notice of Related Case(s)* must accompany every Family Law case-initiating pleading and any ex parte applications. The completed form and a blank form must be served on the respondent and a proof of service filed with the court. Respondent must file a completed form within 30 days after being served.
- E. After filing of the initial Confidential - *Party Identification and Notice of Related Case(s)*, when either party becomes aware of additional cases and/or personal identification information, that party must file an updated Confidential - *Party Identification and Notice of Related Case(s)* with that case information.

Rule 701.5 amended effective July 1, 2014; adopted effective January 1, 2007; revised effective July 1, 2011.

Rule 701.6 Privately Compensated Temporary Judge

Orders and judgments presented to the court for filing subsequent to a hearing before a privately compensated temporary judge authorized by the court, pursuant to rules 2.830-2.834 of the California Rules of Court, must have the original signature of the privately compensated temporary judge, and must state precisely the name of the privately compensated temporary judge and the address where the hearing took place, on the face page of the document.

At the conclusion of the matters before the privately compensated temporary judge, the privately compensated temporary judge must send a Notice of Completion to the court and serve the notice on the parties. The court will not schedule any hearings while a matter is before a privately compensated temporary judge, with the exception of matters which the court is required by statute to hear.

(Adopted effective July 1, 2011)

Rule 702. Financial Issues

A. Income and Expense Declaration

Any party appearing at a hearing in a Family Law case involving financial issues, including, but not limited to, child support, spousal support, payment of debts and attorneys fees, must complete, file, and serve a current and accurate Income and Expense Declaration in the form prescribed by the California Rules of Court (Judicial Council form FL -150) and must bring a copy to the hearing. If any party fails to comply with this rule, the court may take any action it deems appropriate, including, but not limited to, ordering the matter off calendar or continuing it under appropriate conditions.

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B. Documentation

In any trial or hearing involving financial issues, each party must produce the following documents, if reasonably available:

1. The three most recent pay records showing year-to-date wages, salaries, overtime, commissions, bonuses, and withholdings;
2. Records showing rents, trust income, workers' compensation benefits, unemployment insurance benefits, disability benefits, social security benefits;
3. The most recent W-2, 1099, and K-1 forms;
4. A copy of the most recent signed and filed state and federal income tax returns with schedules;
5. If self employed, a current (most recent twelve months) profit and loss statement and balance sheet.

C. Disclosure

In any case in which the Petition and Summons are served by publication or posting, and disclosure of assets and liabilities is required pursuant to Family Code sections 2100 et seq., the preliminary Declaration of Disclosure may be served upon the clerk of the court. Documents served on the clerk, including all attachments, will be filed with the court.

D. Qualified Domestic Retirement Order (QDRO) or other Retirement Plan Order

1. The requirements of Family Code section 2610 must be met.
2. The correct name of the employee benefit plan must be listed. If the qualified domestic relations order or other retirement plan order amends the name set forth in a judgment, it will be accepted as an amendment to the judgment.
3. Preparation of a qualified domestic relations order or other retirement plan order.
 - a. A person who is appointed by stipulation of the parties to act as a referee under Code of Civil Procedure section 638 may prepare and submit a qualified domestic relations order or other retirement plan order;
 - b. Either party or a party's attorney may prepare and submit the order;

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- c. A limited scope attorney may prepare and submit such an order.
 - 4. An order may be submitted to the court for signature by a judicial officer and filing only if it fulfills one of the following requirements:
 - a. It is signed by both parties;
 - b. It is signed by the referee appointed by stipulation of the parties under Code of Civil Procedure section 638;
 - c. It is signed only by one party and a copy is served by mail with a statement under oath of the manner in which the mailing address of the other party was obtained, or is personally served upon the other party together with a proof of service.
 - i. The proof of service must include a notice that the responding party has 30 days from the date of mailing or personal service to file an objection with the clerk of the court and serve a copy on the other party.
 - ii. If an objection is not timely filed and served then the order shall be submitted by the clerk to a judicial officer for signature and filing.
- E. Cash Aid/Temporary Aid to Needy Families (TANF)
 - 1. At the time of any hearing in which the issue of support of a child is at issue, a party who is receiving or has applied for public assistance must affirmatively disclose this to the court.
 - 2. At the time of any hearing in which the issue of support of a child is at issue, a party who is receiving or has requested the services of Orange County Department of Child Support Services must affirmatively disclose this fact to the court and provide proof that the Orange County Department of Child Support Services was given written notice of the date, time, and place of hearing at least 15 calendar days before the hearing, or proof that the Orange County Department of Child Support Services has not objected.
- F. Temporary Spousal Support

