



California Rules of Court

(Revised September 1, 2019)

Standard 5.30. Family court matters

(a) Judicial assignments to family court

In a court with a separate family court, the presiding judge of the superior court should assign judges to the family court to serve for a minimum of three years. In selecting judges for family court assignments, the presiding judge should consider, in addition to rule 10.603(c)(1)(A) of the California Rules of Court, the judge's prior experience in family law litigation and mediation, as well as whether the judge prefers to serve in a family law department.

(b) Case assignment to same department

To the extent possible, family law actions related to the same family should be assigned to the same judicial officer for all purposes, so that all decisions that are made in a case through final judgment are issued by the same judicial officer.

(c) Importance of family court

The supervising judge in the family court, in consultation with the presiding judge of the superior court, should:

- (1) Motivate and educate other judges regarding the significance of family court; and
- (2) Work to ensure that sufficient judicial officers, court staff, family law facilitators, child custody mediators and evaluators, interpreters, financial resources, and adequate facilities are assigned to the family court to allow adequate time to hear and decide the matters before it.

(d) Compensation for court-appointed attorneys

The supervising judge of the family court should ensure that court-appointed attorneys in the family court are compensated at a level equivalent to attorneys appointed by the court in comparable types of cases.

(e) Training and education

Family court law is a specialized area of the law that requires dedication and study. The supervising judge of the family court has a responsibility to maintain high-quality services in family court. The quality of services provided by judicial officers and court staff depends, in significant part, on appropriate training and education, from the beginning of the family court assignment and on a continuing basis thereafter.

- (1) Family court judicial officers, family law facilitators, child custody mediators and evaluators, interpreters, other court staff, and court-appointed attorneys should have sufficient training to perform their jobs competently.
- (2) The supervising judge of the family court should promote access to printed, electronic, Internet, and other family law resources.

(f) Unique role of a family court

Under the direction of the presiding judge of the superior court, the family court, to the extent that it does not interfere with the adjudication process or violate any ethical constraints, is encouraged to:

- (1) Provide active leadership within the community in determining the needs of, and obtaining and developing

resources and services for children and families who participate in the family law court system;

- (2) Investigate and determine the availability of specific prevention, intervention, and treatment services in the community for families who come before the family courts;
- (3) Take an active role in helping the court develop rules and procedures that will result in the ordering of appropriate treatment and services for children and families;
- (4) Exercise a leadership role in the development and maintenance of services for self-represented and financially disadvantaged litigants;
- (5) Take an active part in the formation of a community-wide network to promote and coordinate private- and public-sector efforts to focus attention and resources on the needs of family law litigants;
- (6) Educate the community and its institutions, including the media, concerning the role of the family court in meeting the complex needs of families;
- (7) Encourage the development of community services and resources to assist families and children in the family court system, including self-help information; supervised visitation; substance abuse and drug prevention, intervention, and treatment; services for families with domestic violence issues; counseling; parenting education; vocational training; mediation; alternative dispute resolution options; and other resources to support families;
- (8) Manage cases more efficiently and effectively to avoid conflicting orders;
- (9) Take an active role in promoting completion of cases in a timely manner;
- (10) Appoint counsel for children in appropriate family law custody cases; and
- (11) Ensure that the best interest of children is served throughout the family court process.

(g) Appointment of attorneys and other persons

A court should follow the guidelines of standard 10.21 of the California Standards of Judicial Administration when appointing attorneys, arbitrators, mediators, referees, masters, receivers, and other persons.

Standard 5.30 adopted effective January 1, 2007.

Advisory Committee Comment

Standard 5.30. Family court matters include proceedings under the Family Code for dissolution of marriage, nullity of marriage, legal separation, custody and support of minor children; or actions under the Domestic Violence Prevention Act, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, Domestic Partner Registration Act, and the Uniform Interstate Family Support Act; local child support agency actions under the Family Code; and contempt proceedings relating to family law or local child support agency actions.

Subdivision (a). This subdivision implements the legislative mandate of Family Code section 2330.3(b) requiring the Judicial Council to adopt a standard of judicial administration prescribing a minimum length of a judge's family law assignment. Standard 5.30 sets a standard in family court that is similar to the juvenile court standards stated in standard 5.40, Juvenile Court Matters.

