

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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**DIVISION 7**

**FAMILY LAW**

<b><u>Rule</u></b>	<b><u>Effective</u></b>
700. Subject Matter of the Family Law Court	07/01/2014
700.5 Attorneys and Self Represented Parties	07/01/2011
700.6 Family Law Filings [VACATED]	07/01/2018
700.7 Electronic Filing in Family Law Cases	01/01/2018
701. Assignment of Family Law Cases	01/01/2022
701.1 Family Centered Case Resolution	01/01/2016
701.5 Related Cases	07/01/2021
701.6 Privately Compensated Temporary Judge	07/01/2011
702. Financial Issues	01/01/2024
703. Child Custody, Parenting Time	01/01/2013
703.2 Child Custody Evaluation – Challenges, Withdrawals, Complaints	07/01/2011
703.3 Declaration of Supervised Visitation Providers	01/01/2022
704. Ex Parte Matters	01/01/2023
705. Order to Show Cause Hearings	01/01/2013
706. <i>Law and Motion Matters [Repealed]</i>	01/01/2013
707. Mandatory Settlement Conferences	07/01/2011
708. Uncontested Trials, Default Prove-Up Hearings & Uncontested Dissolution by Declaration (Family Code section 2336)	07/01/2016
709. Contested Trials and Hearings	07/01/2013
710. Judgments	07/01/2011
711. Summary Dissolution	07/01/2011
712. Education, Experience and Training Standards for Court Appointed Counsel for Minor Children	07/01/2011
713. Repealed	07/01/2011
714. Renumbered as Rule 712	07/01/2011
715. Renumbered as Rule 703(C)	07/01/2011
716. Renumbered as Rule 703.2	07/01/2011
717. Renumbered as Rule 703(F)	07/01/2011
718. Petition for Freedom from Parental Custody and Control	01/01/2022
719. Remote and In-Person Proceedings for Family Law	04/01/2022
720. Filing & Establishment of Parent-Child Relationship Pursuant to a Gestational Surrogacy	01/01/2023
721. Appointment of Elisor	01/01/2023

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

**Appendix**

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|----|----------|------------|
| A. | Repealed | 07/01/2011 |
| B. | Repealed | 07/01/2011 |
| C. | Repealed | 07/01/2011 |

**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.*

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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](http://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)

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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 for all purposes, the parties may accept the assignment by filing optional local form L-200 (Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes) in the assigned department. If either party declines, the case will be randomly assigned to another judicial officer.

*Rule 701 revised effective January 1, 2022; 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; revised effective January 1, 2020.*

**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.*

**Rule 701.5 Related Cases**

- A. A related case for purposes of Division 7 of these rules is an Orange County court case or a court case in another county 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 email address, if any, for all parties in the case. 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. This document is to be filed with the court. It is not to be served on any party.
- 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, 2021; 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.



**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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;

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.
5. Pursuant to Code of Civil Procedure section 1010.6, documents filed by parties who are represented by counsel (“Represented Parties”) in family law actions must be filed electronically unless the Court excuses them from doing so. For purposes of this rule, the Court requires all QDROs or other retirement plan orders filed by Represented Parties to be electronically filed as follows:
- a. All requirements of Local Rule 700.7 must be met.
  - b. An order must be submitted with a separate Statement of Compliance, QDRO/Other Retirement Plan (Family Law) (OCSC Local Form L-0750). A party, attorney of record, limited scope attorney, and/or person who is appointed by stipulation of the parties to act as a referee under Code of Civil Procedure section 638 must sign the Statement of Compliance, QDRO/Other Retirement Plan (Family Law) (OCSC Local Form L-0750) under penalty of perjury or it must be filed by order of the Court.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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 January 1, 2024, 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.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

## LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE

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](http://www.occourts.org), and will also be available at the Family Law Clerk's Office. Each private

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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 1<sup>st</sup> 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.



## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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 703.3 Declaration of Supervised Visitation Providers**

All persons providing supervised visitation are required to meet the standards outlined in the “Uniform Standards of Practice for Providers of Supervised Visitation” listed in the California Rules of Court, Standards of Judicial Administration, standard 5.20 and comply with Family Code section 3200.5. To ensure that these standards are met, the court adopts procedures for processing and maintaining Declarations of Supervised Visitation Providers as set forth in sections A through C below.

- A. Supervised visitation providers are required to file with the court a declaration regarding their qualifications as follows:
1. Non-professional providers are required to file with the court a *Declaration of Supervised Visitation Provider (Nonprofessional)* (Judicial Council form FL-324(NP)) prior to serving as a visitation supervisor.
  2. Professional visitation providers are required to file a *Declaration of Supervised Visitation Provider (Professional)* (Judicial Council form FL-324(P)) in each case prior to the first supervised visit pursuant to California Rules of Court, rule 5.20(e)(13). A separate, updated form must be filed each time the provider submits a report to the court pursuant to California Rules of Court, rule 5.20(e)(14).
  3. Declarations of supervised visitation providers must be completed and signed within 10 days prior to submission to the court. In the event any information contained in the declaration has changed, an updated version must be served by the provider on all parties, their attorneys, and the child’s attorney, and then filed with the court within 5 days of the change in information.
  4. The completed declaration forms may be submitted electronically in accordance with Local Rule 700.7, by mail, or submitted at the Lamoreaux Justice Center, Family Law Division.
- B. The following obligations are required of the parties and providers:
1. It is the obligation of the parties to investigate and know that a professional or non-professional provider meets the statutory qualifications, training, and continuing education requirements.
  2. In the event a provider becomes ineligible to provide services for any reason, the provider must immediately contact all parties, their attorneys, and the child’s attorney, and must state, in writing, the reasons the provider is no longer eligible. Within 5 days of receipt of the provider’s written notice of ineligibility, the parties must file with the court a declaration containing all pertinent information related to the provider’s ineligibility.
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## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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3. All non-professional supervised visitation providers are required to review *Supervised Visitation: a Guide for Non-Professional Providers* published by the Judicial Council of California.

C. A list of professional providers will be maintained as follows:

1. As a courtesy to the public, the court will maintain a list of persons or organizations that have identified themselves to the court as professional supervised visitation providers. Any individual or officer or manager of an organization requesting to be included on the list must sign an annual declaration which certifies that:

a) they have read and understand Family Code section 3200.5 and California Rules of Court, Standards of Judicial Administration standard 5.20;

b) the individual, or persons providing services on behalf of or by referral through the organization, will meet all qualifications and training requirements for professional supervised visitation monitors as stated in Family Code section 3200.5 and standard 5.20; and

c) the individual, or persons providing services on behalf of or by referral through the organization, will comply with all standards, procedures, responsibilities, requirements, and other provisions of Family Code section 3200.5 and standard 5.20.

2. The signed declaration, for providers on the list, is to be lodged with the court by delivery to Family Court Services. The list will notify recipients that the court does not confirm the statements in the declarations and does not screen, endorse, evaluate, or monitor the service provided. Removal from the list may be made without cause, notice, or explanation.

3. The court will provide a copy of Family Code section 3200.5 and standard 5.20 to parties who may be using the services of a supervised visitation monitor.

*(Adopted effective January 1, 2022)*

### **Rule 704. Ex Parte Matters**

A. Notice of Ex Parte Application

Notice of an Ex Parte Application must be given to the self-represented party, or if represented, to the opposing attorney. Notice must be given personally or by telephone, voicemail, fax transmission, electronic means (if permitted), overnight mail, or other overnight carrier. The notice must include a statement of the relief being requested, the specific date and time of the Ex Parte Application submission, the name and address of the court where the Ex Parte Application will be presented and a statement that the opposing party or opposing attorney, if represented, is entitled to

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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appear in court.

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 Involving Domestic Violence.**

Notice must be given so that it is received no less than four (4) hours before the submission of the Ex Parte Application, unless good cause not to give notice is shown.