In setting temporary spousal support, the court will be guided by appropriate statutes, case law and may consider the statewide court-approved guidelines.

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Rule 702 revised effective July 1, 2018; revised effective July 1, 2013; Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective January 1, 2007; revised effective July 1, 2011.

Rule 703. Child Custody, Parenting Time

A. Scope of Rule

All proceedings related to the custody or parenting time of children will be governed by Sections B-H of this rule.

B. Good Faith Effort

The parties must make a good faith effort to arrive at an agreement regarding child custody and/or parenting time before any court hearing.

C. Mediation

It is the policy of this court to encourage mediation of custody and parenting time disputes. Requirements are set forth below. If there is a disagreement over child custody or parenting time the parties must attend mediation before the court hearing. Mediators are employees of the Superior Court, Family Court Services Department. In the event that the parties are unable to agree, the mediator may meet and confer with the parties and their attorneys in an effort to bring about a settlement.

1. A mandatory mediation appointment will be given to the moving party prior to the setting of the time for the order to show cause hearing. If an agreement is reached prior to the mediation appointment, both parties and/or their attorneys must contact Family Court Services to cancel the appointment and advise that an agreement was reached.

In the event that only one party contacts Family Court Services, the appointment will not be canceled or rescheduled.

A \$100.00 sanction may be imposed by the court for failure to attend mediation or for failure to cancel an appointment upon reaching an agreement.

2. Conduct of Mediation: All mediation proceedings must be held in private and all communications from the parties to the court mediator will be deemed official information within the meaning of Evidence Code section 1040. The mediator may exclude attorneys from the mediation sessions between the parties. Such exclusion will be at the sole discretion of the mediator.

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- a. Absent a stipulation to the contrary, and except as provided in Family Code section 3151(c)(5), there must be no ex parte communication between the attorney for either party or minor's counsel and a mediator except to schedule appointments. An attorney for a party, or minor's counsel, must not provide a mediator with documents pertaining to the case without first providing a copy of the documents to the other side and minor's counsel, if any.
 - b. Sufficient time, at the discretion of the court, should be allowed to permit successful completion of the mediation process.
 - c. At the conclusion of each mediation session, absent an agreement of the parties settling all issues of custody and parenting time, the mediator must advise the court whether further mediation may be helpful in resolving this matter. If so, the court may order the parties to return for further mediation.
 - d. If the mediator determines that mediation is unable to assist the parties, the mediator must advise the court, whereupon the court will determine the issues after hearing.
 - e. While the mediation process is ongoing, the court may make temporary orders concerning custody and parenting time.
 - f. A mediator will not testify on any mediation conducted, whether or not an agreement is reached.
 - g. Any request for a change of mediator must be made to a Supervising Court Mediator or the Manager of Family Court Services.
 - h. Written complaints about a mediator must be made to a Supervising Court Mediator or the Manager of Family Court Services, who must provide a written response to the person filing the complaint within thirty days of its receipt.
3. The mediator may conduct one or more mediation sessions. The mediator may request that the court continue any scheduled court hearing in order to accommodate additional mediation sessions. The attorneys need not be present at the initial or subsequent mediation sessions unless specifically requested to attend by the mediator.
 4. The mediator will not discuss the case with only one attorney present. In those instances where the mediator has requested attorneys to appear and an appointment has been set, failure by an attorney to appear, absent good

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cause, will constitute grounds for the imposition of sanctions. Parties and their attorneys must use their best efforts and negotiate in good faith with the mediator in an effort to avoid a contested hearing or trial on the custody/parenting time issue. Any party or attorney who fails to meet and confer in good faith with the mediator may be subject to appropriate sanctions after notice and hearing.

