Superior Court of California
County of Solano

Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally

5.1 MATTERS ASSIGNED TO THE FAMILY LAW DIVISION; APPLICABILITY OF RULE

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) adopted effective January 1, 2013.)

b. **MATTERS TO WHICH RULE 5 APPLIES**
Rule 5 applies to all family law matters, including:
(1) Proceedings under the Family Code for dissolution of marriage or registered domestic partnership, nullity of marriage or registered domestic partnership, legal separation, custody and support of minor children, termination of parental rights, adoptions, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act;
(2) Local child support agency actions under the Family Code; and,
(3) Contempt proceedings relating to family law or local child support agency actions.

Requests for protective orders under the Domestic Violence Prevention Act are governed by Rule 16, not Rule 5. However, ancillary issues (such as support, custody, and temporary possession of property) raised in such a request are governed by Rule 5.
(Subd (b) amended effective July 1, 2014; adopted effective January 1, 2013.)

c. **APPLICABILITY OF RULES TO PARTIES AND COUNSEL**
Unless otherwise prohibited by law, Rule 5 applies to the parties, to the attorneys of represented parties, and to minor's counsel. References to a party's counsel or attorney includes a self-represented party.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.1 amended effective July 1, 2014; adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally

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, as directed by and 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) adopted effective January 1, 2013.)

b. **NOTIFICATION OF ASSIGNED JUDICIAL OFFICER**
The Clerk of the Court shall notify the parties of the initial assignment of the case to a judicial officer at the time the petitioner's initial pleading is filed.
(Subd (b) adopted effective January 1, 2013.)

c. **NOTIFICATION OF REASSIGNMENT**
Cases may be reassigned from time to time. Reassignments may be done on the record at a hearing or by written notification from the court.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.2 adopted effective January 1, 2013.)

5.3 PREPARATION AND FILING OF FORMS AND PLEADINGS

a. **USE OF SOLANO COUNTY COURT CASE NUMBER**
The case number shall have the following format on all pleadings and forms filed with the court:

(1)	SF012345:	All family law cases filed prior to December 8, 1999 (excepting adoptions and Uniform Parentage Act cases).
(2)	FFL012345:	All family law cases filed on or after December 8, 1999 or whose case number is equal to or higher than FFL050994 (excepting adoptions and Uniform Parentage Act cases).
(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 (a) adopted effective January 1, 2013.)

b. **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 may submit the request on either a local form made available for that purpose or in a pleading that contains the same substantive information required on the form.

(Subd (b) adopted effective January 1, 2013.)

c. **FORMS AND DOCUMENTS TO BE INCLUDED WITH MOVING PAPERS**

In addition to any forms required by the California Rules of Court, any *Request for Order* or other moving papers served on the other party shall include a copy of the court's local form *Meet and Confer Orders*.

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 *Request for Order*. **A copy of the entire judgment need not be attached to the *Request for Order*.** If the *Findings and Order After Hearing* has not been filed, a copy of the minute order shall be attached instead.

A party filing an *Order to Show Cause and Affidavit for Contempt* (Judicial Council form FL-410) shall attach a copy of each order allegedly violated.

(Subd (c) adopted effective January 1, 2013.)

d. **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 (d) adopted effective January 1, 2013.)

(Rule 5.3 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**
All parties shall comply with the provisions in Chapter 7 of Division 1 of Title 5 of the California Rules of Court and with these local rules.
(*Subd (a) amended effective July 1, 2014; adopted effective January 1, 2013.*)

b. **GENERAL STATEMENT REGARDING EMERGENCY ORDERS**
Applications for emergency orders are appropriate only if needed to prevent an immediate danger or irreparable harm to a party or to the children involved in the matter, prevent immediate loss or damage to property subject to disposition in the case, shorten time for hearing or service, or continue a hearing or trial.
(Subd (b) adopted effective July 1, 2014; previous subd (b) relettered as subd (c) effective January 1, 2014.)

c. **PROCEDURES FOR REQUESTING EMERGENCY ORDERS**
All parties shall comply with the following procedures:

(1) Requests for emergency orders will be considered every court day at specific times set by each department. Those times will be available on the court's website at www.solano.courts.ca.gov, or by telephoning the individual department. Per California Rules of Court, rule 5.169, the judicial officer may decide the emergency order request based on the documents submitted, or may have a hearing prior to making a decision on the request.