Domestic violence Ex Parte Applications shall be issued or denied on the same day if received by 3:00 p.m. Submissions after 3:00 p.m. shall be issued or denied on the next court day.

### **2. All Ex Parte Applications Except Domestic Violence.**

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

Ex Parte Applications shall be issued or denied on the same day if received by 10:00 a.m. Submissions after 10:00 a.m. shall be issued or denied on the next court day.

*Rule 704 amended effective 01/01/2023 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, January 1, 2013 and July 1, 2014;*

## **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**

In any case where either the Juvenile Court or Child Protective Services is involved,

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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]**

*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*

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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)



## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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)

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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)

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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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)*

### **Rule 718. Petition for Freedom from Parental Custody and Control**

All Family Law adoption cases, in which a request is made to declare a child free from parental custody and control of either or both parents for the purpose of adoption, will be governed by sections A through D of this rule and subject to the provisions set forth in all applicable statutes, the California Rules of Court, and other Local Rules.

- A. A request to declare a child free from parental custody and control must be made by submitting a completed *Petition for Declaring Child(ren) Free from Parental Custody and Control* (local mandatory form L-2706).
- B. A citation providing notice to the parent(s) to appear before the court to show cause why the child should not be declared free from their custody and control must be requested by submitting a completed *Citation – Freedom from Parental Custody and Control* (local mandatory form L-2951) to the clerk of the court. The clerk of the court will then complete the citation form by filling in a date for the hearing, the time for the hearing, and the place for the hearing. The clerk of the court will issue the citation.
- C. The completed petition and citation form must be submitted to the clerk of the court for simultaneous filing. These forms may be submitted electronically in accordance with Local Rule 700.7, by mail, or submitted at the Lamoreaux Justice Center, Family Law Division. Upon filing, the clerk of the court will provide a conformed copy of the petition and the completed citation to the filing party. The filing party is required to effectuate service of both documents on the parent(s) in the manner prescribed in Family Code sections 7880 – 7883.
- D. An order and judgment declaring a child free from parental custody and control must be requested by submitting a completed *Order and Judgment Declaring Child(ren) Free from Parental Custody and Control* (local mandatory form L-2979) to the clerk in the assigned courtroom. The proposed order may be submitted ahead of the hearing date, on the day of the hearing, or at a later date as directed by a judge or commissioner at the time of the hearing.

(Adopted effective January 1, 2022)

**Rule 719. Remote and In-Person Proceedings for Family Law**

**(a) Purpose**

The purpose of this rule is to provide greater access to justice, promote court efficiency, and facilitate remote and in-person proceedings consistent with Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672. This rule sets forth the remote and in-person proceeding protocols for family law proceedings.

**(b) Definitions**

As used in this rule:

1. “Evidentiary hearing or trial” is any proceeding at which oral testimony may be provided.
2. “Non-evidentiary proceeding” is any proceeding other than an evidentiary hearing or trial.
3. “Oral testimony” is a spoken statement provided under oath and subject to examination.
4. “Party” is any person appearing in an action and that person’s counsel, as well as any nonparty who may be subject to discovery in the action.
5. “Proceeding” means a conference, hearing, or any other matter before the court, including evidentiary hearing or trial.
6. “Remote appearance” or “appear remotely” means the appearance of a party at a proceeding through the use of remote technology.
7. “Remote proceeding” means a proceeding conducted in whole or in part through the use of remote technology.
8. “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

**(c) Appearances for Remote and In Person Proceedings**

1. Remote appearances are permitted and encouraged to promote access to justice and for the convenience of the public.
2. A party who intends to appear remotely for a non-evidentiary hearing must provide notice to the court at least two court days prior to the hearing. The notice to the court must be given by

(issued 01/01/24)

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

filing the mandatory Judicial Council forms “Notice of Remote Appearance” (JC Form #RA-010) and “Order Regarding Remote Appearance” (JC Form #RA-020).

3. Except as otherwise set forth in this rule, trial and evidentiary proceedings will be held in person. At the discretion of the Court, a trial or evidentiary proceeding may be scheduled as a remote hearing when oral testimony under oath may be provided.