5. At any time during the mediation process the mediator may recommend to the court that an investigation and report be made pursuant to Family Code sections 3110 et seq.; that a referral be made pursuant to Evidence Code section 730; and/or that independent counsel be appointed for the child/children pursuant to Family Code section 3150.

D. Confidentiality of Court Reports in Family Law Actions

In any proceeding under Local Rule 703 involving custody or parenting time of minor children, any written report or recommendation from the Family Court Services Investigator or from any person appointed by the court to render a report must be confidential and unavailable to any person except the court, attorney(s) of record, parties, and any person to whom the court expressly grants access by written order made with prior notice to all parties. All persons with access to a report are prohibited from making copies or disclosing its contents to any child who is a subject of the report.

1. If the parties reach agreement, a copy of their agreement, which is not confidential, must be filed with the court. The court will review the agreement, and subject to the court's approval, the agreement will become the order of the court.
2. Reports subsequently submitted as an exhibit to a document presented for filing must be submitted in an unsealed 8 ½ x 11 envelope marked with the title of the document submitted for filing, the exhibit number and "CONFIDENTIAL."

E. Child Custody Investigation and Report

A Child Custody Investigation and Report pursuant to Family Code sections 3110 et seq. will not be ordered without the express written approval of a Family Court judicial officer. Such investigations are ordered only in those cases where serious factual questions as to the health, safety, and welfare of the minor child/children are involved and such an investigation is required to assist the judicial officer in reaching a decision. Child custody investigations are conducted by court investigators who are employees of the Superior Court, Family Court Services Department.

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1. In all cases where the parties stipulate to an investigation, such stipulation will only be approved where the alleged facts, in the opinion of the judicial officer, warrant an investigation. In all cases where an investigation is ordered, whether pursuant to stipulation or not, the judicial officer will, at the time of executing the order, make an appropriate order for payment of costs incurred by the court in conducting the investigation.
2. Prior to any hearing or trial in which a child custody investigation has been ordered, the court investigator, in his or her discretion, prior to filing the completed report, may determine that a meet and confer session may be helpful in reaching a settlement. Parties and their attorneys must use their best efforts and negotiate in good faith with the court investigator in an effort to avoid a contested hearing or trial.

F. Evidence Code Section 730 Evaluations

PURPOSE: If the care and upbringing of a child are contested issues, the quality and conduct of an evaluation by the court are of the utmost importance for the well-being of the child and for society at large. Whenever possible and appropriate, multiple examinations of the child by different examiners must be avoided.

1. All Evidence Code section 730 evaluations for custody and parenting time must be ordered by a judicial officer of the Family Law Panel and must be conducted by evaluators who are mental health professionals and who meet the minimum state requirement pursuant to Family Code section 1815.
2. Stipulations to appoint an evaluator pursuant to Evidence Code section 730 must include a provision that the requirements set forth in Local Rule 703 (F.)(1.) have been met.
3. Ex Parte Communication

In the absence of a stipulation, ex parte communications by the attorneys with the evaluator are prohibited, except to schedule appointments. An attorney for a party, or minor's counsel, must not provide the evaluator with documents pertaining to the case without first providing the other side and minor's counsel, if any, with a copy of the documents.

4. List of Private Evaluators

The Family Law Court will maintain a list of qualified private evaluators who have completed and signed a Declaration of Private Child Custody Evaluator Regarding Qualifications (Judicial Council form FL-326). The list may be viewed on the court's public website at www.occourts.org, and will also be available at the Family Law Clerk's Office. Each private

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evaluator must promptly provide the Administrative Assistant to the Family Law Panel with updates to any information contained in the list.

