

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

---

**DIVISION 7**

**FAMILY LAW**

<b><u>Rule</u></b>	<b><u>Effective</u></b>
700. Subject Matter of the Family Law Court	01/01/07
700.5 Self Represented Litigants	01/01/07
701. Assignment of Family Law Cases	01/01/07
701.5 Related Cases	01/01/07
702. Financial Issues	01/01/07
703. Child Custody, Visitation	01/01/05
704. Ex Parte Matters	01/01/07
705. Mandatory Settlement Conferences	01/01/07
706. Order to Show Cause Hearings	01/01/07
707. Contested Trials	01/01/07
708. Uncontested Trials	01/01/07
709. Uncontested Dissolutions by Declaration (Family Code § 2336)	01/01/07
710. Law and Motion Matters	01/01/07
711. Summary Dissolution	01/01/07
712. Judgment of Dissolution of Marriage	01/01/07
713. Family Law Facilitator	01/01/98
714. Education, Experience, and Training Standards for Court Appointed Counsel for Minor Children	01/01/10
715. Court Connected Child Custody Mediation	01/01/05
716. Court Ordered Child Custody Evaluations	01/01/05
717. Domestic Violence Training Standards for Court Appointed Child Custody Investigators and Evaluators	01/01/05

**Appendix**

A. Family Law Mandatory Settlement Conference Policy Memorandum	01/01/07
B. Joint Statement of Issues Remaining to be Tried	01/01/07
C. Statement of Compliance	07/01/94

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

---

### **Rule 700. Subject Matter of the Family Law Court**

Ex parte motions, orders to show cause, law and motion matters, other motions, trials, and motions for the enforcement or modification of orders or judgments in the following proceedings shall be heard by the Family Law Panel:

- A. Dissolution of marriage or domestic partnership;
- B. Legal separation or legal separation of a domestic partnership;
- C. Nullity of marriage or domestic partnership, and determination of the rights of putative spouses pursuant to Chapter 3 of Part 2 of Division 6 of the Family Code;
- D. Proceedings pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (Family Code §3400 et seq.);
- E. Proceedings pursuant to Parts 1, 2, and 3 (excluding Chapter 5) of Division 12 of the Family Code (Parent and Child Relationship);
- F. Non-marital relationship cases, e.g., *Marvin v Marvin* (1976) 18 Cal3d 660, when consolidated with a family law matter;
- G. Proceedings pursuant to the Domestic Violence Prevention Act (Family Code §6200 et seq.);
- H. Proceedings pursuant to the Uniform Interstate Family Support Act (Family Code §4900 et seq.);
- I. Proceedings pursuant to Part 2 (Child Support) of Division 9 of the Family Code;
- J. Proceedings for protective orders (Welfare and Institutions Code §15657.03) pursuant to the Elder Abuse and Dependant Adult Civil Protection Act (Welfare and Institutions Code § 15600, et seq.);
- K. Proceedings pursuant to Family Code §3101-3104 (Visitation rights of non-parents);
- L. Proceedings pursuant to Penal Code §12028.5 (Hearing re Return of Firearms)

(Adopted effective January 1, 1987; revised effective July 1, 1994; revised effective January 1, 2002; revised effective August 1, 2004; revised effective January 1, 2007)

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

---

### **Rule 700.5 Self Represented Litigants**

Attorneys and self represented litigants shall comply with all applicable statutes in addition to local Family Law and the California Rules of Court. All references to counsel in these rules apply equally to self represented litigants.

(Adopted effective January 1, 2007)

### **Rule 701. Assignment of Family Law Cases**

All family law cases heard by the Family Law Panel, with the exception of cases assigned to the Domestic Violence Prevention Service Project, proceedings for protective orders pursuant to the Elder Abuse and Dependent Adult Civil Protection Act, and cases specifically assigned in the discretion of the Family Law Supervising Judge, shall be randomly assigned to a Family Law Panel judicial officer for all purposes.

- A. All such cases shall be randomly assigned to one judicial officer for all purposes, who shall thereafter handle all proceedings in the case, including but not limited to, Orders to Show Cause, law and motion, pretrial conferences, and trial.
- B. After assignment to one judicial officer for all purposes, all pleadings shall have clearly typed on the face page of each pleading, directly under the case number, the following:
  - 1. Department (insert number)
  - 2. Judicial Officer (insert name)
- C. When the random assignment is to a commissioner, the form entitled Assignment of Commissioner as Temporary Judge (local mandatory Form L-200) shall be given to the petitioner/moving party who shall serve this form on the respondent/opposing party. Both parties must file the form in the assigned department indicating acceptance or declination of the assignment of the commissioner for all purposes. If either party declines the case will be randomly assigned to another judicial officer.

(Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective October 1, 1996; revised effective January 1, 2002; revised effective August 1, 2004; revised effective January 1, 2007)

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

---

### **Rule 701.5 Related Cases**

- A. A related case for purposes of Division 7 of these rules is a court case involving either of the parties or the minor children of the parties.
- B. The parties must disclose the existence of any related case. A completed Declaration re: Related Case (local mandatory form L-1120) must accompany every new family case pleading and any ex parte applications. The completed form and a blank form must be served on the respondent and a proof of service filed with the court. Respondent must file a completed form within 30 days after being served.
- C. After the filing of the initial Declaration re: Related case, when either party becomes aware of additional cases not previously disclosed as related, that party must file a new Declaration re: Related Case with that case information.