Family law is complex and constantly evolving. The laws concerning child custody, support, domestic violence, and property division are always changing. Not only does the family law judge have to understand family law and procedure but also issues that involve bankruptcy, estate planning, insurance, state and federal tax law, business, immigration, and criminal law, which can frequently arise in the context of a family law case. Because of the complexity and long-range impact of the judicial determinations, the presiding judge should strive to place experienced judges in family law assignments.

Considering the constantly evolving changes in the law, as well as the unique nature of the proceedings in family court, the family court judge should be willing to commit to a minimum tenure of three years. Not only does this tenure afford the judge the opportunity to become well acquainted with the complexity of the family court process, but it also provides continuity to a system that demands it.

Subdivision (b) This subdivision implements the legislative mandate of Family Code section 2330.3(a), which requires that dissolution

actions, to the greatest extent possible, be assigned to the same superior court department for all purposes, so that all decisions in a case are made by the same judicial officer. This subdivision expands the Legislature's requirement by including other related family court matters, such as those filed under the Uniform Parentage Act, Domestic Violence Prevention Act, in recognition that the same families may enter the family court through a variety of actions.

The committee recognizes that having the same judicial officer hear all actions involving the same family may not be practical in all cases for reasons that include funding limitations, assignment rotations, illness, vacations, and retirements. In some courts, one judge does not hear all aspects of a family's legal problems because of multiple courthouse locations or specifically designated funding of certain issues (e.g., Title IV-D child support issues). However, the committee agrees with the legislative intent in enacting section 2330.3(a), which was to expedite and simplify the dissolution process, reduce the litigation expenses and costs, and encourage greater judicial supervision of cases involving dissolution of marriage. Family law actions often involve a succession of hearings to resolve the various issues that arise. A single judge's involvement over this period of time allows the judge to be more familiar with the particular actions and issues, which creates judicial efficiencies that expedite their handling. One judge hearing all actions involving a family also helps avoid conflicting orders, alleviates the need to hold multiple hearings on the same issue, improves the court process, promotes consistency, and enhances fairness in family proceedings.

Subdivision (c). The family court is an integral part of the justice system. Decisions made by family law judges can have significant and lasting impacts on the lives of the parties and their children. The work of the family court has a significant impact on the health of families and ultimately on the strength of the community. The parties deserve to have adequate time to present their cases, and the judges should have the resources they need to enable them to make informed decisions. It is only through the constant exertion of pressure to maintain resources and the continuous education of court-related personnel and administrators that the historic trend to give less priority and provide fewer resources to the family court can be changed.

Subdivision (d). Fees paid to court-appointed attorneys who represent children in family court are sometimes less than the fees paid attorneys doing other comparable legal work thereby demeaning the work of the family court and leading many to believe that such work is less important. It may also discourage attorneys from accepting these appointments. Compensation for legal work in the family court should reflect the importance of the work.

Subdivision (e)(2). A significant barrier to having well-trained attorneys and educated self-represented litigants is a lack of current educational materials relating to family court practice. Law libraries, law offices, and court systems traditionally have not devoted adequate resources to purchase such educational materials. With advances in technology, resources can be accessed, shared, developed, or made available through electronic/computer-based, online, and multimedia means, audiotape and videotape, DVD, CD, Web-based audiocasts and videocasts, and other media to supplement print materials.

Subdivision (f). In addition to the traditional role of fairly and efficiently resolving disputes before the court, a family court judge occupies a unique position within California's judiciary. California law empowers the family court judge not only to order relief related to the needs of families under its jurisdiction but also to enforce and review the compliance with such orders. This oversight function includes the obligation to understand and work with those public and private agencies that provide services for families. As such, the family court assignment requires a dramatic shift in emphasis from judging in the traditional sense. Active and public judicial support and encouragement of programs serving children and families in family court poses no conflict with traditional concepts of judicial ethics and is an important function of the family court judge. These efforts enhance the overall administration of justice for families.