Each evaluator on the list must submit a Declaration of Private Child Custody Evaluator Regarding Qualifications (Judicial Council form FL-326), verifying completion of all updated training as required by rules 5.225 and 5.230 of the California Rules of Court by March 1st of each year.

G. Trial of a Custody Action

It is the policy of this court not to conduct successive pre-trial custody hearings. Any custody or parenting time dispute hearing scheduled will be, whenever possible, severed from the other issues in the case and tried separately pursuant to section 3023 of the Family Code.

H. Applicability of Rule 709

Local Rule 709 relating to the trial of family law cases will be fully applicable to disputed custody and parenting time hearings and trials.

Rule 703 amended effective January 1, 2013; adopted effective January 1, 1987; previously amended effective January 1, 1988, August 1, 1989, July 1, 1994, July 1, 1996, October 1, 1996, January 1, 1998, January 1, 2005, and July 1, 2011.

Rule 715 adopted effective January 1, 2005; revised and renumbered as Rule 703(C) effective July 1, 2011.

Rule 717 adopted effective January 1, 2005; revised and renumbered as Rule 703(F) effective July 1, 2011

Rule 703.2 Child Custody Evaluators – Challenges, Withdrawals and Complaints

A. Peremptory Challenges to a Private Child Custody Evaluator

The parties and the minor's counsel are each permitted one peremptory challenge to a private Child Custody Evaluator appointed by the court. Unless waived, a peremptory challenge must be made within five court days of notice of the appointment.

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B. Challenge to a Court Connected Evaluator

Challenges to a court-connected evaluator may only be exercised for good cause and must be made by written declaration on the same day of the appointment.

C. Withdrawal from a Case

An evaluator may request to withdraw from a case by delivering a written declaration demonstrating good cause under penalty of perjury to the judicial officer assigned to the case and must give copies of the request to all parties and the minor's counsel. Any objections to the request to withdraw must be filed with the court and served on the evaluator, all parties, and the minor's counsel, within ten days of notice of the request to withdraw. After time for filing of objections to the request to withdraw has expired, the court may, upon a finding of good cause, grant the request to withdraw; deny the request; or set a noticed hearing to resolve the issue.

D. Complaints Regarding Evaluators

1. Private Evaluators

Complaints regarding the conduct of, or procedures employed by, a private child custody evaluator must be made in writing to the department in which the matter is pending. A copy of the complaint must be provided to the evaluator, all parties, and to any minor's counsel. The court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board.

2. Court-connected Family Court Services Staff Member

Complaints regarding the conduct of, or procedures employed by, a court-connected evaluator must be made in writing to the Manager of Family Court Services. A copy of the complaint must be provided to the evaluator, all parties, any minor's counsel, and the department in which the matter is pending. The court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board.

E. Requests for Removal of Evaluator

A request for the removal of an evaluator, whether private or court-connected, must be made by noticed motion, filed in the department in which the matter is pending, and served on the evaluator, all parties, and minor's counsel, if applicable.

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(Re-numbered from Rule 716 adopted January 1, 2005; revised and renumbered as Rule 703.2 effective July 1, 2011)

Rule 704. Ex Parte Matters

A. Notice of Ex Parte Application

Notice of an Ex Parte Application must be given by telephone or in writing to the self-represented party or to the opposing attorney. The notice must include a statement of the relief being requested, a statement that the opposing party is entitled to attend the court hearing in person or by an attorney, the specific date and time of the hearing, and the name and address of the court where the Ex Parte Application will be presented.

Cases not previously assigned to a specific judicial officer must be noticed to appear in the Family Law Clerk's Office at the Lamoreaux Justice Center, 341 The City Drive South, Orange, California.

Cases that have been assigned to a judicial officer for all purposes must be noticed to appear in the department of that judicial officer.

A party may request that notice be waived by submitting a declaration signed under penalty of perjury which explains facts showing good cause not to give the notice or to give shortened notice.