- a. A party may file a motion for a remote evidentiary hearing or trial (JC Form # RA-010) at least ten (10) court days before the hearing if the party received at least fifteen (15) court days’ notice of the proceeding.
- b. A party may file an opposition to the court’s or a party’s motion for a remote evidentiary hearing or trial by filing the mandatory Judicial Council form “Opposition to Remote Appearance at Evidentiary Hearing or Trial” (JC Form #RA-015) at least five (5) court days before the hearing if the party received at least (10) court days’ notice of the remote appearance or proceeding. If notice of the remote proceeding is provided on less than ten (10) court days’ notice, a party must file an opposition to remote appearance (Form RA-015) by noon the court day before the proceeding.

4. A party who intends to appear remotely is required to provide notice to all parties or persons entitled to receive notice of the proceedings. This notification may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least two (2) court days prior to a non-evidentiary proceeding or at least ten (10) court days prior to an evidentiary proceeding or trial.

5. Participants appearing remotely will be provided a hearing link on the court’s public website at <https://www.occourts.org/directory/family/>. By clicking on the department link, a party is agreeing to appear remotely.

6. At the discretion of the Court, a hearing may be scheduled as a remote hearing when oral testimony under oath may be provided.

7. Unless otherwise ordered, remote appearances are permitted and encouraged for all law and motion, case management conferences, status conferences, and other non-evidentiary proceedings in family law cases.

8. Objections by parties to deficient notice of remote appearance may be raised at the hearing.

9. Nothing in this rule limits the discretion of the judicial officer to order an in-person appearance in the courtroom as provided in Code of Civil Procedure section 367.75, subdivision (b).

10. Upon a showing of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice, a party may ask the court for leave to appear remotely without

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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the notice provided by this subdivision.

### **(d) Domestic Violence Cases**

1. All Domestic Violence hearings heard within the two identified Domestic Violence courtrooms will be set for in-person hearings.
2. At the discretion of the court, any domestic violence hearing set in any of the general family law courtrooms may be set for remote appearance.

### **(e) Procedures**

The court's remote technology system is designed to ensure that all parties, whether appearing remotely or in person, can meaningfully participate in the conference, hearing, proceeding, or trial. Information regarding the ability to appear in person or through the use of remote technology is available on the court's website at <https://www.occourts.org/directory/family/>.

### **(f) Confidentiality, Privacy, and Security Settings**

1. Nothing in this rule is intended to modify any other rule, statute, or case law regarding confidentiality or access to confidential proceedings. All legal confidentiality requirements are equally applicable to both in-person appearances and remote appearances.
2. Any party appearing remotely must have the necessary privacy and security settings appropriate for the proceeding in which the remote appearance is made. Persons appearing remotely shall ensure that their remote location affords the required level of privacy for the proceeding.

### **(g) Prohibition of Photography, Broadcasting, Recording, Streaming, and Filming**

Photography, broadcasting, video recording, audio recording, electronic recording, filming, and streaming of court proceedings, whether in person or remote, is prohibited except as expressly authorized by California Rules of Court, rule 1.150, or Local Rule 180. Violation of this subdivision or [Administrative Order 21/12](#) may result in the imposition of monetary sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5; a citation for contempt in violation of Code of Civil Procedure section 1209, subdivision (a)(5); prosecution for criminal violations of Penal Code section 166, subdivisions (a)(3, 4, or 5), and/or other sanctions as provided by law.



## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

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### **(h) Technology or Audibility Issues**

In the event any party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel experiences technology or audibility issues that arise during any remote conference, hearing, proceeding, or trial, that person is to alert the court by calling the courtroom. Phone numbers for the courtrooms can be found at <https://www.occourts.org/directory/family/>. Information about potential technological or audibility issues that can arise and the options for appearing in person and through the use of remote technology are posted on the court website.

### **(n) Public Access**

Media and public access to proceedings will be in person in the courtroom where the hearing is scheduled. In the event any proceeding is conducted entirely remotely, the press and public can obtain public access by contacting the courtroom.

