Superior Court of California
County of Solano

Rule 5 – Family Law

5.1 SCOPE OF RULE 5; APPLICABILITY TO PARTIES AND COUNSEL

a. **ASSIGNMENT OF MATTERS TO THE FAMILY LAW DIVISION**
All family law matters will be heard principally in the Family Law Division as designated by the Presiding Judge and in such additional departments to which such matters may, from time to time, otherwise be assigned for trial or hearing by the Supervising Judge of the Family Law Division.
(Subd (a) amended effective January 1, 2008.)

b. **MATTERS TO WHICH RULE 5 APPLIES**
Rule 5 applies to all family law matters, which shall include the following:

(1) Actions filed under the California Family Code;

(2) Post-judgment marital or domestic partnership actions involving omitted or reserved property issues;

(3) Non-marital actions consolidated for trial with Family Code actions;

(4) Enforcement and/or modification of sister state and foreign family law orders and judgments;

(5) All other matters in which family law issues are present or that have been assigned for adjudication to the Family Law Division, including but not limited to, discovery matters concerning family law issues and Department of Child Support Services proceedings.

(Subd (b) amended effective January 1, 2008.)

c. **MATTERS TO WHICH RULE 5 DOES NOT APPLY**
Except as provided in another local rule, Rule 5 does not apply to child custody matters filed pursuant to the California Probate Code (Guardianships) or filed pursuant to the California Welfare and Institutions Code (Dependency).
(Subd (c) amended effective July 1, 2008; previously amended effective January 1, 2008.)

d. **APPLICABILITY OF RULES TO PARTIES AND COUNSEL**
Unless otherwise required by law or a provision of this Rule 5, or the context of a specific provision, Rule 5 applies to the parties, to the attorneys of represented parties, and to minor's counsel.
(Subd (d) adopted effective January 1, 2008.)

(Rule 5.1 amended effective July 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002, and January 1, 2008.)

5.2 DIRECT CALENDARING

a. **ASSIGNMENT OF MATTER TO JUDICIAL OFFICER**
When a family law case is filed, or received and filed as a transfer from another jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, subject to the approval of the supervising judge of the Family Law Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Family Law Division and best serve the court.
(Subd (a) amended effective January 1, 2008.)

b. **NOTIFICATION OF ASSIGNED JUDICIAL OFFICER**
The Clerk of the Court shall notify the parties of the assignment of the case to the judicial officer by designating on the Summons and Petition the judicial officer to whom the case has been assigned.
(Subd (b) amended effective January 1, 2008.)

c. **PEREMPTORY CHALLENGE TO JUDICIAL OFFICER**
A peremptory challenge to a judicial officer to whom a case has been assigned shall be filed within fifteen days of the party's first appearance in the action unless required earlier by law.
(Subd (c) amended effective January 1, 2008.)

d. **NON-STIPULATION TO SUBORDINATE JUDICIAL OFFICER**
A lack of consent to the matter being heard by a subordinate judicial officer to whom a case has been assigned shall be filed within fifteen days of the party's first appearance in the action unless required earlier by law.
(Subd (d) amended effective January 1, 2008.)

(Rule 5.2 amended effective January 1, 2008; adopted effective August 1, 2002.)

5.3 USE AND COMPLETENESS OF JUDICIAL COUNCIL AND SOLANO COUNTY FORMS

a. **USE OF CURRENT FORMS**

Except as otherwise permitted by the California Rules of Court, all documents presented for filing must be submitted on the most current Judicial Council and Superior Court of Solano County local forms. However, the Clerk of the Court may establish a period during which any out-dated form may be accepted after the effective date of the new form. Any Judicial Council form or local form that is designated mandatory must be used, and the court shall not accept any substitute for filing (reference: Cal. Rules of Court, rule 1.31.)
(Subd (a) amended effective July 1, 2009; previously amended effective January 1, 2008.)

b. **FILING OF MOVING AND RESPONDING PAPERS**

Moving and responding papers shall be filed with the Family Law Clerk's Office and they shall contain the following information in the caption:

(1) Nature of motion, including the relief requested;

(2) Hearing date, if known at the time of filing;

(3) Hearing time, if known at the time of filing; and,

(4) Assigned department, if known at the time of filing.
(Subd (b) amended effective January 1, 2008.)

c. **REJECTION OF INCOMPLETE PAPERS FOR FILING**

Except as otherwise provided by the Solano County Local Rules or by the California Rules of Court, the Family Law Clerk's Office shall not accept for filing any form, document or pleading which is not in compliance with the Solano County Local Rules or the California Rules of Court, and/or not complete when presented for filing. The Family Law Clerk's Office shall maintain for public distribution a sample guide about the form of papers to be filed.
(Subd (c) amended effective January 1, 2010; previously amended effective January 1, 2008.)

d. **CONFORMED COPIES OF PLEADINGS**

Applicants needing conformed copies of a filed motion at the time of filing must bring copies for conformance. This requirement does not apply to requests for

domestic violence restraining orders. Parties are expected to have endorsed-filed copies of all filed papers with them at each and every court appearance.
(Subd (d) adopted effective January 1, 2008.)

e. **USE OF SUPERIOR COURT OF CALIFORNIA, COUNTY OF SOLANO CASE NUMBER**
The Superior Court of California, County of Solano case number shall be on each paper filed. A party shall not add any numbers, letters or other designations to the case number, either as a prefix or a suffix, on any pleading filed with the court. The case number shall have the following format:

(1) SF012345: All family law cases (excepting adoptions and Uniform Parentage Act cases) filed prior to December 8, 1999.

(2) FFL012345: All family law cases (excepting adoptions and Uniform Parentage Act cases) filed on or after December 8, 1999 or whose case number is equal to or higher than FFL050994.

(3) SA001234: All adoption cases filed prior to December 8, 1999.

(4) FAD001234: All adoption cases filed on or after December 8, 1999, or whose case number is equal to or higher than FAD005778.

(5) SL012345: All Uniform Parentage Act cases filed prior to December 8, 1999, including cases with case numbers formatted as "L012345".

(6) FCS012345: All Uniform Parentage Act cases filed between December 8, 1999, and September 30, 2002.

(7) FFL012345: All Uniform Parentage Act cases filed on or after October 1, 2002, or whose case number is equal to or higher than FFL069339.

(Subd adopted effective July 1, 2008.)

(Rule 5.3 amended effective January 1, 2010; adopted as Rule 5.5 effective July 1, 1988; previously amended effective August 1, 2002; amended and renumbered as Rule 5.3 effective January 1, 2008; amended effective July 1, 2008, and July 1, 2009.)

5.4 FILING AND SERVICE OF SUMMONS, PETITION, MOVING, RESPONSIVE, AND OTHER PLEADINGS

a. **FILING AND SERVICE OF SUMMONS AND PETITION**
The Summons and Petition shall be filed and served on the opposing party or attorney in accordance with the applicable provisions of Part 2, Title 5 of the Code of Civil Procedure sections, generally 410.10 through 418.11.
(Subd (a) amended effective January 1, 2008.)

b. **FILING AND SERVICE OF MOVING AND RESPONSIVE PLEADINGS AND SUPPORTING DOCUMENTS**

(1) Moving and responsive pleadings and their supporting documents shall be filed and served on the opposing party or attorney in accordance with Code of Civil Procedure section 1005.
(Subd (1) amended and renumbered effective January 1, 2008; adopted as unnumbered part of Rule 5.3, subd (b) effective July 1, 1988.)

(2) Responsive pleadings, supporting documents, or other pleadings relevant to a matter scheduled for hearing may be filed or served late for good cause or if the opposing party or counsel expressly consents on the record to the late service, and the original of the pleading and supporting documents are delivered to the assigned department by 2:30 p.m. on the court day before the scheduled hearing. Nothing in this rule limits the court's discretion to disregard a late filing.
(Subd (2) amended effective July 1, 2008; previously amended and renumbered effective January 1, 2008; adopted as unnumbered part of Rule 5.3, subd (b) effective July 1, 1988.)

c. **FORMS TO BE INCLUDED WITH MOVING AND RESPONSIVE PAPERS**
In addition to any forms required by the California Rules of Court, all moving papers and responsive papers shall be accompanied by the applicable forms specified in Rule 5 of the Solano County Local Rules.
(Subd (c) amended effective January 1, 2010; adopted effective January 1, 2008.)

d. **APPLICATIONS FOR ORDERS FOR PUBLICATION OF SUMMONS**
A petitioner seeking an order for publication of summons pursuant to Code of Civil Procedure section 415.50 shall submit the request on an Application for Order For Publication of Summons (Solano County Local Form no. 322) and a Declaration in Support of Application for Order for Publication of Summons (Solano County Local Form no. 323).

(Subd (d) amended effective January 1, 2010; adopted effective July 1, 2008.)

e. **FILING OF NOTICES OF UNAVAILABILITY**
The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. *Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.
(Subd (e) adopted effective January 1, 2009.)

(Rule 5.4 amended effective January 1, 2010; adopted as Rule 5.3 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005; amended and renumbered as Rule 5.4 effective January 1, 2008; amended effective July 1, 2008, and January 1, 2009.)

5.5 SERVICE

a. **FILING PROOF OF SERVICE**
Proof of service in all family law matters shall be filed with the Clerk of the Court at least five days prior to the hearing. If no proof of service of the moving papers is filed with the court prior to the time set for hearing, the matter may be taken off calendar.
(Subd (a) amended effective January 1, 2010; amended effective January 1, 2008.)

b. **SERVICE OF PLEADINGS AFTER ENTRY OF STATUS-ONLY JUDGMENT**
Family Code section 215, requiring service of pleadings or other court papers directly upon a party after entry of a judgment, does not apply to pleadings or papers served after the entry of a bifurcated status-only judgment where jurisdiction is reserved over other issues. .
(Subd (b) amended effective January 1, 2010; amended effective January 1, 2008.)

c. **NOTICE TO ATTORNEY OF RECORD OF SUBSEQUENT PROCEEDINGS**
After a final judgment has been entered, the attorney of record for a party shall continue as attorney of record, and shall be given a courtesy copy of all subsequent pleadings or papers filed in such action, unless the attorney formally withdraws from the matter by stipulation, order, or pursuant to Code of Civil Procedure, section 285.1.
(Subd (c) amended effective January 1, 2010; previously amended effective January 1, 2008.)

d. **USE OF JUDICIAL COUNCIL PROOF OF SERVICE FORMS**
In matters not involving domestic violence restraining orders or other restraining orders, parties are strongly encouraged to use the appropriate Judicial Council forms for proofs of service.
(Subd (d) amended effective January 1, 2010; adopted effective January 1, 2008.)

e. **PROOF OF SERVICE FOR SUMMONS SERVED BY PUBLICATION**
Where the court has ordered service of a summons by publication, the petitioner shall file a proof of service demonstrating that the summons has been published as ordered and showing the first day of publication of the summons. A copy of the published summons or an affidavit from the newspaper of general circulation shall be attached to the proof of service.
(Subd (e) adopted effective July 1, 2008.)

(Rule 5.5 amended effective January 1, 2010; adopted as Rule 5.4 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.5 effective January 1, 2008; amended effective July 1, 2008.)

5.6 DECLARATIONS

a. **CONTENT OF DECLARATIONS**
Supporting and responding declarations shall be made on personal knowledge, shall set forth only admissible evidence, and shall show affirmatively that the declarant is entitled to the relief or order requested and is competent to testify to the matters stated therein. The court will not grant an application based on declarations that contain solely conclusions or inadmissible statements.
(Subd (a) amended and relettered effective January 1, 2008; adopted as unlettered subdivision to Rule 5.6 effective July 1, 1988.)

(Rule 5.6 amended effective January 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002.)

5.7 EX PARTE APPLICATION FOR ORDER; ORDERS SHORTENING AND EXTENDING TIME

a. **EX PARTE APPLICATIONS GENERALLY**
Ex parte applications are extraordinary remedies. Most ex parte applications are appropriate only where irreparable harm or immediate danger needs to be addressed before a motion or an Order to Show Cause can be heard, or if good cause is shown for the granting of an order shortening time.
(Subd (a) adopted effective January 1, 2008.)

b. **REQUIREMENTS FOR DECLARATION IN SUPPORT OF AN EX PARTE ORDER**
All applications for ex parte relief shall comply with California Rules of Court, rules 3.1201 and 3.1202. Absent good cause, a written declaration that supports the ex parte relief requested shall be required in all cases.
(Subd (b) amended and relettered effective January 1, 2008; adopted as subd (a) effective January 1, 1988.)

c. **DISCLOSURE THAT THE APPLICATION CHANGES THE STATUS QUO**
The applicant shall disclose whether his or her request modifies a court order, an agreement, or a practice of the parties.
(Subd (c) amended and relettered effective January 1, 2008; adopted as subd (b) effective January 1, 1988.)

d. **EX PARTE NOTICE REQUIREMENTS**
Before submitting an ex parte application for the court's consideration, the applicant shall comply with the procedures in Family Code sections 241 through 246 inclusive, 2045, 3060 through 3064 inclusive, 6320 through 6340 inclusive, and California Rules of Court. Unless otherwise stated in the Solano County Local Rules, the applicant must comply with all requirements for a declaration setting forth that NOTICE of the ex parte request has been given to the other party or the reason notice has not been given. At the time of submission of the application, a completed Declaration Re Notice Upon Ex Parte Application for Orders (Solano County Local Form no. 1070) or a declaration in substantial compliance therewith, shall accompany all applications for ex parte orders, except those specified in Family Code sections 6200 et seq., and shall be filed before the ex parte hearing. The moving party shall make available a copy of the filed Declaration Re Notice Upon Ex Parte Application for Orders to the judicial officer, and to the opposing party or attorney if one appears, at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.
(Subd (d) amended effective January 1, 2010; adopted as subd (c) effective January 1, 1988; previously amended July 1, 2005; amended and relettered as subd (d) effective January 1, 2008.)

e. **EX PARTE APPLICATIONS WITHOUT NOTICE**
The court may hear an application without notice for good cause, which may include, but not be limited to, the following:

(1) Notice could not be given after a good faith effort to do so;

(2) The moving party presents proof that the other party in the matter does not oppose the application;

(3) The applicant would suffer immediate and irreparable injury if notice were given; or,

(4) The request is for an order directing the parties to attend mediation or to file and serve an *Income and Expense Declaration* (Judicial Council form FL-150).

(Subd (e) amended and relettered effective January 1, 2008; adopted as subd (d) effective January 1, 1988.)

f. **PROCEDURE GENERALLY FOR PROCURING EX PARTE ORDER**

(1) To determine whether, if taken as true, the moving papers demonstrate irreparable harm or immediate danger or otherwise set forth good cause for granting an order shortening time, the assigned judicial officer shall consider the requesting party's papers and, in his or her discretion, determine that the matter should be addressed in an ex parte hearing, or with an order shortening time for notice or for a hearing, or with a regularly set motion or Order to Show Cause. All ex parte applications must be submitted for screening by 1:00 p.m. for consideration on that same court day. Presenting the ex parte motion for this screening process does not in and of itself constitute submission of the motion for the court's consideration per Solano County Local Rules, rule 5.7(d), above.
(Subd (1) adopted effective January 1, 2008.)