(2) The original *Request for Order* plus two copies and any other documents required by statute or California Rules of Court plus two copies of each document shall be submitted through the Family Law Division's clerk's office. Unless the moving party has a valid fee waiver order on file or submits a fee waiver concurrently with the *Request for Order*, the moving party is required to pay all the applicable fees set by law at the time the *Request for Order* is submitted to the Family Law Division's clerk's office.

(3) If the *Request for Order* seeking emergency orders is submitted directly to the Family Law Division clerk's office during its normal business hours, the emergency order hearing will be set for the next court day.

If the *Request for Order* seeking emergency orders is submitted to the Family Law Division clerk's office outside its normal business hours (e.g.

through the drop box), the emergency order hearing will be set two court days out.

Papers submitted to the courthouse on:			Emergency hearing will be on:
Monday	During business hours	➔	Tuesday*
	Outside business hours	➔	Wednesday*
Tuesday	During business hours	➔	Wednesday*
	Outside business hours	➔	Thursday*
Wednesday	During business hours	➔	Thursday*
	Outside business hours	➔	Friday*
Thursday	During business hours	➔	Friday*
	Outside business hours	➔	Monday*
Friday	During business hours	➔	Monday*
	Outside business hours	➔	Tuesday*
** If this day is a court holiday, the hearing will be on the next court day (i.e. Wednesday instead of Tuesday, Thursday instead of Wednesday, etc.)*			

(Subd (c) amended effective July 1, 2014; adopted effective January 1, 2013.)

(Rule 5.4 amended effective July 1, 2014; adopted effective January 1, 2013.)

5.5 LAW AND MOTION HEARINGS (HEARINGS OTHER THAN CASE MANAGEMENT CONFERENCES, STATUS CONFERENCES, SETTLEMENT CONFERENCES, AND TRIALS)

a. **SETTING AN INITIAL HEARING**

When an initial hearing is set pursuant to a *Request for Order* or other paper seeking relief, the matter shall be set on the assigned judicial officer's law and motion calendar. The clerk shall provide the time and date for all initial hearings. All matters set on an initial hearing calendar are limited to 20 minutes of hearing time. *(Subd (a) adopted effective January 1, 2013.)*

b. **VACATING A SCHEDULED HEARING**

(1) **By the Moving Party**

If the moving party's *Request for Order* or other papers seeking relief have not been served on the responding party, the moving party may take the matter off calendar by giving notice to the court, which may be done by telephone to the appropriate department. Notice does not need to be given to the responding party.

If the pleadings have been served on the responding party but no responsive pleadings have been filed, the moving party may take the matter off calendar but must give notice to both the court and the responding party so as to avoid unnecessary review by the court and appearances by the party. Notice to the court may be given by telephone to the appropriate department.

(Subd (1) adopted effective January 1, 2013.)

(2) **By Stipulation**

If responsive pleadings have been filed, the moving party may not take the matter off calendar without written stipulation or written or oral confirmation by the responding party. Confirmation may be by telephone to the appropriate department.

If both parties agree no hearing is needed, both parties shall so inform the department to which a matter has been assigned as soon as practicable.

A failure to appear without prior notification to the court may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.

(Subd (2) adopted effective January 1, 2013.)

(Subd (b) adopted effective January 1, 2013.)

c. **REISSUANCE OF A REQUEST FOR ORDER**

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 a *Request for Order* may be reissued. The request to reissue the *Request for Order* must be submitted to the court at least two court days before the scheduled hearing date; otherwise, the party must appear at the hearing and request the reissuance in open court.

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 may take the matter off calendar.

If the moving party served the responding party but the service was untimely, the moving party must attend the scheduled hearing. The responding party shall be entitled to a continuance and the court may reissue the *Request for Order.* Any

temporary orders previously made may be extended upon a showing of good cause. *(Subd (c) adopted effective January 1, 2013.)*

d. **DAY OF HEARING PROCEDURES**

(1) **Duty to Appear and to Advise Court of Settled Issues and Remaining Contested Issues**
All parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or bailiff upon arrival.