### **(o) Effective Dates**

This rule is effective from April 1, 2022 until July 1, 2023, or until the sunset date of Code of Civil Procedure section 367.75 if its sunset date is extended beyond July 1, 2023.

### **Rule 720. FILING AND ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP PURSUANT TO A GESTATIONAL SURROGACY (Fam. Code, §§7620 and 7960, *et seq.*)**

(a) Filing Petition. A party seeking to establish a parent-child relationship pursuant to gestational surrogacy must file the Petition to Determine Parental Relationship (“Petition”) in the Lamoreaux Justice Center.

(b) Petition and Supporting Papers. The petition (FL-200) must be filed with the following documents.

- (1) Petitioner(s) Documents:
  - (A) Gestational Surrogacy Cover Sheet – completed and signed;
  - (B) Confidential - Party Identification and Notice of Related Case(s) (OCSC Local Form L-1120);
  - (C) Confidential Cover Sheet- Parentage Action Involving Assisted Reproduction (FL-211);
  - (D) Summons (FL-210);
  - (E) Stipulation for Entry of Judgment Re: Determination of Parental Relationship (FL-240);
  - (F) Appearance, Stipulations, and Waivers (FL-130);
  - (G) Declaration for Default or Uncontested Judgment (FL-230);
  - (H) Advisement and Waiver of Rights Re: Determination of Parental Relationship (FL-235);

## **LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

- (I) Judgment (FL-250);
  - (J) Notice of Entry of Judgment (FL-190);
  - (K) Lodge original Gestational Carriers Agreement, executed and notarized (Notice of Lodgment);
  - (L) Declaration(s) of IVF doctor;
  - (M) Declaration of Petitioner(s);
  - (N) Declaration of attorney for Petitioner(s) including as an exhibit a criminal background check for Petitioner(s).
- (2) Respondent(s) Documents:
- (A) Appearance, Stipulations, and Waivers (FL-130);
  - (B) Declaration for Default or Uncontested Judgment (FL-230);
  - (C) Advisement and Waiver of Rights Re: Determination of Parental Relationship (FL-235);
  - (D) Stipulation For Entry of Judgment Re: Determination of Parental Relationship (FL-240);
  - (E) Declaration of Respondent(s);
  - (F) Declaration of Attorney for Respondent(s).

(Rule 720 new and effective January 01, 2023)

### **Rule 721 Appointment of Elisor:**

- A. Where one of the parties will not or cannot execute a document necessary to carry out a court order, the clerk of the court, or their authorized representative or designee, may be appointed as an elisor to sign the document.
- B. A court order for the appointment of an elisor must be made by a Request for Order. The request may be made by ex parte application pursuant to Local Rule 704. The Request for Order must include at least one supporting declaration with a list of the exact documents the elisor is being asked to sign. The request must be accompanied by a proposed order.
- C. Mandatory Information. Supporting declaration(s) must include all the following:
  - 1. A copy of the court order upon which the request to appoint an elisor is based.
  - 2. A description of the good faith efforts to meet and confer to resolve the issues informally.
  - 3. Specific facts establishing the necessity of the appointment of an elisor, including the reason, by a person with personal knowledge, why each document requires the elisor's signature.
- D. Mandatory Language. The proposed order must include all the following:
  - 1. Designate "The Clerk of the Court or Clerk Designee" as the elisor. The order cannot state a name or title of a specific court employee.

**LOCAL RULES – SUPERIOR COURT of CALIFORNIA, COUNTY of ORANGE**

2. Name of the party on whose behalf the clerk is signing. Name must appear exactly as shown on the document to be signed for whom the elisor is being appointed.

3. Name the exact title that accurately identifies each document to be signed.

E. Mandatory Additional Requirements:

1. Copies of all documents to be signed must be attached to the proposed order.

2. The original documents presented to the elisor for signing must be identical to the copies of the documents attached to the proposed order.

(Adopted effective January 1, 2023)

**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)