(2) At the ex parte hearing, the party requesting ex parte orders must inform the judicial officer whether the opposing party is represented by counsel or is unrepresented.
(Subd (2) amended and renumbered effective January 1, 2008; adopted as subd (e)(1) effective January 1, 1988.)

(3) If the opposing party has counsel, the moving party must inform the judicial officer of the name, address and telephone number of the opposing counsel and whether notice has been given to opposing counsel. Unless excused or otherwise ordered by the court or excused pursuant to the Solano County Local Rules, the notice must be given no later than 10:00 a.m. the court day before the ex parte appearance and shall include the date, time, and place the request will be made, a summary of the relief requested, and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package

must be served in a prescribed manner upon the opposing party or attorney, at a specified time before the ex parte hearing.
(Subd (3) amended effective July 1, 2008; adopted as subd (e)(2) effective January 1, 1988; previously amended and renumbered effective January 1, 2008.)

(4) If the opposing party is not represented by counsel, notice to the other party must be given pursuant to California Rules of Court, rule 3.1203, unless said notice is excused by the court or excused pursuant to the Solano County Local Rules. Notice shall include the date, time, and place the request will be made, a summary of the relief requested and the facts upon which the request will be made. In its discretion, the court may require that the entire moving papers package must be served in a prescribed manner upon the opposing party or attorney, at a specified time before the ex parte hearing.
(Subd (4) amended and renumbered effective January 1, 2008; adopted as subd (e)(3) effective January 1, 1988.)

(Subd (f) amended effective July 1, 2008; adopted as subd (e) effective January 1, 1988; previously amended and relettered effective January 1, 2008.)

g. **REQUIREMENTS FOR PARTICULAR EX PARTE ORDERS**

(1) *Exclusive Use of a Motor Vehicle*
The court will not grant an application for exclusive use of a vehicle without notice to the other party unless the declaration demonstrates that the opposing party has suitable transportation available or requires no such transportation.

(2) *Removal From a Residence*
The court will not grant an application removing a party from a residence without notice to the removed party except in exceptional circumstances and unless the declaration demonstrates the facts required by Family Code section 6321.

(3) *Children*
The court will not grant an application establishing or modifying custody of children (with or without notice) unless the declaration demonstrates exceptional circumstances.

(4) *Domestic Violence Restraining Orders*
A mere expression in the declaration of violence or fear will not adequately support the granting of an ex parte order. The facts upon which the violence or fears are based must be stated in the manner set forth in Solano County Local Rules, rule 5.6, above. The declarations must expressly include (1) the actual or approximate date(s) of the incidents alleged, (2) a detailed description of the facts of each incident, and (3) the specific harm caused or threatened.

(Subd (g) amended and relettered effective January 1, 2008; adopted as subd (f) effective January 1, 1988.)

h. **CONFORMING EX PARTE COURT ORDERS**
The applicant must conform copies of the ex parte orders to the original order signed by the court prior to filing and causing service of the copies.
(Subd (h) amended and relettered effective January 1, 2008; adopted as subd (g) effective January 1, 1988.)

i. **SET ASIDE OF EX PARTE ORDER**
If a responding party requests an ex parte order be set aside prior to the date set for hearing, notice shall be given to the moving party unless such notice is waived by order of court for good cause shown by declaration. The court may order an earlier hearing date or modify the order on a proper showing in lieu of setting aside the order.
(Subd (i) amended effective January 1, 2010; adopted as subd (h) effective January 1, 1988; previously amended and relettered as subd (i) effective January 1, 2008; amended effective July 1, 2008.)

j. **ORDERS SHORTENING AND EXTENDING TIME**
An order shortening time for service per Code of Civil Procedure section 1005 or extending the duration of ex parte orders per Family Code section 245 will not be granted unless supported by a written declaration demonstrating good cause. A request for an order shortening time shall be sought through the court's ex parte screening process as described in Solano County Local Rules, rule 5.7(f)(1).

(1) If an order shortening time for service is requested, the supporting declaration shall state whether the responding party is represented by counsel, the name and address of the responding party's attorney, and whether that attorney has been contacted and has agreed to the date and time proposed for the hearing. If the responding party's attorney, or the responding party if self-represented, has not been contacted or has not agreed to the proposed setting, the moving party's supporting declaration

shall clearly demonstrate why the hearing should be set on the proposed date without the consent of the opposing attorney or self-represented party. Provision for immediate delivery of the pleadings to the opposing attorney or self-represented party shall be set forth in the order.
(Subd (1) amended effective January 1, 2008.)

(2) As a general rule, a declaration in support of an order shortening time for service must show emergency circumstances unless it is to enable a responding party to file moving papers and obtain affirmative relief on the same hearing date and time previously set by the moving party. Anticipated problems of serving the responding party will not be sufficient basis for an order shortening time for service.
(Subd (2) amended effective August 1, 2002.)

(Subd (j) amended and relettered effective January 1, 2008; adopted as subd (i) effective January 1, 1988; previously amended effective August 1, 2002.)

k. **PAYMENT OF EX PARTE FILING FEE**
The filing fee applicable to ex parte applications shall be paid before the date and time of the ex parte hearing, except as specifically permitted by the court. A copy of the receipt reflecting payment of the ex parte filing fee shall be provided to the judicial officer at the time of the ex parte hearing, or the ex parte hearing may be ordered rescheduled.
(Subd (k) amended and relettered effective January 1, 2008; adopted as subd (j) effective July 1, 2005.)

(Rule 5.7 amended effective January 1, 2010; adopted effective July 1, 1988; previously amended August 1, 2002, July 1, 2005, January 1, 2008, and July 1, 2008.)

5.8 SPECIAL PROCEDURES FOR EX PARTE APPLICATIONS FOR ORDERS AND EX PARTE APPLICATIONS FOR INJUNCTIVE RELIEF PERTAINING TO DOMESTIC VIOLENCE

a. **DECLARATION REGARDING EX PARTE NOTICE GENERALLY NOT REQUIRED**
Except as may be required by the judicial officer to whom the ex parte application for an order is made pursuant to Family Code section 6200 et seq. (Domestic Violence Prevention Act), an applicant for ex parte restraining orders made pursuant to the Act need not submit a completed Declaration Re Notice Upon Ex Parte Application for Orders (Solano County Local Form no. 1070) or a declaration in substantial compliance therewith.

(Subd (a) amended effective July 1, 2008; previously amended effective January 1, 2008.)

b. **REVIEW OF EX PARTE APPLICATIONS**
All ex parte applications may be reviewed by court staff to determine compliance with these rules and, after such review, may be submitted to the court for consideration.
(Subd (b) amended effective January 1, 2008.)

c. **DELIVERY TO LAW ENFORCEMENT AGENCY**
To obtain enforcement of temporary restraining orders, applicants or their counsel shall deliver a copy of such orders to one or more designated law enforcement agencies. The order shall have a file-endorsed stamp by the Clerk of the Superior Court in the upper right hand corner and the expiration date of the order shall be clearly marked on the face of the document. Temporary restraining orders and orders issued at the order to show cause hearing for delivery to law enforcement agencies shall include a specific expiration date.
(Subd (c) amended effective January 1, 2008.)

d. **NOTIFICATION DUTY ON TERMINATION, EXTENSION OR MODIFICATION**
Where an order is issued restraining or enjoining domestic violence and that order is terminated before the expiration date, extended beyond that date or otherwise modified, the party obtaining relief, or his or her attorney, shall immediately notify the designated law enforcement agency in writing of such termination, extension or modification.
(Subd (d) amended effective January 1, 2008.)

e. **NOTIFICATION DUTY ON EXTENSION OF TEMPORARY RESTRAINING ORDERS**
Where a temporary restraining order is issued ex parte to be effective until the date set for hearing, and thereafter the hearing date is continued to a subsequent date, the temporary restraining order shall terminate unless ordered by the court to remain in effect until a subsequent date. In the event the temporary order is continued by court order to a subsequent hearing date, applicant shall deliver a copy of such order to the designated law enforcement agency.
(Subd (e) amended effective January 1, 2008.)

(Rule 5.8 amended effective July 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002 and January 1, 2008.)

5.9 LAW AND MOTION CALENDAR

a. **MATTERS REQUIRING 20 MINUTES OR LESS**
All family law motions, orders to show cause, and other law and motion matters requiring 20 minutes or less for hearing shall be heard at the hours set by the courts' calendars.
(Subd (a) amended effective January 1, 2008.)

b. **SETTING DATES FOR HEARING**
The Family Law Calendar Clerk shall initially provide the times, dates and assigned department for all hearings on law and motion matters on receipt of Notices of Motion, Orders to Show Cause, and any other appropriate requests for other relief or action in family law matters.
(Subd (b) amended effective January 1, 2008.)

c. **FILING REQUIREMENTS FOR MOTIONS SEEKING FINANCIAL RELIEF**
The Clerk of the Court shall not accept for filing a Notice of Motion or Order to Show Cause requesting financial relief without the moving party filing an Income and Expense Declaration (Judicial Council form FL-150) concurrently with the Notice of Motion or Order to Show Cause, unless an Income and Expense Declaration has been filed within the previous 60 days and that Declaration remains factually accurate and current. All Income and Expense Declarations shall comply with California Rules of Court, rule 5.128, and with all instructions in the Judicial Council form.
(Subd (c) amended effective January 1, 2008.)

d. **DROPPING A SCHEDULED HEARING**
Both parties shall inform the department to which a matter has been assigned not later than 12:00 noon the preceding court day if both parties agree no hearing is needed. Failure to do so may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.
(Subd (d) amended effective January 1, 2008.)

e. **CONTINUANCE OF A SCHEDULED HEARING**
Except for good cause shown, a court will continue a law and motion matter to resolve a conflict with a trial involving one of the parties or attorneys.
(Subd (e) amended effective January 1, 2008.)

f. **LAW AND MOTION CALENDAR PROCEDURES**

(1) **Mandatory Meet and Confer Requirements**

(a) *Meet and Confer Prior to Hearing*
Except as provided elsewhere in these rules, upon service of an Order To Show Cause, a Notice of Motion, or any other documents for which a hearing has been set, the parties and/or attorneys must contact each other before the date of the hearing and make at least one peaceable attempt to settle all of the issues of the hearing. Each party and attorney must make good faith, reasonable proposals on all issues, attempting actual settlement thereof. This settlement attempt may be in writing, by fax or e-mail, by telephone, or in person. If the issues include child support or temporary spousal support, the parties or attorneys must exchange DissoMaster™ or such other computerized support calculations as authorized by statute and California Rules of Court, rule 5.275, as part of their settlement attempts.

If after meeting and conferring, the parties or their attorneys *both agree* that the hearing is not necessary, *both* parties or attorneys must immediately notify the assigned judicial department per Solano County Local Rules, rule 5.9(d). Failure to do so may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.
(Subd (a) amended effective January 1, 2008.)

(b) *Meet and Confer on the Date of the Hearing*
On the day of the hearing and prior to calling of the calendar, the parties and attorneys must meet and confer again to review the issues pending before the court, to inspect and exchange all relevant documents, and to exchange information in a good faith attempt to settle all of the issues of the hearing. They must also cooperate so as to clearly outline and efficiently present the settled and unsettled issues to the court at the hearing. Documents and information not exchanged prior to the hearing may not be considered by the court, in the court's discretion. Failure to meet and confer as required herein may result in the matter being delayed, or postponed, or dropped from calendar, or sanctions or other remedies imposed in the court's discretion.

(Subd (b) amended and relettered effective January 1, 2008; adopted as part of Rule 5.11, subd (f)(1)(a) effective August 1, 2002.)

(c) *Meet and Confer Rule for Parties Subject to Restraining Orders*
This meet and confer rule does not require the parties themselves to meet and confer personally if there are any restraining orders, issued by any court whatsoever, requiring one party to "not contact" or "stay away" from any other party to the same action, if such restraining orders are in effect at the time of the law and motion proceeding. However, the parties' attorneys, if any, must meet and confer as stated herein, and any party representing himself or herself must meet and confer with the opposing party's attorney, if the opposing party is represented. At the hearing, the court may in its discretion order the parties themselves to meet and confer under conditions that the court deems appropriate.
(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.11, subd (f)(1)(b) effective August 1, 2002.)

(d) This meet and confer rule *does not apply*, except as stated in the immediately preceding paragraph, to moving papers that are filed under or concern:

(i) The Domestic Violence Prevention Act (Family Code §§ 6200 – 6409, as plead in Judicial Council forms DV-100 through DV-810);

(ii) Civil harassment actions (Code of Civil Procedure § 527.6, as plead in Judicial Council forms CH-100 through CH-151);

(iii) Workplace violence (Code of Civil Procedure § 527.8, as plead in Judicial Council forms WV-100 through WV-150); or,

(iv) Elder or dependent adult abuse (Welfare and Institutions Code §15657.03, as plead in Judicial Council forms EA-100 through EA-150).

(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.11, subd (f)(1)(c) effective August 1, 2002.)

(e) All litigants must be provided with the court's standard form Meet And Confer Orders (Solano County Local Form no. 10) as in effect at the time of the proceeding, as said standard form may be amended from time to time. The Clerk of the Court shall not accept for filing a Notice of Motion, Order to Show Cause or any other moving papers unless the moving party has included a copy of the current Meet And Confer Orders prominently in the original and all copies of the moving papers, with the top caption boxes completed. The Clerk of the Court shall not be required by this rule to determine whether or not there are current restraining orders in effect in the course of accepting moving papers for filing. A copy of the standard form Meet and Confer Orders shall also be included in any moving papers served on a litigant in any family law matter.
(Subd (e) amended effective January 1, 2010; previously amended effective July 1, 2008; previously amended and relettered effective January 1, 2008; adopted as Rule 5.11, subd (f)(1)(d) effective August 1, 2002.)

(f) This rule *does not apply* to moving papers that are filed by the Department of Child Support Services ("DCSS"), so long as the DCSS has and uses adequate "meet and confer" procedures of its own that meet the purposes of these mandatory meet and confer requirements as required by the assigned judicial officer for DCSS cases.
(Subd (f) amended and relettered effective January 1, 2008; adopted as Rule 5.11, subd (f)(1)(e) effective August 1, 2002; previously amended effective January 1, 2007.)

(Subd (1) amended effective January 1, 2010; previously amended effective January 1, 2008, and July 1, 2008.)

(2) **Duty to Advise Court of Settled Issues and Remaining Contested Issues**
At the hearing the parties or the attorneys for the parties shall advise the court what issues have been settled by agreement and what issues remain contested.
(Subd (2) amended effective January 1, 2008.)