The parties or the attorneys for the parties shall be prepared to advise the court as to what issues have been settled by agreement and what issues remain contested.
(Subd (1) adopted effective January 1, 2013.)

(2) **Failure to Appear by Moving Party**
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 as a result of the moving party's nonappearance unnecessary fees are incurred.

If the responding party appears and has filed and served a responsive pleading seeking appropriate affirmative relief, the court may continue the matter or rule on the affirmative relief requested, at its discretion.
(Subd (2) adopted effective January 1, 2013.)

(Subd (d) adopted effective January 1, 2013.)

e. **TELEPHONIC APPEARANCES**
A party, an attorney, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 2 court days prior to the date of the hearing.

The request shall be made on a *Request for Telephone Appearance* (Judicial Council form FL-679). The request must be served on all other parties, their attorneys, and the local child support agency through a means calculated to ensure delivery by the close of business on the next court day.

If the court permits the appearance by telephone, and unless the court specifically directs otherwise, the person being permitted to appear telephonically shall do so through CourtCall LLC, a private telephonic appearance provider with whom the court has contracted. The telephone number of CourtCall is (888) 88-COURT or (310) 342-0888. Those wishing to use CourtCall must follow the rules and schedule of the individual department concerning the use of CourtCall, and shall be solely responsible for all fees and costs charged by CourtCall for this service.

Absent prior court order, requests for telephonic appearances in trials, contempt hearings, orders of examination, and any other matters in which the person has been subpoenaed to appear will not be permitted. Rules for ex parte requests and orders shortening time shall apply.
(Subd (e) adopted effective January 1, 2013.)

(Rule 5.5 adopted effective January 1, 2013.)

5.6 PRESENCE OF CHILDREN IN COURTROOM

Unless a child whose custody or visitation is at issue has been given court permission to address the court or testify per Family Code section 3042, that child shall not be present in the assigned courtroom while the matter is being heard, unless the judicial officer has specifically given permission for the child to be present.

In the event a party or minor's counsel wants the child to be present, that party or minor's counsel may disclose to the court that the child is in the courthouse and request that the child be permitted into the courtroom.

(Rule 5.6 adopted effective January 1, 2013.)

5.7 FAMILY CENTERED CASE RESOLUTION PROCESS (CRC 5.83)

a. **APPLICABILITY**

The Family Centered Case Resolution process ("the FCCR process") shall apply to dissolution, legal separation, nullity, and parentage cases filed on or after January 1, 2013. A judicial officer may, in his or her sole discretion, elect to place an individual case other than a dissolution, legal separation, nullity, or parentage case in the FCCR process.
(Subd (a) adopted effective January 1, 2013.)

b. **CASE MANAGEMENT CONFERENCES**

At the time a dissolution, nullity, legal separation, or parentage case is filed, the case shall be automatically set for three case management conferences at six months, twelve months, and eighteen months.

If a *Request for Order* is set for hearing at a point in time close to a scheduled case management conference, the judicial officer may elect to conduct the case management conference concurrently with the hearing on the *Request for Order*.

Nothing in this rule prohibits a party from requesting a status conference earlier than a mandated case management conference. Nothing in this rule prohibits the setting of status conferences in addition to the three mandated case management conferences.
(Subd (b) adopted effective January 1, 2013.)

c. **NOTICE OF CASE MANAGEMENT CONFERENCES**

At the time the petition is filed, the court shall provide the petitioner with a Notice of Case Management Conferences. This notice shall give the date, time, and place that each party, or the party's attorney if represented, shall appear for the three required case management conferences.

A copy of the Notice of Case Management Conferences shall be served on the respondent at the same time as the petition and summons.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.7 adopted effective January 1, 2013.)

5.8 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS

a. **APPLICABILITY OF RULE**

Rule 5.8 applies only to status conferences. It does not apply to case management conferences set per Rule 5.7.
(Subd (a) adopted effective January 1, 2013.)