1. Ex Parte Applications Which Involve Domestic Violence.

Notice must be given so that it is received no less than four (4) hours before the time the ex parte matter will be presented to the judicial officer, unless good cause not to give notice is shown.

2. All Ex Parte Applications Except Domestic Violence and Discovery Motions.

Notice must be given so that it is received prior to 10:00 a.m. on the court day before the ex parte matter will be presented to the judicial officer, unless good cause not to give notice is shown.

3. Ex parte family law discovery motions are governed by rule 3.1203(a) of the California Rules of Court.

B. Court Consideration

The assigned department will commence consideration of Family Law ex parte matters, other than domestic violence, at the time specified by the assigned department for the morning calendar.

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For domestic violence, the assigned department will commence consideration of noticed ex parte matters at 1:30 p.m. each day. Applications submitted without notice may be considered at an earlier hour if the court's calendar allows.

C. Custody and Parenting Time Disputes

In all ex parte requests for change of custody or parenting time, the judicial officer may require an emergency investigation where parties are interviewed by Family Court Services. Such investigations may include the child or children of sufficient age to communicate. Any oral report or testimony may be considered by the judicial officer.

D. Cases Involving Juvenile Court or Child Protective Services

In any case where either the Juvenile Court or Child Protective Services is involved, a notice to that effect must be written immediately under the box entitled "other" in the section dealing with the type of relief being sought on the Order to Show Cause form. A willful failure to inform the court as to the involvement of either Juvenile Court or Child Protective Services will constitute grounds for sanctions.

E. Order Excluding a Party from the Home

A temporary restraining order prohibiting a party from the use of the family home will not be granted on an ex parte basis unless the request is supported by a declaration(s) by a witness setting forth a factual basis showing immediate and serious harm. The declaration(s) must state, in detail, the time and place of the act(s) and the exact injuries suffered by the moving party.

Rule 704 amended effective July 1, 2014; adopted effective July 1, 1984; previously revised effective January 1, 1987, July 1, 1994, October 1, 1996, January 1, 1998, January 1, 2007, July 1, 2011, and January 1, 2013.

Rule 705. Request for Order and Order to Show Cause Hearings

A. Date, Time, and Place of Hearing

All requests for orders, orders to show cause and responsive pleadings set for hearing on the Family Law calendars must state on the face sheet, the date and time of the hearing, and the department or room number in which the hearing is scheduled. In addition, the form must include the issues to be determined or the response to those issues.

B. Cases Involving Juvenile Court or Child Protective Services

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In any case where either the Juvenile Court or Child Protective Services is involved, a notice to that effect must be written immediately under the box entitled “other” in the section dealing with the type of relief being sought on the Request for Order or Order to Show Cause form. A willful failure to inform the court as to the involvement of either Juvenile Court or Child Protective Services will constitute grounds for sanction.

C. Failure to Serve

If service of the request for order or order to show cause has not been completed by the date specified by law, the matter may go off calendar at the time of the scheduled hearing unless otherwise ordered by the court.

D. Continuance Policy

The initial hearing date for a request for order hearing may be continued one time by telephonic notice to the clerk of the assigned department. Parties must be prepared to represent to the clerk that opposing parties have been contacted and consented to the continuance. Once a new hearing date is received, the party contacting the clerk must give written notice of the new hearing date to the opposing party.

A second or subsequent continuance of the hearing date will require the attendance of the parties and a showing of good cause. In the event that the second or subsequent continuance is denied, the request for order may go off calendar if the parties cannot proceed. A request for order which has been ordered off calendar may be restored to the court’s calendar by written application and, if such application is made within ninety (90) days, the initial filing date will be deemed the filing date for purposes of determining the commencement of child and/or spousal support.

E. Duration of Support Orders

Unless otherwise specifically ordered, temporary orders for child and/or spousal support will remain in full force and effect until further order of the court or until the order is terminated as a matter of law.

