

AMENDMENTS TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on December 13, 2011, and January 24, 2012,  
effective on July 1, 2012

1	Rule 2.117. Conformed copies of papers.....	2
2	Rule 2.300 Application .....	2
3	<u>Rule 5.92. Request for court order; response.....</u>	2
4	Rule 5.93. Attorney’s fees and costs.....	4
5	<u>Rule 5.146. Judgment checklists.....</u>	5
6	<u>Rule 5.147. Review of judgments based on default and uncontested judgments</u>	
7	<u>submitted by declaration under Family Code section 2336.....</u>	5
8	<u>Rule 5.148. Default and uncontested hearings on judgments submitted</u>	
9	<u>on the basis of declarations under Family Code section 2336.....</u>	6
10	<u>Rule 5.386. Procedures for filing a tribal court protective order.....</u>	6
11	Rule 7.1015. Indian Child Welfare Act in guardianship and certain	
12	conservatorship proceedings .....	7
13		

1 **Rule 2.117. Conformed copies of papers**

2  
3 All copies of papers served must conform to the original papers filed, including the  
4 numbering of lines, pagination, additions, deletions, and interlineations except that, with  
5 the agreement of the other party, a party may serve that other party with papers printed on  
6 both sides of the page.

7  
8 *Rule 2.117 amended effective July 1, 2012; adopted effective January 1, 2007.*

9  
10  
11 **Rule 2.300 Application**

12  
13 **(a) Proceedings to which rules apply**

14  
15 The rules in this chapter apply to civil, probate, and family law proceedings in all  
16 trial courts. Rule 5.386 applies to fax filing of a protective order issued by a tribal  
17 court. Rule 5.522 applies to fax filing in juvenile law proceedings.

18  
19 *(Subd (a) amended effective July 1, 2012; adopted as part of unlettered subd effective*  
20 *March 1, 1992; previously amended and lettered effective January 1, 2007.)*

21  
22 **(b) \*\*\***

23  
24 *Rule 2.300 amended effective July 1, 2012; adopted as rule 2002 effective March 1, 1992;*  
25 *previously amended effective January 1, 1999; previously amended and renumbered effective*  
26 *January 1, 2007.*

27  
28 **Rule 5.92. Request for court order; response**

29  
30 **(a) Request for order; procedures**

31  
32 (1) In a family law proceeding other than an action under the Domestic Violence  
33 Prevention Act or a local child support agency action under the Family Code,  
34 a notice of motion or order to show cause must be filed on a *Request for*  
35 *Order* (form FL-300), unless another Judicial Council form has been adopted  
36 or approved for the specific motion or order to show cause.

37  
38 (2) In an action under the Domestic Violence Prevention Act, a notice of motion  
39 or order to show cause to modify existing orders that were entered after a  
40 hearing may be filed on a *Request for Order* (form FL-300).

41

- 1           (3) In a local child support action under the Family Code, a notice of motion or  
2           order to show cause filed by any party other than the local child support  
3           agency may be filed on a *Request for Order* (form FL-300).  
4  
5           (4) The *Request for Order* (form FL-300) must set forth facts sufficient to notify  
6           the other party of the declarant's contentions in support of the relief  
7           requested.  
8  
9           (5) A completed *Income and Expense Declaration* (form FL-150) or *Financial*  
10          *Statement (Simplified)* (form FL-155) must be filed with the *Request for*  
11          *Order* (form FL-300) when relevant to the relief requested unless a current  
12          form is on file with the court.  
13  
14          (6) The moving party must file the documents with the court to obtain a court  
15          date and then serve a copy on the responding party.  
16  
17                (A) If the request for order seeks court orders pending a hearing or seeks an  
18                order that the other party attend the hearing, the *Request for Order*  
19                (form FL-300) and appropriate attachments must be served in the  
20                manner specified for the service of a summons in Code of Civil  
21                Procedure section 413.10 et seq.  
22  
23                (B) If the *Request for Order* (form FL-300) is filed after entry of a  
24                judgment of dissolution of marriage, nullity of marriage, legal  
25                separation of the parties, or paternity, or after a permanent order in any  
26                other proceeding in which the visitation, custody, or support of a child  
27                was at issue, it must be served as specified in Family Code section 215.  
28  
29                (C) All other requests for order and appropriate attachments may be served  
30                as specified in Code of Civil Procedure section 1010 et.seq.  
31  
32          (7) The documents served must include a blank copy of the following:  
33  
34                (A) *Responsive Declaration to Request for Order* (form FL-320);  
35  
36                (B) *Income and Expense Declaration* (form FL-150) or *Financial*  
37                *Statement (Simplified)* (form FL-155) when completed declarations are  
38                among the papers required to be served.  
39