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

Status conferences may be used generally to assess the readiness of a case for meaningful settlement conference and/or trial. No party shall obtain a settlement conference or trial date except by court permission, which may be given at a status conference. Status conferences may be utilized at the court's discretion for any other purpose deemed appropriate, such as for setting trial management conferences.

In dissolution of marriage, nullity of marriage, or legal separation matters, a status conference shall not be set at a party's request unless that 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. Status conferences may be requested by filing a local form designated for that purpose, 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.

Compliance with disclosure requirements is not required in Uniform Parentage Act cases or in proceedings to establish custody or support pursuant to Family Code section 3120. Thus, in cases brought per the Uniform Parentage Act or per Family Code section 3120, a party may request a status conference by filing a local form designated for that purpose, 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.

The court may set a case on the status conference calendar at its discretion. No status conference may be continued or taken off calendar without court permission.
(Subd (b) adopted effective January 1, 2013.)

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

At least seven (7) calendar days before the scheduled status conference, each party (or their counsel) shall file with the court and serve on all other parties a completed status conference report on a local form designated for that purpose. 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.

(Subd (c) adopted effective January 1, 2013.)

d. **SANCTIONS**

The court may impose sanctions if:

(1) A status conference report is not timely filed and served;

(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; or,

(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) adopted effective January 1, 2013.)

(Rule 5.8 adopted effective January 1, 2013.)

5.9 COURT REPORTER FEES

The court will not provide court reporter services free of charge for hearings, evidentiary hearings, or trials. Unless the parties both waive a court reporter, each party shall be responsible for paying the applicable court reporter fees pursuant to Government Code section 68086 or the schedule approved by the Presiding Judge of the Superior Court of California, County of Solano. Fees are payable forthwith unless payment is specifically deferred until a later time by a judicial officer.

(Rule 5.9 adopted effective January 1, 2013.)

Superior Court of California
County of Solano

Rule 5 – Family Law
PART TWO: Settlement Conferences and Trials

5.10 SETTLEMENT CONFERENCES

a. **SETTLEMENT CONFERENCES GENERALLY**
Absent waiver for good cause shown, the court will require a mandatory settlement conference prior to that matter proceeding to trial. 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 or has granted permission to appear telephonically.
(Subd (a) adopted effective January 1, 2013.)

b. **DUTY TO MEET AND CONFER**
The meet and confer requirements set forth in California Rules of Court, rule 5.98, shall also apply to settlement conferences.

Counsel and 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). Prior to the settlement conference, counsel and parties shall make good faith efforts to settle all or some of the issues. They must also cooperate so as to clearly outline and efficiently present the settled and unsettled issues to the court at the settlement conference.
(Subd (b) adopted effective January 1, 2013.)

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 and any other documents required by this rule or by court order at least fourteen (14) calendar days prior to the settlement conference. Proof of service of the settlement conference statement shall be filed with the court at least seven (7) calendar days before the scheduled status conference.
(Subd (c) adopted effective January 1, 2013.)

d. **CONTENTS OF SETTLEMENT CONFERENCE STATEMENT**
A settlement conference statement shall state in the caption the date and time of the settlement conference.

Settlement conference statements submitted in an dissolution of marriage or registered domestic partnership, nullity, or legal separation action shall respond to each item set forth below. Settlement conference statements submitted in any other matter shall respond to each item set forth below, except for items (4), (5), and (6).

If a particular paragraph is not applicable, the statement shall indicate that fact.

(1) **Statistical Facts**

(a) **For Dissolutions, Nullities, and Legal Separations Only**

(i) The date of marriage or registration of registered domestic partnership, the date of separation, and the length of the marriage or registered domestic partnership in years and months; and,

(ii) If the date of separation or any other statistical fact is contested, the party shall provide all material facts in support of their position.

(b) **For All Cases:**

(i) The names and ages of minor children and any disabled adult children to whom a duty of support may be owed;

(ii) Ages of parties;

(iii) Whether there are any contested issues as to statistical facts, and if so, a statement setting forth all material facts concerning the contested issue(s); and,

(iv) The date service of process was completed, where it was made and how it was accomplished.