(Adopted effective January 1, 2007)

### **Rule 702. Financial Issues**

#### **A. Income and Expense Declaration**

Any party appearing at a hearing in a family law case involving financial issues, including, but not limited to child support, spousal support, payment of debts and/or attorneys fees, shall complete, file and serve a current and accurate Income and Expense Declaration in the form prescribed by the California Rules of Court (form FL -150) and shall bring a copy to court. If any party is non-compliant, the court may take whatever action is appropriate, including but not limited to ordering the matter off calendar and/or continuing the matter with conditions.

#### **B. Direct Testimony, Discretionary**

On all matters involving pendente lite orders, or orders to show cause re modification, the court in the exercise of sound discretion may determine the issue by reference to the declarations or affidavits on file. It shall be the policy of this court to permit oral testimony, either by way of direct or cross examination in those cases where the interests of justice require it.

#### **C. Documentation**

In any trial or hearing involving financial issues, each party must produce the following documents:

1. The three most recent pay records showing year-to-date wages, salaries, overtime, commissions, bonuses, and withholdings;

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

---

2. Records showing rents, trust income, workers' compensation benefits, unemployment insurance benefits, disability benefits, social security benefits;
3. The most recent W-2, 1099, and K1 forms;
4. A copy of the most recent signed and filed state and federal income tax returns with schedules;
5. If self employed, a current (most recent twelve months) profit and loss statement and balance sheet.

### **D. Cash Aid/Temporary Aid to Needy Families (TANF)**

1. A party that is receiving or has applied for public assistance must, at the time of any hearing in which the issue of support of a child is at issue, affirmatively disclose this to the court.
2. A party that is receiving or has requested the services of Orange County Child Support Services must, at the time of any hearing in which the issue of support of a child is at issue, affirmatively disclose this to the court and provide proof that the Orange County Department of Child Support Services was given written notice of the date, time and place of the hearing at least 15 calendar days before the hearing or proof that that the Orange County Department of Child Support Services has not objected.

(Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective January 1, 2007)

### **Rule 703. Child Custody, Visitation**

#### **A. Scope of Rule**

All proceedings related to the custody or visitation of children shall be governed by the following rules.

#### **B. Good Faith Effort**

Parties shall make a good faith effort to arrive at an agreement regarding child custody or visitation before any court hearing.

#### **C. Mediation**

If there is a disagreement over child custody or visitation in the matter before the Court, this issue shall be submitted to mediation before the Court hearing.

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

---

Mediators are employees of the Superior Court, Family Court Services Department.

1. A mediation appointment shall be given to the moving party prior to the setting of the time for the OSC hearing. If agreement is reached prior to the mediation appointment, BOTH parties and/or their attorneys shall contact Family Court Services at (714) 935-6550 to cancel the appointment and advise that office that an agreement was reached.

In the event that only one party contacts Family Court Services, the appointment shall not be canceled or rescheduled.

A \$50.00 sanction may be imposed by the Court for failure to attend mediation, in the absence of an agreement.

2. Conduct of Mediation: All mediation proceedings shall be held in private and all communications from the parties to the counselor shall be deemed official information within the meaning of Evidence Code Section 1040. The mediator may exclude attorneys from the mediation sessions between the parties. Such exclusion shall be in the sole discretion of the mediator.
3. The mediator may conduct or more mediation sessions. The mediator may request that the Court continue any scheduled court hearing in order to accommodate additional mediation sessions. The attorneys need not be present at the initial or subsequent mediation sessions unless specifically requested to attend by the mediator. The mediator will not discuss the case with only one counsel present. In those instances where the mediator has requested counsel to appear and an appointment has been set, failure by counsel to appear, absent good cause, will constitute good ground for the imposition of sanctions.
4. In the event that the parties are unable to agree, the mediator may meet and confer with the parties and their counsel in an effort to bring about a settlement. Parties and counsel are ordered to use their best efforts and negotiated in good faith with the mediator in an effort to avoid a contested hearing or trial on the custody/visitation issue. Any party or attorney who fails to meet and confer in good faith with the mediator shall be subject to appropriate sanctions after notice and hearing.
5. At any time during the mediation process the mediator may recommend to the court that an investigation and report be made pursuant to Family Code Section 3110 et seq.; that a referral be made pursuant to Evidence Code Section 730; or that independent counsel be appointed for the child/children pursuant to Family Code Section 3150.
6. a. It is the policy of this court to encourage mediation of custody and visitation disputes. Sufficient time in the discretion of the court

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

should be allowed to permit successful completion of the mediation process.

- b. At the conclusion of each mediation session, absent an agreement of the parties settling all issues of custody and visitation, the mediator shall advise the court whether further mediation may be helpful in resolving this matter. If so, the court may order the parties to return for further mediation.
- c. If the mediator determines that mediation is unable to assist the parties, the mediator shall advise the court whereupon the court shall determine the issues after hearing.
- d. While the mediation process is ongoing, the court may make temporary orders concerning custody and visitation until the mediation process is completed.
- e. A mediator shall not testify on any mediation conducted whether or not an agreement is reached.

### D. Confidentiality of Court Reports in Family Law Actions

In any proceeding under Rule 703 involving custody or visitation of minor children, any written report or recommendation from the court investigator or from any person appointed by the Court to render a report shall be confidential and unavailable to any person except the Court, attorney(s) of record, and any person to whom the Court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of it, or disclose its contents to any child who is the subject of the report.

