

AMENDMENTS TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on December 13, 2011, and February 28, 2012,  
effective on January 1, 2013

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1 Title 5. Family and Juvenile Rules

2  
3 Division 1. Family Rules

4  
5 Chapter 1. General Provisions

6  
7 **Article 1. General Provisions**

8 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 1, General Provisions—*  
9 *Article 1, General Provisions; adopted January 1, 2013.*

10  
11 **Rule 5.2. Division title; definitions; application of rules and laws**

12  
13 **(a) Division title**

14  
15 The rules in this division may be referred to as the Family Rules.

16  
17 **(b) Definitions and use of terms**

18  
19 As used in this division, unless the context or subject matter otherwise requires, the  
20 following definitions apply:

21  
22 (1) “Family Code” means that code enacted by chapter 162 of the Statutes of  
23 1992 and any subsequent amendments to that code.

24  
25 (2) “Action” is also known as a lawsuit, a case, or a demand brought in a court of  
26 law to defend or enforce a right, prevent or remedy a harm, or punish a crime.  
27 It includes all the proceedings in which a party requests orders that are  
28 available in the lawsuit.

29  
30 (3) “Proceeding” is a court hearing in an action under the Family Code, including  
31 a hearing that relates to the dissolution or nullity of a marriage or domestic  
32 partnership, legal separation, custody and support of minor children, a parent  
33 and child relationship, adoptions, local child support agency actions under the  
34 Family Code, contempt proceedings relating to family law or local child  
35 support agency matters, and any action filed under the Domestic Violence  
36 Prevention Act, Uniform Parentage Act, Uniform Child Custody Jurisdiction  
37 and Enforcement Act, Indian Child Welfare Act, or Uniform Interstate  
38 Family Support Act.

39  
40 (4) “Dissolution” is the legal term used for “divorce.” “Divorce” commonly  
41 refers to a marriage that is legally ended.  
42

1           (5) “Attorney” means a member of the State Bar of California. “Counsel” means  
2           an attorney.

3  
4           (6) “Party” is a person appearing in an action. Parties include both self-  
5           represented persons and persons represented by an attorney of record. Any  
6           designation of a party encompasses the party’s attorney of record, including  
7           “party,” “petitioner,” “plaintiff,” “People of the State of California,”  
8           “applicant,” “defendant,” “respondent,” “other parent,” “other parent/party,”  
9           “protected person,” and “restrained person.”

10  
11          (7) “Best interest of the child” is described in Family Code section 3011.

12  
13          (8) “Parenting time,” “visitation,” and “visitation (parenting time)” refer to how  
14          parents share time with their children.

15  
16          (9) “Property” includes assets and obligations.

17  
18          (10) “Local rule” means every rule, regulation, order, policy, form, or standard of  
19          general application adopted by a court to govern practice and procedure in  
20          that court.

21  
22        **(c) Application of rules**

23  
24        The rules in this division apply to every action and proceeding to which the Family  
25        Code applies and, unless these rules elsewhere explicitly make them applicable, do  
26        not apply to any other action or proceeding that is not found in the Family Code.

27  
28        **(d) General law applicable**

29  
30        Except as otherwise provided in these rules, all provisions of law applicable to civil  
31        actions generally apply to a proceeding under the Family Code if they would  
32        otherwise apply to such proceeding without reference to this rule. To the extent that  
33        these rules conflict with provisions in other statutes or rules, these rules prevail.

34  
35        **(e) Law applicable to other proceedings**

36  
37        In any action under the Family Code that is not considered a “proceeding” as  
38        defined in (b), all provisions of law applicable to civil actions generally apply. Such  
39        an action must be commenced by filing an appropriate petition, and the respondent  
40        must file an appropriate response within 30 days after service of the summons and  
41        a copy of the petition.

42

1 **(f) Extensions of time**

2  
3 The time within which any act is permitted or required to be done by a party under  
4 these rules may be extended by the court upon such terms as may be just.

5  
6 **(g) Implied procedures**

7  
8 In the exercise of the court’s jurisdiction under the Family Code, if the course of  
9 proceeding is not specifically indicated by statute or these rules, any suitable  
10 process or mode of proceeding may be adopted by the court that is consistent with  
11 the spirit of the Family Code and these rules.

12  
13 *Rule 5.2 adopted effective January 1, 2013.*

14  
15 **Rule 5.4. Preemption; local rules and forms**

16  
17 Each local court may adopt local rules and forms regarding family law actions and  
18 proceedings that are not in conflict with or inconsistent with California law or the  
19 California Rules of Court. Effective January 1, 2013, local court rules and forms must  
20 comply with the Family Rules.

21  
22 *Rule 5.4 adopted effective January 1, 2013.*

23  
24 **Advisory Committee Comment**

25  
26 The Family and Juvenile Law Advisory Committee agrees with the *Elkins Family Law Task*  
27 *Force: Final Report and Recommendations* (final report) regarding local rules of court (see final  
28 report at pages 31–32). The final report is available at [www.courts.ca.gov/elkins-finalreport.pdf](http://www.courts.ca.gov/elkins-finalreport.pdf).

29  
30 The advisory committee encourages local courts to continue piloting innovative family law  
31 programs and practices using local rules that are consistent with California law and the California  
32 Rules of Court.

33  
34 Courts must not adopt local rules that create barriers for self-represented litigants or parties  
35 represented by counsel in getting their day in court. Further, courts should not adopt general rules  
36 for a courtroom as they pose substantial barriers to a party’s access to justice.

37  
38 **Rule 5.5. Division title**

39  
40 ~~The rules in this division may be referred to as the Family Rules.~~

41  
42 *Rule 5.5 repealed effective January 1, 2013; adopted effective January 1, 2007.*

43



1 **Article 2: Use of Forms**

2  
3 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 1, General Provisions—*  
4 *Article 2, Use of Forms; adopted January 1, 2013.*

5  
6 **Rule 5.7. Use of forms**

7  
8 **(a) Status of family law and domestic violence forms**

9  
10 All forms adopted or approved by the Judicial Council for use in any proceeding  
11 under the Family Code, including any form in the FL, ADOPT, DV, and EJ series,  
12 are adopted as rules of court under the authority of Family Code section 211; article  
13 VI, section 6 of the California Constitution; and other applicable law.

14  
15 **(b) Forms in nonfamily law proceedings**

16  
17 The forms specified by this division may be used, at the option of the party, in any  
18 proceeding involving a financial obligation growing out of the relationship of  
19 parent and child or husband and wife or domestic partners, to the extent they are  
20 appropriate to that proceeding.

21  
22 **(c) Interstate forms**

23  
24 Notwithstanding any other provision of these rules, all Uniform Interstate Family  
25 Support Act forms approved by either the National Conference of Commissioners  
26 on Uniform State Laws or the U.S. Department of Health and Human Services are  
27 adopted for use in family law and other support actions in California.

28  
29 *Rule 5.7 adopted effective January 1, 2013.*

30  
31 **Article 3. Appearance by Telephone**

32 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 1, General Provisions—*  
33 *Article 3, Appearance by Telephone; adopted January 1, 2013.*

34  
35 **Rule 5.9. Appearance by telephone**

36  
37 **(a) Application**

38  
39 This rule applies to all family law cases, except for actions for child support  
40 involving a local child support agency. Rule 5.324 governs telephone appearances  
41 in governmental child support cases.

42

1 **(b) Telephone appearance**

2  
3 The court may permit a party to appear by telephone at a hearing, conference, or  
4 proceeding if the court determines that a telephone appearance is appropriate.

5  
6 **(c) Need for personal appearance**

7  
8 (1) At its discretion, the court may require a party to appear in person at a  
9 hearing, conference, or proceeding if the court determines that a personal  
10 appearance would materially assist in the determination of the proceedings or  
11 in the effective management or resolution of the particular case.

12  
13 (2) If, at any time during a hearing, conference, or proceeding conducted by  
14 telephone, the court determines that a personal appearance is necessary, the  
15 court may continue the matter and require a personal appearance.

16  
17 **(d) Local rules**

18  
19 Courts may develop local rules to specify procedures regarding appearances by  
20 telephone.

21  
22 *Rule 5.9 adopted effective January 1, 2013.*

23  
24 **Rule 5.10. Definitions and use of terms**

25  
26 ~~As used in this division, unless the context or subject matter otherwise requires, the~~  
27 ~~following definitions apply:~~

28  
29 ~~(1) “Family Code” means that code enacted by chapter 162 of the Statutes of 1992 and~~  
30 ~~any subsequent amendments to that code.~~

31  
32 ~~(2) “Proceeding” means a proceeding under the Family Code for dissolution of~~  
33 ~~marriage, nullity of marriage, legal separation, custody and support of minor~~  
34 ~~children, or actions under the Domestic Violence Prevention Act, the Uniform~~  
35 ~~Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or~~  
36 ~~the Uniform Interstate Family Support Act; local child support agency actions~~  
37 ~~under the Family Code; and contempt proceedings relating to family law or local~~  
38 ~~child support agency actions.~~

39  
40 ~~(3) “Property” includes assets and obligations.~~

41  
42 ~~(4) “Best interest of the child” is described in Family Code section 3011.~~

43

1 *Rule 5.10 repealed effective January 1, 2013; adopted as rule 1201 effective January 1, 1970;*  
2 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
3 *January 1, 1994, January 1, 1999, January 1, 2007, and January 1, 2008.*

4  
5 **Article 4. Discovery**

6 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 1, General Provisions—*  
7 *Article 4, Discovery; adopted January 1, 2013.*

8  
9 **Rule 5.12. Discovery motions**

10  
11 **(a) Applicable law**

12  
13 Family law discovery motions are subject to the provisions of Code of Civil  
14 Procedure sections 2016.010 through 2036.050 and Family Code section 2100 et  
15 seq. regarding disclosure of assets and liabilities.

16  
17 **(b) Applicable rules**

18  
19 Discovery proceedings brought in a case under the Family Code must comply with  
20 applicable civil rules, including:

- 21  
22 (1) The format of supplemental and further discovery (rule 3.1000);  
23  
24 (2) Oral deposition by telephone, videoconference, or other remote electronic  
25 means (rule 3.1010);  
26  
27 (3) Separate statement requirements (rule 3.1345);  
28  
29 (4) Service of motion papers on nonparty deponent (rule 3.1346); and  
30  
31 (5) Sanctions for failure to provide discovery (rule 3.1348).

32  
33 *Rule 5.12 adopted effective January 1, 2013.*

34  
35 **Article 5: Sanctions**

36 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 1, General Provisions—*  
37 *Article 5, Sanctions; adopted January 1, 2013.*

38  
39 **Rule 5.14. Sanctions for violations of rules of court in family law cases**

40  
41 **(a) Application**

42

1           This sanctions rule applies to any action or proceeding brought under the Family  
2           Code.

3  
4           **(b) Definition**

5  
6           For purposes of the rules in this division:

7  
8           (1)   “Sanctions” means a monetary fine or penalty ordered by the court.

9  
10          (2)   “Person” means a party, a party’s attorney, a law firm, a witness, or any other  
11               individual or entity whose consent is necessary for the disposition of the case.

12  
13          **(c) Sanctions imposed on a person**

14  
15          In addition to any other sanctions permitted by law, the court may order a person,  
16          after written notice and an opportunity to be heard, to pay reasonable monetary  
17          sanctions to the court or to an aggrieved person, or both, for failure without good  
18          cause to comply with the applicable rules. The sanction must not put an  
19          unreasonable financial burden on the person ordered to pay.

20  
21          **(d) Notice and procedure**

22  
23          Sanctions must not be imposed under this rule except on a request for order by the  
24          person seeking sanctions or on the court’s own motion after the court has provided  
25          notice and an opportunity to be heard.

26  
27          (1)   A party’s request for sanctions must:

28  
29               (A)   State the applicable rule of court that has been violated;

30  
31               (B)   Describe the specific conduct that is alleged to have violated the rule;  
32               and

33  
34               (C)   Identify the party, attorney, law firm, witness, or other person against  
35               whom sanctions are sought.

36  
37          (2)   The court on its own motion may issue an order to show cause that must:

38  
39               (A)   State the applicable rule of court that has been violated;

40  
41               (B)   Describe the specific conduct that appears to have violated the rule; and  
42

1 (C) Direct the attorney, law firm, party, witness, or other person to show  
2 cause why sanctions should not be imposed for violation of the rule.  
3

4 **(e) Award of expenses**  
5

6 In addition to the sanctions awardable under this rule, the court may order the  
7 person who has violated an applicable rule of court to pay to the party aggrieved by  
8 the violation that party's reasonable expenses, including reasonable attorney's fees  
9 and costs, incurred in connection with the motion or request for order for sanctions.  
10

11 **(f) Order**  
12

13 A court order awarding sanctions must be in writing and must recite in detail the  
14 conduct or circumstances justifying the order.  
15

16 *Rule 5.14 adopted effective January 1, 2013.*  
17

18 **Rule 5.15. Extensions of time**  
19

20 ~~The time within which any act is permitted or required to be done by a party under these~~  
21 ~~rules may be extended by the court upon such terms as may be just.~~  
22

23 *Rule 5.15 repealed effective January 1, 2013; adopted as rule 1203 effective January 1, 1970;*  
24 *previously renumbered effective January 1, 2003.*  
25

26 **Chapter 2. Parties and Joinder of Parties**

27 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 2, Parties and Joinder of*  
28 *Parties; adopted January 1, 2013.*  
29

30 **Article 1. Parties to Proceedings**

31 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 2, Parties and Joinder of*  
32 *Parties—Article 1, Parties to Proceedings; adopted January 1, 2013.*  
33

34 **Rule 5.16. Designation of parties**  
35

36 **(a) Designation of parties**  
37

38 (1) In cases filed under the Family Code, the party starting the case is referred to  
39 as the “petitioner,” and the other party is the “respondent.”  
40

41 (2) In local child support agency actions, the local child support agency starts the  
42 case and is the petitioner or plaintiff in the case. The parent sued by the child  
43 support agency is the “respondent” or “defendant,” and the parent who is not

1           the defendant is referred to as the “Other Parent.” Every other proceeding  
2           must be prosecuted and defended in the names of the real parties in interest.

3  
4   **(b) Parties to proceeding**

5  
6           (1) The only persons permitted to be parties to a proceeding for dissolution, legal  
7           separation, or nullity of marriage are the spouses, except as provided in (3), a  
8           third party who is joined in the case under rule 5.24, or a local child support  
9           agency that intervenes in the case.

10  
11           (2) The only persons permitted to be parties to a proceeding for dissolution, legal  
12           separation, or nullity of domestic partnership are the domestic partners,  
13           except as provided in (3), a third party who is joined in the case under rule  
14           5.24, or a local child support agency that intervenes in the case.

15  
16           (3) In a nullity proceeding, the case can be started by the spouses or domestic  
17           partners. The case may also be started by a parent or guardian, conservator,  
18           or other person specified in Family Code section 2211. For this type of case,  
19           the person starting the case is a party and the caption on all papers must be  
20           appropriately changed to reflect that fact.

21  
22           (4) The only persons permitted to be parties to a proceeding under the Domestic  
23           Violence Prevention Act are those identified in Family Code section 6211.

24  
25           (5) The only persons permitted to be parties to a family law proceeding to  
26           establish parentage are the presumed or putative parents of the minor child,  
27           the minor child, a third party who is joined in the case under rule 5.24, or a  
28           local child support agency that intervenes in the case.

29  
30   *Rule 5.16 adopted effective January 1, 2013.*

31  
32   **Rule 5.17. Other causes of action**

33  
34   A party in a family law proceeding may only ask that the court make orders against or  
35   involving the other party, or any other person, that are available to the party in these  
36   rules, Family Code sections 17400, 17402, and 17404, or other sections of the California  
37   Family Code.

38  
39   *Rule 5.17 adopted effective January 1, 2013.*

40  
41   **Rule 5.18. Injunctive relief and reservation of jurisdiction**

42

1 **(a) Injunctive relief**

2  
3 When a party in a family law case applies for a court order under rule 5.92, the  
4 court may grant injunctive or other relief against or for the following persons to  
5 protect the rights of either or both parties:

6  
7 (1) A person who has or claims an interest in the case;

8  
9 (2) A person who would be a necessary party to a complete disposition of the  
10 issues in the case, but is not permitted to be a party under rule 5.16; or

11  
12 (3) A person who is acting as a trustee, agent, custodian, or similar fiduciary with  
13 respect to any property subject to disposition by the court in the proceeding,  
14 or other matter subject to the jurisdiction of the court in the proceeding.

15  
16 **(b) Reservation of jurisdiction**

17  
18 If the court is unable to resolve the issue in the proceeding under the Family Code,  
19 the court may reserve jurisdiction over the particular issue until such time as the  
20 rights of such person and the parties to the proceeding under the Family Code have  
21 been determined in a separate action or proceeding.

22  
23 *Rule 5.18 adopted effective January 1, 2013.*

24  
25 **~~Rule 5.20. Application of rules~~**

26  
27 ~~The rules in this division apply to every action and proceeding as to which the Family~~  
28 ~~Code applies and, unless these rules elsewhere explicitly make them applicable, do not~~  
29 ~~apply to any other action or proceeding.~~

30  
31 *Rule 5.20 repealed effective January 1, 2013; adopted as rule 1205 effective January 1, 1970;*  
32 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
33 *January 1, 1979, January 1, 1994, January 1, 1999, and January 1, 2007.*

34  
35 **~~Rule 5.21. General law applicable~~**

36  
37 ~~Except as otherwise provided in these rules, all provisions of law applicable to civil~~  
38 ~~actions generally apply to a proceeding under the Family Code if they would otherwise~~  
39 ~~apply to such proceeding without reference to this rule. To the extent that these rules~~  
40 ~~conflict with provisions in other statutes or rules, these rules prevail.~~

41

1 *Rule 5.21 repealed effective January 1, 2013; adopted as rule 1206 effective January 1, 1970;*  
2 *previously amended effective January 1, 1994; previously amended and renumbered effective*  
3 *January 1, 2003.*

4  
5 **Rule 5.22. Other proceedings**

6  
7 ~~In any action under the Family Code but not otherwise subject to these rules by virtue of~~  
8 ~~rule 5.10(2), all provisions of law applicable to civil actions generally apply. Such an~~  
9 ~~action must be commenced by filing an appropriate petition, and the respondent must file~~  
10 ~~an appropriate response within 30 days after service of the summons and a copy of the~~  
11 ~~petition.~~

12  
13 *Rule 5.22 repealed effective January 1, 2013; adopted as rule 1207 effective January 1, 1970;*  
14 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
15 *January 1, 1994, and January 1, 2007.*

16  
17 **Article 2. Joinder of Parties**

18 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 2, Parties and Joinder of*  
19 *Parties—Article 2, Joinder of Parties; adopted January 1, 2013.*

20  
21 **Rule 5.24. Joinder of persons claiming interest**

22  
23 A person who claims or controls an interest in any matter subject to disposition in the  
24 proceeding may be joined as a party to the family law case only as provided in this  
25 chapter.

26  
27 **(a) Applicable rules**

- 28  
29 (1) All provisions of law relating to joinder of parties in civil actions generally  
30 apply to the joinder of a person as a party to a family law case, except as  
31 otherwise provided in this chapter.  
32  
33 (2) The law applicable to civil actions generally governs all pleadings, motions,  
34 and other matters pertaining to that portion of the proceeding as to which a  
35 claimant has been joined as a party to the proceeding in the same manner as if  
36 a separate action or proceeding not subject to these rules had been filed,  
37 except as otherwise provided in this chapter or by the court in which the  
38 proceeding is pending.

39  
40 **(b) “Claimant” defined**

41  
42 For purposes of this rule, a “claimant” is an individual or an entity joined or sought  
43 or seeking to be joined as a party to the family law proceeding.



1  
2 **(c) Persons who may seek joinder**  
3

4 (1) The petitioner or the respondent may apply to the court for an order joining a  
5 person as a party to the case who has or claims custody or physical control of  
6 any of the minor children subject to the action, or visitation rights with  
7 respect to such children, or who has in his or her possession or control or  
8 claims to own any property subject to the jurisdiction of the court in the  
9 proceeding.

10  
11 (2) A person who has or claims custody or physical control of any of the minor  
12 children subject to the action, or visitation rights with respect to such  
13 children, may apply to the court for an order joining himself or herself as a  
14 party to the proceeding.

15  
16 (3) A person served with an order temporarily restraining the use of property that  
17 is in his or her possession or control or that he or she claims to own, or  
18 affecting the custody of minor children subject to the action, or visitation  
19 rights with respect to such children, may apply to the court for an order  
20 joining himself or herself as a party to the proceeding.

21  
22 **(d) Form of joinder application**  
23

24 (1) All applications for joinder other than for an employee pension benefit plan  
25 must be made by serving and filing form a *Notice of Motion and Declaration*  
26 *for Joinder* (form FL-371). The hearing date must be less than 30 days from  
27 the date of filing the notice. The completed form must state with particularity  
28 the claimant's interest in the proceeding and the relief sought by the  
29 applicant, and it must be accompanied by an appropriate pleading setting  
30 forth the claim as if it were asserted in a separate action or proceeding.

31  
32 (2) A blank copy of *Responsive Declaration to Motion for Joinder and Consent*  
33 *Order for Joinder* (form FL-373) must be served with the *Notice of Motion*  
34 and accompanying pleading.

35  
36 **(e) Court order on joinder**  
37

38 (1) *Mandatory joinder*  
39

40 (A) The court must order that a person be joined as a party to the  
41 proceeding if any person the court discovers has physical custody or  
42 claims custody or visitation rights with respect to any minor child of

1                   the marriage, domestic partnership, or to any minor child of the  
2                   relationship.

3  
4           (B) Before ordering the joinder of a grandparent of a minor child in the  
5           proceeding under Family Code section 3104, the court must take the  
6           actions described in section 3104(a).

7  
8           (2) Permissive joinder

9  
10           The court may order that a person be joined as a party to the proceeding if the  
11           court finds that it would be appropriate to determine the particular issue in the  
12           proceeding and that the person to be joined as a party is either indispensable  
13           for the court to make an order about that issue or is necessary to the  
14           enforcement of any judgment rendered on that issue.

15  
16           In deciding whether it is appropriate to determine the particular issue in the  
17           proceeding, the court must consider its effect upon the proceeding, including:

18  
19           (A) Whether resolving that issue will unduly delay the disposition of the  
20           proceeding;

21  
22           (B) Whether other parties would need to be joined to make an effective  
23           judgment between the parties;

24  
25           (C) Whether resolving that issue will confuse other issues in the  
26           proceeding; and

27  
28           (D) Whether the joinder of a party to determine the particular issue will  
29           complicate, delay, or otherwise interfere with the effective disposition  
30           of the proceeding.