40   **(b) Responding papers**  
41

1            To respond to the issues raised in the *Request for Order* (form FL-300) and  
2            attached papers, the responding party must complete, file, and serve a *Responsive*  
3            *Declaration to Request for Order* (form FL-320).

4  
5            (1)    The *Responsive Declaration to Request for Order* (form FL-320) must set  
6            forth facts sufficient to notify the other party of the declarant’s contentions in  
7            response to the request for order and in support of any relief requested.

8  
9            (2)    The responding papers may request relief related to the orders requested in  
10           the moving papers. Unrelated relief must be sought by filing a separate  
11           request for order as specified in (a).

12  
13           (3)    A completed *Income and Expense Declaration* (form FL-150) or *Financial*  
14           *Statement (Simplified)* (form FL-155) must be attached to the *Responsive*  
15           *Declaration to Request for Order* (form FL-320) when relevant to the relief  
16           requested.

17  
18    **(c) Memorandum of points and authorities**

19  
20           No memorandum of points and authorities need be filed with a *Request for Order*  
21           (form FL-300) or a *Responsive Declaration to Request for Order* (form FL-320)  
22           unless required by the court on a case-by-case basis.

23  
24    **(d) Additional documents**

25  
26           As specified in these rules, the moving and responding parties may be required to  
27           complete, file, and serve additional papers to request or respond to a *Request for*  
28           *Order* (form FL-300) about child custody and visitation (parenting time), attorney  
29           fees and costs, support, and other financial matters.

30  
31    *Rule 5.92 adopted effective July 1, 2012.*

32  
33    **Rule 5.93. Attorney’s fees and costs**

34  
35    **(a) \*\*\***

36  
37    **(b) Request**

38  
39           (1)    Except as provided in Family Code section 2031(b), to request attorney’s fees  
40           and costs, a party must complete, file, and serve the following documents:  
41

1 (A) ~~Request for Order (form FL-300) Application for Order (form FL-310)~~  
2 ~~attached to an Order to Show Cause (form FL-300) or a Notice of~~  
3 ~~Motion (form FL-301);~~

4  
5 (B)–(E) \*\*\*

6  
7 (2) \*\*\*

8  
9 (Subd (b) amended effective July 1, 2012.)

10  
11 (c) **Response to request**

12  
13 To respond to the request for attorney’s fees and costs, a party must complete, file,  
14 and serve the following documents:

15  
16 (1) ~~Responsive Declaration to Request for Order to Show Cause or Notice of~~  
17 ~~Motion (form FL-320);~~

18  
19 (2)–(4) \*\*\*

20  
21 (Subd (c) amended effective July 1, 2012.)

22  
23 (d)–(e) \*\*\*

24  
25 *Rule 5.93 amended effective July 1, 2012; adopted effective January 1, 2012.*

26  
27 **Rule 5.146. Judgment checklists**

28  
29 The Judgment Checklist—Dissolution/Legal Separation (form FL-182) lists the forms  
30 that courts may require to complete a judgment based on default or uncontested judgment  
31 in dissolution or legal separation cases based on a declaration under Family Code section  
32 2336. The court may not require any additional forms or attachments.