1. If the parties reach agreement, a copy of their agreement, which is not confidential, shall be filed with the Court. The Court shall review the agreement, and subject to the Court's approval, the agreement shall become the order of the Court.
2. All investigation reports shall be retained by Family Court Services. Reproduction of the report unless ordered by the Court is prohibited. Unauthorized removal of the report from the jurisdiction of the Court is a FELONY. (Government Code Sections 6200, 6201).

### E. Child Custody Investigation and Report

A Child Custody Investigation and Report pursuant to Family Code Section 3110 et seq. may not be ordered without the express written approval of a family court judge or commissioner. Such investigations are ordered only in those cases where serious factual questions as to the health, safety, and welfare of the minor child/children are involved and such an investigation is required to assist the

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

judge or commissioner in reaching a decision. Child Custody Investigations are conducted by court investigators who are employees of the Superior Court, Family Court Services Department.

1. In all cases where the parties stipulate to such an investigation, such stipulation will only be approved where the alleged facts, in the opinion of the judicial officer, warrant an investigation, and only then where the court approved preprinted “Stipulation and Order for Custody Investigation...” is executed by all parties and their respective counsel, without insertion, alternation, and/or amendment. In all cases where an investigation is ordered, whether pursuant to stipulation or not, the judicial officer will, at the time of executing the order, make an appropriate order for payment of costs incurred by the county in conducting the investigation.
2. In the event that for any reason an investigation has been ordered pursuant to stipulation, on other than the court approved preprinted form, or on the approved form upon which alterations, modifications, and/or amendments have been made, the Supervising Judge shall retain the authority, after discussion with the judicial officer ordering the investigation, to vacate the order subject to prompt notification to the parties and their respective counsel.
3. The Child Custody Investigation Report will not be kept in the court file. The report will be made available for review to the attorneys of record and any person to whom the Court expressly grants access by written order made with prior notice to all parties, not less than 10 days prior to the trial in the department in which the case is set. No additional copies of the report shall be made by anyone unless otherwise ordered by the court. At the conclusion of each day of trial, all copies of the report shall be returned to the court clerk of the department in which the hearing or trial is being held. The court clerk shall return the original and both copies of the report to Mediation and Investigative Services at the conclusion of the hearing.
4. Prior to any hearing or trial in which a child custody investigation has been ordered, the court investigator, in his or her discretion, prior to filing the completed report, may determine that a meet and confer session may be helpful in reaching a settlement. Parties and counsel are ordered to use their best efforts and negotiate in good faith with the court investigator in an effort to avoid a contested hearing or trial.

### F. Evidence Code 730 Evaluations

**PURPOSE:** The Court’s intent is to establish principles and standards to provide each family and the court with accurate, comprehensive, and constructive information regarding the best interests of the child in a way that promotes understanding and cooperation within the family and adoption of the best possible

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

---

plans relating to duties and responsibilities of parents in raising their children. If the care and upbringing of a child are contested issues, the quality and conduct of an evaluation by the court are of the utmost importance for the well-being of the child and for society at large. Whenever possible and appropriate, multiple examinations of the child by difference examiners shall be avoided.

1. All Evidence Code 730 Evaluations for custody and visitation shall be ordered by a judicial officer of the Family Law Panel and shall be conducted by evaluators who are mental health professionals and who meet the minimum state requirement pursuant to Family Code Section 1815. Such evaluators are required to have completed 12 hours of training in the detection, assessment, intervention and treatment of domestic violence through the program developed by the Orange County Family Violence Council, and which has been approved by the Supervising Judge of the Family Law Panel. For good cause shown the Family Law Supervising Judge may waive this requirement upon application of a court-appointed evaluator, subject to the condition that the evaluator secure such training within the following 90 days.
2. Stipulations to appoint an evaluator pursuant to Evidence Code 730 shall include a provision that the requirements set forth in Rule 703 F.1. above have been met.
3. Guidelines for contact between children and the evaluator shall be as set forth below. Any exception(s) shall be addressed in the evaluator's final report.
  - a. The lack of confidentiality shall be disclosed to the minor child(ren).
  - b. The child(ren) shall be observed in the presence of all parties to the action.
  - c. Interviews with child(ren) shall be conducted separately.
  - d. Court-ordered evaluations pursuant to Evidence Code 730 shall be based on interviews with all parties involved in the custody/visitation dispute, not just one party to the action, except where any such person has refused to participate.
4. The hearing date may be extended by order of the court or by written stipulation of the parties upon a showing of good cause.
5. The evaluator shall provide a copy of the report to the court not less than 10 days prior to the hearing date. In addition, the evaluator shall send a copy of the report to counsel for each party. A copy of the evaluation report may be made available in the courtroom to parties in propria

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

persona only upon court order by the Family Law Supervising Judge. No additional copies of the report shall be made by anyone unless otherwise ordered by the Court. The use of this report for purposes other than use as evidence at the custody/visitation hearing shall not be allowed unless by order of the Court. Upon completion of the hearing or upon settlement of the matter the evaluation report shall be placed in a confidential envelope, not to be opened unless by order of the Court, and placed in the court file.

### G. Trial of a Custody Action

It shall be the policy of this court not to conduct successive pendente lite custody hearings. Any custody or visitation dispute hearing scheduled shall be, whenever possible, severed from the other issues in the case and tried separately pursuant to Section 3023 of the Family Code.