31  
32           (3) Procedure upon joinder

33  
34           If the court orders that a person be joined as a party to the proceeding under  
35           this rule, the court must direct that a summons be issued on *Summons*  
36           (*Joinder*) (form FL-375) and that the claimant be served with a copy of  
37           *Notice of Motion and Declaration for Joinder* (form FL-371), the pleading  
38           attached thereto, the order of joinder, and the summons. The claimant has 30  
39           days after service to file an appropriate response.

1 **Rule 5.25. Status of family law and domestic violence forms**

2  
3 All forms adopted or approved by the Judicial Council for use in any proceeding under  
4 the Family Code, including any form in the FL, ADOPT, DV, and FJ series, are adopted  
5 as rules of court under the authority of Family Code section 211; article VI, section 6 of  
6 the California Constitution; and other applicable law.

7  
8 *Rule 5.25 repealed effective January 1, 2013; adopted as rule 1278 effective January 1, 2001;*  
9 *previously amended and renumbered effective January 1, 2003.*

10  
11 **Rule 5.26. Use of forms in nonfamily law proceedings**

12  
13 The forms specified by this division may be used, at the option of the party, in any  
14 proceeding involving a financial obligation growing out of the relationship of parent and  
15 child or husband and wife, to the extent they are appropriate to that proceeding.

16  
17 *Rule 5.26 repealed effective January 1, 2013; adopted as rule 1275 effective July 1, 1985;*  
18 *previously amended and renumbered effective January 1, 2003.*

19  
20 **Rule 5.27. Use of interstate forms**

21  
22 Notwithstanding any other provision of these rules, all Uniform Interstate Family Support  
23 Act forms approved by either the National Conference of Commissioners on Uniform  
24 State Laws or the U.S. Department of Health and Human Services are adopted for use in  
25 family law and other support actions in California.

26  
27 *Rule 5.27 repealed effective January 1, 2013; adopted as rule 1276 effective July 1, 1988;*  
28 *previously amended effective January 1, 1998; previously renumbered effective January 1, 2003.*

29  
30 **Rule 5.28. Domestic partnerships**

31  
32 **(a) — Procedures for obtaining a dissolution, a legal separation, or an annulment of**  
33 **a domestic partnership**

34  
35 (1) — *Petition—Domestic Partnership (Family Law)* (form FL 103) must be filed to  
36 commence an action for dissolution, legal separation, or annulment of a  
37 domestic partnership. *Response—Domestic Partnership (Family Law)* (form  
38 FL 123) must be filed in response to this petition.

39  
40 (2) — All other forms and procedures used for the dissolution, legal separation, or  
41 annulment of a domestic partnership are the same as those used for the  
42 dissolution, legal separation, or annulment of a marriage, except that parties  
43 who qualify for a “Notice of Termination of Domestic Partnership” under

1 Family Code section 299 must follow that procedure rather than file a  
2 summary dissolution proceeding with the superior court.

3  
4 **(b) Terminology for rules and forms**

5  
6 For the purposes of family law rules and forms, the terms “spouse,” “husband,” and  
7 “wife” encompass “domestic partner.” The terms “father” and “mother” encompass  
8 “parent.” The terms “marriage” and “marital status” encompass “domestic  
9 partnership” and “domestic partnership status,” respectively.

10  
11 *Rule 5.28 repealed effective January 1, 2013; adopted effective January 1, 2005; previously*  
12 *amended effective January 1, 2007.*

13  
14 **Article 3. Employee Pension Benefit Plan**

15 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 2, Parties and Joinder of*  
16 *Parties—Article 3, Employee Pension Benefit Plan; adopted January 1, 2013.*

17  
18 **Rule 5.29. Joinder of employee pension benefit plan**

19  
20 **(a) Request for joinder**

21  
22 Every request for joinder of employee pension benefit plan and order and every  
23 pleading on joinder must be submitted on *Request for Joinder of Employee Benefit*  
24 *Plan and Order* (form FL-372) and *Pleading on Joinder—Employee Benefit Plan*  
25 (form FL-370).

26  
27 **(b) Summons**

28  
29 Every summons issued on the joinder of employee pension benefit plan must be on  
30 *Summons (Joinder)* (form FL-375).

31  
32 **(c) Notice of Appearance**

33  
34 Every notice of appearance of employee pension benefit plan and responsive  
35 pleading filed under Family Code section 2063(b) must be given on *Notice of*  
36 *Appearance and Response of Employee Benefit Plan* (form FL-374).

37  
38 *Rule 5.29 adopted effective January 1, 2013.*

39  
40 **Rule 5.35. Renumbered effective January 1, 2013**

41 *Rule 5.35 renumbered as rule 5.430.*

42

1 **Chapter 3. Filing Fees and Fee Waivers**

2 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 3, Filing Fees and Fee*  
3 *Waivers; adopted January 1, 2013.*

4  
5 **Article 1. Filing Fees and Fee Waivers**

6 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 3, Filing Fees and Fee*  
7 *Waivers—Article 1, Filing Fees and Fee Waivers; adopted January 1, 2013.*

8  
9 **Rule 5.40. Filing Fees**

10  
11 **(a) Filing fees**

12  
13 Parties must pay filing fees to the clerk of the court at the time the parties file  
14 papers with the court.

15  
16 **(b) Authority**

17  
18 The amount of money required to pay filing fees in family court is established by  
19 the Uniform Civil Fees and Standard Fee Schedule Act of 2005 under Government  
20 Code section 70670 et seq. and is subject to change. The act covers fees the court  
21 may charge parties to file the first papers in a family law proceeding, motions, or  
22 other papers requiring a hearing. It also covers filing fees that courts may charge in  
23 proceedings relating to child custody or visitation (parenting time) to cover the  
24 costs of maintaining mediation services under Family Code section 3160 et seq.

25  
26 **(c) Other fees**

27  
28 (1) The court must not charge filing fees that are inconsistent with law or with  
29 the California Rules of Court and may not impose any tax, charge, or penalty  
30 upon a proceeding, or the filing of any pleading allowed by law, as provided  
31 by Government Code section 68070.

32  
33 (2) In the absence of a statute or rule authorizing or prohibiting a fee by the  
34 superior court for a particular service or product, the court may charge a  
35 reasonable fee not to exceed the costs of providing the service or product, if  
36 the Judicial Council approves the fee, as provided by Government Code  
37 section 70631. Approved fees must be clearly posted and accessible to the  
38 public.

39  
40 *Rule 5.40 adopted effective January 1, 2013.*

41  
42 **Rule 5.41. Waiver of fees and costs**

43

1 If unable to afford the costs to file an action in family court, a party may request that the  
2 court waive fees and costs. The procedure and forms needed to request an initial fee  
3 waiver in a family law action are the same as for all other civil actions, unless otherwise  
4 provided by a statute or the California Rules of Court.

5  
6 **(a) Forms**

7  
8 The forms required to request a fee waiver may be obtained from the clerk of the  
9 court, the public law library, or online at the California Courts website.

10  
11 **(b) Rules**

12  
13 Rules 3.50–3.56 of the California Rules of Court (title 3, division 2) govern fee  
14 waivers in family law cases. Parties may refer to the civil rules for information  
15 about:

- 16  
17 (1) Applying for a fee waiver (rule 3.51);  
18  
19 (2) Forms for requesting a fee waiver (rule 3.51);  
20  
21 (3) How the court makes an order on a fee waiver application (rule 3.52);  
22  
23 (4) The time required for the court to grant a fee waiver (rule 3.53);  
24  
25 (5) The confidentiality of fee waiver applications and hearings (rule 3.54);  
26  
27 (6) Court fees and costs included in an initial fee waiver (rule 3.55); and  
28  
29 (7) Additional court fees and costs that may be included in the fee waiver (rule  
30 3.56).

31  
32 *Rule 5.41 adopted effective January 1, 2013.*

33  
34 **Article 2. Special Procedures**

35 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 3, Filing Fees and Fee*  
36 *Waivers—Article 2, Special Procedures; adopted January 1, 2013.*

37  
38 **Rule 5.43. Fee waiver denials; voided actions; dismissal**

39  
40 **(a) Voided paperwork**

41

1           The clerk of the court must void the papers that were filed with a petitioner’s or  
2           respondent’s fee waiver application if 10 days pass after notice of the fee waiver  
3           denial and petitioner or respondent has not:

- 4
- 5           (1) Paid the fees owed;
- 6
- 7           (2) Submitted a new *Request to Waive Court Fees* (form FW-001) if the fee  
8           waiver was denied because the first form was incomplete; or
- 9
- 10          (3) Requested a hearing using *Request for Hearing About Court Fee Waiver*  
11          *Order (Superior Court)* (form FW-006).

12

13          **(b) Effect of voided petition or complaint; dismissal or continuation of case**

- 14
- 15          (1) *No response or notice of appearance filed*

16

17                   If a petition or complaint is voided under (a) and a response to the petition or  
18                   complaint has not been filed, or respondent has not appeared in the action, the  
19                   court may dismiss the case without prejudice. If the court dismisses the case,  
20                   the clerk of the court must notify the parties.

- 21
- 22          (2) *Response or notice of appearance filed; case continuation or dismissal*

23

24                   If a petition or complaint is voided and a response has been filed with the  
25                   court, or respondent has appeared in the action, the court must:

- 26
- 27                   (A) Review the response, or documents constituting respondent’s  
28                   appearance, to determine whether or how the case will proceed based  
29                   on the relief requested;
- 30
- 31                   (B) Notify the parties of the court’s determination; and
- 32
- 33                   (C) Refund filing fees paid by the respondent if the court dismisses the  
34                   case.

35

36          *Rule 5.43 adopted effective January 1, 2013.*

37

38          **Rule 5.45. Repayment of waived court fees and costs in family law support actions**

39

40          **(a) Determination of repayment required**

41

42                   When a judgment or support order is entered in a family law case, the court may  
43                   order either party to pay all or part of the fees and costs that the court waived under

1 Government Code section 68637. The court must consider and determine the  
2 repayment of waived fees as required by Government Code section 68637(d) and  
3 (e). The rule does not apply to actions initiated by a local child support agency.  
4

5 **(b) Required forms**  
6

7 (1) An order determining repayment of waived initial fees must be made on  
8 Order to Pay Waived Court Fees and Costs (Superior Court) (form FL-336).  
9 An order for payment of waived court fees must be accompanied by a blank  
10 Application to Set Aside Order to Pay Waived Court Fees—Attachment (form  
11 FL-337).  
12

13 (2) An order granting or denying a request to set aside an order to pay waived  
14 court fees and costs must be made on Order After Hearing on Motion to Set  
15 Aside Order to Pay Waived Court Fees (Superior Court) (form FL-338).  
16

17 *Rule 5.45 adopted effective January 1, 2013.*  
18

19 **Rule 5.46. Waiver of fees and costs—Supreme Court or Court of Appeal**  
20

21 **(a) Application**  
22

23 Rule 8.26 of the appellate rules specifies the procedure and forms for applying for  
24 an initial waiver of court fees and costs in the Supreme Court or Court of Appeal.  
25

26 **(b) Information**  
27

28 Parties may refer to rule 8.26 for information about:  
29

30 (1) Applying for a fee waiver in appeals, writ proceedings, and petitions for  
31 review;  
32

33 (2) Required forms requesting a fee waiver;  
34

35 (3) The confidentiality of fee waiver applications and hearings;  
36

37 (4) Time required for the court to grant a fee waiver; and  
38

39 (5) Denial of a fee waiver application.  
40

41 *Rule 5.46 adopted effective January 1, 2013.*  
42



1        **Chapter 4. Starting and Responding to a Family Law Case; Service of Papers**  
2        *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
3        *a Family Law Case; Service of Papers; adopted January 1, 2013.*

4  
5                    **Article 1. Summonses, Notices, and Declarations**  
6        *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
7        *a Family Law Case; Service of Papers—Article 1, Summonses, Notices, and Declarations; adopted*  
8        *January 1, 2013.*

9  
10        **Rule 5.50. Papers issued by the court**

11  
12        **(a) Issuing the summonses; form**

13  
14                If a summons is required to commence a family law case, the clerk of the court  
15                must issue the summons using the same procedure for issuing a summons in civil  
16                actions, generally.

17  
18                (1) The clerk of the court must:

19  
20                    (A) Issue a *Summons (Family Law)* (form FL-110) for divorces, legal  
21                    separations, or annulment cases involving married persons or domestic  
22                    partnerships;

23  
24                    (B) Issue a *Summons (Uniform Parentage—Petition for Custody and*  
25                    *Support*) (form FL-210) for parentage or custody and support cases;

26  
27                    (C) Issue a *Summons (UIFSA)* (form FL-510) when a party seeks to  
28                    establish or enforce child support orders from other states; and

29  
30                    (D) Process a *Summons and Complaint or Supplemental Complaint*  
31                    *Regarding Parental Obligations* (form FL-600) as specified in rule  
32                    5.325.

33  
34                (2) The clerk of the court must not give the original summons to the petitioner,  
35                but must maintain it in the court file, except for support cases initiated by a  
36                local child support agency.

37  
38        **(b) Automatic temporary family law restraining order in summons; handling by**  
39        **clerk**

40  
41                Under Family Code section 233, in proceedings for dissolution, legal separation, or  
42                nullity of a marriage or domestic partnership and in parentage proceedings, the

1 clerk of the court must issue a summons that includes automatic temporary  
2 (standard) restraining orders on the reverse side of the summons.

3  
4 (1) The summons and standard restraining orders must be issued and filed in the  
5 same manner as a summons in a civil action and must be served and enforced  
6 in the manner prescribed for any other restraining order.

7  
8 (2) If service is by publication, the publication need not include the standard  
9 restraining orders.

10  
11 **(c) Individual restraining order**

12  
13 (1) On application of a party and as provided in the Family Code, a court may  
14 issue any individual restraining order that appears to be reasonable or  
15 necessary, including those automatic temporary restraining orders in (b)  
16 included on the back of the family law summons under Family Code section  
17 233.

18  
19 (2) Individual restraining orders supersede the standard family law restraining  
20 orders on the back of the Family Law and Uniform Parentage Act  
21 summonses.

22  
23 *Rule 5.50 adopted effective January 1, 2013.*

24  
25 **Rule 5.52. Declaration Under Uniform Child Custody Jurisdiction and**  
26 **Enforcement Act (UCCJEA)**

27  
28 **(a) Filing requirements; application**

29  
30 (1) Petitioner and respondent must each complete, serve, and file a Declaration  
31 Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)  
32 (form FL-105/GC-120) if there are children of their relationship under the  
33 age of 18 years.

34  
35 (2) The form is a required attachment to the petition and response in actions for  
36 divorce, to establish parentage, or actions for custody and support of minor  
37 children.

38  
39 **(b) Duty to update information**

40  
41 In any action or proceeding involving custody of a minor child, a party has a  
42 continuing duty to inform the court if he or she obtains further information about a  
43 custody proceeding in a California court or any other court concerning a child who

1 is named in the petition, complaint, or response. To comply with this duty, a party  
2 must file an updated UCCJEA form with the court and have it served on the other  
3 party.

4  
5 *Rule 5.52 adopted effective January 1, 2013.*

## 6 7 **Article 2. Initial Pleadings**

8 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
9 *a Family Law Case; Service of Papers—Article 2, Initial Pleadings; adopted January 1, 2013.*

### 10 11 **Rule 5.60. Petition or complaint; alternative relief**

#### 12 13 **(a) Format**

14  
15 A party starting a family law case must file an appropriate petition or complaint  
16 using a form approved by the Judicial Council. Where the Judicial Council has not  
17 approved a specific petition or complaint form, the party must submit the petition  
18 or complaint in an appropriate format under Trial Court Rules, rules 2.100 through  
19 2.119.

#### 20 21 **(b) Request for alternative relief**

22  
23 The petitioner or respondent may request alternative relief when filing a family law  
24 action. The request for alternative relief must be indicated in the petition or  
25 response.

26  
27 *Rule 5.60 adopted effective January 1, 2013.*

### 28 29 **Rule 5.62. Appearance by respondent or defendant**

#### 30 31 **(a) Appearance**

32  
33 Except as provided in Code of Civil Procedure section 418.10, a respondent or  
34 defendant is deemed to have appeared in a proceeding when he or she files:

35  
36 (1) A response or answer;

37  
38 (2) A notice of motion to strike, under section 435 of the Code of Civil  
39 Procedure;

40  
41 (3) A notice of motion to transfer the proceeding under section 395 of the Code  
42 of Civil Procedure; or

43

1           (4) A written notice of his or her appearance.

2  
3           **(b) Notice required after appearance**

4  
5           After appearance, the respondent or defendant or his or her attorney is entitled to  
6           notice of all subsequent proceedings of which notice is required to be given by  
7           these rules or in civil actions generally.

8  
9           **(c) No notice required**

10  
11           Where a respondent or defendant has not appeared, notice of subsequent  
12           proceedings need not be given to the respondent or defendant except as provided in  
13           these rules.

14  
15           *Rule 5.62 adopted effective January 1, 2013.*

16  
17           **Rule 5.63. Motion to quash proceeding or responsive relief**

18  
19           **(a) Respondent's application**

20  
21           Within the time permitted to file a response, the respondent may move to quash the  
22           proceeding, in whole or in part, for any of the following reasons:

23  
24           (1) Lack of legal capacity to sue;

25  
26           (2) Prior judgment or another action pending between the same parties for the  
27           same cause;

28  
29           (3) Failure to meet the residence requirement of Family Code section 2320; or

30  
31           (4) Statute of limitations in Family Code section 2211.

32  
33           **(b) Service of respondent's motion**

34  
35           The motion to quash must be served in compliance with Code of Civil Procedure  
36           section 1005(b). If the respondent files a notice of motion to quash, no default may  
37           be entered, and the time to file a response will be extended until 15 days after  
38           service of the court's order denying the motion to quash.

39  
40           **(c) Petitioner's application**

41

1 Within 15 days after the filing of the response, the petitioner may move to quash, in  
2 whole or in part, any request for affirmative relief in the response for the grounds  
3 set forth in (a).

4  
5 **(d) Waiver**

6  
7 The parties are deemed to have waived the grounds set forth in (a) if they do not  
8 file a motion to quash within the time frame set forth.

9  
10 **(e) Relief**

11  
12 When a motion to quash is granted, the court may grant leave to amend the petition  
13 or response and set a date for filing the amended pleadings. The court may also  
14 dismiss the action without leave to amend. The action may also be dismissed if the  
15 motion has been sustained with leave to amend and the amendment is not made  
16 within the time permitted by the court.

17  
18 *Rule 5.63 adopted effective January 1, 2013.*

19  
20 **Article 3. Service of Papers**

21 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
22 *a Family Law Case; Service of Papers—Article 3, Service of Papers; adopted January 1, 2013.*

23  
24 **Rule 5.66. Proof of service**

25  
26 Parties must file with the court a completed form to prove that the other party received  
27 the petition or complaint or response to petition or complaint.

28  
29 (1) The proof of service of summons may be a form approved by the Judicial Council  
30 or a document or pleading containing the same information required in *Proof of*  
31 *Service of Summons* (form FL-115).

32  
33 (2) The proof of service of response to petition or complaint may be a form approved  
34 by the Judicial Council or a document or pleading containing the same information  
35 required in *Proof of Service by Mail* (form FL-335) or *Proof of Personal Service*  
36 (form FL-330).

37  
38 *Rule 5.66 adopted effective January 1, 2013.*

39  
40 **Article 4. Manner of Service**

41 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
42 *a Family Law Case; Service of Papers—Article 4, Manner of Service; adopted January 1, 2013.*

43

1 **Rule 5.68. Manner of service of summons and petition; response; jurisdiction**

2  
3 **(a) Service of summons and petition**

4  
5 The petitioner must arrange to serve the other party with a summons, petition, and  
6 other papers as required by one of the following methods:

- 7  
8 (1) Personal service (Code Civ. Proc., § 415.10);  
9  
10 (2) Substituted service (Code Civ. Proc., § 415.20);  
11  
12 (3) Service by mail with a notice and acknowledgment of receipt (Code Civ.  
13 Proc., § 415.30);  
14  
15 (4) Service on person outside of the state (Code Civ. Proc., § 415.40);  
16  
17 (5) Service on person residing outside of the United States which must be done  
18 in compliance with service rules of the Hague Convention on the Service  
19 Abroad of Judicial and Extrajudicial Documents in Civil or Commercial  
20 Matters; or  
21  
22 (6) Service by posting or publication (Code Civ. Proc., §§ 415.50 and 413.30).

23  
24 **(b) Service of response to petition**

25  
26 A response to a family law petition may be served by the methods described in (a)  
27 but may also be served by mail without notice and acknowledgment of receipt.

28  
29 **(c) Continuing jurisdiction**

30  
31 The court has jurisdiction over the parties and control of all subsequent proceedings  
32 from the time of service of the summons and a copy of the petition. A general  
33 appearance of the respondent is equivalent to personal service within this state of  
34 the summons and a copy of the petition upon him or her.

35  
36 *Rule 5.68 adopted effective January 1, 2013.*

37  
38 **Rule 5.70. Nondisclosure of attorney assistance in preparation of court documents**

39  
40 **(a) — Nondisclosure**

41  
42 ~~In a family law proceeding, an attorney who contracts with a client to draft or assist~~  
43 ~~in drafting legal documents, but not to make an appearance in the case, is not~~

1 required to disclose within the text of the document that he or she was involved in  
2 preparing the documents.

3  
4 **(b) — Attorney’s fees**

5  
6 If a litigant seeks a court order for attorney’s fees incurred as a result of document  
7 preparation, the litigant must disclose to the court information required for a proper  
8 determination of attorney’s fees—including the name of the attorney who assisted  
9 in the preparation of the documents, the time involved or other basis for billing, the  
10 tasks performed, and the amount billed.

11  
12 **(c) — Applicability**

13  
14 This rule does not apply to an attorney who has made a general appearance or has  
15 contracted with his or her client to make an appearance on any issue that is the  
16 subject of the pleadings.

17  
18 *Rule 5.70 repealed effective January 1, 2013; adopted as rule 5.170 effective July 1, 2003;*  
19 *previously renumbered effective January 1, 2004; previously amended effective January 1, 2007.*  
20

21 **Rule 5.71. Application to be relieved as counsel on completion of limited scope**  
22 **representation**

23  
24 **(a) — Applicability of this rule**

25  
26 Notwithstanding rule 3.1362, an attorney who has completed the tasks specified in  
27 the *Notice of Limited Scope Representation* (form FL 950) may use the procedure  
28 in this rule to request that the attorney be relieved as counsel in cases in which the  
29 attorney has appeared before the court as attorney of record and the client has not  
30 signed a *Substitution of Attorney—Civil* (form MC 050).