Rule 705 revised effective January 1, 2013; adopted as Rule 706 effective July 1, 1984; previously revised effective July 1, 1986, January 1, 1987, July 1, 1994, July 1, 1998 and January 1, 2007; previously revised and renumbered as Rule 705 effective July 1, 2011.

Rule 706. Law and Motion Hearings [Repealed]

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Rule 706 repealed effective January 1, 2013; adopted as Rule 710 effective January 1, 1987; previously revised effective July 1, 1994, July 1, 1999, January 1, 2007; previously revised and renumbered as Rule 706 effective July 1, 2011.

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Rule 707. Mandatory Settlement Conferences

The following rules apply to all mandatory settlement conferences.

A. General Requirements

A Mandatory Settlement Conference may be set by the court on its own motion or upon the request of counsel and the parties.

1. Parties and their attorneys must meet in person at the courthouse at the assigned time and date in a good faith effort to eliminate the necessity of trial or to eliminate as many of the disputes between the parties as possible.
2. Not later than five (5) calendar days prior to the conference, or any other date set by the court, the parties must serve upon the other parties settlement conference/trial briefs, and where applicable, fully executed income and expense declarations, and property declarations. Settlement Conference Brief/Joint Statement of Issues to be Tried (local form L-0966), or any other pleading that puts forth the position of each party on the following issues, may be used:

Custody & parenting time

Child support

Spousal support

Division of property (values and proposed division)

- Community

- Separate

- Debts

- Credits

Attorneys fees & costs

3. Parties must prepare a joint statement of issues remaining to be tried, defining and limiting the issues to be tried. At the discretion of the court, issues not fully considered in the course of the mandatory settlement conference may not be considered for trial. The joint statement of issues must be filed with the court at least 5 court days prior to the trial date, and parties must bring a copy to court for reference, and the parties must lodge a copy with the court prior to the commencement of trial. The joint statement of issues must be signed by each party participating in the settlement conference.

B. Attendance

Attendance at the conference is mandatory. Failure of the parties and their attorneys to attend may result in the imposition of sanctions.

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C. Sanctions

Sanctions may be imposed by the court, with appropriate notice, without the necessity of a request by an opposing party.

(Adopted as Rule 705 effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007; revised and renumbered as Rule 707 effective July 1, 2011)

Rule 708. Uncontested Trials, Default Prove-Up Hearings & Uncontested Dissolution by Declaration (Family Code section 2336)

A. Documents Required

1. Prior to an uncontested or default matter being set for hearing, the following documents must be filed:
 - a. An Appearance, Stipulation and Waiver form (Judicial Council form FL-130) executed on or after the date of the filing of the Petition; or an executed written stipulation that the matter be treated on an uncontested basis; or a Request to Enter Default (Judicial Council form FL-165), accompanied by the proof of service; and,
 - b. A Declaration Regarding Service of the Preliminary Declaration of Disclosure and the Income and Expense Declaration (Judicial Council form FL-141) by each appearing party.
2. Where public assistance is being received, Local Rule 702 (E) will apply.

B. Income and Expense and Property Declarations

Income and Expense Declarations (Judicial Council form FL-150) and Property Declarations (Judicial Council form FL-160) are required on default matters not proceeding by declaration pursuant to Family Code section 2336 unless excused by Family Code section 2330.5.

C. Department of Child Support Services Involvement

When a case is open in the Department of Child Support Services, the child support portion of the proposed Judgment must be approved by the local Department of Child Support Services.

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D Expedited Judgments

Any judgment submitted under Family Code section 2336 may be expedited when the judgment is submitted with the corresponding Locally Approved Expedited Attachment Form(s).

E. Proposed Judgment

The moving party must provide the court clerk in the assigned department the following original documents and the appropriate number of copies:

1. Proposed Judgment (original and at least 1 copy);
2. Marital Settlement Agreement, if any (original and at least 1 copy);
3. Notice of Entry of Judgment (3 copies of each);
4. A pre-addressed stamped mailing envelope for each party and claimant for use in completing the notice requirements for the Notice of Entry of Judgment.