(2) **Child Custody and Visitation**

(a) A summary of the existing custody and visitation order or, if there is no existing order, the parties' current practice; and,

(b) The party's proposal for custody and visitation. If the proposal is to change the existing custody or visitation order, the statement shall include all material facts in support of the proposal.

(3) **Child Support**

(a) A summary of the existing child support order or, if there is no existing order, the parties' current 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; and,

(d) A statement whether or not either party receives public assistance or services from the Department of Child Support Services in the instant or related cases.

(4) **Spousal or Partner Support (For Dissolutions, Nullities, and Legal Separations Only)**

(a) A summary of existing spousal or partner support order or, if there

is no existing order, the parties' current practice;

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

(c) The party's proposal for spousal or partner support; and,

(d) All relevant and material facts in support of the party's position, including facts concerning each of the factors in Family Code section 4320 in the case of establishing or modifying post-judgment support.

(5) **Contested Property Issues (For Dissolutions, Nullities, and Legal Separations Only)**

Each party shall list each contested 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) If the asset has a formal title (e.g. house, vehicle, bank account, brokerage account, etc.), the manner in which title is vested;

(c) The party's position as to the property's character, e.g. as community property, separate property, or quasi-community or quasi-marital property;

(d) All material facts and law in support of the party's characterization of the property;

(e) The current fair market value of the property;

(f) The nature, extent and terms of any encumbrance against the property and the current net equity in the property;

(g) Whether the property has any community property interest through application of *Moore/Marsden* or *Pereira/Van Camp*, and if so, the factual and legal basis for apportionment, the formula for apportionment, and the value of each party's community and separate property interests; and,

(h) 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.

(6) **Reimbursements and Credits (For Dissolutions, Nullities, and Legal Separations Only)**

(a) If a party is claiming *Epstein* credits, *Watts/Jeffries* credits, Family Code section 2640 reimbursements, or other claims for reimbursement or credits, the party shall include a complete statement setting forth the factual and legal basis for the credit or reimbursement claimed and the formula used (if any) to calculate the credit or reimbursement.

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

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

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

(c) If a party is requesting that his or her attorney fees, expert witness fees, or costs be paid in part or in full by the other party, state the additional amounts requested and the legal and factual basis for the request.

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

(a) If property is to be characterized and/or divided, attach copies of all appraisals, expert reports, and other documentary evidence of an asset's value or amount of debt to be offered at the time of trial; and,

(b) List and describe all documents, schedules or summaries, and/or other evidence to be offered at the time of trial. However, evidence intended for use only for impeachment purposes is not required to be listed.

(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; and,

(c) Provide a brief statement setting forth the substance of the witnesses' testimony.

(10) **Points and Authorities**

With respect to disputed matters, each party shall list the points and authorities or legal arguments upon which that party intends to rely, so far as is known at the time the statement is prepared.

(Subd (d) adopted effective January 1, 2013.)

e. **INCOME AND EXPENSE DECLARATION; TAX RETURNS**

If child support, spousal support, attorney fees and costs, or sanctions are at issue and unless a current *Income and Expense Declaration* (Judicial Council form FL-150) is already on file, an updated *Income and Expense Declaration* shall be filed concurrently with the party's settlement conference statement. "Current" shall have the same definition as California Rules of Court, rule 5.260(a)(3). Each party shall also be prepared to provide the court with a complete copy of that party's two most recent federal personal tax returns. This shall include all schedules and

attachments. If either party files a separate tax return for a business, a complete copy of the two most recent federal tax returns for that business shall also be made available. Except for Taxpayer Identification Numbers (TIN) or Social Security Numbers, no information on any tax returns provided to the court may be redacted. *(Subd (e) adopted effective January 1, 2013.)*

f. **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 do as follows:
(1) Orally object at the hearing if the party is present at the hearing at which the settlement conference date is set; or,
(2) Object in writing if the party is not present at the hearing at which the settlement conference date is set. The written objections must be filed no later than ten (10) calendar days after receiving notice of the settlement conference date.
(Subd (d) adopted effective January 1, 2013.)