31  
32 **(b) — Notice**

33  
34 An application to be relieved as counsel on completion of limited scope  
35 representation under Code of Civil Procedure section 284(2) must be directed to the  
36 client and made on the *Application to Be Relieved as Counsel Upon Completion of*  
37 *Limited Scope Representation* (form FL 955).  
38

39 **(c) — Service**

40  
41 The application must be filed with the court and served on the client and on all  
42 other parties and counsel who are of record in the case. The client must also be

1 served with ~~Objection to Application to Be Relieved as Counsel Upon Completion~~  
2 ~~of Limited Scope Representation~~ (form FL-956).

3  
4 **(d) — No objection**

5  
6 If no objection is filed within 15 days from the date that the ~~Application to Be~~  
7 ~~Relieved as Counsel Upon Completion of Limited Scope Representation~~ (form FL-  
8 955) is served upon the client, the attorney making the application must file an  
9 updated form FL-955 indicating the lack of objection, along with a proposed ~~Order~~  
10 ~~on Application to Be Relieved as Counsel Upon Completion of Limited Scope~~  
11 ~~Representation~~ (form FL-958). The clerk will then forward the file with the  
12 proposed order for judicial signature.

13  
14 **(e) — Objection**

15  
16 If an objection is filed within 15 days, the clerk must set a hearing date on the  
17 ~~Objection to Application to Be Relieved as Counsel Upon Completion of Limited~~  
18 ~~Scope Representation~~ (form FL-956). The hearing must be scheduled no later than  
19 25 days from the date the objection is filed. The clerk must send the notice of the  
20 hearing to the parties and counsel.

21  
22 **(f) — Service of the order**

23  
24 After the order is signed, a copy of the signed order must be served by the attorney  
25 who has filed the ~~Application to Be Relieved as Counsel Upon Completion of~~  
26 ~~Limited Scope Representation~~ (form FL-955) on the client and on all parties who  
27 have appeared in the case. The court may delay the effective date of the order  
28 relieving counsel until proof of service of a copy of the signed order on the client  
29 has been filed with the court.

30  
31 *Rule 5.71 repealed effective January 1, 2013; adopted as rule 5.171 effective July 1, 2003;*  
32 *previously renumbered effective January 1, 2004; previously amended effective January 1, 2007,*  
33 *and July 1, 2007.*

34  
35 **Article 5. Pleadings and Amended Pleadings**

36 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
37 *a Family Law Case; Service of Papers—Article 5, Pleadings and Amended Pleadings; adopted*  
38 *January 1, 2013.*

39  
40 **Rule 5.74. Pleadings and amended pleadings**

41  
42 **(a) Definitions**

43



- 1           (1) “Pleading” means a petition, complaint, application, objection, answer,  
2 response, notice, request for orders, statement of interest, report, or account  
3 filed in proceedings under the Family Code.  
4  
5           (2) “Amended pleading” means a pleading that completely restates and  
6 supersedes the pleading it amends for all purposes.  
7  
8           (3) “Amendment to a pleading” means a pleading that modifies another pleading  
9 and alleges facts or requests relief materially different from the facts alleged  
10 or the relief requested in the modified pleading. An amendment to a pleading  
11 does not restate or supersede the modified pleading but must be read together  
12 with that pleading.  
13  
14           (4) “Supplement to a pleading” and “supplement” mean a pleading that modifies  
15 another pleading but does not allege facts or request relief materially different  
16 from the facts alleged or the relief requested in the supplemented pleading. A  
17 supplement to a pleading may add information to or may correct omissions in  
18 the modified pleading.  
19

20 **(b) Forms of pleading**

21  
22 The forms of pleading and the rules by which the sufficiency of pleadings is to be  
23 determined are solely those prescribed in these rules. Demurrers or summary  
24 judgment motions must not be used in family law actions.  
25

26 **(c) Amendment to pleadings**

- 27  
28           (1) Amendments to pleadings, amended pleadings, and supplemental pleadings  
29 may be served and filed in conformity with the provisions of law applicable  
30 to such matters in civil actions generally, but the petitioner is not required to  
31 file a reply if the respondent has filed a response.  
32  
33           (2) If both parties have filed initial pleadings (petition and response), there may  
34 be no default entered on an amended pleading of either party.  
35

36 *Rule 5.74 adopted effective January 1, 2013.*  
37

38 **Article 6. Specific Proceedings**

39 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 4, Starting and Responding to*  
40 *a Family Law Case; Service of Papers—Article 6, Specific Proceedings; adopted January 1, 2013.*  
41

42 **Rule 5.76. Domestic partnerships**  
43

1 To obtain a dissolution, a legal separation, or an annulment of a domestic partnership:

2  
3 (1) Petition—Domestic Partnership/Marriage (Family Law) (form FL-103) must be  
4 filed to commence an action for dissolution, legal separation, or annulment of a  
5 domestic partnership. Response—Domestic Partnership/Marriage (Family Law)  
6 (form FL-123) must be filed in response to this petition.

7  
8 (2) All other forms and procedures used for the dissolution, legal separation, or  
9 annulment of a domestic partnership are the same as those used for the dissolution,  
10 legal separation, or annulment of a marriage.

11  
12 *Rule 5.76 adopted effective January 1, 2013.*

13  
14 **Rule 5.77. Summary dissolution**

15  
16 **(a) Declaration of disclosure**

17  
18 To comply with the disclosure requirements of chapter 9 (beginning with section  
19 2100) of part 1 of division 6 of the Family Code in proceedings for summary  
20 dissolution, each joint petitioner must complete and give each other the following  
21 documents before signing a property settlement agreement or completing a divorce:  
22

23 (1) A preliminary declaration of disclosure as described in Family Code section  
24 2104 and Declaration of Disclosure (form FL-140); or

25  
26 (2) The completed worksheet pages indicated in Summary Dissolution  
27 Information (form FL-810) listing separate and community property and  
28 obligations as well as a completed Income and Expense Declaration (form  
29 FL-150).

30  
31 **(b) Fee for filing**

32  
33 The joint petitioners must pay one fee for filing a Joint Petition for Summary  
34 Dissolution of Marriage (form FL-800) unless both parties are eligible for a fee  
35 waiver order. The fee is the same as that charged for filing a Petition—Marriage  
36 (form FL-100). No additional fee may be charged for the filing of any form  
37 prescribed for use in a summary dissolution proceeding.

38  
39 *Rule 5.77 adopted effective January 1, 2013.*

40  
41 **Chapter 5. Family Centered Case Resolution Plans**

42 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 5, Family Centered*  
43 *Resolution Plans; adopted January 1, 2013.*

1  
2 **Rule 5.83. Family Centered Case Resolution**

3  
4 \* \* \*

5  
6 **Chapter 6. Request for Court Orders**

7 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders;*  
8 *adopted January 1, 2013.*

9  
10 **Article 1. General Provisions**

11 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders—*  
12 *Article 1, General Provisions; adopted January 1, 2013.*

13  
14 **Rule 5.90. Format of papers**

15  
16 The rules regarding the format of a request for order are the same as the rules for format  
17 of motions in civil rules 3.1100 through 3.1116, except as otherwise provided in these  
18 Family Rules.

19  
20 *Rule 5.90 adopted effective January 1, 2013.*

21  
22 **Rule 5.91. Individual restraining order**

23  
24 On a party's request for order and as provided in the Family Code, a court may issue any  
25 individual restraining order that appears to be reasonable or necessary, including those  
26 automatic temporary restraining orders included on the back of the family law summons.  
27 Individual orders supersede the standard family law restraining orders on the back of the  
28 Family Law and Uniform Parentage Act summonses.

29  
30 *Rule 5.91 adopted effective January 1, 2013.*

31  
32 **Article 2. Filing and Service**

33 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders—*  
34 *Article 2, Filing and Service; adopted January 1, 2013.*

35  
36 **Rule 5.92. Request for court order; response**

37  
38 \* \* \*

39  
40 **Rule 5.93. Renumbered effective January 1, 2013**

41 *Rule 5.93 is renumbered as rule 5.427.*  
42

1 **Rule 5.94. Order shortening time; other filing requirements**

2  
3 **(a) Order shortening time**

4  
5 The court, on its own motion or on application for an order shortening time  
6 supported by a declaration showing good cause, may prescribe shorter times for the  
7 filing and service of papers than the times specified in Code of Civil Procedure  
8 section 1005.

9  
10 **(b) Time for filing proof of service**

11  
12 Proof of service of the *Request for Order* (FL-300) and supporting papers should be  
13 filed five court days before the hearing date.

14  
15 **(c) Failure to timely serve moving papers**

16  
17 If a *Request for Order* (FL-300) is not timely served on the opposing party, the  
18 moving party must notify the court as soon as possible before the date assigned for  
19 the court hearing and request a new hearing date to allow additional time to serve  
20 the *Request for Order* (FL-300) and supporting documents.

21  
22 The moving party must also request that the court reissue the *Request for Order*  
23 (FL-300) and any temporary orders. To do so, the moving party must complete and  
24 submit to the court an *Application and Order for Reissuance of Request for Order*  
25 (form FL-306).

26  
27 **(d) Filing of late papers**

28  
29 No moving or responding papers relating to a request for order may be rejected for  
30 filing on the ground that it was untimely submitted for filing. If the court, in its  
31 discretion, refuses to consider a late filed paper, the minutes or order must so  
32 indicate.

33  
34 **(e) Computation of time**

35  
36 Moving or responding papers submitted before the close of the clerk's office to the  
37 public on the day that the paper is due is deemed timely filed.

38  
39 *Rule 5.94 adopted effective January 1, 2013.*

40  
41 **Rule 5.96. Place and manner of filing**

42

1 **(a) Papers filed in clerk's office**

2  
3 All papers relating to a request for order proceeding must be filed in the clerk's  
4 office, unless otherwise provided by local rule or court order.

5  
6 **(b) General schedule**

7  
8 The clerk must post a general schedule showing the days and departments for  
9 hearing the matters indicated in the *Request for Order* (form FL-300).

10  
11 **(c) Duty to notify court of settlement**

12  
13 If the matter has been settled before the scheduled court hearing date, the moving  
14 party must immediately notify the court of the settlement.

15  
16 *Rule 5.96 adopted effective January 1, 2013.*

17  
18 **Article 3. Meet-and-Confer Conferences**

19 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders—*  
20 *Article 3, Meet-and-Confer Conferences; adopted January 1, 2013.*

21  
22 **Rule 5.98. Meet-and-confer requirements; document exchange**

23  
24 **(a) Meet and confer**

25  
26 All parties and all attorneys are required to meet and confer in person, by  
27 telephone, or as ordered by the court, before the date of the hearing relating to a  
28 *Request for Order* (FL-300). During this time, parties must discuss and make a  
29 good faith attempt to settle all issues, even if a complete settlement is not possible  
30 and only conditional agreements are made. The requirement to meet and confer  
31 does not apply to cases involving domestic violence.

32  
33 **(b) Document exchange**

34  
35 Before or while conferring, parties must exchange all documentary evidence that is  
36 to be relied on for proof of any material fact at the hearing. At the hearing, the court  
37 may decline to consider documents that were not given to the other party before the  
38 hearing as required under this rule. The requirement to exchange documents does  
39 not relate to documents that are submitted primarily for rebuttal or impeachment  
40 purposes.

41  
42 *Rule 5.98 adopted effective January 1, 2013.*

1 **Chapter 2. Procedural Rules**

2  
3 **Rule 5.100. Designation of parties**

4  
5 ~~In proceedings filed under the Family Code, except for local child support agency~~  
6 ~~actions, the party initiating the proceeding is the petitioner, and the other party is the~~  
7 ~~respondent. In local child support agency actions, the responding party is the defendant~~  
8 ~~and the parent who is not the defendant is referred to as the “Other Parent.” Every other~~  
9 ~~proceeding must be prosecuted and defended in the names of the real parties in interest.~~

10  
11 *Rule 5.100 repealed effective January 1, 2013; adopted as rule 1210 effective January 1, 1970;*  
12 *previously amended effective January 1, 1999; previously amended and renumbered effective*  
13 *January 1, 2003.*

14  
15 **Rule 5.102. Parties to proceeding**

16  
17 ~~(a) Except as provided in (c) or in rules 5.150 through 5.160, the only persons~~  
18 ~~permitted to be parties to a proceeding for dissolution, legal separation, or nullity of~~  
19 ~~marriage are the husband and wife.~~

20  
21 ~~(b) Except as provided in (c) or in rules 5.150 through 5.160, the only persons~~  
22 ~~permitted to be parties to a proceeding for dissolution, legal separation, or nullity of~~  
23 ~~domestic partnership are the domestic partners.~~

24  
25 ~~(c) In a nullity proceeding commenced by a person specified in Family Code section~~  
26 ~~2211, other than a proceeding commenced by or on behalf of the husband or wife~~  
27 ~~in a marriage or one of the domestic partners in a domestic partnership, the person~~  
28 ~~initiating the proceeding is a party and the caption on all papers must be suitably~~  
29 ~~modified to reflect that fact.~~

30  
31 *Rule 5.102 repealed effective January 1, 2013; adopted as rule 1211 effective January 1, 1970;*  
32 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
33 *January 1, 1977, January 1, 1994, January 1, 1999, and January 1, 2005.*

34  
35 **Rule 5.104. Other causes of action**

36  
37 ~~Neither party to the proceeding may assert against the other party or any other person any~~  
38 ~~cause of action or claim for relief other than for the relief provided in these rules, Family~~  
39 ~~Code sections 17400, 17402, and 17404, or other sections of the Family Code.~~

40  
41 *Rule 5.104 repealed effective January 1, 2013; adopted as rule 1212 effective January 1, 1970;*  
42 *previously amended effective January 1, 1994, and January 1, 1999; previously amended and*  
43 *renumbered effective January 1, 2003.*

1  
2 **Rule 5.106. Injunctive relief and reservation of jurisdiction**

3  
4 ~~(a) — Upon application as set out in rule 5.118, the court may grant injunctive or other~~  
5 ~~relief against or for the following persons to protect the rights of either or both~~  
6 ~~parties to the proceeding under the Family Code:~~

7  
8 ~~(1) — A person who has or claims an interest in the controversy;~~

9  
10 ~~(2) — A person who but for rule 5.102 would be a necessary party to a complete~~  
11 ~~adjudication of the controversy; or~~

12  
13 ~~(3) — A person who is acting as a trustee, agent, custodian, or similar fiduciary with~~  
14 ~~respect to any property subject to disposition by the court in the proceeding,~~  
15 ~~or other matter subject to the jurisdiction of the court in the proceeding.~~

16  
17 ~~(b) — If the court is unable to resolve the issue in the proceeding under the Family Code,~~  
18 ~~the court may reserve jurisdiction over the particular issue until such time as the~~  
19 ~~rights of such person and the parties to the proceeding under the Family Code have~~  
20 ~~been adjudicated in a separate action or proceeding.~~

21  
22 *Rule 5.106 repealed effective January 1, 2013; adopted as rule 1213 effective January 1, 1970;*  
23 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
24 *January 1, 1994, and January 1, 2007.*

25  
26 **Rule 5.108. Pleadings**

27  
28 ~~(a) — The forms of pleading and the rules by which the sufficiency of pleadings is to be~~  
29 ~~determined are solely those prescribed in these rules. Demurrers must not be used.~~

30  
31 ~~(b) — Amendments to pleadings, amended pleadings, and supplemental pleadings may be~~  
32 ~~served and filed in conformity with the provisions of law applicable to such matters~~  
33 ~~in civil actions generally, but the petitioner is not required to file a reply if the~~  
34 ~~respondent has filed a response. If both parties have filed initial pleadings (petition~~  
35 ~~and response), there may be no default entered on an amended pleading of either~~  
36 ~~party.~~

37  
38 *Rule 5.108 repealed effective January 1, 2013; adopted as rule 1215 effective January 1, 1970;*  
39 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
40 *January 1, 1999, and January 1, 2007.*

41  
42 **Rule 5.110. Summons; restraining order**

43

1 **(a) — Issuing the summons; form**

2  
3 Except for support proceedings initiated by a local child support agency, the  
4 procedure for issuance of summons in the proceeding is that applicable to civil  
5 actions generally. The clerk must not return the original summons, but must  
6 maintain it in the file.

7  
8 **(b) — Standard family law restraining order; handling by clerk**

9  
10 Notwithstanding Family Code section 233, a summons (form FL-110 or FL-210)  
11 with the standard family law restraining orders must be issued and filed in the same  
12 manner as a summons in a civil action and must be served and enforced in the  
13 manner prescribed for any other restraining order. If service is by publication, the  
14 publication need not include the restraining orders.

15  
16 **(c) — Individual restraining order**

17  
18 On application of a party and as provided in the Family Code, a court may issue  
19 any individual restraining order that appears to be reasonable or necessary,  
20 including those restraining orders included in the standard family law restraining  
21 orders. Individual orders supersede the standard family law restraining orders on  
22 the Family Law and Uniform Parentage Act summons.

23  
24 *Rule 5.110 repealed effective January 1, 2013; adopted as rule 1216 effective January 1, 1970;*  
25 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
26 *July 1, 1990, January 1, 1994, January 1, 1999, January 1, 2001, and January 1, 2007.*

27  
28 **Article 4. Evidence at Hearings**

29 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders—*  
30 *Article 4, Evidence at Hearings; adopted January 1, 2013.*

31  
32 **Rule 5.111. Declarations supporting and responding to a request for court order**

33  
34 Along with a Request for Order (form FL-300) or a Responsive Declaration (form FL-  
35 320), a party must file a supporting declaration with the court clerk and serve it on the  
36 other party. The declarations must comply with the following requirements:

37  
38 **(a) Length of declarations**

39  
40 A declaration included with a request for court order or a responsive declaration  
41 must not exceed 10 pages in length. A reply declaration must not exceed 5 pages in  
42 length, unless:

43



- 1           (1) The declaration is of an expert witness; or  
2  
3           (2) The court grants permission to extend the length of a declaration.  
4

5 **(b) Form, format, and content of declarations**  
6

- 7           (1) The form and format of each declaration submitted in a case filed under the  
8 Family Code must comply with the requirements set out in California Rules  
9 of Court, rule 2.100 et seq.  
10  
11          (2) A declaration must be based on personal knowledge and explain how the  
12 person has acquired that knowledge. The statements in the declaration must  
13 be admissible in evidence.  
14

15 **(c) Objections to declarations**  
16

- 17          (1) If a party thinks that a declaration does not meet the requirements of (b)(2)  
18 the party must file their objections in writing at least 2 court days before the  
19 time of the hearing, or any objection will be considered waived, and the  
20 declaration may be considered as evidence. Upon a finding of good cause,  
21 objections may be made in writing or orally at the time of the hearing.  
22  
23          (2) If the court does not specifically rule on the objection raised by a party, the  
24 objection is presumed overruled. If an appeal is filed, any presumed  
25 overrulings can be challenged.  
26

27 *Rule 5.111 adopted effective January 1, 2013.*  
28

29 **Rule 5.112. Continuing jurisdiction**  
30

31 ~~The court has jurisdiction of the parties and control of all subsequent proceedings~~  
32 ~~from the time of service of the summons and a copy of the petition. A general~~  
33 ~~appearance of the respondent is equivalent to personal service within this state of~~  
34 ~~the summons and a copy of the petition upon him or her.~~  
35

36 *Rule 5.112 repealed effective January 1, 2013; adopted as rule 1217 effective January 1, 1970;*  
37 *previously amended and renumbered effective January 1, 2003.*  
38

39 **Rule 5.112.1. Declaration page limitation; exemptions**  
40

41 The Judicial Council form portion of a declaration does not count toward the page  
42 limitation for declarations specified in rule 5.111. In addition, the following documents

1 may be attached to a *Request for Order* (form FL-300) or *Responsive Declaration* (form  
2 FL-320) without being counted toward the page limitation for declarations:

3  
4 (1) *An Income and Expense Declaration* (form FL-150) and its required attachments;

5  
6 (2) *A Financial Statement (Simplified)* (form FL-155) and its required attachments;

7  
8 (3) *A Property Declaration* (form FL-160) and required attachments;

9  
10 (4) Exhibits attached to declarations; and

11  
12 (5) A memorandum of points and authorities.

13  
14 *Rule 5.112.1 adopted effective January 1, 2013.*

15  
16 **Rule 5.113. Live testimony**

17  
18 **(a) Purpose**

19  
20 Under Family Code section 217, at a hearing on any request for order brought  
21 under the Family Code, absent a stipulation of the parties or a finding of good  
22 cause under (b), the court must receive any live, competent, and admissible  
23 testimony that is relevant and within the scope of the hearing.

24  
25 **(b) Factors**

26  
27 In addition to the rules of evidence, a court must consider the following factors in  
28 making a finding of good cause to refuse to receive live testimony under Family  
29 Code section 217:

30  
31 (1) Whether a substantive matter is at issue—such as child custody, visitation  
32 (parenting time), parentage, child support, spousal support, requests for  
33 restraining orders, or the characterization, division, or temporary use and  
34 control of the property or debt of the parties;

35  
36 (2) Whether material facts are in controversy;

37  
38 (3) Whether live testimony is necessary for the court to assess the credibility of  
39 the parties or other witnesses;

40  
41 (4) The right of the parties to question anyone submitting reports or other  
42 information to the court;

43

1           (5) Whether a party offering testimony from a non-party has complied with  
2           Family Code section 217(c); and

3  
4           (6) Any other factor that is just and equitable.

5  
6           **(c) Findings**

7  
8           If the court makes a finding of good cause to exclude live testimony, it must state  
9           its reasons on the record or in writing. The court is required to state only those  
10          factors on which the finding of good cause is based.

11  
12          **(d) Minor children**

13  
14          When receiving or excluding testimony from minor children, in addition to  
15          fulfilling the requirements of Evidence Code section 765, the court must follow the  
16          procedures in Family Code section 3042 and rule 5.250 of the California Rules of  
17          Court governing children’s testimony.

18  
19          **(e) Witness lists**

20  
21          Witness lists required by Family Code section 217(c) must be served along with the  
22          request for order or responsive papers in the manner required for the service of  
23          those documents (*Witness List* (form FL-321) may be used for this purpose). If no  
24          witness list has been served, the court may require an offer of proof before allowing  
25          any nonparty witness to testify.

26  
27          **(f) Continuance**

28  
29          The court must consider whether or not a brief continuance is necessary to allow a  
30          litigant adequate opportunity to prepare for questioning any witness for the other  
31          parties. When a brief continuance is granted to allow time to prepare for  
32          questioning witnesses, the court should make appropriate temporary orders.

33  
34          **(g) Questioning by court**

35  
36          Whenever the court receives live testimony from a party or any witness it may elicit  
37          testimony by directing questions to the parties and other witnesses.

