

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.

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 Relations Order (QDRO) or other Retirement Plan Order

~~A QDRO may be submitted to the court by an attorney who is not an attorney of record for either party if that attorney has been retained pursuant to a filed stipulation of the parties or court order for the sole purpose of preparing the QDRO.~~

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;
 - 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.

Rule 702 revised effective TBD; 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; revised effective July 1, 2013.