(3) **Pleadings and Forms**
All pleadings in family law matters shall be in the form prescribed by California Rules of Court, rule 5.118 and rules 2.100 through 2.119.
(Subd (3) amended effective January 1, 2010; amended effective January 1, 2008.)

(4) **Factual Requirements of Orders Sought and Supporting Declaration**
The Application for Order and Supporting Declaration (Judicial Council form FL-310) and any other declarations in support of the relief requested must set forth sufficient facts justifying the relief requested by the moving party. The Responsive Declaration to the Order to Show Cause or Notice of Motion (Judicial Council form FL-320), together with any other declarations in support of the party's response, must set forth sufficient facts justifying the position stated by the responding party.
(Subd (4) amended effective January 1, 2008.)

(5) **Proposed Support Calculation**
The parties shall submit a proposed child support and/or temporary spousal or partner support calculation based on their best information as to the findings that the court should make. This calculation may be attached to the moving or responding pleadings or submitted to the court at the time of the hearing.
(Subd (5) amended effective January 1, 2008.)

(6) **Disclosure of Receipt of Public Assistance or Receipt of Department of Child Support Services (formerly known as District Attorney Family Support Division)**
If a party is receiving services from the Department of Child Support Services, receiving public assistance, or is aware that the other party is receiving services or public assistance, he or she shall notify the local Department of Child Support Services of the motion in compliance with Code of Civil Procedure section 1005. The notification shall include a copy of the moving and/or responsive pleadings, and the date, time, and address of the hearing.
(Subd (6) amended effective January 1, 2008.)

(7) **Discretion of Court Regarding Offers of Proof and Declarations**
Subject to legal objection, amendment and cross-examination, if allowed in the court's discretion, all declarations shall be considered received in evidence at the law and motion hearing. Direct examination on factual matters shall not be permitted except in unusual circumstances or for

proper rebuttal and in the court's discretion. The court may decide contested issues on the basis of the application, the response, supporting declarations and memoranda of points and authorities submitted by the parties without cross-examination of a declarant. Oral testimony of the parties normally will not be allowed; however, the court, in its discretion, may take offers of proof.
(Subd (7) amended effective January 1, 2008.)

(8) **Attachment of Prior Order to Submission Seeking to Modify**
A party seeking to modify a prior order or judgment shall attach a copy of the prior order or pertinent part of the prior judgment to his or her moving papers. A copy of the entire judgment need not be attached to the moving papers. The court will not accept a minute order in lieu of an order, except in the discretion of the assigned judicial officer.
(Subd (8) amended effective January 1, 2008; previously amended effective July 1, 2005.)

(9) **Attachment of Prior Order of which a Violation is Alleged**
On an Order to Show Cause and Affidavit for Contempt (Judicial Council form FL-410), the moving party shall attach to the moving papers a copy of the order allegedly violated. The court may refuse to sign an OSC for contempt that does not comply with this rule or may order the OSC off calendar at the hearing, at its discretion. If the prior order has not been filed with the court, the moving party shall submit a copy of the minute order or a declaration setting forth the terms of the order allegedly violated and explaining why the prior order was not filed with the court.
(Subd (9) amended effective January 1, 2008; previously amended effective July 1, 2005.)

(10) **Procedure When the Order to Show Cause was not Served Before the Hearing**
If the moving party did not serve the responding party before the date set for the hearing, a new hearing date may be obtained from the calendar clerk and an Order to Show Cause may be re-issued by completing an Application and Order for Reissuance of Order to Show Cause (Judicial Council form FL-306 or DV-125, where applicable), attaching it to an endorsed filed copy of the previously filed papers, and filing it with the Clerk of the Court at least five days before the scheduled hearing date. If a moving party does not obtain a reissuance prior to the hearing and fails to appear at the scheduled hearing to request a reissuance, the court will take the matter off calendar.

(Subd (10) amended effective January 1, 2008.)

(11) **Procedure When the Order to Show Cause Was Served But Not On Time**
If the moving party did not timely serve the responding party per Solano County Local Rules, rule 5.4 or per order of the court, the moving party must attend the scheduled hearing to obtain an extension of any restraining orders and a reissuance of any Order to Show Cause.
(Subd (11) amended effective January 1, 2008.)

(12) **Place and Time for Filing Moving and Responsive Pleadings**
Moving and responsive pleadings shall be filed directly with the Family Law Clerk's Office. Additional pleadings by the moving party and responsive pleadings by the responding party shall be served and filed in compliance with Solano County Local Rules, rule 5.4, unless otherwise ordered by the court. The court, in its discretion, may shorten times for the filing and service of pleadings or refuse to consider papers not filed in compliance with these rules.
(Subd (12) amended effective January 1, 2008.)

(13) **Continuances**
On hearing Orders to Show Cause and motions, the court may exercise its discretion in granting continuances on the stipulation of both parties. A continuance otherwise will be granted only upon a showing of good cause.
(Subd (13) amended effective January 1, 2008.)

(14) **Procedures on Calendar Call**
At the commencement of the calendar, the court may ascertain whether the parties are prepared to proceed at that time, whether a continuance is requested, or whether the parties are prepared to stipulate to some or all of the issues before the court. In the event a hearing is required, counsel for both parties shall state their time estimate required for the hearing on the issues not agreed upon, and whether the parties have met and conferred pursuant to Solano County Local Rules, rule 5.9(f)(1).
(Subd (14) amended effective January 1, 2008; previously amended effective July 1, 2005.)

(15) **Failure to Appear**
All parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or bailiff upon arrival. If there is no appearance when a case is first called and the parties have not

reported their appearance to the hearing department's courtroom clerk or bailiff, the matter may be ordered off calendar. If one side (both attorney and party) appears when the case is first called, and the other side (both attorney and party) does not appear or has not reported to the bailiff or courtroom clerk when the case is first called, the matter, including but not limited to requests for restraining orders, may be ordered off calendar, continued, or heard as an uncontested matter and decided on the merits, at the court's discretion. The court in its discretion may order sanctions against any party or attorney for unreasonably failing to appear or unreasonably delaying his or her appearance or the hearing.
(Subd (15) amended effective January 1, 2008; previously amended effective July 1, 2005.)

(16) **Telephonic Appearance Procedures**
At his or her discretion, the assigned judicial officer may make procedures applicable to his or her department for all matters in which telephonic procedures are used, including but not limited to adopting Court Call® procedures.
(Subd (16) adopted effective January 1, 2008.)

(Subd (f) amended effective July 1, 2008; previously amended effective July 1, 2005, and January 1, 2008.)

g. **MATTERS TAKEN OFF CALENDAR**

(1) **Removal from Calendar by the Moving Party**
Prior to service of the pleadings on the responding party, the moving party may take the matter off calendar by notice to the court, which may be done by telephone to the calendar clerk, without notice to the responding party. If the pleadings have been served but no responsive pleadings have been filed, the moving party may take the matter off calendar only after giving notice to the responding party and calendar clerk, which may be done by telephone. If responding pleadings have been filed, the moving party may not take the matter off calendar without the written stipulation or calendar confirmation of the responding party.
(Subd (1) amended effective January 1, 2008.)

(2) **Requirement for Notice to Calendar Clerk and Assigned Department and Written Confirmation on Matter Not Proceeding to Hearing**
With respect to all matters that have been served on the other party or attorney, the parties or their attorneys shall notify the calendar clerk and

the assigned department immediately by telephone in the event any matter will not proceed to hearing. This notification shall be followed by a written transmittal or transmittals to the calendar clerk bearing signatures of the parties or attorneys, confirming that the matter is to be taken off calendar. Unless the notice was by a single transmission bearing all required signatures, a copy of such written transmittal shall also be sent to opposing counsel or party.
(Subd (2) amended effective January 1, 2008.)
(Subd. (g) amended effective January 1, 2008.)

h. **FORM OF STIPULATION AND ORDER**
All stipulations in family law and motion matters and Domestic Violence Prevention Act matters, unless otherwise for good cause allowed by the court, shall be written and executed by all parties and their counsel on Judicial Council forms, local forms, or stipulations compliant with California Rules of Court, rules 2.100 et seq., and presented to the court for execution of the order made pursuant to stipulation.
(Subd (h) amended effective January 1, 2010; previously amended effective January 1, 2008, and July 1, 2008.)

i. **DEFAULT, STATUS ONLY AND UNCONTESTED DISSOLUTIONS**
All default, status-only or uncontested dissolutions will be calendared on the family law and motion calendar each Monday, Tuesday, Wednesday, and Thursday at 8:30 a.m. or 10:00 a.m., depending on the department to which the case is assigned. However, no hearing shall be set unless a party meets the requirements of Solano County Local Rules, rule 5.21.
(Subd (i) amended effective January 1, 2008.)

(Rule 5.9 amended effective January 1, 2010; adopted as Rule 5.11 effective July 1, 1988; amended effective August 1, 2002, and July 1, 2005; amended and renumbered as Rule 5.9 effective January 1, 2008; amended effective July 1, 2008.)

5.10 LAW AND MOTION PROCEDURE

a. **PRESENCE OF PARTIES AND ATTORNEYS AT TIME OF HEARING**
Parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or the bailiff upon arrival in the department to which the matter is assigned. If a telephonic appearance has been authorized in advance by the judicial officer, the party so appearing shall comply with all applicable procedures as prescribed by the assigned judicial officer. Parties and attorneys shall attempt in good faith to be present in court when the case is called.

If a party or his/her attorney cannot be present when the case is called, that party or attorney shall inform the bailiff as to where he/she may be found and the reason for his/her absence from the courtroom. At the time of the hearing, the court may excuse a party's presence or permit counsel or parties to make courtesy appearances for each other for good cause shown. Factors that the court may consider in deciding whether good cause exists include but are not limited to the availability of the proposed excused person by telephone, the authority granted by the proposed excused person to the person making the appearance, the necessity of the proposed excused person's providing testimony or confirming an offer of proof, and the stipulation or objection of the other party or counsel.
(Subd (a) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (b) effective July 1, 1988; previously amended effective July 1, 2005; former Rule 5.18, subd (a) repealed and incorporated into new subd (a) effective January 1, 2008.)

b. **MOVING PARTY'S FAILURE TO APPEAR**
If the moving party or attorney fails to appear when the matter is called, the court may continue or remove the matter from the calendar at its discretion. If the responding party appears, the court may award attorney fees and costs to the appearing party. If the responding party has sought appropriate affirmative relief, the court may enter an order on the pleadings, testimony, and argument of the responding party, as allowed by law.
(Subd (b) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (c) effective July 1, 1988; previously amended effective July 1, 2005.)

c. **RESPONDING PARTY'S FAILURE TO APPEAR**
If the responding party or attorney fails to appear when the matter is called, the court may continue the matter and award attorney fees, or enter an order on the pleadings and testimony of the moving party.
(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (d) effective July 1, 1988.)

d. **PROCEDURE IF COURT IS NOT AVAILABLE FOR HEARING**
If a matter cannot be heard because of the unavailability of the court at the time for hearing, it may be set in another department and/or continued.
(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.18, subd (e) effective July 1, 1988; previously amended effective August 1, 2002.)

(Rule 5.10 amended and renumbered effective January 1, 2008; adopted as Rule 5.18 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005.)

5.11 MEDIATION - CHILD CUSTODY AND VISITATION

a. **MEDIATION – PARTIES' DUTIES**

In all proceedings and actions pursuant to Family Code sections 3100 through 3104 where there is a contested issue regarding the custody of or visitation with a minor child, the matter shall be set for mediation of the contested issues pursuant to Family Code sections 3160 through 3186 and these rules. Such issue must be submitted to mediation before the court hears the matter.

(Subd (a) amended effective January 1, 2008; previously amended August 1, 2002.)

b. **MEDIATION REPORT – FULL AGREEMENT**

Where a full agreement has been reached between the parties regarding the issues of custody and visitation, the mediator shall prepare and forward to the court his or her written summary of such agreement.

(Subd (b) amended effective January 1, 2008; previously amended August 1, 2002, and July 1, 2005.)

c. **MEDIATION REPORT – PARTIAL OR NO AGREEMENT**

Where there is no agreement or only partial agreement between the parties regarding the issues of custody and/or visitation, the mediator shall submit a recommendation to the court regarding custody of and/or visitation with the minor child(ren), per Family Code section 3183. The mediator's recommendation shall state the factual basis for the recommendation, which may include matters communicated to the mediator by the parties or the minor child(ren). The court may consider the written recommendation of the mediator and the basis for that recommendation in determining the issues before the court at the time of hearing.

(Subd (c) amended and relettered effective January 1, 2008; adopted as part of Rule 5.20, subd (b) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

d. **CALLING THE MEDIATOR AS A WITNESS**

In a contested hearing, the mediator may be called as a witness by either party, minor's counsel, or the court and may testify at the hearing regarding his or her recommendation and the basis therefore. Both parties and minor's counsel may examine the mediator with respect to all matters covered by the written recommendation. The party calling a mediator as a witness at any hearing is subject to being assessed expert witness fees pursuant to Evidence Code sections 730 and 731, and the court may allocate responsibility for these fees to any party, in its discretion.

(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (c) effective July 1, 1988; previously amended effective August 1, 2002.)

e. **PRIVACY OF MEDIATION PROCEEDINGS**

All mediation proceedings shall be held in private. All communications from the parties, the parties' attorneys, the minor child, the child's attorney, and/or any collateral contacts or experts designated by any of the above individuals to the mediator shall be deemed official information within the meaning of Evidence Code section 1040. The mediator shall exclude attorneys from the mediation proceeding, absent consent or order of the court. In the absence of an agreement between the parties, the mediator's recommendation to the court as to the custody or visitation issue may include, if appropriate, a recommendation for an investigation pursuant to Family Code section 3110 et seq. or for the issuance of restraining orders to protect the well-being of the child or children involved in the controversy, pursuant to Family Code section 3183.

(Subd (e) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (d) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

f. **CONFIDENTIALITY OF MEDIATION REPORTS IN FAMILY LAW MATTERS**

In any proceeding involving the custody or visitation of minor children, any written report or recommendation from a court mediator or from any person appointed by the court to render a report shall be confidential and unavailable to any person except the court, the parties, their attorneys and the attorneys' employees or agents, the parties' experts, licensed family counselors professionally involved with the case, the minor child's attorney, 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 for any persons other than the individuals designated above or a person to whom the court expressly orders access in writing. No disclosure of the contents of a mediation report shall be made to any child who is the subject of the report, or to any other minor child. The court may issue sanctions for violation of this confidentiality rule.