### H. Applicability of Rule 707

Local Rule 707 relating to the trial of family law cases shall be fully applicable to disputed custody and visitation hearings and trials. The court reserves the right to limit the number of witnesses and the receipt of evidence pursuant to Section 352 of the Evidence Code.

(Adopted effective January 1, 1987; revised eff. January 1, 1988; revised eff. August 1, 1989; revised eff. July 1, 1994; revised eff. July 1, 1996; revised eff. October 1, 1996; revised effective January 1, 1998; revised effective January 1, 2005)

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

### A. Mandatory Four-Hour Notice

For all ex parte applications, except Domestic Violence matters, Elder and Dependent Adult Abuse matters, and discovery motions, notice shall be given no later than 10:00 a.m. on the court day immediately preceding the day of the ex parte application to opposing counsel or the party, if not represented. This includes, but is not limited to, requests for orders shortening time, unless the court approves a waiver of said notice on good cause, which cause is set forth by clearly articulated facts in a supporting declaration or declarations. Notice shall include an invitation to the responding party to appear in the department to which the case is assigned for all purposes, a statement of the relief requested, and notice to the opposing party that the party is entitled to attend in person or by counsel when the application for an ex parte order is presented to the court. If the case has not yet been assigned for all purposes, notice shall be given to the responding party to appear in the Family Law Clerk's Office.

For Domestic Violence matters and Elder and Dependent Adult Abuse matters, four-hour notice shall be given to opposing counsel or the party, if not

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

represented, unless the court approves a waiver of said notice on good cause, which cause is set forth by clearly articulated facts in a supporting declaration or declarations. Notice shall include an invitation to the responding party to appear the department to which the case is assigned for all purposes, a statement of the relief requested, and notice to the opposing party that the party is entitled to attend in person or by counsel when the application for an ex parte order is presented to the court. If the case has not yet been assigned for all purposes, notice shall be given to the responding party to appear in the Family Law Clerk's Office.

Notice requirements for family law discovery ex parte applications shall be governed by rules 3.1200-3.1207, California Rules of Court.

### B. Court Consideration

The assigned department will commence consideration of family law ex parte matters, other than Domestic Violence, at the time specified by the assigned department for the morning calendar.

For Domestic Violence, the assigned department will commence consideration of the ex parte matters at 1:30 p.m. each day.

### C. Irreparable Harm

Ex parte relief will be granted only upon a showing of irreparable harm, including very recent psychological or physical violence which has resulted in emotional or physical injury. Such claims must be supported by declarations setting forth a factual basis for the relief requested, and accompanied by the appropriate declarations concerning notice, points and authorities where required, a temporary restraining order and supporting papers on forms approved by the Judicial Council where appropriate.

### D. Custody and Visitation Disputes

In all ex parte requests for change of custody or visitation the judicial officer may, if a mediator is available, first require the moving party to be interviewed by Family Court Services. Such interviews may include the child or children where they are of a sufficient age to communicate. Any mediation report resulting from the interview may be considered by the judicial officer. The court, in all instances, will have discretion to grant ex parte relief, assuming a sufficient showing as set forth in these rules, notwithstanding that no mediation interview has taken place. In any case in which a report has been prepared it shall be sealed and retained in the court file.

### E. Cases Involving Juvenile Court or Child Protective Services:

In any case where either the Juvenile Court or Child Protective Services is involved, a notice to that effect shall be typewritten in capital letters immediately

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

---

under the box entitled “other” in the section dealing with the type of relief being sought on the Order to Show Cause form. A willful failure to inform the court as to the involvement of either Juvenile Court or Child Protective Service will constitute a ground for sanctions.

### **F. Order Excluding a Party from the Home:**

A temporary restraining order enjoining a party from the use of the family home will not be granted unless the request is supported by a declaration or declarations by a “percipient witness” setting forth a factual basis showing immediate and serious harm. Said declaration or declarations shall state, in detail and in competent evidentiary form, the time and place of the act or acts and the exact injuries suffered by the moving party. The moving party has the burden of convincing the Court an ex parte order is an appropriate alternative to an order shortening time.

(Adopted effective July 1, 1984; revised effective January 1, 1987; revised effective July 1, 1994; revised effective October 1, 1996; revised effective January 1, 1998; revised effective January 1, 2007)

### **Rule 705. Mandatory Settlement Conferences**

The following rules apply to all mandatory settlement conferences. (See also Appendix A, the Family Law MSC Policy Memorandum.)

#### **A. General Requirements**

A Mandatory Settlement Conference may be set by the Court on its own motion or upon the request of counsel and the parties.

1. Counsel who will try the case and their respective clients shall meet in person at the courthouse at the assigned time and date in a good faith effort to eliminate the necessity of trial, or to eliminate as many of the disputes between the parties as possible.
2. Not later than five court days prior to the conference or any other date set by the Court, counsel shall serve upon other counsel settlement conference/trial briefs, and where applicable, fully executed income and expense declarations, and property declarations. The originals of such documents shall be filed by counsel or the parties on the date set by the Court.
3. If required by the Court, counsel shall prepare a joint statement of issues remaining to be tried. The statement shall be in the form set forth in the Appendix. It shall be signed by each counsel participating in the settlement conference.

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

---

B. Mandatory Attendance

Attendance at this conference is mandatory. Failure of counsel and the parties to attend may result in the imposition of sanctions.