38  
39          *Rule 5.113 adopted effective January 1, 2013.*

40  
41          **~~Rule 5.114. Alternative relief~~**

42  
43          ~~A party seeking alternative relief must so indicate in the petition or response.~~

1  
2 *Rule 5.114 repealed effective January 1, 2013; adopted as rule 1221 effective January 1, 1970;*  
3 *previously amended and renumbered effective January 1, 2003.*

4  
5 **Rule 5.115. Judicial notice**

6  
7 A party requesting judicial notice of material under Evidence Code section 452 or 453  
8 must provide the court and each party with a copy of the material. If the material is part  
9 of a file in the court in which the matter is being heard, the party must specify in writing  
10 the part of the court file sought to be judicially noticed and make arrangements with the  
11 clerk to have the file in the courtroom at the time of the hearing.

12  
13 *Rule 5.115 adopted effective January 1, 2013.*

14  
15 **Rule 5.116. Stipulation for judgment**

16  
17 ~~(a) — A stipulation for judgment (which must be attached to form FL 180 or form FL-~~  
18 ~~250) may be submitted to the court for signature at the time of the hearing on the~~  
19 ~~merits and must contain the exact terms of any judgment proposed to be entered in~~  
20 ~~the case. At the end, immediately above the space reserved for the judge's~~  
21 ~~signature, the stipulation for judgment must contain the following:~~

22  
23 The foregoing is agreed to by

\_\_\_\_\_  
(Petitioner)

\_\_\_\_\_  
(Respondent)

\_\_\_\_\_  
(Attorney for Petitioner)

\_\_\_\_\_  
(Attorney for Respondent)

24  
25 ~~(b) — A stipulation for judgment must include disposition of all matters subject to the~~  
26 ~~court's jurisdiction for which a party seeks adjudication or an explicit reservation~~  
27 ~~of jurisdiction over any matter not proposed for disposition at that time. A~~  
28 ~~stipulation for judgment constitutes a written agreement between the parties as to~~  
29 ~~all matters covered by the stipulation.~~

30  
31 *Rule 5.116 repealed effective January 1, 2013; adopted as rule 1223 effective January 1, 1970;*  
32 *previously amended effective January 1, 1972; previously amended and renumbered effective*  
33 *January 1, 2003.*

34  
35 **Rule 5.118. Application for court order**

36

1 (a) — No memorandum of points and authorities need be filed with an application for a  
2 court order unless required by the court on a case-by-case basis.

3  
4 (b) — A completed *Income and Expense Declaration* (form FL-150) or *Financial*  
5 *Statement (Simplified)* (form FL-155), *Property Declaration* (form FL-160), and  
6 *Application for Order and Supporting Declaration* (form FL-310) must be attached  
7 to an application for an injunctive or other order when relevant to the relief  
8 requested.

9  
10 (c) — A copy of the *Application for Order and Supporting Declaration* with all  
11 attachments and a blank copy of the *Responsive Declaration* (form FL-320) must  
12 be served on the person against whom relief is requested. The original application  
13 and order must be retained in the court file.

14  
15 (d) — If relief is sought by an *Order to Show Cause*, a copy of the order endorsed by the  
16 clerk must be served.

17  
18 (e) — Blank copies of the *Income and Expense Declaration* or *Financial Statement*  
19 *(Simplified)* and the *Property Declaration* must be served when completed  
20 declarations are among the papers required to be served.

21  
22 (f) — **Declarations supporting applications for orders**

23  
24 (1) — *Length of declarations*

25  
26 A declaration attached to an order to show cause or notice of motion and  
27 responsive declaration must not exceed 10 pages in length, and a reply  
28 declaration must not exceed 5 pages in length, unless:

29  
30 (A) — The declaration is of an expert witness, or

31  
32 (B) — The court grants permission to extend the length of a declaration. A  
33 party may apply to the court ex parte with written notice of the  
34 application to the other parties, at least 24 hours before the papers are  
35 due, for permission to file a longer declaration. The application must  
36 state reasons why the facts cannot be set forth within the declaration  
37 page limit.

38  
39 (2) — *Objections to declarations*

40  
41 (A) — A declaration must be based on personal knowledge and explain how  
42 the person has acquired that knowledge. The statements in the  
43 declaration must be admissible in evidence.

1  
2 (B) — If a party thinks that a declaration does not meet the requirements of  
3 (A), the party must object to the declaration at the time of the hearing,  
4 or any objection will be considered waived, and the declaration may be  
5 considered as evidence.  
6

7 (C) — If the court does not specifically rule on the objection raised by a party,  
8 the objection is presumed overruled. If an appeal is filed, any presumed  
9 overrulings can be challenged.  
10

11 *Rule 5.118 repealed effective January 1, 2013; adopted as rule 1225 effective January 1, 1970;*  
12 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
13 *January 1, 1972, July 1, 1977, January 1, 1980; January 1, 1999, January 1, 2004, January 1,*  
14 *2007, and July 1, 2011.*  
15

16 **Rule 5.119. Live testimony**  
17

18 **(a) — Purpose**  
19

20 Under Family Code section 217, at a hearing on any order to show cause or notice  
21 of motion brought under the Family Code, absent a stipulation of the parties or a  
22 finding of good cause under (b), the court must receive any live, competent, and  
23 admissible testimony that is relevant and within the scope of the hearing.  
24

25 **(b) — Factors**  
26

27 A court must consider the following factors in making a finding of good cause to  
28 refuse to receive live testimony under Family Code section 217:  
29

30 (1) — Whether a substantive matter is at issue — such as child custody, parenting  
31 time (visitation), parentage, child support, spousal support, requests for  
32 restraining orders, or the characterization, division, or temporary use and  
33 control of the property or debt of the parties;  
34

35 (2) — Whether material facts are in controversy;  
36

37 (3) — Whether live testimony is necessary for the court to assess the credibility of  
38 the parties or other witnesses;  
39

40 (4) — The right of the parties to question anyone submitting reports or other  
41 information to the court;  
42

1           ~~(5) In testimony from persons other than the parties, whether there has been~~  
2           ~~compliance with Family Code section 217(c); and~~

3  
4           ~~(6) Any other factor that is just and equitable.~~

5  
6           ~~(e) Findings~~

7  
8           ~~If the court makes a finding of good cause to exclude live testimony, it must state~~  
9           ~~its reasons on the record or in writing. The court is required to state only those~~  
10          ~~factors on which the finding of good cause is based.~~

11  
12          ~~(d) Minor children~~

13  
14          ~~When receiving or excluding testimony from minor children, in addition to~~  
15          ~~fulfilling the requirements of Evidence Code section 765, the court must follow the~~  
16          ~~procedures in Family Code section 3042 and California Rules of Court governing~~  
17          ~~children's testimony.~~

18  
19          ~~(e) Witness lists~~

20  
21          ~~Witness lists required by Family Code section 217(c) must be served along with the~~  
22          ~~order to show cause, notice of motion, or responsive papers in the manner required~~  
23          ~~for the service of those documents. If no witness list has been served, the court may~~  
24          ~~require an offer of proof before allowing any nonparty witness to testify.~~

25  
26          ~~(f) Continuance~~

27  
28          ~~The court must consider whether or not a brief continuance is necessary to allow a~~  
29          ~~litigant adequate opportunity to prepare for questioning any witness for the other~~  
30          ~~parties. When a brief continuance is granted to allow time to prepare for~~  
31          ~~questioning witnesses, the court should make appropriate temporary orders.~~

32  
33          ~~(g) Questioning by court~~

34  
35          ~~Whenever the court receives live testimony from a party or any witness, it may~~  
36          ~~elicit testimony by directing questions to the parties and other witnesses.~~

37  
38          ~~Rule 5.119 repealed effective January 1, 2013; adopted effective July 1, 2011.~~

39  
40          ~~Rule 5.120. Appearance~~

41

1 ~~(a) — Except as provided in Code of Civil Procedure section 418.10, a respondent or~~  
2 ~~defendant is deemed to have appeared in a proceeding when he or she files:~~

3  
4 ~~(1) — A response or answer;~~

5  
6 ~~(2) — A notice of motion to strike, under section 435 of the Code of Civil~~  
7 ~~Procedure;~~

8  
9 ~~(3) — A notice of motion to transfer the proceeding under section 395 of the Code~~  
10 ~~of Civil Procedure; or~~

11  
12 ~~(4) — A written notice of his or her appearance.~~

13  
14 ~~(b) — After appearance, the respondent or defendant or his or her attorney is entitled to~~  
15 ~~notice of all subsequent proceedings of which notice is required to be given by~~  
16 ~~these rules or in civil actions generally.~~

17  
18 ~~(c) — Where a respondent or defendant has not appeared, notice of subsequent~~  
19 ~~proceedings need not be given to the respondent or defendant except as provided in~~  
20 ~~these rules.~~

21  
22 *Rule 5.120 repealed effective January 1, 2013; adopted as rule 1236 effective January 1, 1970;*  
23 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
24 *January 1, 1972, January 1, 1999, January 1, 2004, and January 1, 2006.*

25  
26 **~~Rule 5.121. Motion to quash proceeding or responsive relief~~**

27  
28 ~~(a) — Within the time permitted to file a response, the respondent may move to quash the~~  
29 ~~proceeding, in whole or in part, for any of the following reasons:~~

30  
31 ~~(1) — Lack of legal capacity to sue;~~

32  
33 ~~(2) — Prior judgment or another action pending between the same parties for the~~  
34 ~~same cause;~~

35  
36 ~~(3) — Failure to meet the residence requirement of Family Code section 2320; or~~

37  
38 ~~(4) — Statute of limitations in Family Code section 2211.~~  
39



1 ~~(b) — The motion to quash must be served in compliance with Code of Civil Procedure~~  
2 ~~section 1005(b). If the respondent files a notice of motion to quash, no default may~~  
3 ~~be entered, and the time to file a response will be extended until 15 days after~~  
4 ~~service of the court's order.~~

5  
6 ~~(c) — Within 15 days after the filing of the response, the petitioner may move to quash, in~~  
7 ~~whole or in part, any request for affirmative relief in the response for the grounds~~  
8 ~~set forth in (a).~~

9  
10 ~~(d) — The parties are deemed to have waived the grounds set forth in (a) if they do not~~  
11 ~~file a motion to quash within the time frame set forth.~~

12  
13 ~~(e) — When a motion to quash is granted, the court may grant leave to amend the petition~~  
14 ~~or response and set a date for filing the amended pleadings. The court may also~~  
15 ~~dismiss the action without leave to amend. The action may also be dismissed if the~~  
16 ~~motion has been sustained with leave to amend and the amendment is not made~~  
17 ~~within the time permitted by the court.~~

18  
19 *Rule 5.121 repealed effective January 1, 2013; adopted effective January 1, 2004; previously*  
20 *amended effective January 1, 2006.*

21  
22 **Rule 5.122. Default**

23  
24 ~~(a) — Upon proper application of the petitioner, the clerk must enter the respondent's~~  
25 ~~default if the respondent or defendant fails within the time permitted to:~~

26  
27 ~~(1) — Make an appearance as stated in rule 5.120;~~

28  
29 ~~(2) — File a notice of motion to quash service of summons under section 418.10 of~~  
30 ~~the Code of Civil Procedure; or~~

31  
32 ~~(3) — File a petition for writ of mandate under section 418.10 of the Code of Civil~~  
33 ~~Procedure.~~

34  
35 ~~(b) — The petitioner may apply to the court for the relief sought in the petition at the time~~  
36 ~~default is entered. The court must require proof to be made of the facts stated in the~~  
37 ~~petition and may enter its judgment accordingly. The court may permit the use of a~~  
38 ~~completed *Income and Expense Declaration* (form FL 150) or *Financial Statement*~~  
39 ~~*(Simplified)* (form FL 155) and *Property Declaration* (form FL 160) as to all or~~  
40 ~~any part of the proof required or permitted to be offered on any issue as to which~~  
41 ~~they are relevant.~~

42

1 *Rule 5.122 repealed effective January 1, 2013; adopted as rule 1237 effective January 1, 1970;*  
2 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
3 *January 1, 1972, January 1, 1980, and January 1, 2007.*

4  
5 **Article 5. Reporting and Preparation of Order After Hearing**

6 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 6, Request for Court Orders—*  
7 *Article 5, Reporting and Preparation of Order After Hearing; adopted January 1, 2013.*

8  
9 **Rule 5.123. Reporting of hearing proceedings**

10  
11 A court that does not regularly provide for reporting of hearings on a request for order or  
12 motion must so state in its local rules. The rules must also provide a procedure by which  
13 a party may obtain a court reporter in order to provide the party with an official verbatim  
14 transcript.

15  
16 *Rule 5.123 adopted effective January 1, 2013.*

17  
18 **Rule 5.124. Request for default**

19  
20 ~~(a) — No default may be entered in any proceeding unless a request has been completed~~  
21 ~~in full on a *Request to Enter Default* (form FL 165) and filed by the petitioner.~~  
22 ~~However, an *Income and Expense Declaration* (form FL 150) or *Financial*~~  
23 ~~*Statement (Simplified)* (form FL 155) are not required if the petition contains no~~  
24 ~~demand for support, costs, or attorney’s fees. A *Property Declaration* (form FL~~  
25 ~~160) is not required if the petition contains no demand for property.~~

26  
27 ~~(b) — For the purpose of completing the declaration of mailing, unless service was by~~  
28 ~~publication and the address of respondent is unknown, it is not sufficient to state~~  
29 ~~that the address of the party to whom notice is given is unknown or unavailable.~~

30  
31 *Rule 5.124 repealed effective January 1, 2013; adopted as rule 1240 effective January 1, 1970;*  
32 *previously amended effective January 1, 1979, and January 1, 1980; previously amended and*  
33 *renumbered effective January 1, 2003.*

34  
35 **Rule 5.125. Preparation, service, and submission of order after hearing**

36  
37 The court may prepare the order after hearing and serve copies on the parties or their  
38 attorneys. Alternatively, the court may order one of the parties or attorneys to prepare the  
39 proposed order as provided in these rules. The court may also modify the timelines and  
40 procedures in this rule when appropriate to the case.

41  
42 **(a) In general**

43

1           The term “party” or “parties” includes both self-represented persons and persons  
2           represented by an attorney of record. The procedures in this rule requiring a party  
3           to perform action related to the preparation, service, and submission of an order  
4           after hearing include the party’s attorney of record.

5  
6           **(b) Submission of proposed order after hearing to the court**

7  
8           Within 10 calendar days of the court hearing, the party ordered to prepare the  
9           proposed order must:

- 10  
11           (1) Serve the proposed order to the other party for approval; or  
12  
13           (2) If the other party did not appear at the hearing or the matter was uncontested,  
14           submit the proposed order directly to the court without the other party’s  
15           approval. A copy must also be served to the other party or attorney.

16  
17           **(c) Other party approves or rejects proposed order after hearing**

18  
19           (1) Within 20 calendar days from the court hearing, the other party must review  
20           the proposed order to determine if it accurately reflects the orders made by  
21           the court and take one of the following actions:

- 22  
23           (A) Approve the proposed order by signing and serving it on the party or  
24           attorney who drafted the proposed order; or  
25  
26           (B) State any objections to the proposed order and prepare an alternate  
27           proposed order. Any alternate proposed order prepared by the objecting  
28           party must list the findings and orders in the same sequence as the  
29           proposed order. After serving any objections and the alternate proposed  
30           order to the party or attorney, both parties must follow the procedure in  
31           (e).

32  
33           (2) If the other party does not respond to the proposed order within 20 calendar  
34           days of the court hearing, the party ordered to prepare the proposed order  
35           must submit the proposed order to the court without approval within 25  
36           calendar days of the hearing date. The correspondence to the court and to the  
37           other party must include:

- 38  
39           (A) The date the proposed order was served on the other party;  
40  
41           (B) The other party’s reasons for not approving the proposed order, if  
42           known;

43

1           (C) The date and results of any attempts to meet and confer, if relevant; and

2  
3           (D) A request that the court sign the proposed order.

4  
5 **(d) Failure to prepare proposed order after hearing**

6  
7       (1) If the party ordered by the court to prepare the proposed order fails to serve  
8 the proposed order to the other party within 10 calendar days from the court  
9 hearing, the other party may prepare the proposed order and serve it to the  
10 party or attorney whom the court ordered to prepare the proposed order.

11  
12       (2) Within 5 calendar days from service of the proposed order, the party who had  
13 been ordered to prepare the order must review the proposed order to  
14 determine if it accurately reflects the orders made by the court and take one  
15 of the following actions:

16  
17           (A) Approve the proposed order by signing and serving it to the party or  
18 attorney who drafted the proposed order; or

19  
20           (B) State any objections to the proposed order and prepare an alternate  
21 proposed order. Any alternate proposed order by the objecting party  
22 must list the findings and orders in the same sequence as the proposed  
23 order. After serving any objections and the alternate proposed order to  
24 the other party or attorney, both parties must follow the procedure in  
25 (e).

26  
27       (3) If the party does not respond as described in (2), the party who prepared the  
28 proposed order must submit the proposed order to the court without approval  
29 within 5 calendar days. The cover letter to the court and to the other party or  
30 attorney must include:

31  
32           (A) The facts relating to the preparation of the order, including the date the  
33 proposed order was due and the date the proposed order was served to  
34 the party whom the court ordered to draft the proposed order;

35  
36           (B) The party's reasons for not preparing or approving the proposed order,  
37 if known;

38  
39           (C) The date and results of any attempts to meet and confer, if relevant; and

40  
41           (D) A request that the court sign the proposed order.

42

1 **(e) Objections to proposed order after hearing**

2  
3 (1) If a party objects to the proposed order after hearing, both parties have 10  
4 calendar days following service of the objections and the alternate proposed  
5 order after hearing to meet and confer by telephone or in person to attempt to  
6 resolve the disputed language.

7  
8 (2) If the parties reach an agreement, the proposed findings and order after  
9 hearing must be submitted to the court within 10 calendar days following the  
10 meeting.

11  
12 (3) If the parties fail to resolve their disagreement after meeting and conferring,  
13 each party will have 10 calendar days following the date of the meeting to  
14 submit to the court and serve on each other the following documents:

15  
16 (A) A proposed Findings and Order After Hearing (FL-340) (and any form  
17 attachments);

18  
19 (B) A copy of the minute order or official transcript of the court hearing;  
20 and

21  
22 (C) A cover letter that explains the objections, describes the differences in  
23 the two proposed orders, references the relevant sections of the  
24 transcript or minute order, and includes the date and results of the meet-  
25 and-confer conferences.

26  
27 **(f) Unapproved order signed by the court; requirements**

28  
29 Before signing a proposed order submitted to the court without the other party's  
30 approval, the court must first compare the proposed order after hearing to the  
31 minute order; official transcript, if available; or other court record.

32  
33 **(g) Service of order after hearing signed by the court**

34  
35 After the proposed order is signed by the court, the court clerk must file the order.  
36 The party who prepared the order must serve an endorsed-filed copy to the other  
37 party.

38  
39 *Rule 5.125 adopted effective January 1, 2013.*

40  
41 **Rule 5.126. Alternate date of valuation**

42

1 ~~(a) — Notice of motion~~

2  
3 ~~An Application for Separate Trial (form FL 315) must be used to provide the~~  
4 ~~notice required by Family Code section 2552(b).~~

5  
6 ~~(b) — Declaration accompanying notice~~

7  
8 ~~Form FL 315 must be accompanied by a declaration stating the following:~~

9  
10 ~~(1) — The proposed alternate valuation date;~~

11  
12 ~~(2) — Whether the proposed alternate valuation date applies to all or only a portion~~  
13 ~~of the assets and, if the motion is directed to only a portion of the assets, the~~  
14 ~~declaration must separately identify each such asset; and~~

15  
16 ~~(3) — The reasons supporting the alternate valuation date.~~

17  
18 *Rule 5.126 repealed effective January 1, 2013; adopted as rule 1242.5 effective July 1, 1995;*  
19 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
20 *July 1, 2003.*

21  
22 **Rule 5.128. Financial declaration**

23  
24 ~~(a) — A current *Income and Expense Declaration* (form FL 150) or a current *Financial*~~  
25 ~~*Statement (Simplified)* (form FL 155), when such form is appropriate, and a current~~  
26 ~~*Property Declaration* (form FL 160) must be served and filed by any party~~  
27 ~~appearing at any hearing at which the court is to determine an issue as to which~~  
28 ~~such declarations would be relevant. “Current” is defined as being completed~~  
29 ~~within the past three months providing no facts have changed. Those forms must be~~  
30 ~~sufficiently completed to allow determination of the issue.~~

31  
32 ~~(b) — When a party is represented by counsel and attorney’s fees are requested by either~~  
33 ~~party, the section on the *Income and Expense Declaration* pertaining to the amount~~  
34 ~~in savings, credit union, certificates of deposit, and money market accounts must be~~  
35 ~~fully completed, as well as the section pertaining to the amount of attorney’s fees~~  
36 ~~incurred, currently owed, and the source of money used to pay such fees.~~

37  
38 ~~(c) — A *Financial Statement (Simplified)* is not appropriate for use in proceedings to~~  
39 ~~determine or modify spousal support or to determine attorney’s fees.~~

40  
41 *Rule 5.128 repealed effective January 1, 2013; adopted as rule 1243 effective January 1, 1970;*  
42 *previously amended effective January 1, 1972, January 1, 1980, July 1, 1985, and January 1,*  
43 *1999; previously amended and renumbered effective January 1, 2003.*

1  
2 **Rule 5.130. Summary dissolution**

3  
4 **(a) — Declaration of disclosure**

5  
6 For the purposes of a proceeding for summary dissolution under chapter 5  
7 (beginning with section 2400) of part 3 of division 6 of the Family Code,  
8 attachment to the petition of completed worksheet pages listing separate and  
9 community property and obligations as well as an *Income and Expense Declaration*  
10 (form FL-150) or *Financial Statement (Simplified)* (form FL-155) constitutes  
11 compliance with the disclosure requirements of chapter 9 (beginning with section  
12 2400) of part 1 of division 6 of the Family Code.

13  
14 **(b) — Fee for filing**

15  
16 The fee for filing a *Joint Petition for Summary Dissolution of Marriage* (form FL-  
17 800) is the same as that charged for filing a *Petition — Marriage* (form FL-100). No  
18 additional fee may be charged for the filing of any form prescribed for use in a  
19 summary dissolution proceeding, except as required by Government Code section  
20 26859.

21  
22 *Rule 5.130 repealed effective January 1, 2013; adopted as rule 1271 effective January 1, 1979;*  
23 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
24 *January 1, 1993, January 1, 1994; and January 1, 2007.*

25  
26 **Rule 5.134. Notice of entry of judgment**

27  
28 **(a) —** Notwithstanding Code of Civil Procedure section 664.5, the clerk must give notice  
29 of entry of judgment, using Notice of Entry of Judgment (form FL-190), to the  
30 attorney for each party or to the party if self-represented, of the following:

31  
32 (1) — A judgment of legal separation;

33  
34 (2) — A judgment of dissolution;

35  
36 (3) — A judgment of nullity;

37  
38 (4) — A judgment establishing parental relationship (on form FL-190); or

39  
40 (5) — A judgment regarding custody or support.