(Subd (f) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (e) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

g. **COPIES OF THE REPORT**

The court shall provide a copy of the report to the parties or their respective attorneys as well as to minor's counsel by the time of any hearing or other action,

which is the subject of the report, unless otherwise ordered by the court. The parties shall be entitled to read the report and recommendations prior to the hearing. No copy of any mediation report shall be disclosed to, nor any contents discussed with, any minor child.
(Subd (g) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (f) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

h. **SCHEDULING OF MEDIATION CONFERENCE AT FIRST HEARING**
If the parties have not met with a mediator prior to the time set for hearing on any order to show cause or motion relative to child custody and visitation matters, the court normally will order the parties to immediate mediation. The court may, in its discretion, order subsequent mediation, to be paid for by the parties.
(Subd (h) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (g) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

i. **CONTACT WITH MEDIATOR IN CHILD CUSTODY PROCEEDINGS**
All communications between court-appointed or court-connected mediators and parties or their attorneys are prohibited, except as provided by Family Code section 216 and California Rules of Court, rule 5.235.
(Subd (i) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (h) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

j. **GRIEVANCE PROCEDURE -- FAMILY COURT SERVICES MEDIATORS**
The procedure for processing a complaint concerning a Family Court Services Mediator shall be as follows:

(1) Complaints are only accepted from the following individuals:

(a) A party to the action currently filed with the Solano County Superior Court;

(b) A party's attorney; or

(c) The court-appointed attorney for the minor child.

(2) The complainant must register his or her complaint in writing with the Court Service Program Manager for the Family Law division.

(3) The written complaint must include the following information:

(a) The names of the parties in the case and their attorneys;

(b) The family law case number;

(c) The most recent court date;

(d) The name(s) of any Family Court Services personnel (i.e. mediators) with whom the complainant had contact; and

(e) A statement explaining the reasons for the complaint. Mere disagreement with a mediator's recommendation(s) or stated reasons is not a sufficient basis for the court or any other program manager to take action on the grievance, and such a complaint may be summarily denied without further investigation.

(4) Persons making complaints should be aware that all information contained in the complaint may be made available to all persons involved in the case.

(5) The manager will conduct an investigation of the matter, which may include consultation with the mediator. Within 30 days of filing his or her complaint, the complainant will be informed in writing of the results of the manager's investigation.

(6) The complainant may appeal the manager's action by noticed motion to the judicial officer assigned to hear the case.

(Subd (j) amended and relettered effective January 1, 2008; adopted as Rule 5.20, subd (i) effective July 1, 1988; previously amended August 1, 2002.)

k. **PEREMPTORY CHALLENGE AGAINST FAMILY COURT SERVICES MEDIATOR**
Peremptory challenges against a Family Court Services mediator shall not be allowed.
(Subd (k) adopted effective July 1, 2008.)

(Rule 5.11 amended effective July 1, 2008; adopted as Rule 5.20 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005; amended and renumbered effective January 1, 2008.)

5.12 CHILD CUSTODY AND VISITATION EVALUATION OR INVESTIGATION

a. **EVALUATOR OR INVESTIGATOR APPOINTMENT**

When the court determines that it is appropriate, the court shall appoint an evaluator and/or investigator to investigate and report on child custody and visitation issues pursuant to Family Code section 3110 et seq. or Evidence Code section 730, and the California Rules of Court. The parties shall negotiate in good faith as to the important procedural issues involved, including but not necessarily limited to the selection of the evaluator and/or investigator, the scope of issues to be evaluated or investigated, the information to be made available to the evaluator and/or investigator, and the liability of each party for the costs of the evaluation or investigation. Orders appointing evaluators or investigators must be made on an Order Appointing Child Custody Evaluator (Judicial Council form FL-327), and must contain the further non-optional orders listed in the Attachment to Order Appointing Child Custody Evaluator (Solano County Local Form no. 327).
(Subd (a) amended effective January 1, 2010; previously amended effective July 1, 2005, and January 1, 2008.)

b. **CONTACT WITH EVALUATOR OR INVESTIGATOR IN CHILD CUSTODY PROCEEDINGS**

All communications between court-appointed or court-connected investigators or evaluators and parties or their attorneys are prohibited, except as provided by Family Code section 216, California Rules of Court rule 5.235, and the Order Appointing Child Custody Evaluator. The court may order sanctions for violation of this no-contact rule, which may include but not be limited to evidence or issue or monetary sanctions, or suppression and sealing of the evaluator's or investigator's report and the conduct of a new evaluation or investigation at the sole expense of the offending party.
(Subd (b) amended effective January 1, 2008.)

c. **ACCESS TO EVALUATOR/INVESTIGATOR'S REPORT**

Unless the court specifically orders to the contrary, the evaluator and/or investigator's report shall be accessible to the parties, their attorneys and the attorneys' employees or agents, the parties' experts, the minor child's attorney, and any person to whom the court expressly grants access by written order made with prior notice to all parties. The report shall not be accessible to any minor child. Sanctions may be ordered against any party, attorney, expert, or other person to whom the court has authorized access for disclosing or copying any portion of the report to the minor child.
(Subd (c) amended effective January 1, 2008.)

d. **CONFIDENTIALITY OF EVALUATOR/INVESTIGATOR'S REPORT**
The evaluator/investigator's report shall be confidential and unavailable to any person except the court, the parties, their attorneys, the minor child's attorney, and the attorneys' employees or experts or agents, licensed family counselors professionally involved with the case, 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 for any persons other than the parties, their attorneys, the minor child's attorney, the attorneys' employees or experts or agents, licensed family counselors professionally involved with the case, or a person to whom the court expressly orders access in writing. No disclosure of the contents of such a report shall be made to any child who is the subject of the report, or to any other minor child. Sanctions may be ordered against any party, attorney, expert, or other person to whom the court has authorized access for disclosing or copying any portion of the report to the minor child.
(Subd (d) amended effective January 1, 2008.)

e. **CHILD CUSTODY EVALUATIONS/INVESTIGATIONS**
The report of an expert witness appointed by the court pursuant to Evidence Code section 730 or Family Code section 3111 shall be submitted directly to the court by the evaluator or investigator and, if the parties so stipulate, it shall be received into evidence without foundation.
(Subd (e) adopted effective January 1, 2008; previously adopted as Rule 5.24, subd (d) effective July 1, 1988; previously amended effective August 1, 2002.)

f. **GRIEVANCE PROCEDURE – EVALUATORS AND INVESTIGATORS**
The procedure for processing a complaint concerning a court-appointed evaluator or investigator shall be as follows:

(1) If the complaint involves the cost or administration of the evaluation or investigation process, then the complainant shall attempt to resolve the matter with the evaluator before pursuing his or her complaint as provided in this rule. All such attempts at resolution shall comply with Family Code section 216, California Rules of Court, rule 5.235, and the Order Appointing Child Custody Evaluator, to the extent they are applicable. All other complaints shall be made as presented in subpart 3 of this rule, below.

(2) Except upon a showing of extraordinary circumstances, complaints about the performance of an evaluator or investigator shall be addressed after issuance of the evaluation or investigation report.

(3) Written notice of a complaint, specifying the conduct objected to, shall be provided to the evaluator or investigator, the other party, and the attorney for the minor child, and shall be lodged with the court by direct delivery to the judicial officer, within 20 days after issuance of the evaluation report. Mere disagreement with an evaluator's or investigator's recommendation(s) or stated reasons is not a sufficient basis for the court or any program manager to take action on the grievance, and such a complaint may be summarily denied without further investigation.

(4) A written response from the evaluator or investigator (and from the other party and/or the attorney for the minor child, at their respective election) shall be provided to both parties and the attorney for the minor child, and shall be lodged with the court, no later than 10 days after the complaint was provided to the evaluator or investigator, the other party, the minor child's attorney, and the court.

(5) Within 10 days after receipt of the evaluator's or investigator's response, or if there is no response from the evaluator or investigator, within 20 days after receiving the original complaint, the court shall issue a written statement as to what action, if any, it deems appropriate to deal with the complaint.

(6) If either party or attorney for a minor is not satisfied with the court's determination, he or she may file a noticed motion requesting other specified relief. Such motion shall be in compliance with Code of Civil Procedure section 1005 and shall be served on the other parties, the attorney for the minor child, and the evaluator or investigator. The evaluator or investigator shall appear at the hearing. The cost of the evaluator's or investigator's appearance shall be advanced by the complainant, with the court reserving jurisdiction over the allocation of such cost.

(Subd (f) adopted effective January 1, 2008.)

g. **PEREMPTORY CHALLENGE AGAINST EVALUATOR OR INVESTIGATOR**
Peremptory challenges against an appointed evaluator or investigator shall not be allowed.
(Subd (g) adopted effective July 1, 2008.)

h. **EVALUATOR'S OR INVESTIGATOR'S PETITION FOR WITHDRAWAL FROM A CASE**
A private evaluator or investigator shall have the right to petition for withdrawal from a case to which he or she has been appointed. Such petition shall demonstrate good cause for the withdrawal request and, to the greatest extent possible, shall be made before the trial court that made the appointment. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.
(Subd (h) adopted effective July 1, 2008.)

(Rule 5.12 amended July 1, 2008; adopted as Rule 5.21 effective July 1, 1988; previously amended effective August 1, 2002, July 1, 2005, and January 1, 2008.)

5.13 CHILDREN AND THE COURT; MINOR'S COUNSEL

a. **GENERAL POLICY REGARDING A MINOR CHILD'S PRESENCE IN THE COURTROOM**
While children whose custody or visitation is the subject of litigation may be physically present in the courthouse, it is the policy of the court to discourage bringing them to the courthouse. Subject children may not be brought to or into the assigned courtroom without the judicial officer's prior knowledge and consent.
(Subd (a) amended effective January 1, 2008.)

b. **INTERVIEW OF CHILDREN BY COURT**
The court in its discretion will decide whether and on what conditions it will interview any minor child who is the subject of any pending proceeding. The court may consult with the parties, the parties' attorneys, the attorney for the minor child, the custody mediator, evaluator, or investigator in reaching this decision.
(Subd (b) amended effective January 1, 2008.)

c. **APPOINTMENT OF COUNSEL FOR CHILD**
In any proceeding covered by these rules, the court may, if it finds it would be in the best interests of the minor child and after consideration of any applicable law or guideline standards including those stated in California Rules of Court, rule 5.240, appoint private counsel to represent the interests of the child pursuant to

Family Code section 3150. When the court appoints counsel to represent the minor, counsel shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. Such amount shall be paid as the court directs. Nothing shall prohibit a mediator or the probation department from advising the court that private counsel for the child should be appointed pursuant to Family Code section 3150. In making any recommendation, the mediator or probation officer shall inform the court of the reasons why it would be in the minor child's best interests to have private counsel appointed. Counsel appointed by the court pursuant to Family Code section 3150 have the duties and powers specified in Family Code section 3151 et seq. except as otherwise ordered.
(Subd (c) amended effective July 1, 2008; previously amended effective January 1, 2008.)

d. **PARENTING ORDERS REGARDING CUSTODY AND VISITATION**
The court has adopted and may from time to time modify language known as "Parenting Orders" (Solano County Local Form no. 304) regarding child custody and visitation. These model orders are an administrative aid only. They are not effective unless actually issued as orders and are subject to the court's modification in every case.
(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.24, subd (e) effective July 1, 1988; former Rule 5.24, subd (d), which related to the submission of an evaluation report to the court and its admission into evidence without foundation, was repealed and incorporated into Rule 5.12 effective January 1, 2008.)

(Rule 5.13 amended effective July 1, 2008; adopted as Rule 5.24 effective July 1, 1988; previously amended effective August 1, 2002; amended and renumbered as Rule 5.13 effective January 1, 2008.)

5.14 CALCULATION OF CHILD SUPPORT AND TEMPORARY SPOUSAL OR PARTNER SUPPORT

a. **COMPUTER PROGRAM SOFTWARE**
The court ordinarily uses the CFLR DissoMaster™ computer program in all family law matters, except as may be otherwise required by state law in Department of Child Support Services cases.
(Subd (a) amended effective July 1, 2008; previously amended effective January 1, 2008.)

b. **CALCULATION OF TIMESHARE**
The court will determine upon the evidence presented the actual average annualized timeshare percentage in calculating guideline child support. However, in the event the court is not provided with any evidence of the actual timeshare, the court may use an assumption of 20 percent visitation time with the non-custodial or non-primary custodial parent in calculating guideline child support. The Time Sharing Arrangements as attached in Appendix 5-A-2 may be used in calculating guideline child support, in addition to similar charts which are part of the Judicial Council approved child support computer program software. These timeshare charts are guidelines only, and the judicial officer shall at all times exercise discretion in calculating the timeshare percentage.
(Subd (b) adopted effective January 1, 2008.)

c. **TEMPORARY SPOUSAL OR PARTNER SUPPORT FORMULA**
The court has adopted the Santa Clara temporary spousal or partner support calculation formula. That is, temporary spousal or partner support shall ordinarily be computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. Computerized temporary spousal or partner support calculations pursuant to software approved by the Judicial Council apply these assumptions.
(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.23, subd (b) effective July 1, 1988.)

(Rule 5.14 amended effective July 1, 2008; adopted as Rule 5.23 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.14 effective January 1, 2008.)

5.15 PROCEDURES FOR DOCUMENT SIGNATURE; ORDERS AFTER HEARING AND TRIAL

a. **SUBMISSION OF DOCUMENTS REQUIRING A JUDICIAL OFFICER'S SIGNATURE**
All documents requiring a judicial officer's signature (including Orders to Show Cause and any court orders or judgments) shall be delivered and filed with the Family Law Clerk's Office, except as ordered or permitted in the discretion of the judicial officer assigned to hear the case.
(Subd (a) amended effective January 1, 2008.)

b. **FORMAT OF ORDERS**
All orders resulting from a hearing, including but not limited to law and motion hearings and status conferences, shall be submitted on a Findings and Order After

Hearing form (Judicial Council form FL-340) and shall include all necessary attachments.
(Subd (b) adopted effective January 1, 2008.)

c. **PREPARATION AND SUBMISSION OF ORDERS AFTER HEARING**

(1) If the court orders a party or attorney to prepare a Findings and Order After Hearing, that party or attorney shall prepare the order and send it to the opposing party's attorney if the party is represented, or if not to the opposing party, within 10 days of the hearing. The Findings and Order After Hearing shall be on a Findings and Order After Hearing form (Judicial Council form FL-340) and shall include all necessary attachments.
(Subd (1) amended effective January 1, 2010; adopted effective January 1, 2008.)

(2) Within 10 days of receiving the proposed Findings and Order After Hearing, the responding attorney or party shall sign the proposed order where indicated if it is an accurate order based upon the in-court rulings of the judicial officer, and shall send it back to the preparing party for filing. If the responding party or attorney does not agree that the proposed order is accurate, that attorney or party shall contact the attorney or party who prepared the order with any requested changes. Alternatively, the responding attorney or party may prepare his or her own Findings and Order After Hearing and send it to the other attorney or party for approval.
(Subd (2) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(1) effective July 1, 1988; previously amended effective August 1, 2002.)