C. Sanctions

Sanctions may be imposed by the court, with appropriate notice, without the necessity of a request by opposing counsel.

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**Rule 706. Order to Show Cause Hearings**

A. Date, Time, and Place of Hearing

All orders to show cause and responsive pleadings set for hearing on the Family Law Calendars shall state, on the face sheet, the date and time of the hearing, the department or room number in which the hearing is scheduled, and the assigned judicial officer's name. In addition, the form will be completed in the appropriate fashion showing the issues to be determined and the response to those issues.

B. Cases Involving Juvenile Court or Child Protective Services

In any case where either the Juvenile Court or Child Protective Services is involved, type in "Juvenile Court/CPS Involved" under "Other" on the Order to Show Cause form. A willful failure to inform the court as to the involvement of either Juvenile Court or Child Protective Services will constitute a ground for sanctions.

C. Affirmative Relief

Affirmative relief may be granted by the use of responsive declaration pursuant to Family Code §213, or for attorneys fees incurred in defense of the order to show cause.

D. Filing with the Clerk

The original of any order to show cause shall be filed with the Clerk's Office. Conformed copies shall be used for all other purposes.

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

---

E. Failure to Serve

If service has not been completed by the date specified by law, the matter may go off calendar at the time of the scheduled hearing unless otherwise ordered by the court.

F. Child Support

In setting child support the court will be guided by appropriate statute and case law.

G. Temporary Spousal Support

In setting temporary spousal support the court will be guided by appropriate statute, case law, and may consider the statewide court approved guidelines.

H. Duration of Support Orders

Temporary orders for child and or spousal support shall, unless otherwise specifically ordered, remain in full force and effect until further order of the court or until the order is terminated as a matter of law.

(Adopted effective July 1, 1984; revised effective July 1986; revised effective January 1, 1987; revised effective July 1, 1994; revised effective July 1, 1998; revised effective January 1, 2007)

### **Rule 707. Contested Trials**

A. Required Appearances

A short cause trial is one that will not exceed five hours, including presentation of evidence and issuing a ruling. A long cause trial is one that requires more than five hours. Inaccurate time estimates by counsel may result in a mistrial and sanctions. The call of the trial calendar shall commence promptly at the date and time set by the trial court in the department to which the case is assigned. The parties and counsel shall report ready and prepared to commence trial.

Trial departments may have cases entitled to priority either because they involve issues of domestic violence, custody or support, or because of the age or facts of the case. Where necessitated by the Court's calendar, the assigned judge may refer cases to the Family Law Supervising Judge sitting as the master calendar judge to assign matters to other departments for trial.

B. Joint Statements

“Joint Statement of Issues Remaining to be Tried” (Appendix B) and/or trial briefs may be required by the trial judge. If the trial involves financial issues, a

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

current Income and Expense Declaration (Ca Rules of Court 5.128) must be in the court file. A delay caused by the absence of the Income and Expense Declaration may subject counsel or a party to sanctions.

### C. Fees

Each party shall pay the statutory court reporter fee for each day of trial or any court hearing over one hour. It is the duty of the counsel to know the amount of the fee before the day of trial and to be ready to pay said amount by cash or check before the end of the court day.

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

## **Rule 708. Uncontested Trials and Default Prove-Up Hearings**

### A. Documents Required

Prior to an uncontested or default matter being set for hearing, the following documents shall be filed:

1. Either (a) an Appearance, Stipulation and Waiver form (approved form FL-130) executed on or after the date of the filing of the Petition, **or** (b) an executed written stipulation that the matter be treated on an uncontested basis, **or** (c) a Request to Enter Default (adopted form FL-165), accompanied by the original Summons and Proof of Service; and,
2. A Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration (adopted form FL-141).
3. Where public assistance is being received local Rule 702 D shall apply.

### B. Income and Expense and Property Declarations

Income and Expense Declarations (adopted from FL-150) and Property Declarations (adopted Form FL-160) shall be required on default matters not proceeding by Declaration pursuant to Family Code §2336 unless excused by Family Code §2330.5.

### C. Proposed Judgment

The moving party shall provide the court clerk in the assigned department the following original documents and the appropriate number of copies:

1. Proposed Judgment;
2. Marital Settlement Agreement, if any;

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

---

3. Notice of Entry of Judgment;
4. A pre-addressed stamped mailing envelope for each party and claimant for use in completing the notice requirements for the Notice of Entry of Judgment.

(Adopted effective July 1, 1984; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**Rule 709. Uncontested Dissolutions by Declaration (Family Code §2336)**

A. Form

Proposed judgments submitted pursuant to Family Code §2336 shall be accompanied by a Declaration for Default or Uncontested Dissolution or Legal Separation (adopted Judicial Council Form FL-170). The judgment shall not be considered unless the parties have complied with the following:

1. Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration of the Preliminary Declaration of Disclosure (adopted Judicial Council form FL-141) has been filed by both parties.
2. Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration the Final Declaration of Disclosure (adopted Judicial Council form FL-141) has been filed by both parties, or an appropriate waiver form/language has been submitted with the Judgment.

B. Approval as to Form and Content

When a case is open in the Department of Child Support Services, the child support order must be approved by the local Department of Child Support Services.