41

1 ~~(b) — This rule applies to local child support agency proceedings except that the notice of~~  
2 ~~entry of judgment must be on *Notice of Entry of Judgment and Proof of Service by*~~  
3 ~~*Mail* (form FL 635).~~

4  
5 ~~*Rule 5.134 repealed effective January 1, 2013; adopted as rule 1247 effective January 1, 1970;*~~  
6 ~~*previously amended and renumbered effective January 1, 2003; previously amended effective*~~  
7 ~~*January 1, 1972, January 1, 1982, January 1, 1999, and January 1, 2007.*~~

8  
9 **~~Rule 5.136. Completion of notice of entry of judgment~~**

10  
11 **~~(a) — Required attachments~~**

12  
13 ~~Every person who submits a judgment for signature by the court must submit:~~

14  
15 ~~(1) — Stamped envelopes addressed to the parties; and~~

16  
17 ~~(2) — An original and at least two additional copies of the *Notice of Entry of*~~  
18 ~~*Judgment* (form FL 190).~~

19  
20 **~~(b) — Fully completed~~**

21  
22 ~~Form FL 190 must be fully completed except for the designation of the date~~  
23 ~~entered, the date of mailing, and signatures. It must specify in the certificate of~~  
24 ~~mailing the place where notices have been given to the other party.~~

25  
26 **~~(c) — Address of respondent or defendant~~**

27  
28 ~~If there has been no appearance by the other party, the address stated in the~~  
29 ~~affidavit of mailing in part 3 of the *Request to Enter Default* (form FL 165) must be~~  
30 ~~the party's last known address and must be used for mailing form FL 190 to that~~  
31 ~~party. In support proceedings initiated by the local child support agency, an~~  
32 ~~envelope addressed to the child support agency need not be submitted. If service~~  
33 ~~was by publication and the address of respondent or defendant is unknown, those~~  
34 ~~facts must be stated in place of the required address.~~

35  
36 **~~(d) — Consequences of failure to comply~~**

37  
38 ~~Failure to complete the form or to submit the envelopes is cause for refusal to sign~~  
39 ~~the judgment until compliance with the requirements of this rule.~~

40  
41 **~~(e) — Application to local child support agencies~~**

42



1 This rule applies to local child support agency proceedings filed under the Family  
2 Code except that:

3  
4 (1) ~~The local child support agency must use form *Notice of Entry of Judgment*~~  
5 ~~and *Proof of Service by Mail* (form FL 635);~~

6  
7 (2) ~~The local child support agency may specify in the certificate of mailing that~~  
8 ~~the address where the *Notice of Entry of Judgment* (form FL 190) was mailed~~  
9 ~~is on file with the local child support agency; and~~

10  
11 (3) ~~An envelope addressed to the local child support agency need not be~~  
12 ~~submitted.~~

13  
14 *Rule 5.136 repealed effective January 1, 2013; adopted as rule 1248 effective January 1, 1970;*  
15 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
16 *January 1, 1972, January 1, 1980, July 1, 1982, January 1, 1999, and January 1, 2007.*

17  
18 **~~Rule 5.140. Implied procedures~~**

19  
20 ~~In the exercise of the court's jurisdiction under the Family Code, if the course of~~  
21 ~~proceeding is not specifically indicated by statute or these rules, any suitable process or~~  
22 ~~mode of proceeding may be adopted by the court that is consistent with the spirit of the~~  
23 ~~Family Code and these rules.~~

24  
25 *Rule 5.140 repealed effective January 1, 2013; adopted as rule 1249 effective January 1, 1970;*  
26 *previously amended effective January 1, 1994; previously amended and renumbered effective*  
27 *January 1, 2003.*

28  
29 **~~Rule 5.146. Renumbered effective January 1, 2013~~**

30 *Rule 5.146 renumbered as rule 5.405.*

31  
32 **~~Rule 5.147. Renumbered effective January 1, 2013~~**

33 *Rule 5.147 renumbered as rule 5.407.*

34  
35 **~~Rule 5.148. Renumbered effective January 1, 2013~~**

36 *Rule 5.148 renumbered as rule 5.409.*

37  
38 **~~Chapter 3. Joinder of Parties~~**

39  
40 **~~Rule 5.150. Joinder of persons claiming interest~~**

41  
42 ~~Notwithstanding any other rule in this division, a person who claims or controls an~~  
43 ~~interest subject to disposition in the proceeding may be joined as a party to the~~

1 ~~proceeding only as provided in this chapter. Except as otherwise provided in this chapter,~~  
2 ~~all provisions of law relating to joinder of parties in civil actions generally apply to the~~  
3 ~~joinder of a person as a party to the proceeding.~~

4  
5 *Rule 5.150 repealed effective January 1, 2013; adopted as rule 1250 effective November 23,*  
6 *1970; previously amended effective January 1, 1978; previously renumbered effective January 1,*  
7 *2003.*

## 9 **Chapter 7. Request for Emergency Orders (Ex parte Orders)**

10 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 7, Request for Emergency*  
11 *Orders (Ex Parte Orders); adopted January 1, 2013.*

### 13 **Article 1. Request for Emergency Orders (Ex parte Orders)**

14 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 7, Request for Emergency*  
15 *Orders (Ex Parte Orders)—Article 1, Request for Emergency Orders (Ex Parte Orders); adopted*  
16 *January 1, 2013.*

#### 18 **Rule 5.151. Request for emergency orders; application; required documents**

##### 20 **(a) Application**

21  
22 The rules in this chapter govern applications for emergency orders (also known as  
23 ex parte applications) in family law cases, unless otherwise provided by statute or  
24 rule. These rules may be referred to as “the emergency orders rules.” Unless  
25 specifically stated, these rules do not apply to ex parte applications for domestic  
26 violence restraining orders under the Domestic Violence Prevention Act.

##### 28 **(b) Purpose**

29  
30 The purpose of a request for emergency orders is to address matters that cannot be  
31 heard on the court’s regular hearing calendar. In this type of proceeding, notice to  
32 the other party is shorter than in other proceedings. Notice to the other party can  
33 also be waived under exceptional and other circumstances as provided in these  
34 rules. The process is used to request that the court:

- 35  
36 (1) Make orders to help prevent an immediate danger or irreparable harm to a  
37 party or to the children involved in the matter;  
38  
39 (2) Make orders to help prevent immediate loss or damage to property subject to  
40 disposition in the case; or  
41  
42 (3) Make orders about procedural matters, including the following:  
43

- 1           (A) Setting a date for a hearing on the matter that is sooner than that of a  
2           regular hearing (granting an order shortening time for hearing);  
3  
4           (B) Shortening or extending the time required for the moving party to serve  
5           the other party with the notice of the hearing and supporting papers  
6           (grant an order shortening time for service); and  
7  
8           (C) Continuing a hearing or trial.

9  
10 **(c) Required documents**

11  
12 A request for emergency orders must be in writing and must include all of the  
13 following completed documents when relevant to the relief requested:  
14

- 15 (1) Request for Order (form FL-300) that identifies the relief requested;  
16  
17 (2) A current *Income and Expense Declaration* (form FL-150) or *Financial*  
18 *Statement (Simplified)* (form FL-155) and *Property Declaration* (form FL-  
19 160);  
20  
21 (3) Temporary Orders (form FL-305) to serve as the proposed temporary order;  
22  
23 (4) A written declaration regarding notice of application for emergency orders  
24 based on personal knowledge; and  
25  
26 (5) A memorandum of points and authorities only if required by the court.  
27

28 **(d) Contents of application and declaration**

- 29  
30 (1) Identification of attorney or party

31  
32 An application for emergency orders must state the name, address, and  
33 telephone number of any attorney known to the applicant to be an attorney  
34 for any party or, if no such attorney is known, the name, address, and  
35 telephone number of the party, if known to the applicant.  
36

- 37 (2) Affirmative factual showing required in written declarations

38  
39 The declarations must contain facts within the personal knowledge of the  
40 declarant that demonstrate why the matter is appropriately handled as an  
41 emergency hearing, as opposed to being on the court's regular hearing  
42 calendar.  
43

1 An applicant must make an affirmative factual showing of irreparable harm,  
2 immediate danger, or any other statutory basis for granting relief without  
3 notice or with shortened notice to the other party.  
4

5 (3) Disclosure of previous applications and orders  
6

7 An applicant should submit a declaration that fully discloses all previous  
8 applications made on the same issue and whether any orders were made on  
9 any of the applications, even if an application was previously made upon a  
10 different state of facts. Previous applications include an order to shorten time  
11 for service of notice or an order shortening time for hearing.  
12

13 (4) Disclosure of change in status quo  
14

15 The applicant has a duty to disclose that an emergency order will result in a  
16 change in the current situation or status quo. Absent such disclosure,  
17 attorney's fees and costs incurred to reinstate the status quo may be awarded.  
18

19 (5) Applications regarding child custody or visitation (parenting time)  
20

21 Applications for emergency orders granting or modifying child custody or  
22 visitation (parenting time) under Family Code section 3064 must:  
23

24 (A) Provide a full, detailed description of the most recent incidents  
25 showing:  
26

27 (i) Immediate harm to the child as defined in Family Code section  
28 3064(b); or  
29

30 (ii) Immediate risk that the child will be removed from the State of  
31 California.  
32

33 (B) Specify the date of each incident described in (A);  
34

35 (C) Advise the court of the existing custody and visitation (parenting time)  
36 arrangements and how they would be changed by the request for  
37 emergency orders;  
38

39 (D) Include a copy of the current custody orders, if they are available. If no  
40 orders exist, explain where and with whom the child is currently living;  
41 and  
42

1 (E) Include a completed *Declaration Under Uniform Child Custody*  
2 *Jurisdiction and Enforcement Act (UCCJEA) (FL-105) if the form was*  
3 *not already filed by a party or if the information has changed since it*  
4 *was filed.*  
5

6 **(e) Contents of notice and declaration regarding notice of emergency hearing**  
7

8 **(1) Contents of notice**  
9

10 When notice of a request for emergency orders is given, the person giving  
11 notice must:  
12

- 13 (A) State with specificity the nature of the relief to be requested;  
14  
15 (B) State the date, time, and place for the presentation of the application;  
16  
17 (C) State the date, time, and place of the hearing, if applicable; and  
18  
19 (D) Attempt to determine whether the opposing party will appear to oppose  
20 the application (if the court requires a hearing) or whether he or she  
21 will submit responsive pleadings before the court rules on the request  
22 for emergency orders.  
23

24 **(2) Declaration regarding notice**  
25

26 An application for emergency orders must be accompanied by a completed  
27 declaration regarding notice that includes one of the following statements:  
28

- 29 (A) The notice given, including the date, time, manner, and name of the  
30 party informed, the relief sought, any response, and whether opposition  
31 is expected and that, within the applicable time under rule 5.165, the  
32 applicant informed the opposing party where and when the application  
33 would be made;  
34  
35 (B) That the applicant in good faith attempted to inform the opposing party  
36 but was unable to do so, specifying the efforts made to inform the  
37 opposing party; or  
38  
39 (C) That, for reasons specified, the applicant should not be required to  
40 inform the opposing party.  
41

1 **Rule 5.152. “Claimant” defined**

2  
3 As used in this chapter, “claimant” means a person joined or sought or seeking to be  
4 joined as a party to the proceeding.

5  
6 *Rule 5.152 repealed effective January 1, 2013; adopted as rule 1251 effective November 23,*  
7 *1970; previously amended effective January 1, 1972; previously renumbered effective January 1,*  
8 *2003.*

9  
10 **Rule 5.154. Persons who may seek joinder**

11  
12 (a) — ~~The petitioner or the respondent may apply to the court for an order joining a~~  
13 ~~person as a party to the proceeding who has or claims custody or physical control~~  
14 ~~of any of the minor children subject to the action, or visitation rights with respect to~~  
15 ~~such children, or who has in his or her possession or control or claims to own any~~  
16 ~~property subject to the jurisdiction of the court in the proceeding.~~

17  
18 (b) — ~~A person who has or claims custody or physical control of any of the minor~~  
19 ~~children subject to the action, or visitation rights with respect to such children, may~~  
20 ~~apply to the court for an order joining himself or herself as a party to the~~  
21 ~~proceeding.~~

22  
23 (c) — ~~A person served with an order temporarily restraining the use of property that is in~~  
24 ~~his or her possession or control or that he or she claims to own, or affecting the~~  
25 ~~custody of minor children subject to the action, or visitation rights with respect to~~  
26 ~~such children, may apply to the court for an order joining himself or herself as a~~  
27 ~~party to the proceeding.~~

28  
29 *Rule 5.154 repealed effective January 1, 2013; adopted as rule 1252 effective November 23,*  
30 *1970; previously amended and renumbered effective January 1, 2003; previously amended*  
31 *effective July 1, 1975, January 1, 2006, and January 1, 2007.*

32  
33 **Rule 5.156. Form of joinder application**

34  
35 (a) — ~~All applications for joinder other than for an employee pension benefit plan must~~  
36 ~~be made by serving and filing form a *Notice of Motion and Declaration for Joinder*~~  
37 ~~(form FL 371). The hearing date must be less than 30 days from the date of filing~~  
38 ~~the notice. The completed form must state with particularity the claimant’s interest~~  
39 ~~in the proceeding and the relief sought by the applicant, and it must be~~  
40 ~~accompanied by an appropriate pleading setting forth the claim as if it were~~  
41 ~~asserted in a separate action or proceeding.~~

42

1 ~~(b) — A blank copy of *Responsive Declaration to Motion for Joinder and Consent Order*~~  
2 ~~for Joinder (form FL-373) must be served with the *Notice of Motion* and~~  
3 ~~accompanying pleading.~~

4  
5 *Rule 5.156 repealed effective January 1, 2013; adopted as rule 1253 effective November 23,*  
6 *1970; previously amended and renumbered effective January 1, 2003; previously amended*  
7 *effective January 1, 1972, January 1, 1978, January 1, 1979, July 1, 1985, January 1, 1994,*  
8 *January 1, 2001, and January 1, 2007.*

9  
10 **Rule 5.158. Determination on joinder**

11  
12 **(a) — Mandatory joinder**

13  
14 The court must order joined as a party to the proceeding any person the court  
15 discovers has physical custody or claims custody or visitation rights with respect to  
16 any minor child of the marriage.

17  
18 **(b) — Permissive joinder**

19  
20 The court may order that a person be joined as a party to the proceeding if the court  
21 finds that it would be appropriate to determine the particular issue in the proceeding  
22 and that the person to be joined as a party is either indispensable to a determination  
23 of that issue or necessary to the enforcement of any judgment rendered on that  
24 issue.

25  
26 In determining whether it is appropriate to determine the particular issue in the  
27 proceeding, the court must consider its effect upon the proceeding, including:

28  
29 (1) — Whether the determination of that issue will unduly delay the disposition of  
30 the proceeding;

31  
32 (2) — Whether other parties would need to be joined to render an effective  
33 judgment between the parties;

34  
35 (3) — Whether the determination of that issue will confuse other issues in the  
36 proceeding; and

37  
38 (4) — Whether the joinder of a party to determine the particular issue will  
39 complicate, delay, or otherwise interfere with the effective disposition of the  
40 proceeding.

41  
42 **(c) — Procedure upon joinder**

43

1 If the court orders that a person be joined as a party to the proceeding under  
2 subdivision (a) of rule 5.154, the court must direct that a summons be issued on  
3 *Summons (Joinder)* (form FL 375) and that the claimant be served with a copy of  
4 *Notice of Motion and Declaration for Joinder* (form FL 371), the pleading attached  
5 thereto, the order of joinder, and the summons. The claimant has 30 days after  
6 service within which to file an appropriate response.

7  
8 *Rule 5.158 repealed effective January 1, 2013; adopted as rule 1254 effective November 23,*  
9 *1970; previously amended and renumbered effective January 1, 2003; previously amended*  
10 *effective July 1, 1997, July 1, 2003, and January 1, 2007.*

11  
12 **Rule 5.160. Pleading rules applicable**

13  
14 Except as otherwise provided in this chapter or by the court in which the proceeding is  
15 pending, the law applicable to civil actions generally governs all pleadings, motions, and  
16 other matters pertaining to that portion of the proceeding as to which a claimant has been  
17 joined as a party to the proceeding in the same manner as if a separate action or  
18 proceeding not subject to these rules had been filed.

19  
20 *Rule 5.160 repealed effective January 1, 2013; adopted as rule 1255 effective November 23,*  
21 *1970; previously amended and renumbered effective January 1, 2003.*

22  
23 **Rule 5.162. Joinder of employee pension benefit plan**

24  
25 (a) — Every request for joinder of employee pension benefit plan and order and every  
26 pleading on joinder must be submitted on *Request for Joinder of Employee Benefit*  
27 *Plan and Order* (form FL 372) and *Pleading on Joinder—Employee Benefit Plan*  
28 (form FL 370).

29  
30 (b) — Every summons issued on the joinder of employee pension benefit plan must be on  
31 *Summons (Joinder)* (form FL 375).

32  
33 (c) — Every notice of appearance of employee pension benefit plan and responsive  
34 pleading file under Family Code section 2063(b) must be given on *Notice of*  
35 *Appearance and Response of Employee Benefit Plan* (form FL 374).

36  
37 *Rule 5.162 repealed effective January 1, 2013; adopted as rule 1256 effective January 1, 1979;*  
38 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
39 *January 1, 1994, and January 1, 2007.*

40  
41 **Article 2. Notice, Service, Appearance**

42 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 7, Request for Emergency*  
43 *Orders (Ex Parte Orders)—Article 2, Notice, Service, Appearance; adopted January 1, 2013.*



1  
2 **Rule 5.165. Requirements for notice**

3  
4 **(a) Method of notice**

5  
6 Notice of appearance at a hearing to request emergency orders may be given by  
7 telephone, in writing, or by voicemail message.

8  
9 **(b) Notice to parties**

10  
11 A party seeking emergency orders under this chapter must give notice to all parties  
12 or their attorneys so that it is received no later than 10:00 a.m. on the court day  
13 before the matter is to be considered by the court. After providing notice, each  
14 party must be served with the documents requesting emergency orders as described  
15 in rule 5.167 or as required by local rule. This rule does not apply to a party seeking  
16 emergency orders under the Domestic Violence Prevention Act.

17  
18 **(1) Explanation for shorter notice**

19  
20 If a party provided notice of the request for emergency orders to all parties  
21 and their attorneys later than 10:00 a.m. the court day before the appearance,  
22 the party must request in a declaration regarding notice that the court approve  
23 the shortened notice. The party must provide facts in the declaration that  
24 show exceptional circumstances that justify the shorter notice.

25  
26 **(2) Explanation for waiver of notice (no notice)**

27  
28 A party may ask the court to waive notice to all parties and their attorneys of  
29 the request for emergency orders. To make the request, the party must file a  
30 written declaration signed under penalty of perjury that includes facts  
31 showing good cause not to give the notice. A judicial officer may approve a  
32 waiver of notice for good cause, which may include that:

33  
34 **(A) Giving notice would frustrate the purpose of the order;**

35  
36 **(B) Giving notice would result in immediate and irreparable harm to the**  
37 **applicant or the children who may be affected by the order sought;**

38  
39 **(C) Giving notice would result in immediate and irreparable damage to or**  
40 **loss of property subject to disposition in the case;**

41

1           (D) The parties agreed in advance that notice will not be necessary with  
2           respect to the matter that is the subject of the request for emergency  
3           orders; and

4  
5           (E) The party made reasonable and good faith efforts to give notice to the  
6           other party, and further efforts to give notice would probably be futile  
7           or unduly burdensome.

8  
9       **(c) Notice to the court**

10  
11       The court may adopt a local rule requiring that the party provide additional notice  
12       to the court that he or she will be requesting emergency orders the next court day.  
13       The local rule must include a method by which the party may give notice to the  
14       court by telephone.

15  
16       *Rule 5.165 adopted effective January 1, 2013.*

17  
18       **Rule 5.167. Service of application; temporary restraining orders**

19  
20       **(a) Service of documents requesting emergency orders**

21  
22       A party seeking emergency orders and a party providing written opposition must  
23       serve the papers on the other party or on the other party's attorney at the first  
24       reasonable opportunity before the hearing. Absent exceptional circumstances, no  
25       hearing may be conducted unless such service has been made. The court may waive  
26       this requirement in extraordinary circumstances if good cause is shown that  
27       imminent harm is likely if documents are provided to the other party before the  
28       hearing. This rule does not apply in cases filed under the Domestic Violence  
29       Prevention Act.

30  
31       **(b) Service of temporary emergency orders**

32  
33       If the judicial officer signs the applicant's proposed emergency orders, the  
34       applicant must obtain and have the conformed copy of the orders personally served  
35       on all parties.

36  
37       *Rule 5.167 adopted effective January 1, 2013.*

38  
39       **Rule 5.169. Personal appearance at hearing for temporary emergency orders**

40  
41       Courts may require all parties to appear at a hearing before ruling on a request for  
42       emergency orders. Courts may also make emergency orders based on the documents  
43       submitted without requiring the parties to appear at a hearing.

1  
2 *Rule 5.169 adopted effective January 1, 2013.*

3  
4 **Article 3. Procedural Matters Not Requiring Notice (Non-Emergency Orders)**

5 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 7, Request for Emergency*  
6 *Orders (Ex Parte Orders)—Article 3, Procedural Matters Not Requiring Notice (Non-Emergency*  
7 *Orders); adopted January 1, 2013.*

8  
9 **Rule 5.170. Matters not requiring notice to other parties**

10  
11 The courts may consider a party's request for order on the following issues without notice  
12 to the other parties or personal appearance at a hearing:

13  
14 (1) Applications to restore a former name after judgment;

15  
16 (2) Stipulations by the parties;

17  
18 (3) An order or judgment after a default court hearing;

19  
20 (4) An earnings assignment order based on an existing support order;

21  
22 (5) An order for service of summons by publication or posting;

23  
24 (6) An order or judgment that the other party or opposing counsel approved or agreed  
25 not to oppose; and

26  
27 (7) Application for an order waiving filing fees.