(3) If the responding attorney or party fails to approve or object to the proposed order within 10 days of receipt, the preparing party then may submit the order to the hearing judicial officer for signature. The proposed order shall be accompanied by a letter (with copy to the responding party) stating the date the proposed order was provided to the responding party, explaining that the proposed order has not been signed by the other party or attorney, and requesting that the judicial officer sign the order. The letter shall also include evidence, such as a "copy to" notation, that a copy of the letter and the proposed order were sent to the other party or attorney.

(Subd (3) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(2) effective July 1, 1988; previously amended effective August 1, 2002.)

(4) If the party ordered to prepare the Findings and Order After Hearing fails to prepare and send the order as required, then the other party may prepare the Findings and Order After Hearing and submit it directly to the hearing judicial officer without seeking the approval of opposing party or attorney. A Findings and Order After Hearing submitted pursuant to this rule must be accompanied by a letter to the hearing judicial officer indicating when the other party or attorney was ordered to prepare and send the Findings and Order After Hearing, and evidence such as a "copy to" notation that a copy of the letter and the proposed order were sent to the other party or attorney.
(Subd (4) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(3) effective July 1, 1988; previously amended effective August 1, 2002.)

(5) If the judicial officer permits the counsel or party preparing an order to submit the order directly to the judicial officer with a copy to the other counsel or party, the cover letter to the judicial officer from the preparing person shall state the date the copy was provided to the other counsel or party.
(Subd (5) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(4) effective July 1, 1988; previously amended effective August 1, 2002.)

(6) If there is a disagreement between the parties concerning the accuracy of any prepared order prior to entry and filing of the order, then either party may request the court to compel entry of the order and refer the court to applicable portions of the hearing transcript. Any such requests shall be made in writing and a copy shall be served on the opposing attorney or party.
(Subd (6) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(5) effective July 1, 1988; previously amended effective August 1, 2002.)

(7) Attorney fees and costs relating to the preparation of orders after hearing, including costs of preparing the reporter's transcript, may be awarded upon noticed motion or on the court's own motion, for either attorney's or party's unreasonable conduct concerning orders after hearing.

(Subd (7) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(6) effective July 1, 1988; previously amended effective August 1, 2002.)

(8) Any department hearing matters filed by the Department of Child Support Services may develop its own rules regarding the submission of documents or orders for signature.
(Subd (8) amended and renumbered effective January 1, 2008; adopted as Rule 5.9, subd (b)(7) effective July 1, 1988; previously amended effective August 1, 2002.)

(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.9, subd (b) effective July 1, 1988; previously amended effective August 1, 2002.)

d. **PREPARATION AND SUBMISSION OF JUDGMENTS AND ORDERS AFTER EVIDENTIARY HEARINGS OR TRIAL**

(1) If the court orders a party or attorney to prepare an order after trial and/or a judgment, that party or attorney shall prepare the order and send it to the other party, or the party's attorney if the party is represented, within 30 days of the hearing.
(Subd (1) adopted effective January 1, 2008.)

(2) Within 20 days of receiving the proposed order after trial and/or judgment, the responding attorney or party shall sign the proposed order or judgment as conforming if that attorney or party agrees that the proposed order reflects the orders made at the hearing or trial, and shall return the signed order to the preparing party for filing with the court. If the responding party or attorney does not agree that the proposed order and/or judgment conforms with the court's order, that attorney or party shall contact the attorney or party who prepared the order with any requested changes. Alternatively, the responding attorney or party may prepare his or her own proposed order and/or judgment and send it to the other attorney or party for approval.
(Subd (2) adopted effective January 1, 2008.)

(3) All proposed judgments shall be submitted on *the Judgment – Family Law* form (Judicial Council form FL-180), and shall include all necessary attachments.
(Subd (3) adopted effective January 1, 2008.)

(4) Objections to the proposed order after trial and/or the judgment, the submission of proposed judgments or orders after trial over objection, and the submission of proposed alternate judgments or Orders After Trial shall be in conformance with Solano County Local Rules, rule 5.15(c), subsections 3 through 8.
(Subd (4) adopted effective January 1, 2008.)

(Subd (d) adopted effective January 1, 2008.)

(Rule 5.15 amended and renumbered effective January 1, 2008; adopted as Rule 5.9 effective July 1, 1988; previously amended effective August 1, 2002.)

5.16 FAMILY LAW DISCOVERY MOTIONS

a. **JUDICIAL OFFICER ASSIGNED TO HEAR DISCOVERY MOTIONS**
The judicial officer assigned to hear a family law matter shall also hear family law discovery motions brought in that matter.
(Subd (a) amended effective January 1, 2008.)

b. **COMPLIANCE WITH THE CODE OF CIVIL PROCEDURE, FAMILY CODE AND CALIFORNIA RULES OF COURT**
Family law discovery motions shall be subject to the provisions of Code of Civil Procedure sections 2016.010 through 2036.050, Family Code section 2107 where applicable, and the California Rules of Court.
(Subd (b) amended effective January 1, 2008; previously amended effective July 1, 2005.)

c. **FILING OF FAMILY LAW DISCOVERY MOTIONS**
Family law discovery motions may not be filed in conjunction with an Order to Show Cause or Notice of Motion raising other issues.
(Subd (c) amended effective July 1, 2008; previously amended effective January 1, 2008.)

d. **CALENDARING FAMILY LAW DISCOVERY MOTIONS**
Times and dates for hearings shall be obtained from the calendar clerk. The moving party shall advise the calendar clerk that the matter to be calendared is a family law discovery motion.
(Subd (d) amended effective January 1, 2008.)

(Rule 5.16 amended effective July 1, 2008; adopted as Rule 5.17 effective July 1, 1988; previously amended effective August 1, 2002; amended and renumbered as Rule 5.16 effective January 1, 2008.)

5.17 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS

a. **PROCEDURE FOR SETTING A STATUS CONFERENCE**

In dissolution of marriage, nullity of marriage, or legal separation matters, a status conference shall not be set unless and until the moving party has filed his or her Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration (Judicial Council form FL-141) showing that the moving party has complied with the disclosure requirements set forth in Family Code section 2104. Upon satisfying the disclosure requirement in dissolution of marriage, nullity of marriage, or legal separation matters, and at any time in all other family law matters to which Rule 5 applies, a party may place a case on the Status Conference Calendar by filing a Status Conference Report (Solano County Local Form no. 890 or 890-UPA), obtaining a date from the calendar clerk, and giving notice to the opposing party or counsel. Notice shall be consistent with Code of Civil Procedure section 1005 and proof of service of such notice shall be filed with the court on an appropriate Judicial Council proof of service form or declaration in substantial compliance with the Judicial Council form. The court may set a case on the status conference calendar at its discretion. For good cause shown at the status conference or on the court's own motion, the status conference may be taken off calendar or continued one or more times. No status conference may be continued or taken off calendar without court permission. Status conferences shall be used generally to assess the readiness of a case for meaningful settlement conference and/or trial, and no party shall obtain a settlement conference or trial date except by court permission at a status conference, unless otherwise specifically permitted by the court. Status conferences may be utilized at the court's discretion for any other purpose deemed appropriate, such as for setting trial management conferences.
(Subd (a) amended effective January 1, 2010; previously amended effective January 1, 2008, July 1, 2005, January 1, 2008, and January 1, 2009.)

b. **FILING AND SERVICE OF STATUS CONFERENCE REPORT**

At least seven calendar days before the scheduled status conference, each party (or their counsel) shall file with the court and serve a completed Status Conference Report – Family Law (Solano County Local Form no. 890 or 890-UPA) on the other party. The Status Conference Report shall be printed on light blue paper. Proof of service of the Status Conference Report shall be filed with the court at least seven (7) calendar days before the scheduled status conference

on an appropriate Judicial Council proof of service form or declaration in substantial compliance with the Judicial Council form.
(Subd (b) amended effective January 1, 2010; previously amended effective July 1, 2005, and January 1, 2008.)

c. **NOTICE OF SUBSEQUENT STATUS CONFERENCES**
At each status conference, the parties and their counsel, if any, will be given notice of the time, date, and place of the subsequent status conference. For good cause shown at the conference or on the court's own motion, the subsequent status conference may be taken off calendar.
(Subd (c) amended effective January 1, 2008.)

d. **SANCTIONS**
The court may impose sanctions if:

(1) A Status Conference Report is not timely filed and served per Solano County Local Rules, rule 5.17(b);

(2) A Status Conference Report is not fully completed;

(3) A party or his or her attorney fails to appear at the status conference; however, an attorney may appear on behalf of a party unless the court has ordered a party to personally appear;

(4) An attorney or a party is not substantially aware of all procedural, factual, and legal aspects of the case, or an attorney does not have full authority to discuss and resolve any issues that arise at the conference, including, but not limited to, resolving discovery and the setting of subsequent court dates.

(Subd (d) amended effective January 1, 2008; previously amended effective July 1, 2005.)

e. **SETTING MATTER FOR SETTLEMENT CONFERENCE OR TRIAL AT STATUS CONFERENCE**
A party or a party's attorney may not set the matter for settlement conference or for trial until the judicial officer conducting the status conference deems the matter ready for settlement conference or trial. In his or her discretion, a judicial officer may require a party to file and serve his or her settlement conference statement, a completed Property Declaration (Judicial Council form FL-160), and/or a completed Income & Expense Declaration (Judicial Council form FL-

150), and any other required documents, prior to referring the parties to the calendar clerk to set the Settlement Conference.
(Subd (e) amended effective January 1, 2008; previously amended effective July 1, 2005.)

(Rule 5.17 amended effective January 1, 2010; adopted as Rule 5.10 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005; amended and renumbered as Rule 5.17 effective January 1, 2008.)

5.18 SETTLEMENT CONFERENCES

a. **SETTLEMENT CONFERENCES GENERALLY**
The court may in any law and motion matter, and shall in all other trial matters, before assigning the same to hearing or trial, require a mandatory settlement conference or conferences to be conducted. Each party and the attorney who will try the case for each party shall personally attend the settlement conference, unless the court excuses the party prior to the conference. The court, in its discretion and for good cause shown, may waive the requirement of a mandatory settlement conference.
(Subd (a) adopted effective January 1, 2008.)

b. **DUTIES OF COUNSEL AND/OR PARTIES**
Counsel and/or parties shall comply at all times with the policy of the law to promote settlement of litigation and, where possible, to reduce the costs of litigation by encouraging cooperation between the parties and attorneys (see Family Code section 271). Counsel and/or parties shall complete settlement conference statements and other documents as required by these rules and any orders of the court. Counsel and/or parties shall meet and confer in good faith to review their settlement conference statements and other documents required by these rules or the court, and make good faith efforts to settle all or some of the issues, all prior to the settlement conference in order that issues may be resolved or facts agreed to by stipulation. They must also cooperate so as to clearly outline and efficiently present the settled and unsettled issues to the court at the settlement conference. All parties must be present at the date and time set for settlement conference, whether represented by counsel or not, unless excused in advance by the judicial officer. Except for good cause shown, the court may impose a sanction as determined by the court if an attorney or party fails to comply with any of the settlement conference requirements set forth in this rule.
(Subd (b) amended and relettered effective January 1, 2008; adopted as Rule 5.16, subd (a) effective July 1, 1988; previously amended July 1, 2005.)

c. **TIME FOR FILING AND SERVICE OF SETTLEMENT CONFERENCE STATEMENT AND OTHER REQUIRED DOCUMENTS**

Each party or attorney shall file and serve his or her settlement conference statement, Income and Expense Declaration (Judicial Council form FL-150), and Property Declaration (Judicial Council form FL-160) as required by Solano County Local Rules, rule 5.18, subdivisions (e) and (f), not later than 14 days prior to the date set for settlement conference. Prior to the hearing the party or attorney shall file proof that these documents were served.

(Subd (c) amended effective January 1, 2010; adopted as Rule 5.16, subd (b) effective July 1, 1988; amended and relettered as subd (c) effective January 1, 2008.)

d. **CONTENTS OF SETTLEMENT CONFERENCE STATEMENT**

The parties' respective settlement conference statements and any amendments thereto shall be in the form prescribed by these rules. The statements shall contain the information set forth in the following numbered paragraphs, if applicable, and if not applicable, the statements shall reflect that a numbered paragraph is inapplicable. A Settlement Conference Statement shall set forth in the caption the date and time of the settlement conference. The court, in its discretion, may refuse to accept a statement that does not comply with these rules, or may permit the filing of an abbreviated or limited statement.

(1) **Statistical Facts**

(a) Date of marriage, date of separation, length of marriage in years and months;

(b) Number and ages of minor children;

(c) Ages of parties;

(d) Issues as to statistical facts;

(e) A complete statement setting forth all material facts upon which a party relies on any contested issue regarding statistical facts;

(f) The date service of process was made, where made and how accomplished.

(2) **Summary of Uncontested Issues**
Each party shall summarize all uncontested issues in all settlement conference statements.

(3) **Child Custody and Visitation**

(a) Summary of the existing custody and visitation order or practice;

(b) Proposal for custody and visitation and all material facts in support of proposal.

(4) **Child Support**

(a) Summary of existing child support order or practice;

(b) All material facts in support of any unusual circumstances regarding income, expenses or ability to earn income;

(c) A current calculation of the party's proposal for child support, pursuant to the relevant provisions of the Family Code, including a calculation of the percent of time share;

(d) A statement whether or not either party receives public assistance or services from the Department of Child Support Services (formerly known as District Attorney Family Support Division) in the instant or related cases.

(5) **Spousal or Partner Support**

(a) Summary of existing spousal or partner support order or practice;

(b) All relevant and material facts in support of the party's position;

(c) A statement whether either party receives public assistance or services from the Department of Child Support Services in the instant or related cases.

(6) **Statement of Contested Property Issues**
Each party shall list each asset or obligation, real or personal, and for each asset or obligation, furnish the following information, if relevant to the contested issue:

(a) The date it was acquired;

(b) The manner in which title is vested;

(c) Whether it is community property, separate property, a mixture of the two, or quasi-community or quasi-marital property;

(d) All material facts and law in support of the party's characterization of the property as either community property, separate property, a mixture of the two, or quasi-community or quasi-marital property;

(e) The current fair market value of the property, the nature, extent and terms of any encumbrance against the property and the current net equity in the property;

(f) A detailed and complete proposal for the disposition of each item of property. If the proposed disposition is not substantially equal, the statement shall include a proposal for equalizing the disposition;

(g) A complete statement setting forth the factual and legal basis for apportionment or reimbursement, the formula for apportionment or reimbursement and the value of each party's community and separate property interests.

(7) **Attorney Fees, Expert Fees, and Costs**

(a) Summarize existing orders;

(b) Amounts paid by a party on account of the other party's attorney fees, expert fees and costs and balances due for such fees and costs;

(c) Amounts paid by a party on account of his or her attorney fees, expert fees and costs and balances due for such fees and costs;

(d) If a party is requesting attorney fees or expert witness fees, set forth the amounts received by the requesting party from the other party and the additional amounts requested;

(e) If a party is requesting costs, set forth the amounts received by the requesting party from the other party and the additional amounts requested.