(Rule 5.10 adopted effective January 1, 2013.)

5.11 EVIDENTIARY HEARINGS AND TRIALS

a. **MEET AND CONFER REQUIREMENTS**
The meet and confer requirements set forth in California Rules of Court, rule 5.98, shall also apply to all evidentiary hearings and trials.
(Subd (a) adopted effective January 1, 2013.)

b. **VACATING OR CONTINUING AN EVIDENTIARY HEARING OR TRIAL DATE**
An evidentiary hearing or trial may be vacated or continued only by court permission obtained pursuant to stipulation by the parties, by order after a noticed request, or upon the court's own motion.

If the evidentiary hearing or trial is continued at a party's request or by stipulation, the current fee charged for such continuances shall be paid prior to or concurrently with the filing of the order continuing the trial or evidentiary hearing.
(Subd (b) adopted effective January 1, 2013.)

c. **DOCUMENTARY EVIDENCE**

The parties shall bring to trial a sufficient number of copies of all evidence such that a copy can be provided to all opposing parties and the court. Except for evidence to be used solely for impeachment (e.g. to directly attack the credibility of a party or witness), copies of all evidence shall be exchanged with all other parties prior to the commencement of the trial.

So far as is practicable, all parties must have their respective exhibits (except those to be used solely for impeachment) marked by the courtroom clerk before the time scheduled for trial to start, unless excused by the assigned judicial officer.
(Subd (c) adopted effective January 1, 2013.)

(Rule 5.11 adopted effective January 1, 2013.)

5.12 – 5.19 [RESERVED]

5.20 CHILD CUSTODY RECOMMENDING COUNSELING

a. **PARTIES' DUTIES**

In all proceedings and actions where there is an initial contested issue regarding the custody of or visitation with a minor child, the matter shall be set for child custody recommending counseling through Family Court Services. The custody counseling shall be completed and a report issued by the child custody recommending counselor before the court hears the matter. Emergency hearings for temporary orders pending the hearing are exempt from this rule.

If a party does not appear for the hearing and there is satisfactory proof in the court file that the non-appearing party has notice of the hearing, the counseling session may proceed without the party's participation or may be excused in the court's discretion.
(Subd (a) adopted effective January 1, 2013.)

b. **REPORT – FULL AGREEMENT**

Where a full agreement has been reached in the counseling session between the parties regarding the issues of custody and visitation, the child custody recommending counselor shall prepare and forward to the court a written summary of such agreement.
(Subd (b) adopted effective January 1, 2013.)

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

Where there is not a full agreement between the parties regarding the issues of custody and/or visitation, the child custody recommending counselor shall submit a recommendation to the court regarding custody of and/or visitation with the minor child(ren), per Family Code section 3183. The counselor's recommendation shall state the factual basis for the recommendation, which may include matters communicated to the counselor by the parties or the minor child(ren). The court may consider the written recommendation of the counselor and the basis for that recommendation in determining the issues before the court at the time of hearing.
(Subd (c) adopted effective January 1, 2013.)

d. **DISCLOSURE OF CHILD CUSTODY RECOMMENDING COUNSELING REPORT PROHIBITED**

Any written report or recommendation from a child custody recommending counselor 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.

Dissemination of the report to persons other than those identified above is strictly prohibited.
(Subd (d) adopted effective January 1, 2013.)

e. **CALLING THE CHILD CUSTODY RECOMMENDING COUNSELOR AS A WITNESS**
The child custody recommending counselor may be called as a witness by either party, minor's counsel, or the court, and may testify regarding his or her recommendation and the basis therefore.

A party or attorney calling the counselor as a witness at any hearing must comply with all statutory requirements for compelling a witness' attendance at a hearing or trial, including the payment of witness fees.
(Subd (e) adopted effective January 1, 2013.)

f. **GRIEVANCE PROCEDURE**
The procedure for processing a complaint concerning a Family Court Services child custody recommending counselor shall be as follows:

(1) Complaints are only accepted from the following individuals:
   (a) A party to the action;
   (b) A party's attorney; or
   (c) The court-appointed attorney for the minor child.