(Revised effective July 1, 2016; adopted as Rule 708 effective July 1, 1984; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007; revised effective July 1, 2011)

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Rule 709. Contested Trials and Hearings

A. Requests for Trial

Trials must be requested by filing an *At Issue Memorandum for Trial Setting* (Orange County form L-0031.) Petitioner and Respondent must have complied with Family Code section 2104(a) and, prior to or concurrently with submission of the At Issue Memorandum, must have filed a *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141.)

If the non-submitting party has failed to file a *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration*, the submitting party must demonstrate compliance with Family Code section 2107 by:

- a. Attaching a copy of the request to comply and proof of service of that request. Service must have taken place at least 15 calendar days prior to filing of the At Issue Memorandum; and
- b. Filing a *Request for Order* (form FL-300) regarding noncompliance with disclosure requirements prior to or concurrently with the *At Issue Memorandum for Trial Setting*.

B. Time Estimates

A short cause trial/hearing is one that will not exceed five hours, including motions in limine, opening statements, closing arguments, and issuance of a ruling. A long cause trial is one that requires more than five hours. The call of the trial calendar will commence promptly on the date and time set by the trial court in the department to which the case is assigned. The parties and their attorneys must report ready and prepared to commence trial.

Prior to the commencement of any trial or hearing, the judicial officer must require the parties to give a reasonable and good faith estimate of the probable length of the trial, including the presentation of all evidence and closing arguments.

Where necessitated by the court's calendar, the assigned judicial officer may refer cases to the Family Law Supervising Judge for assignment to other departments for trial.

C. Joint Statements

The parties must file a joint statement of issues to be tried at least five court days prior to the trial or hearing date. A delay caused by the absence of current Income and Expense Declarations may subject parties or their attorneys to sanctions.

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D. Fees

Each party must pay the statutory court reporter fee for any court hearing over one hour. It is the duty of the parties to know the amount of the fee before the day of hearing and to pay said amount by cash, credit card or check before the end of the court day.

Rule 709 revised effective July 1, 2013; adopted as Rule 707 effective January 1, 1987; previously revised effective July 1, 1994, and January 1, 2007; previously revised and renumbered as Rule 709 effective July 1, 2011.

Rule 710. Judgments

A. Signature

At least two lines of the text of any order or judgment must appear on the page where a line is provided for the signature of the judicial officer. To the left of the signature line must be the word “Dated: ...” with a blank left for the judicial officer to write in the date. At least two lines above the signature lines must be left blank for the judicial officer’s signature.

The proposed judgment must be presented for signature to the clerk in the department where the matter was heard together with:

1. A Notice of Entry of Judgment in the form prescribed for each party and claimant;
2. A pre-addressed stamped mailing envelope for each party and claimant for use in completing the notice requirements for the Notice of Entry of Judgment;
3. An executed Request and Declaration for Judgment of Dissolution of Marriage in the form prescribed in those matters where an Interlocutory Judgment has been entered and no Final Judgment has been filed.

B. Dissolution Subsequent to Judgment of Legal Separation

After entry of Judgment of Legal Separation, should either party request a dissolution of the marriage, or the parties stipulate to dissolve the marriage, a new Family Law case must be initiated.

(Adopted as Rule 712 effective July 1, 1984; revised eff. October 1, 1982; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007; renumbered as Rule 710 and revised effective July 1, 2011)

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Rule 711. Summary Dissolution

In Summary Dissolution cases, the proposed judgment must be presented for signature to the court along with the following:

- A. An executed original and three copies of the Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment (Summary Dissolution).
- B. A pre-addressed stamped mailing envelope for each party for use in completing the notice requirements for the Notice of Entry of Judgment.

(Adopted effective July 1, 1984; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007; revised effective July 1, 2011)

Rule 712. Education, Experience, and Training Standards for Court Appointed Counsel for Minor Children

- A. Education, Experience and Training Requirements

Attorneys appointed as counsel for minor children must comply with the requirements listed in rule 5.242 of the California Rules of Court.