(8) **Documents, Schedules, and Summaries**

(a) Attach copies of all appraisals and expert reports to be offered at the time of trial;

(b) List and describe all documents, schedules or summaries, and/or other evidence to be offered at the time of trial, excepting only evidence clearly and substantially impeaching the veracity of a party or witness. **(Note: Failure to comply with this provision may result in an order precluding the evidence from being admitted into evidence at the time of trial.)**

(9) **Witnesses and Reports**

(a) Give the name, address and telephone number of each witness the party plans to call at trial;

(b) Attach a copy of each document schedule, summary, expert report or appraisal about which the witness will testify unless a copy is attached elsewhere in the Settlement Conference Statement;

(c) Provide a brief statement setting forth the substance of the witnesses' testimony. (Note: Failure to comply with this provision may result in an order precluding the testimony of the witness at the time of trial.)

(10) **Points and Authorities**
Each party shall list the points and authorities or legal arguments upon which that party intends to rely.

(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.16, subd (c) effective July 1, 1988.)

e. **INCOME AND EXPENSE DECLARATION**
An accurate and complete Income and Expense Declaration (Judicial Council form FL-150) with all required attachments in accordance with the California Rules of Court, rule 5.128 shall be filed concurrently with the Settlement Conference Statement, unless the party has filed an Income and Expense

Declaration within 60 days prior to the filing of the Settlement Conference Statement, and the information therein is still factually accurate and current.
(Subd (e) amended and relettered effective January 1, 2008; adopted as Rule 5.16, subd (c)(11) effective July 1, 1988; previously amended July 1, 2005.)

f. **PROPERTY DECLARATION**
In any case in which there is an issue concerning identification or division of a marital or quasi-marital estate, a current Property Declaration (Judicial Council form FL-160), or a substantially equivalent form or spreadsheet verified by the party under penalty of perjury as prescribed by Code of Civil Procedure section 2015.5, containing all information required by the Property Declaration, with all required attachments and continuation declarations in accordance with the California Rules of Court shall be filed concurrently with the Settlement Conference Statement unless the party has filed a Property Declaration within 90 days prior to the filing of the Settlement Conference Statement and there are no substantive changes to the information on the previously filed form.
(Subd (f) amended effective July 1, 2008; adopted as Rule 5.16, subd (c)(12) effective July 1, 1988; previously amended July 1, 2005; previously amended and relettered effective January 1, 2008.)

g. **FILING OF DOCUMENTS PRIOR TO SETTING MATTER FOR SETTLEMENT CONFERENCE**
In his or her discretion, a judicial officer may require that any party file and serve his or her settlement conference statement, his or her completed Property Declaration (Judicial Council form FL-160), and/or his or her completed Income & Expense Declaration (Judicial Council form FL-150), or other documents as ordered by the court, prior to referring the parties to the calendar clerk to set the Settlement Conference.
(Subd (g) adopted effective January 1, 2008.)

h. **TRIAL JUDGE AS SETTLEMENT CONFERENCE JUDGE**
The Settlement Conference will be conducted by the trial judge. If any party objects to the trial judge acting as the settlement conference judge, the objecting party must file written objections no later than thirty (30) days before the Settlement Conference.
(Subd (h) adopted effective January 1, 2010.)

(Rule 5.18 amended effective January 1, 2010; adopted as Rule 5.16 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.18 effective January 1, 2008; amended effective July 1, 2008.)

5.19 FAMILY LAW TRIAL MATTERS AND PROCEDURE

a. **FAMILY LAW TRIAL MATTERS GENERALLY**
Family law trial matters are defined as:

(1) Those family law matters referred for trial from a status conference and in which the trial or hearing requires time on the court's calendar in excess of 20 minutes;

(2) Those family law matters set on, or transferred from the law and motion calendar to the family law trial calendar because the time required to hear the matter will exceed 20 minutes; and

(3) Those family law matters directed by the court to be placed on the family law trial calendar.

(Subd (a) amended and relettered effective January 1, 2008; adopted as Rule 5.14, subd (a) effective July 1, 1988; previously amended August 1, 2002.)

b. **TRIAL ASSIGNMENT**
A matter may be assigned a trial date from a law and motion hearing, settlement conference, or status conference.
(Subd (b) amended and relettered effective January 1, 2008; adopted as Rule 5.15, subd (a) effective July 1, 1988; previously amended August 1, 2002.)

c. **COURT REPORTER FEES**
At the time the Family Law Calendar Clerk sets the matter for trial, each party shall pay his or her court reporter fees pursuant to the schedule approved by the presiding judge of the Superior Court of California, County of Solano, unless specifically deferred to a later time by a judicial officer. In his or her discretion, the judicial officer may sanction any party who fails to timely pay these fees, up to and including proceeding in that party's absence or vacating any scheduled trial date(s).
(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.15, subd (b) effective July 1, 1988; previously amended August 1, 2002, and July 1, 2005.)

d. **MEET AND CONFER REQUIREMENTS**
All attorneys or self-represented parties shall meet and confer as described in Solano County Local Rules, rule 5.9(f)(1), before any evidentiary hearing or trial.
(Subd (d) adopted effective January 1, 2008.)

e. **VACATION OR CONTINUATION OF TRIAL DATE**

The current fee charged for such continuances shall be paid prior to or concurrently with the filing of the order. A trial may be vacated or continued only by court order obtained by noticed motion or stipulation and order, or upon the court's own motion. If the order vacating or continuing the trial date is issued two weeks or more prior to first date of trial, the court will order the refund of the court reporter fees or apply them to the continued trial date. If the matter is continued within fourteen days of the trial date, the parties will have to pay new court reporter fees.

(Subd (e) amended and relettered effective January 1, 2008; adopted as Rule 5.15, subd (c) effective July 1, 1988; previously amended August 1, 2002.)

f. **DOCUMENTARY EVIDENCE**

A sufficient number of copies of all evidence shall be brought to the trial by the propounding party and exchanged (except for evidence to be used solely for impeachment) with all other parties prior to the commencement of the trial or hearing. All parties must have their respective exhibits (except those to be used solely for impeachment, that is, directly attacking the credibility of a party or witness) marked by the courtroom clerk before the time scheduled for trial to start, unless excused by the assigned judicial officer.

(Subd (f) amended and relettered effective January 1, 2008; adopted as Rule 5.19, subd (a) effective July 1, 1988; previously amended effective August 1, 2002.)

g. **ATTORNEY FEE REQUESTS**

All requests for attorney fees shall be in compliance with Solano County Local Rules, rule 5.25.

(Subd (g) amended and relettered effective January 1, 2008; adopted as Rule 5.19, subd (b) effective July 1, 1988; previously amended effective August 1, 2002.)

(Rule 5.19 amended and renumbered effective January 1, 2008; adopted as Rules 5.14, 5.15 and 5.19 effective July 1, 1988; Rule 5.14 previously amended effective August 1, 2002; Rule 5.15 previously amended effective August 1, 2002, and July 1, 2005; Rule 5.19 previously amended effective August 1, 2002.)

5.20 DEFAULT OR UNCONTESTED JUDGMENT OF DISSOLUTION OR LEGAL SEPARATION BY AFFIDAVIT OR DECLARATION UNDER FAMILY CODE SECTION 2336

a. **FORMS REQUIRED FOR ALL JUDGMENTS BY DECLARATION UNDER FAMILY CODE SECTION 2336**

To obtain a judgment of dissolution or legal separation by declaration (without an appearance at a hearing in court) pursuant to Family Code section 2336, the following completed forms must be submitted to the Family Law Clerk's Office. No appearance is necessary unless the court requires it, in which case the court shall so notify the parties.

(1) **Request to Enter Default OR Appearance, Stipulation and Waivers**

If the petitioner is seeking to obtain a judgment of dissolution or legal separation by default, the petitioner must file a Request to Enter Default (Judicial Council form FL-165) prior to or concurrently with filing a Declaration for Default or Uncontested Dissolution or Legal Separation (Judicial Council form FL-170). If a default has been entered against a respondent, a party to that matter may not file an Appearance, Stipulation and Waivers (Judicial Council form FL-130) without first obtaining court permission to set aside the default.

(Subd (1) adopted effective January 1, 2008.)

(2) **Declaration for Default or Uncontested Dissolution or Legal Separation**

If the Petitioner is seeking a judgment of dissolution or legal separation by default, the petitioner shall sign the Declaration for Default or Uncontested Dissolution or Legal Separation (Judicial Council form FL-170). The relief sought in the declaration must agree with the relief sought in the petition for dissolution or legal separation. If the parties are seeking an uncontested judgment of dissolution or legal separation, either party who has generally appeared shall sign the Declaration for Default or Uncontested Dissolution or Legal Separation.

(Subd (2) amended and renumbered effective January 1, 2008; adopted as Rule 5.12, subd (a)(1) effective July 1, 1988; previously amended effective August 1, 2002.)

(3) **Declaration Regarding Service of Declaration of Disclosure**

All parties seeking a default or uncontested judgment shall comply with the declaration of disclosure requirements of Family Code sections 2100 through 2113 inclusive and all applicable rules in the California Rules of

Court. Except where the Petitioner is proceeding by default without any written agreement between the parties, no judgment of dissolution, legal separation or nullity shall be entered until both parties have filed their respective Declarations Regarding Service of Declaration of Disclosure (Judicial Council form FL-141) demonstrating each party's compliance with Family Code sections 2104 and 2105.
(Subd (3) amended and renumbered effective January 1, 2008; adopted as Rule 5.12, subd (a)(2) effective July 1, 1988; previously amended effective August 1, 2002; former subd (3), which related to documents to be submitted for review, is repealed effective January 1, 2008.)

(4) **Judgment**
The party or parties shall submit the original and four copies of the proposed Judgment (Judicial Council form FL-180). The contents of the judgment must comply with Solano County Local Rules, rule 5.22.
(Subd (4) amended and renumbered effective January 1, 2008; adopted as Rule 5.12, subd (a)(3)(b) effective July 1, 1988; previously amended effective August 1, 2002.)

(5) **Notice of Entry of Judgment**
The original and two copies of the Notice of Entry of Judgment (Judicial Council form FL-190) must be submitted along with one stamped, self-addressed envelope for each party, with the address of the court clerk as the return address.
(Subd (5) amended effective July 1, 2009; adopted as Rule 5.12, subd (a)(3)(c) effective July 1, 1988; previously amended effective August 1, 2002; amended and renumbered effective January 1, 2008.)

(Subd (a) amended effective July 1, 2009; adopted effective July 1, 1988; previously amended effective August 1, 2002, July 1, 2005, and January 1, 2008.)

b. **ADDITIONAL REQUIRED FORMS FOR JUDGMENTS BY DECLARATION UNDER FAMILY CODE SECTION 2336**
In addition to the forms required per Solano County Local Rules, rule 5.20(a), the following forms must be submitted if applicable:

(1) **Income and Expense Declaration**
A current, wholly completed Income and Expense Declaration (Judicial Council form FL-150) shall be filed if support or attorney fees is to be ordered, unless the parties have agreed to child or spousal support provisions in a marital settlement agreement or stipulated judgment that

includes a current computerized support calculation printout. This provision does not apply if the only support term is a termination of jurisdiction over the issue of spousal or partner support for both parties.
(*Subd (1) amended effective January 1, 2008.)*

(2) **Child Support Stipulations**

(a) A stipulation regarding child support shall be prepared on any of the following forms as applicable:

(i) A fully completed Stipulation to Establish or Modify Child Support and Order (Judicial Council form FL-350); or,

(ii) A fully completed Child Support Information and Order Attachment (Judicial Council form FL-342) which shall be attached to the Judgment form (form FL-180); or,

(iii) A fully completed Non-Guideline Child Support Findings Attachment (Judicial Council form FL-342(A),) which shall be attached to the Judgment form (form FL-180) if the support being ordered is below the California statutory guideline; or,

(iv) Contained in a marital settlement agreement or stipulated Judgment wherein the parties expressly acknowledge compliance with the conditions of Family Code section 4065.

(*Subd (a) amended and renumbered effective January 1, 2008; adopted as Rule 5.12, subd (b)(2) effective July 1, 1988; previously amended effective August 1, 2002.)*

(b) Any stipulations regarding child support or marital settlement agreements including child support shall be accompanied by a computerized support calculation printout, regardless of whether the stipulated support amount is "guideline" as determined by Family Code sections 4050 through 4076.
(*Subd (b) adopted effective January 1, 2008.)*

(c) If the parties are stipulating to a child support amount that is below "guideline" as determined by Family Code sections 4050 through 4076, they must do so by way of a fully-completed stipulation to

Establish or Modify Child Support and Order (form FL-350), a fully-completed Non-Guideline Child Support Findings Attachment (Judicial Council form FL-342(A) attached to a Judgment (form FL-180), or a marital settlement agreement or stipulated judgment wherein the parties expressly acknowledge compliance with the conditions of Family Code section 4065. (*Subd (c) adopted effective January 1, 2008.)*

(3) **Order/Notice to Withhold Income for Child Support**
The Order/Notice to Withhold Income for Child Support (Judicial Council form FL-195) shall be submitted even if service of the wage assignment has been or likely will be stayed by stipulation or court order.
(*Subd (3) amended and renumbered effective January 1, 2008; adopted as part of Rule 5.12, subd (b)(5) effective July 1, 1988; previously amended effective August 1, 2002.)*

(4) **Child Support Case Registry Form**
The Child Support Case Registry Form (Judicial Council form FL-191) shall be submitted to the court if the judgment includes any provisions for child support, including a reservation over child support.
(*Subd (4) amended and renumbered effective January 1, 2008; adopted as part of Rule 5.12, subd (b)(5) effective July 1, 1988; previously amended effective August 1, 2002.)*

(5) **Earnings Assignment Order for Spousal or Partner Support**
The Earnings Assignment Order for Spousal or Partner Support (Judicial Council form FL-435) shall be submitted to the court if spousal or partner support will be ordered payable by earnings assignment, unless excused by the assigned judicial officer.
(Subd (5) adopted effective January 1, 2008; former Rule 5.12, subd (b)(5) repealed effective January 1, 2008.)

(6) **Form Requirements for Division of Property**
Whenever a judgment of dissolution or legal separation is sought by either default or by stipulation as an uncontested matter, no decree awarding property to either party will be granted unless the moving party files:

(a) A current and fully completed Property Declaration (Judicial Council form FL-160);

or

b) A written stipulation of the parties for division of their property.
(Subd (6) amended and renumbered effective January 1, 2008; adopted as part of Rule 5.12, subd (b)(3) effective July 1, 1988; previously amended effective August 1, 2002.)

(7) **Stay of Service of Earnings Assignment Order**
If a judgment includes a stipulation to stay a wage assignment for child and/or spousal support, a completed Stay of Service of Earnings Assignment Order (Judicial Council form FL-455) shall be submitted to the court.
(Subd (7) adopted effective July 1, 2008.)