28  
29 *Rule 5.170 adopted effective January 1, 2013.*

30  
31 **Chapter 4. Bifurcation and Appeals**

32  
33 **Rule 5.175. Bifurcation of issues**

34  
35 **(a) Bifurcation of issues**

36  
37 ~~On noticed motion of a party, the stipulation of the parties, or its own motion, the~~  
38 ~~court may bifurcate one or more issues to be tried separately before other issues are~~  
39 ~~tried. The motion must be heard not later than the trial setting conference.~~

40  
41 **(b) Notice by clerk**

42

1 The clerk must mail copies of the order deciding the bifurcated issue and any  
2 statement of decision under rule 3.1591 to the parties within 10 days of their filing  
3 and must file a certificate of mailing.  
4

5 ~~(e) When to bifurcate~~

6  
7 The court may try separately one or more issues before trial of the other issues if  
8 resolution of the bifurcated issue is likely to simplify the determination of the other  
9 issues. Issues that may be appropriate to try separately in advance include:  
10

11 (1) Validity of a postnuptial or premarital agreement;

12  
13 (2) Date of separation;

14  
15 (3) Date to use for valuation of assets;

16  
17 (4) Whether property is separate or community;

18  
19 (5) How to apportion increase in value of a business; or

20  
21 (6) Existence or value of business or professional goodwill.  
22

23 *Rule 5.175 repealed effective January 1, 2013; adopted as rule 1269 effective July 1, 1989;*  
24 *previously amended and renumbered effective January 1, 2003; previously amended effective*  
25 *January 1, 1994; and July 1, 2009.*  
26

27 **Rule 5.180. Renumbered effective January 1, 2013**

28 *Rule 5.180 renumbered as rule 5.392 effective January 1, 2013.*  
29

30 **~~Chapter 5. Child Custody~~**

31  
32 **Chapter 8. Child Custody and Visitation (Parenting Time) Proceedings**

33 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
34 *Visitation (Parenting Time) Proceedings; adopted January 1, 2013.*  
35

36 **Article 1. Child Custody Mediation**

37 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
38 *Visitation (Parenting Time) Proceedings—Article 1, Child Custody Mediation; adopted January 1,*  
39 *2013.*  
40

41 **Rule 5.210. Court-connected child custody mediation**  
42

1 \* \* \*

2  
3 **Rule 5.215. Domestic violence protocol for Family Court Services**

4  
5 \* \* \*

6  
7 **Article 2. Child Custody Investigations and Evaluations**

8 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
9 *Visitation (Parenting Time) Proceedings—Article 2, Child Custody Investigations and Evaluations;*  
10 *adopted January 1, 2013.*

11  
12 **Rule 5.220. Court-ordered child custody evaluations**

13  
14 \* \* \*

15  
16 **Rule 5.225. Appointment requirements for child custody evaluators**

17  
18 \* \* \*

19  
20 **Rule 5.230. Domestic violence training standards for court-appointed child custody**  
21 **investigators and evaluators**

22 \* \* \*

23  
24 **Article 3. Ex parte Communication**

25 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
26 *Visitation (Parenting Time) Proceedings—Article 3, Ex Parte communication; adopted January 1,*  
27 *2013.*

28  
29 **Rule 5.235. Ex parte communication in child custody proceedings**

30  
31 \* \* \*

32  
33 **Article 4. Counsel Appointed to Represent a Child**

34 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
35 *Visitation (Parenting Time) Proceedings—Article 4, Counsel Appointed to Represent a Child; adopted*  
36 *January 1, 2013.*

37  
38 **Rule 5.240. Appointment of counsel to represent a child in family law proceedings**

39  
40 **(a)–(b) \* \* \***

41  
42 **(c) Orders appointing counsel for a child**

43

1 The court must issue written orders when appointing and terminating counsel for a  
2 child.

3  
4 (1) \* \* \*

5  
6 (2) The appointment orders may include the:

7  
8 (A)–(F) \*\*\*

9  
10 (G) Source of funds and manner of reimbursement for ~~costs and attorney's~~  
11 fees ~~counsel's fees and costs~~;

12  
13 (H) Allocation of payment of ~~attorney's~~ counsel's fees to one party subject  
14 to reimbursement by the other party;

15  
16 (I)–(J) \* \* \*

17  
18 (3) \* \* \*

19  
20 *(Subd (c) amended effective January 1, 2013.)*

21  
22 **(d) Panel of counsel eligible for appointment**

23  
24 (1)–(3) \* \* \*

25  
26 (4) Any lists maintained from which the court might appoint counsel should be  
27 reviewed at least annually to ensure that those on the list meet the education  
28 and training requirements. Courts should ask counsel annually to update their  
29 information and to notify the court if any changes would make them unable  
30 to be appointed.

31  
32 *(Subd (d) amended effective January 1, 2013.)*

33  
34 **(e)–(f) \* \* \***

35  
36 *Rule 5.240 amended effective January 1, 2013; adopted effective January 1, 2008.*

37  
38 **Rule 5.241. Compensation of counsel appointed to represent a child in a family law**  
39 **proceeding**

40  
41 \* \* \*

42

1 **Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to**  
2 **represent a child in family law proceedings**

3  
4 \* \* \*

5 **Article 5. Children’s Participation in Family Court**

6 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 8, Child Custody and*  
7 *Visitation (Parenting Time) Proceedings—Article 5, Children’s Participation in Family Court;*  
8 *adopted January 1, 2013.*

9  
10 **Rule 5.250. Children’s participation and testimony in family court proceedings**

11  
12 \* \* \*

13  
14 **Chapter 9. Child, Spousal, and Domestic Partner Support**

15 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 9, Child, Spousal, and*  
16 *Domestic Partner Support; adopted January 1, 2013.*

17  
18 **Article 1. General Provisions**

19 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 9, Child, Spousal, and*  
20 *Domestic Partner Support—Article 1, General Provisions; adopted January 1, 2013.*

21  
22 **Rule 5.260. General provisions regarding support cases**

23  
24 **(a) Financial declarations**

25  
26 Except as provided below, for all hearings involving child, spousal, or domestic  
27 partner support, both parties must complete, file, and serve a current *Income and*  
28 *Expense Declaration* (form FL-150) on all parties.

29  
30 (1) A party requesting support orders must include a current, completed *Income*  
31 *and Expense Declaration* (form FL-150) with the *Request for Order* (form  
32 FL-300) that is filed with the court and served on all parties.

33  
34 (2) A party responding to a request for support orders must include a current,  
35 completed *Income and Expense Declaration* (form FL-150) with the  
36 *Responsive Declaration to Request for Order* (form FL-320) that is filed with  
37 the court and served on all parties.

38  
39 (3) “Current” means the form has been completed within the past three months  
40 providing no facts have changed. The form must be sufficiently completed to  
41 allow the court to make an order.

42

1 (4) In child support hearings, a party may complete a current *Financial*  
2 *Statement (Simplified)* (form FL-155) instead of a current *Income and*  
3 *Expense Declaration* (form FL-150) if he or she meets the requirements  
4 allowing submission of a *Financial Statement (Simplified)* (form FL-155).  
5

6 (5) *Financial Statement (Simplified)* (form FL-155) is not appropriate for use in  
7 proceedings to determine or modify spousal or domestic partner support, to  
8 determine or modify family support, or to determine attorney's fees and  
9 costs.  
10

11 **(b) Deviations from guideline child support in orders and judgments**  
12

13 (1) If a party contends that the amount of support as calculated under the  
14 statewide uniform guideline formula is inappropriate, that party must file a  
15 declaration stating the amount of support alleged to be proper and the factual  
16 and legal bases justifying a deviation from guideline support under Family  
17 Code section 4057.  
18

19 (2) In its discretion, for good cause shown, the court may deviate from the  
20 amount of guideline support resulting from the computer calculation. If the  
21 court finds good cause to deviate from the statewide uniform guideline  
22 formula for child support, the court must state its findings in writing or on the  
23 record as required by Family Code sections 4056, 4057, and 4065.  
24

25 (3) Stipulated agreements for child support that deviate from the statewide  
26 uniform guideline must include either a *Non-Guideline Child Support*  
27 *Findings Attachment* (form FL-342(A)) or language in the agreement or  
28 judgment conforming with Family Code sections 4056 and 4065.  
29

30 **(c) Request to change prior support orders**  
31

32 The supporting declaration submitted in a request to change a prior child, spousal,  
33 or domestic partner support order must include specific facts demonstrating a  
34 change of circumstances. No change of circumstances must be shown to change a  
35 previously agreed upon child support order that was below the child support  
36 guidelines.  
37

38 **(d) Notification to the local child support agency**  
39

40 The party requesting court orders must provide the local child support agency  
41 timely notice of any request to establish, change, or enforce any child, spousal, or  
42 domestic partner support order if the agency is providing support enforcement  
43 services or has intervened in the case as described in Family Code section 17400.



1  
2 **(e) Judgment for support**

3  
4 **(1) If child support is an issue in a judgment:**

5  
6 **(A) Each party should file a proposed support calculation with the proposed**  
7 **judgment that sets forth the party’s assumptions with regard to gross**  
8 **income, tax filing status, time-share, add-on expenses, and any other**  
9 **factor relevant to the support calculation.**

10  
11 **(B) The moving party should file the documents in (A) with the proposed**  
12 **judgment if the judgment is based on respondent’s default or a**  
13 **stipulation of the parties.**

14  
15 **(C) The court may use and must permit parties or their attorneys to use any**  
16 **software certified by the Judicial Council to present support**  
17 **calculations to the court.**

18  
19 **(2) If spousal or domestic partner support is an issue in a judgment:**

20  
21 **(A) Use of support calculation software is not appropriate when requesting**  
22 **a judgment or modification of a judgment for spousal or domestic**  
23 **partner support.**

24  
25 **(B) Petitioner or the parties may use *Spousal or Partnership Support***  
26 ***Declaration Attachment* (form FL-157) to address the issue of spousal**  
27 **or domestic partner support under Family Code section 4320 when**  
28 **relevant to the case.**

29  
30 *Rule 5.260 adopted effective January 1, 2013.*

31  
32 **Chapter 6 Article 2. Certification of Statewide Uniform Guideline Support**  
33 **Calculators**

34 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 9, Child, Spousal, and*  
35 *Domestic Partner Support—Article 2, Certification of Statewide Uniform Guideline Support*  
36 *Calculators; amended January 1, 2013; adopted as Chapter 6.*

37  
38 **Rule 5.275. Standards for computer software to assist in determining support**

39  
40 \* \* \*

41  
42 **~~Chapter 7. Rules for Title IV-D Support Actions~~**

43

1           **Chapter 10. Government Child Support Cases (Title IV-D Support Cases)**

2           *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 10, Government Child*  
3           *Support Cases (Title IV-D Support Cases); adopted January 1, 2013.*

4  
5           **Rule 5.300. Purpose, authority, and definitions**

6  
7           \* \* \*

8  
9           **Rule 5.305. Hearing of matters by a judge under Family Code sections 4251(a) and**  
10           **4252(b)(7)**

11  
12           \* \* \*

13  
14           **Rule 5.310. Use of existing family law forms**

15  
16           \* \* \*

17  
18           **Rule 5.311. Implementation of new and revised governmental forms by local child**  
19           **support agencies**

20  
21           \* \* \*

22  
23           **Rule 5.315. Memorandum of points and authorities**

24  
25           \* \* \*

26  
27           **Rule 5.320. Attorney of record in support actions under title IV-D of the Social**  
28           **Security Act**

29  
30           \* \* \*

31  
32           **Rule 5.324. Telephone appearance in title IV-D hearings and conferences**

33  
34           \* \* \*

35  
36           **Rule 5.325. Procedures for clerk's handling of combined summons and complaint**

37  
38           \* \* \*

39  
40           **Rule 5.330. Procedures for child support case registry form**

41  
42           \* \* \*

43

1 **Rule 5.335. Procedures for hearings on interstate income withholding orders**

2  
3 \* \* \*

4  
5 **Rule 5.340. Judicial education for child support commissioners**

6  
7 \* \* \*

8  
9 **Rule 5.350. Procedures for hearings to set aside voluntary declarations of paternity**  
10 **when no previous action has been filed**

11  
12 \* \* \*

13  
14 **Rule 5.355. Minimum standards of training for court clerk staff whose assignment**  
15 **includes title IV-D child support cases**

16  
17 \* \* \*

18  
19 **Rule 5.360. Appearance by local child support agency**

20  
21 \* \* \*

22  
23 **Rule 5.365. Procedure for consolidation of child support orders**

24  
25 \* \* \*

26  
27 **Rule 5.370. Party designation in interstate and intrastate cases**

28  
29 \* \* \*

30  
31 **Rule 5.375. Procedure for a support obligor to file a motion regarding mistaken**  
32 **identity**

33  
34 (a) \* \* \*

35  
36 (b) **Procedure for filing motion in superior court**

37  
38 The support obligor's motion in superior court to establish mistaken identity must  
39 be filed on *Notice of Motion* (form FL-301), *Request for Order* (form FL-300) with  
40 appropriate attachments. The support obligor must also file as exhibits to the ~~notice~~  
41 ~~of motion~~ request for order a copy of the claim of mistaken identity that he or she  
42 filed with the local child support agency and a copy of the local child support  
43 agency's denial of the claim.

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*(Subd (b) amended effective January 1, 2013; previously amended effective January 1, 2003, and January 1, 2007.)*

*Rule 5.375 amended effective January 1, 2013; adopted as rule 1280.15 effective January 1, 2001; previously amended and renumbered effective January 1, 2003; previously amended effective January 1, 2007.*

**Chapter 11. Domestic Violence Cases**

*Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 11, Domestic Violence Cases; adopted January 1, 2013.*

**Article 1. Domestic Violence Prevention Act Cases**

*Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 11, Domestic Violence Cases—Article 1, Domestic Violence Prevention Act Cases; adopted January 1, 2013.*

**Rule 5.380. Agreement and judgment of parentage in Domestic Violence Prevention Act cases**

*\*\*\**

**Rule 5.381. Modification of child custody, visitation, and support orders in Domestic Violence Prevention Act cases**

*\*\*\**

**Article 2. Tribal Court Protective Orders**

*Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 11, Domestic Violence Cases—Article 2, Tribal Court Protective Orders; adopted January 1, 2013.*

**Rule 5.386. Procedures for filing a tribal court protective order**

*\*\*\**

**Chapter 12. Separate Trials (Bifurcation) and Interlocutory Appeals**

*Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 12, Separate Trials (Bifurcation) and Interlocutory Appeals; adopted January 1, 2013.*

**Article 1. Separate Trials**

*Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 12, Separate Trials (Bifurcation) and Interlocutory Appeals—Article 1, Separate Trials; adopted January 1, 2013.*

1 **Rule 5.390. Bifurcation of issues**

2  
3 **(a) Request for order to bifurcate**

4  
5 As part of the noticed *Request for Order* (FL-300) of a party, the stipulation of the  
6 parties, case management, or the court's own motion, the court may bifurcate one  
7 or more issues to be tried separately before other issues are tried. A party  
8 requesting a separate trial or responding to a request for a separate trial must  
9 complete *Application or Response to Application for Separate Trial* (form FL-315).

10  
11 **(b) When to bifurcate**

12  
13 The court may separately try one or more issues before trial of the other issues if  
14 resolution of the bifurcated issue is likely to simplify the determination of the other  
15 issues. Issues that may be appropriate to try separately in advance include:

- 16  
17 (1) Validity of a postnuptial or premarital agreement;  
18  
19 (2) Date of separation;  
20  
21 (3) Date to use for valuation of assets;  
22  
23 (4) Whether property is separate or community;  
24  
25 (5) How to apportion increase in value of a business;  
26  
27 (6) Existence or value of business or professional goodwill;  
28  
29 (7) Termination of status of a marriage or domestic partnership;  
30  
31 (8) Child custody and visitation (parenting time);  
32  
33 (9) Child, spousal, or domestic partner support;  
34  
35 (10) Attorney's fees and costs;  
36  
37 (11) Division of property and debts;  
38  
39 (12) Reimbursement claims; or  
40  
41 (13) Other issues specific to a family law case.  
42

1 **(c) Alternate date of valuation**

2  
3 Requests for separate trial regarding alternate date of valuation under Family Code  
4 section 2552(b) must be accompanied by a declaration stating the following:

- 5  
6 (1) The proposed alternate valuation date;  
7  
8 (2) Whether the proposed alternate valuation date applies to all or only a portion  
9 of the assets and, if the *Request for Order* (FL-300) is directed to only a  
10 portion of the assets, the declaration must separately identify each such asset;  
11 and  
12  
13 (3) The reasons supporting the alternate valuation date.

14  
15 **(d) Separate trial to terminate status of marriage or domestic partnership**

- 16  
17 (1) All pension plans that have not been divided by court order that require  
18 joinder must be joined as a party to the case before a petitioner or respondent  
19 may file a request for a separate trial to terminate marital status or the  
20 domestic partnership. Parties may refer to *Retirement Plan Joinder—*  
21 *Information Sheet* (form FL-318-INFO) to help determine whether their  
22 retirement benefit plans must be joined.  
23  
24 (2) The party not requesting termination of status may ask the court:  
25  
26 (A) To order that the judgment granting a dissolution include conditions  
27 that preserve his or her claims in retirement benefit plans, health  
28 insurance, and other assets; and  
29  
30 (B) For other orders made as conditions to terminating the parties' marital  
31 status or domestic partnership.  
32  
33 (3) The court must use *Bifurcation of Status of Marriage or Domestic*  
34 *Partnership—Attachment* (form FL-347) as an attachment to the order after  
35 hearing in these matters.  
36  
37 (4) In cases involving division of pension benefits acquired by the parties during  
38 the marriage or domestic partnership, the court must use *Pension Benefits—*  
39 *Attachment to Judgment* (form FL-348) to set out the orders upon severance  
40 of the status of marriage or domestic partnership. The form serves as a  
41 temporary qualified domestic relations order and must be attached to the  
42 status-only judgment and then served on the plan administrator. It can also be

1                    attached to a judgment to allow the parties time to prepare a qualified  
2                    domestic relations order.

3  
4    **(e) Notice by clerk**

5  
6                    Within 10 days after the order deciding the bifurcated issue and any statement of  
7                    decision under rule 3.1591 have been filed, the clerk must mail copies to the parties  
8                    and file a certificate of mailing.

9  
10    *Rule 5.390 adopted effective January 1, 2013.*

11  
12                    **Article 2. Interlocutory Appeals**

13    *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 12, Separate Trials*  
14    *(Bifurcation) and Interlocutory Appeals—Article 2, Interlocutory Appeals; adopted January 1, 2013.*

15  
16    **Rule-5.180 5.392. Interlocutory appeals**

17  
18    \* \* \*

19  
20    *Rule 5.392 renumbered effective January 1, 2013; adopted as rule 1269.5 effective July 1, 1989;*  
21    *previously amended and renumbered as rule 5.180 effective January 1, 2003; previously*  
22    *amended effective January 1, 1994, January 1, 2002, and January 1, 2007.*

23  
24                    **Chapter 13. Trials and Long-Cause Hearings**

25    *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 13, Trials and Long Cause*  
26    *Hearings; adopted January 1, 2013.*

27  
28    **Rule 5.393. Setting trials and long-cause hearings**

29  
30    **(a) Definitions**

31  
32                    For purposes of this rule:

33  
34                    (1)    A “trial day” is defined as a period no less than two and a half hours of a  
35                    single court day.

36  
37                    (2)    A “long-cause hearing” is defined as a hearing on a request for order that  
38                    extends more than a single court day.

39  
40                    (3)    A “trial brief” or “hearing brief” is a written summary or statement submitted  
41                    by a party that explains to a judge the party’s position on particular issues  
42                    that will be part of the trial or hearing.

43

1 **(b) Conference with judge before trial or long-cause hearing**

2  
3 The judge may schedule a conference with the parties and their attorneys before  
4 any trial or long-cause hearing.

5  
6 **(1) Time estimates**

7  
8 During the conference, each party must provide an estimate of the amount of  
9 time that will be needed to complete the trial or long-cause hearing. The  
10 estimate must take into account the time needed to examine witnesses and  
11 introduce evidence at the trial.

12  
13 **(2) Trial or hearing brief**

14  
15 The judge must determine at the conference whether to require each party to  
16 submit a trial or hearing brief. If trial briefs will be required, they must  
17 comply with the requirements of rule 5.394. Any additional requirements to  
18 the brief must be provided to the parties in writing before the end of the  
19 conference.

20  
21 **(c) Sequential days**

22  
23 Consistent with the goal of affording family law litigants continuous trials and  
24 long-cause hearings without interruption, when trials or long-cause hearings are set,  
25 they must be scheduled on as close to sequential days as the calendar of the trial  
26 judge permits.

27  
28 **(d) Intervals between trial or hearing days**

29  
30 When trials or long-cause hearings are not completed in the number of days  
31 originally scheduled, the court must schedule the remaining trial days as soon as  
32 possible on the earliest available days with the goal of minimizing intervals  
33 between days for trials or long-cause hearings.

34  
35 *Rule 5.393 adopted effective January 1, 2013.*

36  
37 **Rule 5.394. Trial or hearing brief**

38  
39 **(a) Contents of brief**

40  
41 For cases in which the judge orders each party to complete a trial or hearing brief or  
42 other pleading, the contents of the brief must include at least:

43



- 1           (1) The statistical facts and any disputes about the statistical facts. Statistical  
2           facts that may apply to the case could include:  
3  
4           (A) Date of the marriage or domestic partnership;  
5  
6           (B) Date of separation;  
7  
8           (C) Length of marriage or domestic partnership in years and months; and  
9  
10          (D) Names and ages of the parties’ minor children;  
11  
12          (2) A brief summary of the case;  
13  
14          (3) A statement of any issues that need to be resolved at trial;  
15  
16          (4) A brief statement summarizing the contents of any appraisal or expert report  
17          to be offered at trial;  
18  
19          (5) A list of the witnesses to be called at trial and a brief description of the  
20          anticipated testimony of each witness, as well as name, business address, and  
21          statement of qualifications of any expert witness;  
22  
23          (6) Any legal arguments on which a party intends to rely; and  
24  
25          (7) Any other matters determined by the judge to be necessary and provided to  
26          the parties in writing.  
27

28 **(b) Service of brief**

29  
30 The parties must serve the trial or hearing brief on all parties and file the brief with  
31 the court a minimum of 5 court days before the trial or long-cause hearing.  
32

33 *Rule 5.394 adopted effective January 1, 2013.*  
34

35 **Chapter 14. Default Proceedings and Judgments**

36 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 14, Default Proceedings and*  
37 *Judgments; adopted January 1, 2013.*  
38

39 **Rule 5.400. Renumbered effective January 1, 2013**

40 *Rule 5.400 renumbered as rule 5.451.*  
41

42 **Rule 5.401. Default**  
43

1 **(a) Entry of default**

2  
3 Upon proper application of the petitioner, the clerk must enter a default if the  
4 respondent or defendant fails within the time permitted to:

- 5  
6 (1) Make an appearance as stated in rule 5.62;  
7  
8 (2) File a notice of motion to quash service of summons under section 418.10 of  
9 the Code of Civil Procedure; or  
10  
11 (3) File a petition for writ of mandate under section 418.10 of the Code of Civil  
12 Procedure.