C. Expedited Judgments

Any judgment submitted under Family Code §2336 needing expedited processing must have one of the expedited attachments listed below:

1. L-1300 Expedited Processing Attachment to Dissolution of Marriage or Separation Judgment (Children)
2. L-1301 Expedited Processing Attachment to Paternity Judgment
3. L-1302 Expedited Processing Attachment to Dissolution or Separation Judgment (No Children)

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

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

### **Rule 710. Law and Motion Hearings**

#### A. Date, Time, and Place of Hearing

All moving and responding pleadings for hearings set on the Family Law Calendars shall state, on the face sheet, the date and time of the hearing, the department or room number in which the hearing is scheduled, and the assigned judge's name. In addition, the form must be completed identifying the issues to be determined and the response to those issues.

#### B. Affirmative Relief

Affirmative relief may be requested in a responsive declaration pursuant to Family Code §213.

#### C. Filing with the Clerk

The original of any notice of motion shall be filed with the Clerk's Office. Conformed copies shall be used for all other purposes.

#### D. Responsive Papers

Responsive papers opposing a motion shall be filed in the department where the motion is set.

#### E. Failure to Serve

If service has not been completed by the date specified by law, the matter will go off calendar at the time of the scheduled hearing unless otherwise ordered by the court.

#### F. Failure to Appear

Any matter in which there is no appearance at the calendar call may be ordered off calendar, unless the court has been notified and determines a later appearance is permitted.

#### G. Use of Forms

Judicial Council forms must be used. When using attachments for declarations, the last page of the declaration shall follow the form specified in CCP §2015.5 for "Declaration under Penalty of Perjury."

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. July 1, 1999; revised eff. January 1, 2007)

**Rule 711. Summary Dissolution**

In Summary Dissolution of Marriage cases, the proposed judgment shall be presented for signature to the Court as follows:

- A. There shall be an executed original and three copies of the Request for Judgment, Judgment of Dissolution of Marriage, and Notice of Entry of Judgment (Summary Dissolution) in the form prescribed by Judicial Council adopted form FL-820; and,
- B. A pre-addressed stamped mailing envelope for each party for use in completing the notice requirements for the Notice of Entry of Judgment.

(Adopted effective July 1, 1984; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**Rule 712. Judgment of Dissolution of Marriage**

A. Preparation and Submission to Court

Unless a different procedure is adopted by the trial court, after a contested trial, the party directed by the court shall prepare the proposed judgment in accordance with the court's decision and shall submit it to opposing counsel for signature under the legend, "APPROVED AS CONFORMING TO COURT ORDER". If not so approved, the preparing party shall submit the proposed judgment to the trial judge with a completed proof of service and a cover letter explaining why it is submitted without such approval.

B. Recipients of Public Assistance Benefits

If a party is receiving public assistance benefits for a minor child, the proposed judgment shall comply with Family Code §4200.

C. Signature

The proposed judgment shall be presented for signature to the clerk in the department where the matter was heard together with:

1. a Notice of Entry of Judgment in the form prescribed for each party and claimant;
2. a pre-addressed stamped mailing envelope for each party and claimant for use in completing the notice requirements for the Notice of Entry of Judgment; and,

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

---

3. an executed Request and Declaration for Judgment of Dissolution of Marriage in the form prescribed in those matters where an Interlocutory Judgment has been entered and no Final Judgment has been filed.

At least two lines of the text of any order or judgment shall appear on the page where a line is provided for the signature of the judicial officer. To the left of the signature line shall be the word “Dated: ...” with a blank left for the judicial officer to write in the date. At least two lines above the signature lines shall be left blank for the judicial officer’s signature.

(Adopted effective July 1, 1984; revised eff. October 1, 1982; revised eff. January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**Rule 713. Family Law Facilitator**

The Family Law Facilitator’s duties may include, but are not limited to, those duties as set forth in Family Code §10005(a) and (b), subject to the needs and workload of the court.

(Adopted effective January 1, 1998)

**Rule 714. Education, Experience, and Training Standards for Court Appointed Counsel for Minor Children**

A. Education, Experience and Training Requirements

Attorneys appointed as counsel for minor children must comply with the requirements listed in the rule 5.242 of the California Rules of Court.

B. Attorneys Appointed as Counsel for Minor Children

1. Prior to becoming eligible for appointment, attorneys shall provide the Administrative Assistant to the Family Law Panel Declaration of Counsel for a Child Regarding Qualifications (Judicial Council form FL-322) which must include the name, address, telephone number, and state bar number of the attorney, and a statement that the experience, education and training requirements required by rule 5.242 of the California Rules of Court have been satisfied.
2. Thereafter, counsel must comply with rule 5.242 of the California Rules of Court by completing a Declaration of Counsel for a Child Regarding Qualifications within 10 days of each new appointment and before beginning work on the case.
3. Counsel appointed pursuant to rule 5.242 of the California Rules of Court must maintain proof of their compliance with the education requirement

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

for at least three years from the date of their Declaration Regarding Qualifications. Attorneys shall provide such proof of compliance to the Court as the Court may require. However, attorneys must not submit certificates of completion to the Court unless specifically requested to do so. Certificates of completion must include the name of the training provider, the name of the course, course description, where offered, number of hours of training offered, the number of hours the person attended, and the date(s) of the training. The attorney's own records of self-study that include, as appropriate, the titles, providers, and the amounts of credit claimed for the education activities, and the dates on which the attorney engaged in the activities shall be a sufficient record of compliance for self-study.