(8) **Declaration Regarding Status of Court-Ordered Support**
If either party has obtained a fee waiver, the party submitting the proposed judgment shall submit a declaration under penalty of perjury along with the proposed Judgment stating the following:

(a) The date of the most recent order for child, spousal or family support;

(b) The name of the person ordered to pay support;

(c) Whether any support ordered during the proceeding remains unpaid and if so, the amount of the unpaid support; and,

(d) If a party is receiving support payments through the Department of Child Support Services or other local child support agency, the party submitting the proposed judgment must attach a copy of the payment history from the child support agency and indicate whether or not they are currently receiving or have applied for cash assistance. Individuals who have current open cases with the Department of Child Support Services may obtain access to payment histories through the state's Department of Child Support Services website at www.childsup-connect.ca.gov.

(Subd (8) amended effective January 1, 2010; adopted effective July 1, 2009.)

(Subd (b) amended effective January 1, 2010; previously amended effective January 1, 2008 and July 1, 2008; adopted effective July 1, 1988; previously amended effective August 1, 2002,July 1, 2005, January 1, 2008, July 1, 2008, and July 1, 2009.)

c. **RELIEF INCONSISTENT WITH PETITION**
Except by written agreement or as may be permitted by law, the court will not grant relief that is inconsistent with the relief requested in the petition. The court on its own motion may require the party to appear to justify the relief requested. (*Subd (c) amended effective January 1, 2008; previously amended effective August 1, 2002.)*

d. **REQUIREMENTS ON PROOF BY DECLARATION REGARDING CUSTODY AND VISITATION OF CHILDREN**
Where the judgment is taken by default, and there is either a written agreement of the parties concerning custody and visitation or a request for inclusion in the judgment of provisions for custody and visitation, the court reserves the right to deny the requested order if such order is not in the best interests of the child. The court may require at its discretion a supporting declaration or a hearing.
(*Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.12, subd (b)(4) effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005.)*

(Rule 5.20 amended effective January 1, 2010; adopted as Rule 5.12 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005; previously amended and renumbered as Rule 5.20 effective January 1, 2008; amended effective July 1, 2008, and July 1, 2009.)

5.21 DEFAULT OR UNCONTESTED JUDGMENTS OF DISSOLUTION, LEGAL SEPARATION, NULLITY, OR ESTABLISHMENT OF PARENTAL RELATIONSHIP BY APPEARANCE

a. **CALENDARING GENERALLY**
To obtain an uncontested or default judgment of dissolution of marriage, legal separation, nullity, or establishment of parental relationship under the Uniform Parentage Act, the requesting party shall submit a request for a hearing date in writing to the Family Law Clerk's Office.
(Subd (a) amended effective January 1, 2010; previously amended August 1, 2002, January 1, 2008, and July 1, 2009.)

b. **CALENDARING OF A REQUEST FOR A STATUS-ONLY DISSOLUTION**
For good cause, the court may permit the calendaring of a request for a status only dissolution without the applicant meeting the formal requirements of these rules.
(Subd (b) amended effective January 1, 2008; previously amended August 1, 2002.)

c. **FORMS REQUIRED FOR ALL JUDGMENTS BY APPEARANCE OTHER THAN ESTABLISHMENT OF PARENTAL RELATIONSHIP**

Prior to a date for hearing being set, the requesting party must deliver the following documents, and any other documents necessary to complete the file, to the Family Law Clerk's Office for review. The calendar clerk shall not set a hearing date until the clerk's file has been completed.

(1) **Request to Enter Default OR Appearance, Stipulations and Waivers**

If the Petitioner is seeking to obtain a Judgment of dissolution or legal separation by default, the Petitioner must file a Request to Enter Default (Judicial Council form FL-165) prior to or concurrently with filing a Declaration for Default or Uncontested Dissolution or Legal Separation (Judicial Council form FL-170). If a default has been entered against a respondent, a party to that matter may not file an Appearance, Stipulation and Waivers (Judicial Council form FL-130) without first seeking to set aside the default.

(Subd (1) amended effective January 1, 2008; previously amended August 1, 2002.)

(2) **Declaration Regarding Service of Declaration of Disclosure**

All parties seeking a default or uncontested judgment shall comply with the declaration of disclosure requirements of Family Code sections 2100 through 2113 inclusive and all applicable rules in the California Rules of Court. Except where the Petitioner is proceeding by default with no property settlement agreement or marital settlement agreement, no judgment of dissolution, legal separation or nullity shall be entered until both parties have filed their respective Declaration Regarding Service of Declaration of Disclosure (Judicial Council form FL-141) demonstrating that party's compliance with Family Code sections 2104 and 2105.

(Subd (2) amended effective January 1, 2008; adopted as Rule 5.13, subd (d) effective July 1, 1988; previously amended August 1, 2002.)

(3) **Judgment**

The party or parties shall submit the original and four copies of the proposed Judgment (Judicial Council form FL-180). The contents of the judgment must comply with Solano County Local Rules, rule 5.22.

(Subd (3) amended and renumbered effective January 1, 2008; adopted as Rule 5.13, subd (c)(2) effective July 1, 1988; previously amended August 1, 2002.)

(4) **Notice of Entry of Judgment**
The original and two copies of Notice of Entry of Judgment (Judicial Council form FL-190) must be submitted along with a stamped, self-addressed envelope for each party, with the address of the court clerk as the return address.
(Subd (4) amended effective July 1, 2009; amended and renumbered effective January 1, 2008; adopted as Rule 5.13, subd (c)(3) effective July 1, 1988; previously amended August 1, 2002.)

(Subd (c) amended effective July 1, 2009; previously amended August 1, 2002 and January 1, 2008.)

d. **FORMS REQUIRED FOR JUDGMENTS TO ESTABLISH PARENTAL RELATIONSHIP BY APPEARANCE**
Prior to a date for hearing being set, the requesting party must deliver the following documents, and any other documents necessary to complete the file, to the Family Law Clerk's Office for review. The calendar clerk shall not set a hearing date until the clerk's file has been completed.

(1) **Request to Enter Default OR Appearance, Stipulations and Waivers**
If the Petitioner is seeking to obtain a Judgment by default, the Petitioner must file a Request to Enter Default (Judicial Council form FL-165) prior to or concurrently with filing a Declaration for Default or Uncontested Judgment (Judicial Council form FL-230). If a default has been entered against a respondent, a party to that matter may not file an Appearance, Stipulation and Waivers (Judicial Council form FL-130) without first seeking to set aside the default.
(Subd (1) adopted effective July 1, 2009.)

(2) **Judgment**
The party or parties shall submit the original and four copies of the proposed Judgment (Judicial Council form FL-250). The contents of the judgment must comply with Solano County Local Rules, rule 5.22. If the parties are stipulating to the entry of a judgment, the parties shall attach an Advisement and Waiver of Rights re: Establishment of Parental Relationship form (Judicial Council form FL-235), or a declaration that is substantially equivalent, to the Judgment.
(Subd (2) adopted effective July 1, 2009.)

(3) **Notice of Entry of Judgment**
The original and two copies of Notice of Entry of Judgment (Judicial Council form FL-190) must be submitted along with a stamped, self-addressed envelope for each party, with the address of the court clerk as the return address.
(Subd (3) adopted effective July 1, 2009.)
(Subd (d) amended effective July 1, 2009.)

e. **ADDITIONAL REQUIRED FORMS FOR ALL JUDGMENTS BY APPEARANCE**
In addition to the forms required per Solano County Local Rules, rule 5.21(c) or (d), the following forms must be submitted if applicable:

(1) **Income and Expense Declaration**
A current, wholly completed Income and Expense Declaration (Judicial Council form FL-150) if support or attorney fees is to be ordered, unless the parties have agreed to child or spousal support provisions in a marital settlement agreement or stipulated judgment that includes a current completed support calculation. This provision does not apply if the only support term is a termination of jurisdiction over the issue of spousal support for both parties.
(Subd (1) amended and renumbered effective January 1, 2008; adopted as Rule 5.13, subd (c)(5) effective July 1, 1988; previously amended August 1, 2002.)

(2) **Child Support Stipulation and Order**
A stipulation regarding child support shall be prepared on either a fully completed Stipulation to Establish or Modify Child Support and Order (Judicial Council form FL-350), or contained in a marital settlement agreement or stipulated judgment wherein the parties expressly acknowledge compliance with the conditions of Family Code section 4065. Any stipulations regarding child support shall include a computerized support calculation printout.
(Subd (2) adopted effective January 1, 2008.)

(3) **Order/Notice to Withhold Income for Child Support**
The Order/Notice to Withhold Income for Child Support (Judicial Council form FL-195) shall be submitted to the court even if service of the wage assignment has been stayed by stipulation or court order.
(Subd (3) amended and renumbered effective January 1, 2008; adopted as part of Rule 5.13, subd (c)(6) effective July 1, 1988; previously amended August 1, 2002.)

(4) **Child Support Case Registry Form**
The Child Support Case Registry Form (Judicial Council form FL-191) shall be submitted to the court if the judgment includes any provisions for child support, including a reservation over child support.
(Subd (4) amended and renumbered effective January 1, 2008; adopted as part of Rule 5.13, subd (c)(6) effective July 1, 1988; previously amended August 1, 2002.)

(5) **Earnings Assignment Order for Spousal or Partner Support**
The Earnings Assignment Order for Spousal or Partner Support (Judicial Council form FL-435) shall be submitted to the court if spousal or partner support will be ordered payable by earnings assignment, unless excused by the assigned judicial officer.
(Subd (5) adopted effective January 1, 2008.)

(6) **Form Requirements for Division of Property**
Whenever a judgment of dissolution or legal separation is sought by either default or by stipulation as an uncontested matter, no decree awarding property to either party will be granted unless the moving party files:

(a) A current and fully completed *Property Declaration* (Judicial Council form FL-160);

or

b) A written stipulation of the parties for division of their property.
(*Subd (6) amended and renumbered effective January 1, 2008; adopted as Rule 5.13, subd (e) effective July 1, 1988.)*

(7) **Stay of Service of Earnings Assignment Order**
If a judgment includes a stipulation to stay a wage assignment for child and/or spousal support, a completed *Stay of Service of Earnings Assignment Order* (Judicial Council form FL-455) shall be submitted to the court.
(Subd (7) adopted effective July 1, 2008.)

(8) **Declaration Regarding Status of Court-Ordered Support**
If either party has obtained a fee waiver, the party submitting the proposed judgment shall submit a declaration under penalty of perjury along with the proposed Judgment stating the following:

(a) The date of the most recent order for child, spousal or family support;

(b) The name of the person ordered to pay support;

(c) Whether any support ordered during the proceeding remains unpaid and if so, the amount of the unpaid support; and,

(d) If a party is receiving support payments through the Department of Child Support Services or other local child support agency, the party submitting the proposed judgment must attach a copy of the payment history from the child support agency and indicate whether or not they are currently receiving or have applied for cash assistance. Individuals who have current open cases with the Department of Child Support Services may obtain access to payment histories through the state's Department of Child Support Services website at www.childsup-connect.ca.gov.

(Subd (8) amended effective January 1, 2010; adopted effective July 1, 2009.)

(Subd (e) amended effective January 1, 2010; adopted as Rule 5.13, subd (c) and (e) effective July 1, 1988; previously amended effective August 1, 2002; previously amended and relettered as subd (e) effective January 1, 2008; amended effective July 1, 2008, and July 1, 2009.)

f. **RELIEF INCONSISTENT WITH PETITION**

Except by written agreement or as may be permitted by law, the court will not grant relief that is inconsistent with the relief requested in the petition.
(Subd (f) relettered effective July 1, 2009; adopted as Rule 5.13, subd (g) effective July 1, 1988; previously amended effective August 1, 2002; previously amended and relettered as subdivision (e) effective January 1, 2008.)

g. **REQUIREMENTS ON PROOF BY DECLARATION REGARDING CUSTODY AND VISITATION OF CHILDREN**

Where the judgment is taken by default, and there is either a written agreement of the parties concerning custody and visitation or a request for inclusion in the judgment of provisions for custody and visitation, the court reserves the right to deny the requested order if such order is not in the best interests of the child.
(*Subd (g) relettered effective July 1, 2009; adopted as subdivision (f); previously amended effective August 1, 2002, and January 1, 2008.)*

(Rule 5.21 amended effective January 1, 2010; adopted as Rule 5.13 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.21 effective January 1, 2008; amended effective July 1, 2008, and July 1, 2009.)

5.22 CONTENTS OF JUDGMENT

a. **REQUIREMENTS FOR ACTION INVOLVING CHILD CUSTODY, VISITATION, SUPPORT, OR SPOUSAL SUPPORT**
In actions in which child custody, child visitation, child support and/or spousal support are issues, the judgment shall set forth separately in full the name and birth date of each minor child and all provisions for custody, visitation and/or support, including the commencement and termination dates of support. Incorporation of these provisions from a marital settlement agreement, alone, is not sufficient. If there is a marital settlement agreement, it shall be attached to the judgment and incorporated by reference for merger or identification, only, as the parties specify.

(Rule 5.22 amended and relettered effective January 1, 2008; adopted as unlettered Rule 5.25 effective July 1, 1988; previously amended effective August 1, 2002, and July 1, 2005.)

5.23 FEE WAIVERS AT TIME OF ENTRY OF A JUDGMENT OR AN ORDER OF SUPPORT

Pursuant to Government Code section 68637, subsections (d) and (e), all fee waivers will be subject to review by a judicial officer at the time a judgment or an order for support is submitted for signature and entry. Nothing in this rule limits the court's ability to review fee waivers during the proceeding per Government Code section 68636.

(Rule 5.23 amended effective January 1, 2010; adopted as Rule 5.27 effective July 1, 2005; renumbered as Rule 5.23 effective January 1, 2008; amended effective July 1, 2009.)