13  
14 **(b) Proof of facts**

- 15  
16 (1) The petitioner may apply to the court for the relief sought in the petition at  
17 the time default is entered. The court must require proof to be made of the  
18 facts stated in the petition and may enter its judgment based on that proof.  
19  
20 (2) The court may permit the use of a completed *Income and Expense*  
21 *Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-  
22 155) and *Property Declaration* (form FL-160) for all or any part of the proof  
23 required or permitted to be offered on any issue to which they are relevant.  
24

25 **(c) Disposition of all matters required**

26  
27 A judgment based on a default must include disposition of all matters subject to the  
28 court's jurisdiction for which a party seeks adjudication or an explicit reservation  
29 of jurisdiction over any matter not proposed for disposition at that time.  
30

31 *Rule 5.401 adopted effective January 1, 2013.*

32  
33 **Rule 5.402. Request for default; forms**

34  
35 **(a) Forms**

36  
37 No default may be entered in any proceeding unless a request has been completed  
38 on a *Request to Enter Default* (form FL-165) and filed by the petitioner. However,  
39 an *Income and Expense Declaration* (form FL-150) or *Financial Statement*  
40 *(Simplified)* (form FL-155) are not required if the petition contains no request for  
41 support, costs, or attorney's fees. A *Property Declaration* (form FL-160) is not  
42 required if the petition contains no request for property.  
43

1 **(b) Service address required**

2  
3 For the purpose of completing the declaration of mailing, unless service was by  
4 publication and the address of respondent is unknown, it is not sufficient to state  
5 that the address of the party to whom notice is given is unknown or unavailable.  
6

7 *Rule 5.402 adopted effective January 1, 2013.*  
8

9 **Rule ~~5.146~~ 5.405. Judgment checklists**

10  
11 \* \* \*

12  
13 *Rule 5.405 renumbered effective January 1, 2013; adopted as rule 5.146 effective July 1, 2012.*  
14

15 **Rule ~~5.147~~ 5.407. Review of default and uncontested judgments submitted on the**  
16 **basis of declaration under Family Code section 2336**

17  
18 Once a valid proof of service of summons has been filed with the court or respondent has  
19 made a general appearance in the case:  
20

21 **(a) Court review**

22  
23 The court must conduct a procedural review of all the documents submitted for  
24 judgment based on default or uncontested judgments submitted under Family Code  
25 section 2336 and notify the attorneys or self-represented litigants who submitted  
26 them of all identified defects.  
27

28 *(Subd (a) amended effective January 1, 2013.)*  
29

30 **(b) \* \* \***

31  
32 *Rule 5.407 amended and renumbered effective January 1, 2013; adopted as rule 5.147 effective*  
33 *July 1, 2012.*  
34

35 **Rule ~~5.148~~ 5.409. Default and uncontested judgment hearings on judgments**  
36 **submitted on the basis of declarations under Family Code section 2336**

37  
38 \* \* \*

39 *Rule 5.409 renumbered effective January 1, 2013; adopted as rule 5.148 effective July 1, 2012.*  
40

41 **Rule 5.410. Renumbered effective January 1, 2013**

42 *Rule 5.410 renumbered as rule 5.460.*  
43



1  
2       (2) A judgment of dissolution;

3  
4       (3) A judgment of nullity;

5  
6       (4) A judgment establishing parental relationship (on form FL-190); or

7  
8       (5) A judgment regarding custody or support.

9  
10 **(b) Notice to local child support agency form**

11  
12       This rule applies to local child support agency proceedings except that the notice of  
13 entry of judgment must be on *Notice of Entry of Judgment and Proof of Service by*  
14 *Mail* (form FL-635).

15  
16 *Rule 5.413 adopted effective January 1, 2013.*

17  
18 **Rule 5.415. Completion of notice of entry of judgment**

19  
20 **(a) Required attachments**

21  
22       Every person who submits a judgment for signature by the court must submit:

23  
24       (1) Stamped envelopes addressed to the parties (if they do not have attorneys), or  
25 to the attorneys of record (if the parties are represented) that show the address  
26 of the court clerk as the return address; and

27  
28       (2) An original and at least two additional copies of the *Notice of Entry of*  
29 *Judgment* (form FL-190).

30  
31 **(b) Fully completed**

32  
33       Form FL-190 must be fully completed except for the designation of the date  
34 entered, the date of mailing, and signatures. It must specify in the certificate of  
35 mailing the place where notices have been given to the other party.

36  
37 **(c) Address of respondent or defendant**

38  
39       If there has been no appearance by the other party, the address stated in the  
40 affidavit of mailing in part 3 of the *Request to Enter Default* (form FL-165) must be  
41 the party's last known address and must be used for mailing form FL-190 to that  
42 party. In support proceedings initiated by the local child support agency, an  
43 envelope addressed to the child support agency need not be submitted. If service

1 was by publication and the address of respondent or defendant is unknown, those  
2 facts must be stated in place of the required address.

3  
4 **(d) Consequences of failure to comply**

5  
6 Failure to complete the form or to submit the envelopes is cause for refusal to sign  
7 the judgment until compliance with the requirements of this rule.

8  
9 **(e) Application to local child support agencies**

10  
11 This rule applies to local child support agency proceedings filed under the Family  
12 Code except that:

- 13  
14 (1) The local child support agency must use form *Notice of Entry of Judgment*  
15 and *Proof of Service by Mail* (form FL-635);  
16  
17 (2) The local child support agency may specify in the certificate of mailing that  
18 the address where the *Notice of Entry of Judgment* (form FL-190) was mailed  
19 is on file with the local child support agency; and  
20  
21 (3) An envelope addressed to the local child support agency need not be  
22 submitted.

23  
24 *Rule 5.415 adopted effective January 1, 2013.*

25  
26 **Chapter 15. Settlement Services**

27 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 15, Settlement Services;*  
28 *adopted January 1, 2013.*

29  
30 **Rule 5.420. Domestic violence procedures for court-connected settlement service**  
31 **providers**

32  
33 **(a) Purpose**

34  
35 This rule sets forth the protocol for court-connected settlement service providers  
36 handling cases involving domestic violence and not involving child custody or  
37 visitation (parenting time).

38  
39 **(b) Definitions**

- 40  
41 (1) “Domestic violence” is used as defined in Family Code sections 6203 and  
42 6211.

43

1           (2) “Protective order” is synonymous with “domestic violence restraining order”  
2           as well as the following:

3  
4           (A) “Emergency protective order” under Family Code section 6215;

5  
6           (B) “Protective order” under Family Code section 6218;

7  
8           (C) “Restraining order” under Welfare and Institutions Code section 213.5;  
9           and

10  
11           (D) “Orders by court” under Penal Code section 136.2.

12  
13           (3) “Settlement service(s)” refers to voluntary procedures in which the parties in  
14           a family law case agree to meet with a neutral third party professional for the  
15           purpose of identifying the issues involved in the case and attempting to reach  
16           a resolution of those issues by mutual agreement.

17  
18       (c) **Duties of settlement service providers**

19  
20           Courts providing settlement services must develop procedures for handling cases  
21           involving domestic violence. In developing these procedures, courts should  
22           consider:

23  
24           (1) Reviewing court files or, if available, intake forms, to inform the person  
25           providing settlement services of any existing protective orders or history of  
26           domestic violence;

27  
28           (2) Making reasonable efforts to ensure the safety of parties when they are  
29           participating in services;

30  
31           (3) Avoiding negotiating with the parties about using violence with each other,  
32           whether either party should or should not obtain or dismiss a restraining  
33           order, or whether either party should cooperate with criminal prosecution;

34  
35           (4) Providing information and materials that describe the settlement services and  
36           procedures with respect to domestic violence;

37  
38           (5) Meeting first with the parties separately to determine whether joint meetings  
39           are appropriate in a case in which there has been a history of domestic  
40           violence between the parties or in which a protective order is in effect;

41

- 1           (6) Conferring with the parties separately regarding safety-related issues and the  
2           option of continuing in separate sessions at separate times if domestic  
3           violence is discovered after services have begun;  
4  
5           (7) Protecting the confidentiality of each party’s times of arrival, departure, and  
6           meeting for separate sessions when appropriate; and  
7  
8           (8) Providing information to parties about support persons participating in joint  
9           or separate sessions.

10  
11       **(d) Training and education**

12  
13           All settlement service providers should participate in programs of continuing  
14           instruction in issues related to domestic violence, including child abuse.  
15

16       *Rule 5.420 adopted effective January 1, 2013.*  
17

18           **Chapter 16. Limited Scope Representation; Attorney’s Fees and Costs**

19       *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 16, Limited Scope*  
20       *Representation; Attorney’s Fees and Costs; adopted January 1, 2013.*  
21

22                       **Article 1. Limited Scope Representation**

23       *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 16, Limited Scope*  
24       *Representation; Attorney’s Fees and Costs—Article 1, Limited Scope Representation; adopted*  
25       *January 1, 2013.*  
26

27       **Rule 5.425. Limited scope representation; application of rules**

28  
29       **(a) Definition**

30  
31           “Limited scope representation” is a relationship between an attorney and a person  
32           seeking legal services in which they have agreed that the scope of the legal services  
33           will be limited to specific tasks that the attorney will perform for the person.  
34

35       **(b) Application**

36  
37           This rule applies to limited scope representation in family law cases. Rules 3.35  
38           through 3.37 apply to limited scope representation in civil cases.  
39

40       **(c) Types of limited scope representation**

41  
42           These rules recognize two types of limited scope representation:  
43



1 (1) Noticed representation

2  
3 This type occurs when an attorney and a party notify the court and other  
4 parties of the limited scope representation. The procedures in (d) and (e)  
5 apply only to cases involving noticed limited scope representation.

6  
7 (2) Undisclosed representation

8  
9 In this type of limited scope representation, a party contracts with an attorney  
10 to draft or assist in drafting legal documents, but the attorney does not make  
11 an appearance in the case. The procedures in (f) apply to undisclosed  
12 representation.

13  
14 **(d) Noticed limited scope representation**

15  
16 (1) A party and an attorney must provide the required notice of their agreement  
17 for limited scope representation by serving other parties and filing with the  
18 court a *Notice of Limited Scope Representation* (form FL-950).

19  
20 (2) After the notice in (1) is received and until either a substitution of attorney or  
21 an order to be relieved as attorney is filed and served:

22  
23 (A) The attorney must be served with documents that relate only to the  
24 issues identified in the *Notice of Limited Scope Representation* (form  
25 FL-950); and

26  
27 (B) The party must be served directly with documents that relate to all  
28 other issues outside the scope of the attorney's representation.

29  
30 **(e) Procedures to be relieved as counsel on completion of limited scope**  
31 **representation**

32  
33 An attorney who has completed the tasks specified in the *Notice of Limited Scope*  
34 *Representation* (form FL-950) may use the following procedures in this rule to  
35 request that he or she be relieved as attorney in cases in which the attorney has  
36 appeared before the court as an attorney of record and the client has not signed a  
37 *Substitution of Attorney—Civil* (form MC-050):

38  
39 (1) Application

40  
41 An application to be relieved as attorney on completion of limited scope  
42 representation under Code of Civil Procedure section 284(2) must be directed

1 to the client and made on the Application to Be Relieved as Counsel Upon  
2 Completion of Limited Scope Representation (form FL-955).

3  
4 (2) Filing and service of application

5  
6 The application to be relieved as attorney must be filed with the court and  
7 served on the client and on all other parties or attorneys for parties in the  
8 case. The client must also be served with a blank *Objection to Application to*  
9 *Be Relieved as Counsel on Completion of Limited Scope Representation*  
10 (form FL-956).

11  
12 (3) No objection

13  
14 If no objection is served and filed with the court within 15 days from the date  
15 that the *Application to Be Relieved as Counsel on Completion of Limited*  
16 *Scope Representation (form FL-955)* is served on the client, the attorney  
17 making the application must file an updated form FL-955 indicating the lack  
18 of objection, along with a proposed *Order on Application to Be Relieved as*  
19 *Counsel on Completion of Limited Scope Representation (form FL-958)*. The  
20 clerk must then forward the order for judicial signature.

21  
22 (4) Objection

23  
24 If an objection to the application is served and filed within 15 days, the clerk  
25 must set a hearing date on the *Objection to Application to Be Relieved as*  
26 *Counsel on Completion of Limited Scope Representation (form FL-956)*. The  
27 hearing must be scheduled no later than 25 days from the date the objection is  
28 filed. The clerk must send the notice of the hearing to the parties and the  
29 attorney.

30  
31 (5) Service of the order

32  
33 If no objection is served and filed and the proposed order is signed, the  
34 attorney who filed the *Application to Be Relieved as Counsel on Completion*  
35 *of Limited Scope Representation (form FL-955)* must serve a copy of the  
36 signed order on the client and on all parties or the attorneys for all parties  
37 who have appeared in the case. The court may delay the effective date of the  
38 order relieving the attorney until proof of service of a copy of the signed  
39 order on the client has been filed with the court.

40  
41 (f) **Nondisclosure of attorney assistance in preparation of court documents**

42

1 (1) Nondisclosure

2  
3 In a family law proceeding, an attorney who contracts with a client to draft or  
4 assist in drafting legal documents, but does not make an appearance in the  
5 case, is not required to disclose within the text of the document that he or she  
6 was involved in preparing the documents.

7  
8 (2) Attorney's fees

9  
10 If a litigant seeks a court order for attorney's fees incurred as a result of  
11 document preparation, the litigant must disclose to the court information  
12 required for a proper determination of attorney's fees, including the name of  
13 the attorney who assisted in the preparation of the documents, the time  
14 involved or other basis for billing, the tasks performed, and the amount  
15 billed.

16  
17 (3) Applicability

18  
19 This rule does not apply to an attorney who has made a general appearance or  
20 has contracted with his or her client to make an appearance on any issue that  
21 is the subject of the pleadings.

22  
23 *Rule 5.425 adopted effective January 1, 2013.*

24  
25 **Article 2. Attorney's Fees and Costs**

26 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 16, Limited Scope*  
27 *Representation; Attorney's Fees and Costs—Article 2, Attorney's Fees and Costs; adopted January 1,*  
28 *2013.*

29  
30 **Rule ~~5.93~~ 5.427. Attorney's fees and costs**

31  
32 \* \* \*

33  
34 *Rule 5.427 renumbered effective January 1, 2013; adopted as rule 5.93 effective January 1, 2012;*  
35 *previously amended effective July 1, 2012.*

36  
37 **Chapter 17. Family Law Facilitator**

38 *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 17, Family Law Facilitator;*  
39 *adopted January 1, 2013.*

40  
41 **Rule ~~5.35~~ 5.430. Minimum standards for the Office of the Family Law Facilitator**

42

1     \* \* \*

2  
3     *Rule 5.430 renumbered effective January 1, 2013; adopted as rule 1208 effective January 1,*  
4     *2000; previously amended and renumbered as rule 5.35 effective January 1, 2003; previously*  
5     *amended effective January 1, 2007.*

6  
7                     **Chapter 18. Court Coordination Rules**

8     *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 18, Court Coordination*  
9     *Rules; adopted January 1, 2013.*

10  
11                     **Article 1. Related Cases**

12     *Title 5, Family and Juvenile Rules—Division 1, Family Rules—Chapter 18, Court Coordination*  
13     *Rules—Article 1, Related Cases; adopted January 1, 2013.*

14  
15                     **Rule 5.440. Related cases**

16  
17     Where resources permit, courts should identify cases related to a pending family law case  
18     to avoid issuing conflicting orders and make effective use of court resources.

19  
20     **(a) Definition of “related case”**

21  
22                     For purposes of this rule, a pending family law case is related to another pending  
23                     case, or to a case that was dismissed with or without prejudice, or to a case that was  
24                     disposed of by judgment, if the cases:

- 25  
26                     (1) Involve the same parties or the parties’ minor children;  
27  
28                     (2) Are based on issues governed by the Family Code or by the guardianship  
29                     provisions of the Probate Code; or  
30  
31                     (3) Are likely for other reasons to require substantial duplication of judicial  
32                     resources if heard by different judges.

33  
34     **(b) Confidential information**

35  
36                     Other than forms providing custody and visitation (parenting time) orders to be  
37                     filed in the family court, where the identification of a related case includes a  
38                     disclosure of information relating to a juvenile dependency or delinquency matter  
39                     involving the children of the parties in the pending family law case, the clerk must  
40                     file that information in the confidential portion of the court file.

41  
42     **(c) Coordination of title IV-D cases**

43

1 To the extent possible, courts should coordinate title IV-D (government child  
2 support) cases with other related family law matters.

3  
4 *Rule 5.440 adopted effective January 1, 2013.*

5  
6 **Rule ~~5.450~~ 5.445. Court communication protocol for domestic violence and child**  
7 **custody orders.**

8  
9 \* \* \*

10  
11 *Rule 5.445 renumbered effective January 1, 2013; adopted as rule 5.500 effective January 1,*  
12 *2003; previously amended effective January 1, 2005; previously amended and renumbered as*  
13 *rule 5.450 effective January 1, 2007.*

14  
15  
16 **Division 2. Rules Applicable in Family and Juvenile Proceedings**

17  
18 **Chapter 1. Contact and Coordination**

19  
20 **Rule 5.450. Renumbered effective January 1, 2013**

21 *Rule 5.450 renumbered as rule 5.445.*

22  
23 **Rule ~~5.400~~ 5.451. Contact after adoption agreement**

24  
25 **(a) Applicability of rule (~~Fam. Code, §§ 8714, 8714.5, 8714.7; Welf. & Inst. Code,~~**  
26 **§§ 358.1, 366.26)**

27  
28 \* \* \*

29  
30 *(Subd (a) amended effective January 1, 2013; previously amended effective January 1,*  
31 *2007.)*

32  
33 **(b) Contact after adoption agreement (~~Fam. Code, § 8714.7)~~**

34  
35 \* \* \*

36  
37 *(Subd (b) amended effective January 1, 2013; previously amended effective July 1, 2001,*  
38 *January 1, 2003, and July 1, 2003.)*

39  
40 **(c) Court approval; time of decree (~~Fam. Code, § 8714.7)~~**

41  
42 \* \* \*

43

1 (Subd (c) amended effective January 1, 2013; previously amended effective January 1,  
2 2003.)

3

4 **(d) Terms of agreement** (~~Fam. Code, § 8714.7~~)

5

6 \* \* \*

7

8 (Subd (d) amended effective January 1, 2013; previously amended effective July 1, 2001,  
9 January 1, 2003, July 1, 2003 ,and January 1, 2007.)

10

11 **(e) Child a party** (~~Fam. Code, § 8714.7~~)

12

13 \* \* \*

14

15 (Subd (e) amended effective January 1, 2013; previously amended effective July 1, 2001,  
16 January 1, 2003, and July 1, 2003.)

17

18 **(f) Form and provisions of the agreement** (~~Fam. Code, § 8714.7~~)

19

20 \* \* \*

21

22 (Subd (f) amended effective January 1, 2013; previously amended effective July 1, 2001,  
23 January 1, 2003, and January 1, 2007.)

24

25 **(g) Report to the court** (~~Fam. Code, § 8715~~)

26

27 \* \* \*

28

29 (Subd (g) amended effective January 1, 2013; previously amended effective July 1, 2001,  
30 January 1, 2003, and July 1, 2003.)

31

32 **(h) Enforcement of the agreement** (~~Fam. Code, § 8714.7~~)

33

34 \* \* \*

35

36 (Subd (h) amended effective January 1, 2013; previously amended effective July 1, 2001,  
37 January 1, 2003, July 1, 2003, January 1, 2007.)

38

39 **(i) Modification or termination of agreement** (~~Fam. Code, § 8714.7~~)

40

41 \* \* \*

42

1 (Subd (i) amended effective January 1, 2013; previously amended effective July 1, 2001,  
2 January 1, 2003, July 1, 2003, and January 1, 2007.)

3  
4 **(j) Costs and fees (~~Fam. Code, § 8714.7~~)**

5  
6 \* \* \*

7  
8 (Subd (j) amended effective January 1, 2013; previously amended effective July 1, 2001,  
9 January 1, 2003, July 1, 2003, and January 1, 2007.)

10  
11 **(k) Adoption final(~~Fam. Code, § 8714.7~~)**

12  
13 \* \* \*

14  
15 (Subd (k) amended effective January 1, 2013.)

16  
17 Rule 5.451 amended and renumbered effective January 1, 2013; adopted as rule 1180 effective  
18 July 1, 1998; previously amended and renumbered as rule 5.400 effective January 1, 2003;  
19 previously amended effective July 1, 2001, July 1, 2003; and January 1, 2007.

20  
21  
22 **Rule ~~5.410~~ 5.460. Request for sibling contact information under ~~Family Code section~~  
23 **9205****

24  
25 **(a)–(b) \* \* \***

26  
27 **(c) Waiver submitted by person under the age of 18 years ~~under Family Code~~  
28 ~~section 9205(f)~~**

29  
30 \* \* \*

31  
32 (Subd (c) amended effective January 1, 2013.)

33  
34 **(d) No waiver on file—sibling requesting contact ~~under Family Code section~~  
35 ~~9205(g)~~**

36  
37 \* \* \*

38  
39 (Subd (d) amended effective January 1, 2013.)

40  
41 Rule 5.460 amended and renumbered effective January, 2013; adopted as rule 5.410 effective  
42 January 1, 2008.