4. Attorneys who meet the minimum standards as set forth in rule 5.242 of the California Rules of Court and as demonstrated by the information contained in the Declaration Regarding Qualifications, will be deemed eligible to represent a minor child in matters heard by the Family Law Panel.
5. The Court will maintain a list of attorneys eligible for appointment pursuant to rule 5.242 of the California Rules of Court, and will make the list available to the public. The list must contain the name, address, telephone number of the attorney, and the date of receipt of the Declaration Regarding Qualifications.

### C. Continuing Education Requirements

1. After satisfaction of the initial minimum requirements, attorneys for the minor children must continue to meet the general appointment education requirements described in rule 5.242 of the California Rules of Court.
2. Attorneys must submit a new Declaration of Counsel for a Child Regarding Qualifications to the Administrative Assistant to the Family Law Court, on or before February 1<sup>st</sup> of each year after the year in which the attorney became eligible for appointment. The new Declaration Regarding Qualifications must include a statement that the continuing training and education requirements required by rule 5.242 of the California Rules of Court have been satisfied.
3. If an attorney fails to submit a timely Declaration of Counsel for a Child Regarding Qualifications, the Court may substitute another eligible attorney in his or her place and may remove the attorneys from the eligibility list maintained by the Court.

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

---

- D. Attorneys must report to the Supervising Family Law Judge in writing the:
1. Initiation of any disciplinary proceeding against them within five days of actual knowledge of any such disciplinary proceeding, including the basis of the complaint;
  2. Result of any disciplinary proceedings; and
  3. Notice of reproof, probation, suspension of license, and/or disbarment.
- E. Complaints regarding the conduct of, or procedures employed by counsel for minor children must be made in writing to the Supervising Family Law Judge. A copy of the complaint must be provided to all parties. The Court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board. The Court must provide a written response to the person filing the complaint.

(Adopted effective August 1, 2004; revised eff. July, 2007; January 1, 2010)

**Rule 715. Court Connected Child Custody Mediation**

A. Authority

This rule is adopted in compliance with rule 5.210, California Rules of Court, and Family Code §3163.

B. Ex Parte Communication

Absent a stipulation to the contrary, and except as provided in Family Code §3151(c)(5), there must be no ex parte communication between the attorney for either party or minor's counsel and a mediator except to schedule appointments. No attorney or party to the action may provide a mediator with documents about the case without first giving the other party, and minor's counsel, a copy of the documents.

C. Change of Mediator

Any request for a change of mediator must be made orally, or in writing, to the Director of Family Court Services.

D. Complaints Regarding Mediators

Complaints about a mediator must be addressed in writing to the Director of Family Court Services, who must provide a written response to the person filing the complaint within thirty days of its receipt.

(Adopted effective January 1, 2005)

**Rule 716. Court Ordered Child Custody Evaluations**

A. Authority

This rule is adopted in compliance with rules 5.220 and 5.225, California Rules of Court.

B. Peremptory Challenges

The parties and minor's counsel are each permitted one peremptory challenge to a Child Custody Evaluator appointed by the court, whether or not private or a court-connected Family Court Services staff member. Unless waived, a peremptory challenge must be made within 5 court days of notice of the appointment. Minor's counsel appointed after the expiration of the time allowed to the parties to make a peremptory challenge under this rule may not may a peremptory challenge to the evaluator.

C. Withdrawal from a Case

An evaluator may request to withdraw from a case by delivering a written declaration demonstrating good cause under penalty of perjury to the judicial officer assigned to the case and must give copies of the request to all parties and minor's counsel. Any objections to the request to withdraw must be filed with the court, and served on the evaluator, all parties, and minor's counsel, within ten days of notice of the request to withdraw. After time for filing of objections to the request to withdraw has expired, the court may, upon a finding of good cause, grant the request to withdraw, deny the request, or set a noticed hearing to resolve the issue.

D. Complaints Regarding Evaluators

1. Court-connected Family Court Services Staff Member

Complaints regarding the conduct of, or procedures employed by, a court-connected evaluator must be made in writing to the Director of Family Court Services. A copy of the complaint must be provided to the evaluator, all parties, any minor's counsel, and the judicial officer assigned to the case. The Court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board.

2. Private Evaluators

Complaints regarding the conduct of, or procedures employed by, a private child custody evaluator must be made in writing to the judicial officer assigned to the case. A copy of the complaint must be provided to

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

the evaluator, all parties, and to any minor’s counsel. The court must determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board.

E. Requests for Removal of Evaluator

A request for the removal of an evaluator, whether or not private or court-connected, must be made by noticed motion, filed with the judicial officer assigned to the case, and served on the evaluator, all parties, and minor’s counsel, if applicable.

F. Ex Parte Communications

Unless there is a stipulation, ex parte communications by counsel with the evaluator are prohibited, except to schedule appointments. An attorney for a party, or minor’s counsel, must not provide the evaluator with documents pertaining to the case without first providing the other side, and minor’s counsel, if any, with a copy of the documents.

G. List of Private Evaluators

The Family Law Court must maintain a list of private evaluators who have completed and signed a Declaration of Child Custody Evaluator Regarding Qualifications [Judicial Council Form FL-326]. The list may be viewed on the court’s public website under *Family Law, Child Custody Evaluator List*, as [www.occourts.org](http://www.occourts.org), and will also be available at the Family Law Clerk’s Office and in each Family Law courtroom. Each private evaluator must promptly provide the Supervising Family Law Judge with updates to any information contained in the list.