5.24 CONTEMPT

a. **FORM OF ORDER TO SHOW CAUSE OR CITATION**
All Orders to Show Cause (OSC) or citations for contempt must be made on the mandatory Order to Show Cause and Affidavit for Contempt (Judicial Council form FL-410). The OSC for contempt must be filed separately from, and may not be attached to or included with, any other motions or orders to show cause. The

Clerk of the Court shall not accept for filing any non-conforming contempt papers. The OSC or citation must also have attached to it either the mandatory Affidavit of Facts Constituting Contempt – Financial and Injunctive Order (Judicial Council form FL-411), or the mandatory Affidavit of Facts Constituting Contempt – Domestic Violence/Custody and Visitation (Judicial Council form FL-412), where applicable. The court shall not proceed on a contempt OSC or citation that is not properly plead except as may be specifically ordered by the assigned judicial officer.
(Subd (a) amended effective January 1, 2010; adopted effective January 1, 2008; previously amended effective July 1, 2008.)

b. **FIRST APPEARANCE BY SELF-REPRESENTED CITEE AT CONTEMPT HEARING**
If a party cited for contempt appears without an attorney at the first hearing set pursuant to an Order to Show Cause and Affidavit for Contempt (Judicial Council form FL-410), one continuance normally will be granted to permit the citee to retain counsel or for the appearance of court-appointed counsel. The citee will be ordered to be present at the continued hearing.
(Subd (b) amended and relettered effective January 1, 2008; adopted as Rule 5.22, subd (a) effective July 1, 1988; previously amended effective August 1, 2002.)

c. **SETTLEMENT CONFERENCE**
The court in its discretion may set the contempt hearing for a settlement conference prior to ordering the matter to trial.
(Subd (c) amended and relettered effective January 1, 2008; adopted as Rule 5.22, subd (b) effective July 1, 1988; previously amended effective August 1, 2002.)

d. **PREPARATION OF ORDER**
Unless otherwise ordered by the court, the moving party shall prepare the order after hearing. The Judicial Council form Findings and Order Regarding Contempt (FL-415) may be used for this purpose.

(Subd (d) amended and relettered effective January 1, 2008; adopted as Rule 5.22, subd (c) effective July 1, 1988; previously amended effective August 1, 2002.)

(Rule 5.24 amended effective July 1, 2008; adopted as Rule 5.22 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered effective January 1, 2008.)

5.25 ATTORNEY FEES, COSTS AND SANCTIONS

a. **ATTORNEY FEES AND COSTS**

A party requesting an award of attorney fees and/or costs based on need pursuant to the Family Code, including but not limited to sections 2030, 2031, and 2032, or as a sanction pursuant to the Family Code, the Code of Civil Procedure or any other applicable legal authority, shall file with the court the following:

(1) A current and completed Income and Expense Declaration (Judicial Council form FL-150) which shall include the income information as prescribed by the form with respect to the party against whom the order is sought;

(2) If the request is for an amount exceeding $1,000.00, a declaration of the attorney setting forth facts that describe in detail the services rendered, the time expended with respect to these specific services and the hourly rate normally charged by the attorney, unless this declaration is waived by the court in its discretion. The declaration shall further state such facts as may be relevant to the court's determination as to the reasonableness of the fees as set forth in Family Code section 2032, subdivision (b); and,

(3) Any other declarations, documents, or pleadings as required by the Family Code, the Code of Civil Procedure, California Rules of Court, or orders of the court.

(Subd (a) amended effective January 1, 2008.)

b. **BIFURCATION OF ATTORNEY FEES AND COSTS REQUESTS PER FAMILY CODE §271**

Where an attorney, or a party as allowed by law, requests the opportunity to present evidence as to conduct of the other party and/or attorney which furthers or frustrates the policy of the law to promote settlement of litigation pursuant to Family Code section 271, the court will in its discretion withhold a decision on the issue of fees until after all other issues, including that of costs, have been determined and will not receive the attorney's or the party's declaration relating thereto until commencing the consideration of the attorney fees issue.

(Subd (b) amended effective July 1, 2008; previously amended effective January 1, 2008.)

c. **SANCTIONS FOR FAILURE TO COMPLY WITH RULES OR STATUTES**

In the event that any party or attorney fails to comply with the requirements of the Solano County Local Rules, the California Family Code, the California Code of

Civil Procedure, or the California Rules of Court, the court may, on the motion of a party or on its own motion, order the case off calendar, strike out all or any part of any pleading of that party, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, proceed to hear the matter on a default basis, proceed under any conditions the court finds proper, award attorney fees and/or impose other appropriate sanctions, including any sanctions available to the court under the Family Code, the Code of Civil Procedure, and the Solano County Local Rules, rule 4.13 , subsection (a). The court may further order a party or his or her counsel to pay to a party moving for compliance with these rules the reasonable expenses in making the motion, including reasonable attorney fees and costs.
(Subd (c) amended effective January 1, 2010; previously amended effective January 1, 2008, July 1, 2008, and January 1, 2009.)

d. **FORM OF PLEADINGS REQUESTING ATTORNEY FEES, COSTS, OR SANCTIONS**

(1) A request for attorney fees and costs in the form of discovery sanctions may be plead either in the motion seeking relief related to discovery or in a separate motion.

(2) A discovery motion may not include any requests pertaining to attorneys fees, costs, or sanctions unrelated to the discovery at issue in the motion.
(Subd (d) adopted effective July 1, 2008.)

(Rule 5.25 amended effective January 1, 2010; adopted as Rule 5.26 effective July 1, 1988; previously amended effective August 1, 2002; previously amended and renumbered as Rule 5.25 effective January 1, 2008; amended effective July 1, 2008.)

5.26 FORMS LISTS

The Family Law Clerk's Office and the Office of the Court Facilitator shall each prominently post lists of current Judicial Council and Solano County local forms that set forth the forms both alphabetically by name and numerically by form number. These lists shall be kept current at all times. The Family Law Clerk's Office and the Office of the Court Facilitator shall also make individual forms available to the public upon request and free of charge. All Judicial Council forms are also available at www.courtinfo.ca.gov. All local forms are available on the court's Internet website located at www.solano.courts.ca.gov.

(Rule 5.26 amended effective January 1, 2010; adopted as Rule 5.28 effective July 1, 2005; previously amended and renumbered as Rule 5.26 effective January 1, 2008.)

5.27 FAMILY LAW FACILITATOR'S DUTIES

In addition to the services provided by the Family Law Facilitator pursuant to Family Code section 10004, the Family Law Facilitator may provide the services set forth in Family Code section 10005 if authorized to do so by the supervising judge of the Family Law Division.

(Rule 5.27 adopted effective January 1, 2008.)

Superior Court of California
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Rule 5 – Family Law

RULE 5 APPENDICES

Appendix 5-A-1: **Meet and Confer Orders**
(Note: Use Solano County Local Form no. 010)

Appendix 5-A-2: **Time Sharing Arrangement Table**

Appendix 5-A-3: **Family Law Rules Conversion Table**
(Effective January 1, 2008; Amended effective July 1, 2009)

Appendix 5-A-4: **Family Law Rules Reverse Conversion Table**
(Effective January 1, 2008; Amended effective July 1, 2009)

Superior Court of California
County of Solano

Rule 5 – Family Law

APPENDIX 5-A-1: MEET AND CONFER ORDERS (Note: Use Local Form No. 010)

SHORT TITLE:	CASE NUMBER:

MEET AND CONFER ORDERS
(SEE PARAGRAPH 3 IF THERE ARE RESTRAINING ORDERS IN EFFECT NOW.)

1. **a.** The parties and/or attorneys are ordered to peaceably contact each other, immediately upon service of these papers, and to make at least one peaceable attempt to settle these issues, *before the date of this hearing*.

b. Each party and/or attorney shall make good faith, reasonable proposals on all issues in the attached documents, and shall try to settle all of the issues. They shall do this in writing or by fax or e-mail, or by telephone, or in person.

c. If the issues in the attached documents include child support, or temporary spousal support, each party shall prepare and give the other a printout of his or her proposed DissoMaster™ or other computerized support calculation, *before the date of the hearing*.

d. If the parties *both agree* that the scheduled hearing is not necessary, *both parties or attorneys shall immediately notify the assigned judicial department*, or the Court may impose sanctions upon one or both of the parties or attorneys.

2. **a.** On the date of the hearing, and in addition to any mediation about child issues on that same date, the parties and/or their attorneys shall peaceably meet and confer a *second* time, and make reasonable, good faith efforts to settle the issues of this hearing. They shall exchange all relevant documents, updated DissoMaster™ or other computerized support calculation printouts if applicable, and other information, in good faith efforts to settle all issues of this hearing. They shall cooperate so as to clearly outline and efficiently present any unsettled issues to the court at the hearing. The court may, in its discretion, decline to consider any document or information that was not exchanged before the hearing.

b. Failure to meet and confer in good faith may cause the hearing to be delayed, or postponed, or dropped from calendar, or the court may impose sanctions or other remedies upon one or both of the parties or attorneys.

3. These orders do not apply to the parties themselves if there are any restraining orders, from any court whatsoever, ordering one party to "not contact" or to "stay away" from any other party to this case, *if such orders are still in effect at this time*. Even if such "no contact" or "stay away" orders are in effect at this time, each party's attorney must meet and confer with the other party's attorney or the other party as stated in this Meet and Confer Order, and at the hearing the court may in its discretion order the parties themselves to meet and confer, under conditions that the court deems appropriate.

NOTE: For DissoMaster™ calculations, consult with an attorney of your choice, or contact the Solano County Family Law Facilitator's Office in the Hall of Justice, 600 Union Avenue, Fairfield, CA 94533; (707) 207-7348.
AUTHORITY: California Family Code section 271; Rules 5.9 and 5.14 of the Solano County Local Rules.

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County of Solano

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APPENDIX 5-A-2: TIME SHARING ARRANGEMENT TABLE

Item No.	Time Sharing Arrangement	Days out of the Year	Timeshare Percentage
A	1 weekend per month	24	7
B	1 extended weekend per month	36	10
C	2 weekends per month	48	13
D	1 weekend per month plus 1 evening per week	50	14
E	Alternate weekends (26 weekends per year)	52	14
F	Alternate weekends plus 2 weeks in the summer	67	18
G	Alternate weekends plus ½ the holidays plus 2 weeks in the summer	69	19
H	2 extended weekends per month	72	20
I	Alternate weekends plus 1 evening per week	78	21
J	Alternate weekends plus 1 overnight per week	104	28
K	Alternate extended weekends	78	21
L	Alternate extended weekends plus ½ the holidays plus 4 weeks in the summer (with alternating weekends continuing in summer and makeup time if the weekends are lost due to the 4 weeks)	77	21
M	Alternate weekends plus ½ the holidays plus 4 weeks in the summer (with no alternating weekends all summer)	75	21
N	Alternate weekends plus ½ the holidays plus ½ the summer (with or without alternating weekends in the summer)	82	22
O	Alternate extended weekends plus 1 evening a week	104	28
P	Alternate extended weekends plus 1 overnight a week	130	36
Q	Alternate weekends plus ½ holidays plus 1 evening per week plus 4 weeks in the summer (with alternating weekends continuing in summer and makeup time if the weekends are lost due to the 4 weeks)	103	28
R	Alternate weekends plus 1 evening per week when school is in session plus ½ school vacations	104	28
S	Three days per week	156	43
T	First, third and fifth weekends of every month	56	15
U	First, third and fifth extended weekends of every month	84	23
V	First, third and alternate fifth weekends	52	14
W	First, third and alternate fifth extended weekends	78	21

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Rule 5 – Family Law

APPENDIX 5-A-3: FAMILY LAW RULES CONVERSION TABLE

Effective January 1, 2008; Amended effective July 1, 2009

Rule Title	***New Rule Number***	***Former Rule Number***
Scope of Rule 5; Applicability to Parties and Counsel	5.1	5.1
Direct Calendaring	5.2	5.2
Use and Completeness of Judicial Council and Solano County Forms	5.3	5.5
Filing and Service of Summons, Petition, Moving and Responsive Pleadings	5.4	5.3
Proof of Service	5.5	5.4
Declarations	5.6	5.6
Ex Parte Application for Order; Orders Shortening and Extending Time	5.7	5.7
Special Procedures for Ex Parte Applications for Orders and Ex Parte Applications for Injunctive Relief Pertaining to Domestic Violence	5.8	5.8
Law and Motion Calendar	5.9	5.11
Law and Motion Procedure	5.10	5.18
Mediation – Child Custody and Visitation	5.11	5.20
Child Custody and Visitation Evaluation or Investigation	5.12	5.21
Children and the Court; Minor's Counsel	5.13	5.24
Calculation of Child Support and Temporary Spousal or Partner Support	5.14	5.23
Procedures for Document Signature; Orders After Hearing and Trial	5.15	5.9
Family Law Discovery Motions	5.16	5.17
Status Conferences and Status Conference Reports	5.17	5.10
Settlement Conferences	5.18	5.16
Trial Matters	N/A (See 5.19)	5.14
Trial Procedure	N/A (See 5.19)	5.15
Family Law Trial Matters and Procedure	5.19	5.19
Default or Uncontested Judgment of Dissolution or Legal Separation by Affidavit or Declaration under Family Code Section 2336	5.20	5.12
Default or Uncontested Judgments of Dissolution, Legal Separation or Nullity by Appearance	5.21	5.13
Contents of Judgment	5.22	5.25
Fee Waivers at Time of Judgment	5.23	5.27
Contempt	5.24	5.22
Attorney Fees, Costs and Sanctions	5.25	5.26
Forms Lists	5.26	5.28
Family Law Facilitator's Duties	5.27	N/A

Superior Court of California
County of Solano

Rule 5 – Family Law

APPENDIX 5-A-4: FAMILY LAW RULES REVERSE CONVERSION TABLE

Effective January 1, 2008; Amended Effective July 1, 2009

Rule Title	***Former Rule Number***	***New Rule Number***
Scope of Rule 5; Applicability to Parties and Counsel	5.1	5.1
Direct Calendaring	5.2	5.2
Filing and Service of Summons, Petition, Moving and Responsive Pleadings	5.3	5.4
Proof of Service	5.4	5.5
Use and Completeness of Judicial Council and Solano County Forms	5.5	5.3
Declarations	5.6	5.6
Ex Parte Application for Order; Orders Shortening and Extending Time	5.7	5.7
Special Procedures for Ex Parte Applications for Orders and Ex Parte Applications for Injunctive Relief Pertaining to Domestic Violence	5.8	5.8
Procedures for Document Signature; Orders After Hearing and Trial	5.9	5.15
Status Conferences and Status Conference Reports	5.10	5.17
Law and Motion Calendar	5.11	5.9
Default or Uncontested Judgment of Dissolution or Legal Separation by Affidavit or Declaration under Family Code Section 2336	5.12	5.20
Default or Uncontested Judgments of Dissolution, Legal Separation or Nullity by Appearance	5.13	5.21
Trial Matters	5.14	N/A (See 5.19)
Trial Procedure	5.15	N/A (See 5.19)
Settlement Conferences	5.16	5.18
Family Law Discovery Motions	5.17	5.16
Law and Motion Procedure	5.18	5.10
Family Law Trial Matters and Procedure	5.19	5.19
Mediation – Child Custody and Visitation	5.20	5.11
Child Custody and Visitation Evaluation or Investigation	5.21	5.12
Contempt	5.22	5.24
Calculation of Child Support and Temporary Spousal or Partner Support	5.23	5.14
Children and the Court; Minor's Counsel	5.24	5.13
Contents of Judgment	5.25	5.22
Attorney Fees, Costs and Sanctions	5.26	5.25
Fee Waivers at Time of Judgment	5.27	5.23
Forms Lists	5.28	5.26
Family Law Facilitator's Duties	N/A	5.27