(2) The complainant must submit his or her complaint in writing with the Court Services 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 and the date(s) on which the parties met with the counselor;
   (d) The name(s) of any Family Court Services personnel (i.e. child custody recommending counselors) with whom the complainant had contact; and,
   (e) A statement explaining the reasons for the complaint. Mere disagreement with a child custody recommending counselor's recommendation(s) or stated reasons for a recommendation 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 dismissed without further investigation or action.

(4) Persons making complaints should be aware that all information contained in the complaint will be made available to all parties and the counselor(s) involved in the case.

(5) The program manager will conduct an investigation of the matter, which will include consultation with the child custody recommending counselor. The complainant will be informed in writing of the results of the program manager's investigation within 30 days of the submission of the complaint.

(6) Nothing precludes the complainant from bringing his or her concerns to the court through a noticed motion.

(Subd (f) adopted effective January 1, 2013.)

g. **PEREMPTORY CHALLENGE AGAINST FAMILY COURT SERVICES CHILD CUSTODY RECOMMENDING COUNSELOR**

There shall be no "peremptory challenges" of the assigned Family Court Services child custody recommending counselor.

(Subd (g) adopted effective January 1, 2013.)

h. **EX PARTE COMMUNICATIONS WITH CHILD CUSTODY RECOMMENDING COUNSELOR**

Ex parte communication between any party or any attorney and the Family Court Services child custody recommending counselor is prohibited, unless authorized by the court or unless the child's or a party's physical safety is subject to imminent risk of harm or danger.

(Subd (h) adopted effective January 1, 2013.)

(Rule 5.20 adopted effective January 1, 2013.)

5.21 CHILD CUSTODY AND VISITATION EVALUATIONS

a. **CONTACT WITH EVALUATOR IN CHILD CUSTODY PROCEEDINGS**

All ex parte communications between court-appointed or court-connected evaluators and parties or their attorneys are prohibited, except as provided by law or court order. (A "court-connected evaluator" is a superior court employee or a person under contract with a superior court who conducts child custody evaluations. CRC 5.225(b)(7).) 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 report and the conduct of a new evaluation or investigation at the sole expense of the offending party.

(Subd (a) adopted effective January 1, 2013.)

b. **SANCTIONS FOR UNAUTHORIZED ACCESS TO EVALUATOR'S REPORT**

Disclosure of the report is governed by Family Code section 3111. If any person entitled by law or court order to have access to the report discloses the report to unauthorized individuals or the minor child, the court may impose sanctions against that person.

(Subd (b) adopted effective January 1, 2013.)

c. **GRIEVANCE PROCEDURE – EVALUATORS**

The procedure for processing a complaint concerning a court-appointed or court-connected evaluator 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 court orders and all applicable laws. 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 (c) adopted effective January 1, 2013.)

d. **PEREMPTORY CHALLENGE AGAINST EVALUATOR**

There shall be no "peremptory challenges" of the appointed evaluator.

(Subd (d) adopted effective January 1, 2013.)

e. **EVALUATOR'S PETITION FOR WITHDRAWAL FROM A CASE**

A private evaluator 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. The petition shall be filed and served in compliance with Code of Civil Procedure section 1005.

(Subd (e) adopted effective January 1, 2013.)

(Rule 5.21 adopted effective January 1, 2013.)

5.22 – 5.29 [RESERVED]

5.30 CALCULATION OF TEMPORARY SPOUSAL OR PARTNER SUPPORT

The court has adopted the Santa Clara guideline for temporary spousal or partner support.

(Rule 5.30 adopted effective January 1, 2013.)

5.31 – 5.39 [RESERVED]

5.40 CALENDARING HEARINGS FOR DEFAULT OR UNCONTESTED JUDGMENTS

Whenever permitted by law, parties are strongly encouraged to submit judgments by affidavit instead of requesting a hearing.

To obtain an uncontested or default judgment through a hearing, the requesting party shall submit a request for a hearing date in writing to the Family Law Clerk's Office. That request will then be submitted to the assigned judicial officer for calendaring. If the request is granted, a notice of hearing will then be sent to the requesting party.