33  
34 *Rule 5.146 adopted effective July 1, 2012.*

35  
36 **Rule 5.147. Review of judgments based on default and uncontested judgments**  
37 **submitted by declaration under Family Code section 2336**

38  
39 Once a valid proof of service of summons has been filed with the court or respondent has  
40 made a general appearance in the case:

41  
42 (a) **Court review**

43

1           The court must conduct a procedural review all the documents submitted for  
2           judgment based on default or uncontested judgments submitted under Family Code  
3           section 2336 and notify the attorneys or self-represented litigants who submitted  
4           them of all identified defects.

5  
6           **(b) Notice of errors and omissions**

7  
8           Basic information for correction of the defects must be included in any notification  
9           to attorneys or self-represented litigants made under (a).

10  
11          *Rule 5.147 adopted effective July 1, 2012.*

12  
13          **Rule 5.148. Default and uncontested hearings on judgments submitted on the basis**  
14          **of declarations under Family Code section 2336**

15  
16          The decision to hold a hearing in a case in which a judgment has been submitted on the  
17          basis of a declaration under Family Code section 2336 should be made on a case-by-case  
18          basis at the discretion of the court or request of a party. Courts must allow judgments in  
19          default and uncontested cases to be submitted by declaration pursuant to section 2336 and  
20          must not require that a hearing be conducted in all such cases.

21  
22          *Rule 5.148 adopted effective July 1, 2012.*

23  
24          **Rule 5.386. Procedures for filing a tribal court protective order**

25  
26          **(a) Request for written procedures for filing a tribal court protective order**

27  
28          At the request of any tribal court located within the county, a court must adopt a  
29          written procedure or local rule to permit the fax or electronic filing of any tribal  
30          court protective order that is entitled to be registered under Family Code section  
31          6404.

32  
33          **(b) Process for registration of order**

34  
35          The written procedure or local rule developed in consultation with the local tribal  
36          court or courts must provide a process for:

37  
38          (1) The tribal court or courts to contact a representative of the superior court to  
39          inform him or her that a request for registration of a tribal court protective  
40          order will be made;

41  
42          (2) Confirmation of receipt of the request for registration of the order; and  
43

1           (3) Return of copies of the registered order to the tribal court or the protected  
2           person.

3  
4           **(c) No filing fee required**

5  
6           In accordance with Family Code section 6404(b), no fee may be charged for the fax  
7           or electronic filing registration of a tribal court protective order.

8  
9           **(d) Facsimile coversheet**

10  
11           The Fax Transmission Cover Sheet for Registration of Tribal Court Protective  
12           Order (form DV-610) or similar cover sheet established by written procedure or  
13           local rule must be used when fax filing a tribal court protective order. The cover  
14           sheet must be the first page transmitted, to be followed by any special handling  
15           instructions needed to ensure that the document will comply with local rules.  
16           Neither the cover sheet nor the special handling instructions are to be filed in the  
17           case. The court is not required to keep a copy of the cover sheet.

18  
19           *Rule 5.386 adopted effective July 1, 2012.*

20  
21  
22           **Rule 7.1015. Indian Child Welfare Act in guardianship and certain conservatorship**  
23           **proceedings**

24  
25           **(a)–(c) \*\*\***

26  
27           **(d) Duty of inquiry**

28  
29           (1) \*\*\*

30  
31           (2) Before filing his or her petition, the petitioner must ask the child involved in  
32           the proceeding, if the child is old enough, and the parents, ~~or~~ any other legal  
33           guardian, and any Indian custodian, whether the child is or may be an Indian  
34           child, and must complete items 1c and 8 of the Indian Child Inquiry  
35           Attachment (form ICWA-010(A)) Guardianship Petition—Child Information  
36           Attachment (form GC-210(CA)) and attach it to his or her petition.

37  
38           (3)–(7) \*\*\*

39  
40           *(Subd (d) amended effective July 1, 2012.)*

41  
42           *Rule 7.1015 amended effective July 1, 2012; adopted effective January 1, 2008.*

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