(Adopted effective January 1, 2005)

**Rule 717. Domestic Violence Training Standards for Court Appointed Child Custody Investigators and Evaluators**

A. Authority

This rule is adopted in compliance with rule 5.230, California Rules of Court.

B. Evaluator’s Duty to Inform Court Regarding Completion of Training

Before conducting any child custody evaluation, each private or court-connected child custody evaluator must submit to the Supervising Family Law Judge a copy of his/her Certificate of Completion of advanced domestic violence training, and a Declaration of Completion of community resource networking as required by rule 5.230(d), California Rules of Court. Each evaluator must submit yearly

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

---

Certificates of Completion to the Supervising Family Law Judge of the most recent update training in domestic violence as required by rule 5.230(d)(2), California Rules of Court.

(Adopted effective January 1, 2005)

**DIVISION 7**

**APPENDIX A**

**Family Law Mandatory Settlement Conference Policy Memorandum**

**Attendance/Preparation:** All counsel and parties are required to appear at the MSC and must be prepared to conduct a meaningful settlement conference. Compliance with this policy requires, in addition to physical attendance by counsel and the parties, adherence to the following procedures for the exchange of information:

- A. Completion and exchange of an MSC/TRIAL BRIEF and completed Income and Expense and Property Declarations. The parties must bring the Declaration of Disclosure for reference; the declaration will not be filed with the court.
- B. The MSC/TRIAL BRIEF may be in any form desired but must set forth the position of each party on the following issues where appropriate:
  1. custody and visitation
  2. child support
  3. spousal support
  4. division of property (values and proposed division)
    - a. community
    - b. separate
    - c. debts
    - d. credits
  5. attorneys fees and costs

**Objective:** The object of the settlement conference is to arrive at stipulations as to all or some of the contested issues. If settlement of all issues is not achieved, the MSC may, on court order, result in a joint statement which will define and limit the issues to be tried. Issues not fully considered in the course of the MSC may not be considered for trial.

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**DIVISION 7**

**APPENDIX B**

Case Name \_\_\_\_\_

Case No. \_\_\_\_\_

**Joint Statement of Issues Remaining to be Tried**

In using this form counsel are to circle those issues remaining to be tried:

- A. Child Custody
- B. Child Visitation
- C. Amount of Child Support
  - 1. Net income of (Petitioner) (Respondent) disputed
  - 2. Extraordinary circumstances disputed
- D. Spousal Support
  - 1. Term
  - 2. Amount
    - a. Supported Spouse's ability to earn
    - b. Amount of Supporting Spouse's income
    - c. Willful refusal to work
- E. Division of Property
  - 1. Family Residence
    - a. Disposition – sale or retention
    - b. Value
  - 2. Pension
    - a. Brown formula or assignment to one spouse
    - b. Value
  - 3. Family Business
    - a. Good Will Value
    - b. Other \_\_\_\_\_
  - 4. Household Furniture

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

---

- 5. Automobiles
- 6. Other \_\_\_\_\_
- F. Character of Property
  - 1. Separate Property Claim by (Petitioner) (Respondent) in:
    - a. House
    - b. (Bank Accounts) (Securities) (Pension) (Business)  
(Other) \_\_\_\_\_
- G. Credits and Charges
  - 1. Claim that (Petitioner) (Respondent) should be charged for:
    - a. Misappropriation
    - b. Funds Utilized (during marriage) (after separation)
    - c. Other \_\_\_\_\_
  - 2. Claim that (Petitioner) (Respondent) should be credited with:
    - a. Community Property debts paid from separate property
    - b. Other \_\_\_\_\_
- H. Other Issues as Follows
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  - 3. \_\_\_\_\_

We certify that we have met and conferred in good faith and that those issues identified above are the only remaining issues yet to be tried. The contentions of the parties relative to the remaining issues are set forth in our respective trial briefs which have been previously served and filed in accordance with Rule 705.

Date: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Attorney for Claimant

(Adopted effective January 1, 1987; revised eff. July 1, 1994; revised eff. January 1, 2007)

**DIVISION 7**

**APPENDIX C**

Case Name \_\_\_\_\_

Case No. \_\_\_\_\_

**Statement of Compliance**

- A. Pretrial motions, if any, have been disclosed by each counsel.
- B. Trial briefs, income and expense declarations and property declarations have been exchanged.
- C. Counsel have inspected all exhibits and such exhibits are ready to be submitted to the clerk for marking if required by the trial court. (Impeachment documents are excepted.)
- D. Counsel have produced, and have inspected, all documents in the possession of the other party which have been made the subject of a proper Notice to Produce.
- E. Each party has disclosed all witnesses to the other party. (Impeachment witnesses are excepted.)
- F. Counsel understand that any witnesses not disclosed and any documents not produced which are in the custody, or within the control of the party and have been made a subject of a proper Notice to Produce, may be excluded by the trial judge, absent a showing of good cause as to why the witness was not disclosed or why the document was not produced.
- G. Counsel have met and conferred and made a good faith effort to stipulate to as many issues, facts, documents, and waiver of foundational requirements as possible, and submitted to the court for filing a statement of remaining issues to be tried in the form required by Appendix B.
- H. (*If Custody is in issue*). The parties have kept all appointments made through Mediation and Investigative Services and notwithstanding a good faith effort have failed to resolve the custody and/or visitation issues.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Attorney for Claimant  
(Adopted effective January 1, 1987; revised eff. July 1, 1994)

\_\_\_\_\_  
Attorney for Child(ren)