- B. Attorneys Appointed as Counsel for Minor Children
 - 1. Prior to becoming eligible for appointment, counsel must provide the Administrative Assistant to the Family Law Panel a Declaration of Counsel for a Child Regarding Qualifications (Judicial Council form FL-322) which must include the name, address, telephone number, and state bar number of the counsel and a statement that the experience, education and training requirements defined by rule 5.242 of the California Rules of Court and applicable Local Rules have been satisfied.
 - 2. Counsel appointed pursuant to rule 5.242 of the California Rules of Court must maintain proof of their compliance with the education requirement for at least three years from the date of their Declaration Regarding Qualifications. Counsel must provide such proof of compliance to the court as the court may require. However, attorneys must submit certificates of completion to the court only if specifically requested. Certificates of completion must include the name of the training provider, the name of the course, course description, number of hours of training offered, the number of hours completed, and the date(s) of the training. The counsel's own records of self-study that include the titles, providers, the amounts of credit claimed for the education activities, and the dates thereof will be a sufficient record of compliance for self-study.

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3. Counsel who meet the minimum standards as set forth in rule 5.242 of the California Rules of Court and as demonstrated by the information contained in the Declaration Regarding Qualifications, and who have been a member of the State Bar for no less than five years, will be deemed eligible to represent a minor child in matters heard by the Family Law Panel.
 4. The court will maintain a list of attorneys eligible for appointment and will make the list available to the public. The list will contain the names, addresses, telephone numbers of the attorneys, and the dates of receipt of the declaration regarding qualifications by each attorney.
- C. Continuing Education Requirements
1. Counsel must submit a new Declaration of Counsel for a Child Regarding Qualifications to the Administrative Assistant to the Family Law Panel, on or before February 1st of each year after the year in which the attorney became eligible for appointment. The new Declaration Regarding Qualifications must include a statement that the continuing training and education requirements required by rule 5.242 of the California Rules of Court have been satisfied.
 2. If counsel fails to submit a timely Declaration of Counsel for a Child Regarding Qualifications, the court may remove the attorney from the eligibility list maintained by the court.
- D. Counsel must report the following to the Supervising Family Law Judge in writing:
1. Initiation of any disciplinary proceeding against them within five days of actual knowledge of any such disciplinary proceeding, including the basis of the complaint;
 2. Result of any disciplinary proceedings;
 3. Notice of reproof, probation, suspension of license, and/or disbarment.
- E. Complaints regarding the conduct of, or procedures employed by counsel for minor children must be made in writing to the Supervising Family Law Judge. A copy of the complaint must be provided to all parties. The court must determine what action, if any, to take, including whether the complaint should be referred to the California State Bar. The court must provide a written response to the person filing the complaint.

(Adopted as Rule 714 effective August 1, 2004; revised eff. July, 2007; revised effective January 1, 2010; renumbered as Rule 712 and revised effective July 1, 2011)

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Rule 713. Repealed

(Adopted effective January 1, 1998; repealed effective July 1, 2011)

Rule 714. Renumbered effective July 1, 2011

Rule 714 revised and renumbered as Rule 712

Rule 715. Renumbered effective July 1, 2011

Rule 715 revised and renumbered as Rule 703(C)

Rule 716. Renumbered effective July 1, 2011

Rule 716 renumbered as Rule 703.2

Rule 717. Renumbered effective July 1, 2011

Rule 717 revised and renumbered as Rule 703(F)

APPENDIX A

Family Law Mandatory Settlement Conference Policy Memorandum

(Adopted as Appendix A effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007; repealed effective July 1, 2011)

APPENDIX B

Joint Statement of Issues Remaining to be Tried

(Adopted as Appendix B effective January 1, 1987; revised eff. July 1, 1994; revised effective January 1, 2007; repealed effective July 1, 2011)

APPENDIX C

Statement of Compliance

(Adopted as Appendix C effective January 1, 1987; revised eff. July 1, 1994; repealed effective July 1, 2011)