1 **Rule 5.475. Custody and visitation orders following termination of a juvenile court**  
2 **proceeding or probate court guardianship proceeding (~~Fam. Code, § 3105;~~**  
3 **~~Welf. & Inst. Code, § 362.4; Prob. Code, § 1602)~~**

4  
5 \* \* \*

6  
7 *Rule 5.475 amended effective January 1, 2013; adopted effective January 1, 2006; previously*  
8 *amended effective January 1, 2007, and January 1, 2008.*

9  
10 **Chapter 2. Indian Child Welfare Act**

11  
12 **Rule 5.480. Application (~~Fam. Code, §§ 170, 177, 3041; Prob. Code, § 1459.5; Welf.~~**  
13 **~~& Inst. Code, §§ 224, 224.1)~~**

14  
15 \* \* \*

16  
17 *Rule 5.480 amended effective January 1, 2013; adopted effective January 1, 2008.*

18  
19 **Rule 5.481. Inquiry and notice (~~Fam. Code, §§ 177(a), 180; Prob. Code,~~**  
20 **~~§§ 1459.5(b), 1460.2; Welf. & Inst. Code, §§ 224.2, 224.3)~~**

21  
22 **(a) Inquiry (~~Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. & Inst. Code,~~**  
23 **~~§ 224.3)~~**

24  
25 \* \* \*

26  
27 *(Subd (a) amended effective January 1, 2013.)*

28  
29 **(b) Notice (~~Fam. Code, § 180; Prob. Code, § 1460.2; Welf. & Inst. Code, § 224.2)~~**

30  
31 \* \* \*

32  
33 *(Subd (b) amended effective January 1, 2013.)*

34  
35 *Rule 5.481 amended effective January 1, 2013; adopted effective January 1, 2008.*

36  
37 **Rule 5.482. Proceedings after notice (~~Fam. Code, §§ 177(a), 180(d), (e); Prob. Code,~~**  
38 **~~§§ 1459.5(b), 1460.2(d), (e); Welf. & Inst. Code, §§ 224.2(e), (d); 25 U.S.C.~~**  
39 **~~§ 1916(b))~~**

40  
41 **(a) Timing of proceedings (~~Fam. Code, § 180(d), (e); Prob. Code, § 1460.2(d), (e);~~**  
42 **~~Welf. & Inst. Code, § 224.2(e), (d))~~**

43



1 \* \* \*

2

3 *(Subd (a) amended effective January 1, 2013.)*

4

5 **(b) Proof of notice (~~Fam. Code, § 180(d); Prob. Code, § 1460.2(d); Welf. & Inst.~~**  
6 **~~Code, § 224.2(e)~~**

7

8 \* \* \*

9

10 *(Subd (b) amended effective January 1, 2013.)*

11

12 **(c) \* \* \***

13

14 **(d) When there is no information or response from a tribe (~~Fam. Code, § 177(a);~~**  
15 **~~Prob. Code, § 1459.5(b); Welf. & Inst. Code, § 224.3(e)(3)~~**

16

17 \* \* \*

18

19 *(Subd (d) amended effective January 1, 2013.)*

20

21 **(e) Intervention (~~Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. & Inst.~~**  
22 **~~Code, § 224.4)~~**

23

24 \* \* \*

25

26 *(Subd (e) amended effective January 1, 2013.)*

27

28 **(f) Posthearing actions (~~25 U.S.C. § 1916(b)~~)**

29

30 \* \* \*

31

32 *(Subd (f) amended effective January 1, 2013.)*

33

34 **(g) \* \* \***

35

36 *Rule 5.482 amended effective January 1, 2013; adopted effective January 1, 2008.*

37

38 **Rule 5.483. Transfer of case (~~Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. &~~**  
39 **~~Inst. Code, § 305.5; Guidelines for State Courts; Indian Child Custody~~**  
40 **~~Proceedings, 44 Fed.Reg. 67584 (Nov. 26, 1979) Bureau of Indian Affairs~~**  
41 **~~Guideline C)~~**

42

1 (a)–(c) \* \* \*

2  
3 (d) Cause to deny a request to transfer to tribal court with concurrent state and  
4 tribal jurisdiction ~~under subdivision (b)~~

5  
6 \* \* \*

7  
8 *(Subd (d) amended effective January 1, 2013.)*  
9

10 (e) Evidentiary considerations ~~under subdivision (b)~~

11  
12 \* \* \*

13  
14 *(Subd (e) amended effective January 1, 2013.)*  
15

16 (f) Evidentiary burdens ~~under subdivision (b)~~

17  
18 \* \* \*

19  
20 *(Subd (f) amended effective January 1, 2013.)*  
21

22 (g)–(h) \* \* \*

23  
24 *Rule 5.483 amended effective January 1, 2013; adopted effective January 1, 2008.*  
25

26 **Rule 5.484. Placement of an Indian child** ~~(Fam. Code, § 177(a); Prob. Code,~~  
27 ~~§ 1459.5(b); Welf. & Inst. Code, §§ 361, 361.31, 361.7(e))~~  
28

29 (a) Evidentiary burdens ~~(Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. &~~  
30 ~~Inst. Code, §§ 361, 361.31, 361.7(e))~~

31  
32 \* \* \*

33  
34 *(Subd (a) amended effective January 1, 2013.)*  
35

36 (b) Standards and preferences in placement of an Indian child ~~(Fam. Code,~~  
37 ~~§ 177(a); Prob. Code, § 1459(b); Welf. & Inst. Code, § 361.31)~~  
38

39  
40 \* \* \*

41 *(Subd (b) amended effective January 1, 2013.)*  
42

1 (c) **Active efforts** (~~Fam. Code, § 177(a); Prob. Code, § 1459.5(b); Welf. & Inst.~~  
2 ~~Code, § 361.7)~~

3  
4 \* \* \*

5  
6 *(Subd (c) amended effective January 1, 2013.)*

7  
8 *Rule 5.484 amended effective January 1, 2013; adopted effective January 1, 2008.*

9  
10 **Rule 5.485. Termination of parental rights** (~~Fam. Code, § 7892.5; Welf. & Inst.~~  
11 ~~Code, §§ 361.7, 366.26(c)(2)(B))~~

12  
13 \* \* \*

14  
15 *Rule 5.485 amended effective January 1, 2013; adopted effective January 1, 2008.*

16  
17 **Rule 5.486. Petition to invalidate orders** (~~Fam. Code, § 175(e); Prob. Code,~~  
18 ~~§ 1459(e); Welf. & Inst. Code, § 224(e))~~

19  
20 \* \* \*

21  
22 *Rule 5.486 amended effective January 1, 2013; adopted effective January 1, 2008.*

23  
24 **Rule 5.487. Adoption record keeping** (~~Fam. Code, § 9208)~~

25  
26 \* \* \*

27  
28 *Rule 5.487 amended effective January 1, 2013; adopted effective January 1, 2008.*

29  
30  
31 **Rule 8.212. Service and filing of briefs**

32  
33 (a) \* \* \*

34  
35 (b) **Extensions of time**

36  
37 (1) Except as otherwise provided by statute, the parties may extend each period  
38 under (a) by up to 60 days by filing one or more stipulations in the reviewing  
39 court before the brief is due. Stipulations must be signed by and served on all  
40 parties. The original signature of at least one party must appear on the  
41 stipulation filed in the reviewing court; the signatures of the other parties may  
42 be in the form of copies of the signed signature page of the stipulation.

43

1 (2)–(4) \* \* \*

2

3 *(Subd (b) amended effective January 1, 2013; previously amended effective January 1,*  
4 *2003, July 1, 2005, January 1, 2007, January 1, 2010, and January 1, 2011.)*

5

6 **(c) Service**

7

8 (1) \* \* \*

9

10 (2) One electronic copy or four paper copies of each brief must be served on the  
11 Supreme Court as provided in either (A) or (B).

12

13 (A) One copy of each brief may be served on the Supreme Court  
14 electronically by sending the copy to the Supreme Court’s electronic  
15 notification service address.

16

17 (i)–(ii) \* \* \*

18

19 (B) \* \* \*

20

21 (3) \* \* \*

22

23 *(Subd (c) amended effective January 1, 2013; previously amended effective January 1,*  
24 *2004, January 1, 2005, January 1, 2007, and January 1, 2008.)*

25

26 *Rule 8.212 amended effective January 1, 2013; repealed and adopted as rule 15 effective January*  
27 *1, 2002; previously amended and renumbered effective January 1, 2007; previously amended*  
28 *effective January 1, 2003, January 1, 2004, January 1, 2005, July 1, 2005, January 1, 2008,*  
29 *January 1, 2010, and January 1, 2011.*

30

31 **Advisory Committee Comment**

32

33 **Subdivision (a).** Note that the sequence and timing of briefing in appeals in which a party is both  
34 appellant and respondent (cross-appeals) are governed by rule 8.216. Typically, a cross-  
35 appellant’s combined respondent’s brief and opening brief must be filed within the time specified  
36 in (a)(2) for the respondent’s brief.

37

38 **Subdivision (b).** Extensions of briefing time are limited by statute in some cases. For example,  
39 under Public Resources Code section 21167.6(h) in cases under section 21167, extensions are  
40 limited to one 30-day extension for the opening brief and one 30-day extension for “preparation  
41 of responding brief.” In criminal cases, stipulated extensions of time to file briefs are prohibited  
42 by rule. (See rule 8.360(e)(4).)

43

1 Subdivision (b)(2) clarifies that a party seeking an extension of time from the presiding justice  
2 must proceed by application under rule 8.50 rather than by motion under rule 8.54.

3  
4 **Subdivision (c). \*\*\***

5  
6 ~~Subdivision (c)~~–“Electronic notification service address” is defined in rule ~~2.250~~ 8.70. The  
7 Supreme Court’s electronic filing address can be found on the California Courts web-site at  
8 ~~www.courtinfo.ca.gov/courts/supreme~~ [www.courts.ca.gov/appellatebriefs.htm](http://www.courts.ca.gov/appellatebriefs.htm).

9  
10 **Rule 8.252. Judicial notice; findings and evidence on appeal**

11  
12 **(a) Judicial notice**

13  
14 (1) \* \* \*

15  
16 (2) The motion must state:

17  
18 (A) \* \* \*

19  
20 (B) Whether the matter to be noticed was presented to the trial court and, if  
21 so, whether judicial notice was taken by that court; and

22  
23 (C) If judicial notice of the matter was not taken by the trial court, why the  
24 matter is subject to judicial notice under Evidence Code section 451,  
25 452, or 453; and

26  
27 ~~(C)~~(D) Whether the matter to be noticed relates to proceedings occurring  
28 after the order or judgment that is the subject of the appeal.

29  
30 (3) \* \* \*

31  
32 *(Subd (a) amended effective January 1, 2013; previously amended effective January 1,*  
33 *2009.)*

34  
35 **(b)–(c) \* \* \***

36  
37 *Rule 8.252 amended effective January 1, 2013; repealed and adopted as rule 22 effective January*  
38 *1, 2003; previously amended and renumbered effective January 1, 2007; previously amended*  
39 *effective January 1, 2009.*

40  
41 **Rule 8.360. Briefs by parties and amici curiae**

42

1 (a)–(c) \* \* \*

2  
3 (d) **Service**

4  
5 (1)–(2) \* \* \*

6  
7 (3) ~~For each appealing defendant,~~ The People must serve two copies of their  
8 briefs on the ~~defendant's~~ appellate counsel for each defendant who is a party  
9 to the appeal and one copy on the district appellate project. If the district  
10 attorney is representing the People, one copy of the district attorney's brief  
11 must be served on the Attorney General.

12  
13 (4) \* \* \*

14  
15 *(Subd (d) amended effective January 1, 2013.)*

16  
17 (e)–(f) \* \* \*

18  
19 *Rule 8.360 amended effective January 1, 2013; repealed and adopted as rule 33 effective January*  
20 *1, 2004; previously amended and renumbered effective January 1, 2007; previously amended*  
21 *effective January 1, 2011.*

22  
23 **Rule 8.409. Preparing and sending the record**

24  
25 (a)–(c) \* \* \*

26  
27 (d) **Sending the record**

28  
29 (1) When the transcripts are certified as correct, the superior court clerk must  
30 immediately send:

31  
32 (A) \* \* \*

33  
34 (B) One copy of each transcript to the appellate counsel for the appellant,  
35 the respondent, ~~and~~ the minor, and the minor's Indian tribe if the tribe  
36 has intervened.

37  
38 (2) If appellate counsel has not yet been retained or appointed for the appellant,  
39 the respondent, or the minor when the transcripts are certified as correct, the  
40 clerk must send that counsel's copy of the transcripts to the district appellate  
41 project. If a tribe that has intervened is not represented by counsel when the  
42 transcripts are certified as correct, the clerk must send that counsel's copy of  
43 the transcripts to the tribe.

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(3) \* \* \*

*(Subd (d) amended effective January 1, 2013; previously amended effective January 1, 2007.)*

*Rule 8.409 amended effective January 1, 2013; adopted as rule 37.2 effective January 1, 2005; previously amended and renumbered as rule 8.408 effective January 1, 2007, and as rule 8.409 effective July 1, 2010.*

**Advisory Committee Comment**

**Subdivision (a).** \* \* \*

**Subdivision (d).** Subsection (1)(B) clarifies that when a minor’s Indian tribe has intervened in the proceedings, the tribe is a party who must receive a copy of the appellate record. The statutes that require notices to be sent to a tribe by registered or certified mail return receipt requested and generally be addressed to the tribal chairperson (25 U.S.C. 1912 (a), 25 C.F.R. 23.11 and Welf. & Inst. Code, § 224.2) do not apply to the sending of the appellate record.

**Rule 8.809. Judicial notice**

**(a) Motion required**

(1) \* \* \*

(2) The motion must state:

(A) \* \* \*

(B) Whether the matter to be noticed was presented to the trial court and, if so, whether judicial notice was taken by that court; ~~and~~

(C) If judicial notice of the matter was not taken by the trial court, why the matter is subject to judicial notice under Evidence Code section 451, 452, or 453; and

~~(D)~~ Whether the matter to be noticed relates to proceedings occurring after the order or judgment that is the subject of the appeal.

*(Subd (a) amended effective January 1, 2013.)*

1 (b) \* \* \*

2  
3 *Rule 8.809 amended effective January 1, 2013; adopted effective January 1, 2011.*

4  
5 **Rule 8.882. Briefs by parties and amici curiae**

6  
7 (a) \* \* \*

8  
9 (b) **Extensions of time**

10  
11 (1) Except as otherwise provided by statute, in a civil case, the parties may  
12 extend each period under (a) by up to 30 days by filing one or more  
13 stipulations in the appellate division before the brief is due. Stipulations must  
14 be signed by and served on all parties. The original signature of at least one  
15 party must appear on the stipulation filed in the appellate division; the  
16 signatures of the other parties may be in the form of fax copies of the signed  
17 signature page of the stipulation.

18  
19 (2)–(4) \* \* \*

20  
21 *(Subd (b) amended effective January 1, 2013; adopted effective January 1, 2009;*  
22 *previously amended effective January 1, 2010.)*

23  
24 (c)–(e) \* \* \*

25  
26 *Rule 8.882 amended effective January 1, 2013; adopted effective January 1, 2009; previously*  
27 *amended effective January 1, 2009, and January 1, 2010.*

28  
29 **Advisory Committee Comment**

30  
31 **Subdivision (a).** Note that the sequence and timing of briefing in appeals in which a party is both  
32 appellant and respondent (cross-appeals) are governed by rule 8.884. Typically, a cross-  
33 appellant’s combined respondent’s brief and opening brief must be filed within the time specified  
34 in (a)(2) for the respondent’s brief.

35  
36 **Subdivision (b).** Extensions of briefing time are limited by statute in some cases. For example,  
37 under Public Resources Code section 21167.6(h) in cases under section 21167 extensions are  
38 limited to one 30-day extension for the opening brief and one 30-day extension for “preparation  
39 of responding brief.”

40  
41 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**  
42 **Appeal justices**

43



1 (a)–(b) \* \* \*

2  
3 (c) **Hours-based continuing education**

4  
5 (1) \* \* \*

6  
7 (2) The following education applies toward the required 30 hours of continuing  
8 judicial education:

9  
10 (A) \* \* \*

11  
12 (B) Each hour of participation in traditional (live, face-to-face) education;  
13 distance education such as broadcasts, ~~and~~ videoconferences, courses,  
14 and online coursework; ~~and~~ self-directed study; and faculty service  
15 counts toward the continuing education requirement on an hour-for-  
16 hour basis. ~~The hours applied for participation in online coursework~~  
17 ~~and self-directed study are limited to a combined total of 7 hours in~~  
18 ~~each three-year period; this limit is prorated for individuals who enter~~  
19 ~~the three-year period after it has begun. Each justice must complete at~~  
20 least half of his or her continuing education hours requirement as a  
21 participant in traditional (live, face-to-face) education. The justice may  
22 complete the balance of his or her education hours requirement through  
23 any other means with no limitation on any particular type of education.  
24

25 (C) A justice who services as faculty by teaching legal or judicial education  
26 to a legal or judicial audience for a California court-based audience  
27 (i.e., justices, judges, subordinate judicial officers, temporary judges, or  
28 court personnel) may apply the education following hours as of faculty  
29 service: 3 hours for each hour of presentation the first time a given  
30 course is presented and 2 hours for each hour of presentation each  
31 subsequent time that course is presented. The hours applied for faculty  
32 service are limited to 15 in each three-year period, this limit is prorated  
33 for individuals who enter the three-year period after it has begun. Credit  
34 for faculty service counts toward the continuing education requirement  
35 in the same manner as all other types of education—on an hour-for-  
36 hour basis.  
37

38 *(Subd (c) amended effective January 1, 2013; adopted effective January 1, 2008;*  
39 *previously amended effective January 1, 2012.)*

40  
41 (d)–(e) \* \* \*

42

1 Rule 10.461 amended effective January 1, 2013; adopted effective January 1, 2007; previously  
2 amended effective January 1, 2008, August 15, 2008, and January 1, 2012.

3  
4 **Rule 10.462. Minimum education requirements and expectations for trial court**  
5 **judges and subordinate judicial officers**

6  
7 (a)–(c) \* \* \*

8  
9 (d) **Hours-based continuing education**

10  
11 (1)–(2) \* \* \*

12  
13 (3) Each hour of participation in traditional (live, face-to-face) education;  
14 distance education such as broadcasts, ~~and~~ videoconferences ~~courses~~, ~~and~~  
15 online coursework; ~~and~~ self-directed study; ~~and~~ faculty service counts  
16 toward the continuing education expectation or requirement on an hour-for-  
17 hour basis. Each judge and subordinate judicial officer must complete at least  
18 half of his or her continuing education hours expectation or requirement as a  
19 participant in traditional (live, face-to-face) education. The judge or  
20 subordinate judicial officer may complete the balance of his or her judicial  
21 education hours expectation or requirement through any other means with no  
22 limitation on any particular type of education. The hours applied for  
23 participation in online coursework and self-directed study are limited to a  
24 combined total of 7 hours in each three-year period; this limit is prorated for  
25 individuals who enter the three-year period after it has begun.

26  
27 (4) A judge or subordinate judicial officer who serves as faculty by teaching  
28 legal or judicial education for a legal or judicial audience for a California  
29 court-based audience (i.e., justices, judges, subordinate judicial officers,  
30 temporary judges, or court personnel) may apply the education following  
31 hours as of faculty service. Credit for faculty service counts toward the  
32 continuing education expectation or requirement in the same manner as all  
33 other types of education—on an hour-for-hour basis. 3 hours for each hour of  
34 presentation the first time a given course is presented and 2 hours for each  
35 hour of presentation each subsequent time that course is presented. The hours  
36 applied for faculty service are limited to 15 in each three-year period; this  
37 limit is prorated for individuals who enter the three-year period after it has  
38 begun.

39  
40 (5) \* \* \*

41  
42 (Subd (d) amended effective January 1, 2013; previously amended effective January 1,  
43 2008, and January 1, 2012.)

1  
2 (e)–(g) \*\*\*

3  
4 *Rule 10.462 amended effective January 1, 2013; adopted effective January 1, 2007; previously*  
5 *amended effective January 1, 2008, July 1, 2008, August 15, 2008, and January 1, 2012.*

6  
7 **Rule 10.473. Minimum education requirements for trial court executive officers**

8  
9 (a)–(b) \*\*\*

10  
11 (c) **Hours-based requirement**

12  
13 (1) \*\*\*

14  
15 (2) The following education applies toward the required 30 hours of continuing  
16 education:

17  
18 (A) \*\*\*

19  
20 (B) Each hour of participation in traditional (live, face-to-face) education;  
21 distance education such as broadcasts, ~~and~~ videoconferences, courses,  
22 and online coursework; ~~and~~ self-directed study; and faculty service  
23 counts toward the requirement on an hour-for-hour basis. ~~The hours~~  
24 ~~applied for participation in online coursework and self-directed study~~  
25 ~~are limited to a combined total of 7 hours in each three-year period.~~  
26 Each court executive officer must complete at least half of his or her  
27 continuing education hours requirement as a participant in traditional  
28 (live, face-to-face) education. The court executive officer may  
29 complete the balance of his or her education hours requirement through  
30 any other means with no limitation on any particular type of education.

31  
32 (C) A court executive officer who serves as faculty by teaching legal or  
33 judicial education to a legal or judicial audience for a California court-  
34 based audience (i.e., justices, judges, subordinate judicial officers,  
35 temporary judges, or court personnel) may apply education the  
36 following hours as of faculty service: 3 hours for each hour of  
37 presentation the first time a given course is presented and 2 hours for  
38 each hour of presentation each subsequent time that course is presented.  
39 ~~The hours applied for faculty service are limited to 15 in each three-~~  
40 ~~year period. Credit for faculty service counts toward the continuing~~  
41 education requirement in the same manner as all other types of  
42 education—on an hour-for-hour basis.

43

1 (Subd (c) amended effective January 1, 2013; previously amended effective January 1,  
2 2008, January 1, 2011, and January 1, 2012.)

3  
4 **(d)–(e) \* \* \***

5  
6 *Rule 10.473 amended effective January 1, 2013; adopted as rule 10.463 effective January 1,*  
7 *2007; previously amended and renumbered effective January 1, 2008; previously amended*  
8 *effective January 1, 2011, and January 1, 2012.*

9  
10 **Rule 10.474. Trial court managers, supervisors, and other personnel**

11  
12 **(a)–(b) \* \* \***

13  
14 **(c) Hours-based requirements**

15  
16 **(1)–(4) \* \* \***

17  
18 (5) Each hour of participation in traditional (live, face-to-face) education;  
19 distance education such as broadcasts, ~~and~~ videoconferences courses, and  
20 online coursework; and faculty service counts toward the requirement on an  
21 hour-for-hour basis. ~~The hours applied for participation in online coursework~~  
22 ~~are limited to a total of 4 hours for managers and supervisors and to a total of~~  
23 ~~3 hours for other personnel in each two-year period; these limits are prorated~~  
24 ~~for individuals who enter the two-year period after it has begun. Each~~  
25 manager, supervisor, and employee must complete at least half of his or her  
26 continuing education hours requirement as a participant in traditional (live,  
27 face-to-face) education. The individual may complete the balance of his or  
28 her education hours requirement through any other means with no limitation  
29 on any particular type of education. Self-directed study is encouraged for  
30 professional development but does not apply toward the required hours.

31  
32 (6) A manager, supervisor, or employee who serves as faculty ~~for a~~ by teaching  
33 legal or judicial education to a legal or judicial audience ~~California court-~~  
34 ~~based audience (i.e., justices, judges, subordinate judicial officers, temporary~~  
35 ~~judges, or court personnel) may apply~~ education the following hours as of  
36 faculty service: 3 hours for each hour of presentation the first time a given  
37 course is presented and 2 hours for each hour of presentation each subsequent  
38 time that the course is presented. The hours applied for faculty service are  
39 limited to 6 hours for managers and supervisors and to 4 hours for other  
40 personnel in each two-year period; these limits are prorated for individuals  
41 who enter the two-year period after it has begun. Credit for faculty service  
42 counts toward the continuing education requirement in the same manner as  
43 all other types of education—on an hour-for-hour basis.

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(7) \* \* \*

*(Subd (c) amended effective January 1, 2013; previously amended effective January 1, 2008, and January 1, 2012.)*

**(d)–(e)** \* \* \*

*Rule 10.474 amended effective January 1, 2013; adopted as rule 10.464 effective January 1, 2007; previously amended and renumbered effective January 1, 2008; previously amended effective January 1, 2012.*