(Rule 5.40 adopted effective January 1, 2013.)

5.41 DOCUMENTS NEEDED FOR JUDGMENTS FOR LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE OR REGISTERED DOMESTIC PARTNERSHIP

To obtain a judgment of dissolution or legal separation by declaration (without a hearing in court) pursuant to Family Code section 2336, the petitioner shall provide the forms listed in *Judgment Checklist – Dissolution/Legal Separation* (Judicial Council form FL-182) for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

To obtain a judgment of dissolution of marriage or registered domestic partnership or legal separation through a hearing, the requesting party must submit to the court **at the time the hearing is requested** the documents identified in *Judgment Checklist – Dissolution/Legal Separation* (Judicial Council form FL-182) for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.41 adopted effective January 1, 2013.)

5.42 DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

Judgments for nullity of marriage or registered domestic partnership must be set for hearing. They may not be requested by affidavit.

To obtain a judgment of nullity of marriage or registered domestic partnership, the requesting party must submit to the court the documents identified in Appendix 5-A for the situation that pertains to that case (e.g. default without agreement, default with agreement,

or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.42 adopted effective January 1, 2013.)

5.43 DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT

To obtain a uncontested or default judgment that either establishes the existence or non-existence of a parental relationship or establishes custody and support per Family Code section 3120, the requesting party must submit to the court the documents identified in Appendix 5-B for the situation that pertains to that case (e.g. default without agreement, default with agreement, or uncontested). Documents that have already been filed do not need to be resubmitted.

(Rule 5.43 adopted effective January 1, 2013.)

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APPENDIX 5-A

DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

A. DEFAULT WITH NO AGREEMENT (*NO APPEARANCE AND NO AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- The petitioner's *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declaration* (
141)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  - The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  - For attorney fees:
    - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
    - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order
  4. If attorney fees are requested:
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
  5. If property division is requested:
     - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

B. DEFAULT WITH AGREEMENT (*NO RESPONSE AND A WRITTEN AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
- One of the following:
  1. *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
  2. *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144)
  3. Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  2. The respondent's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  3. For attorney fees:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

4. If attorney fees are requested:
   - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
5. If property division is requested:
   - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order

- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

C. UNCONTESTED CASE *(APPEARANCE BY RESPONDENT AND A WRITTEN AGREEMENT)*

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Declaration regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL-141) from both the petitioner and respondent (each party must file a separate form)
- One of the following:
  1. *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (form FL 141) from both the petitioner and respondent (each party must file a separate form)
  2. *Stipulation and Waiver of Final Declaration of Disclosure* (form FL-144)
  3. Separately filed waiver or waiver included in a written agreement under Family Code section 2105(d)
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- **If there are children of the relationship,** submit the following:
  1. The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If any financial relief is requested (e.g. child support, spousal/partner support, attorney fees)**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  2. The respondent's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)
  3. For attorney fees:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - A *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form

The following documents shall be submitted to the court **prior to or at the hearing**:

- *Judgment* (form FL-180), to which is attached:
  1. If child custody is requested:
     - *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. If spousal or partner support is requested:
     - *Spousal, Partner, or Family Support Order Attachment* (form FL-343) or other proposed written order

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DOCUMENTS NEEDED FOR JUDGMENTS OF NULLITY

4. If attorney fees are requested:
   - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
5. If property division is requested:
   - *Property Order Attachment to Judgment* (form FL-345) or other proposed written order

- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

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DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

A. DEFAULT WITH NO AGREEMENT (*NO RESPONSE AND NO AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If proceeding without a hearing**, submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. The petitioner's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  2. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. **If attorney fees are requested:**
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

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DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

B. DEFAULT WITH AGREEMENT (*NO RESPONSE AND A WRITTEN AGREEMENT*)

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- The petitioner's *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105)
- **If proceeding without a hearing,** submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. The petitioner's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  2. The respondent's *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235)
  3. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. *If attorney fees are requested:*
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

C. UNCONTESTED (APPEARANCE BY THE RESPONDENT AND A WRITTEN AGREEMENT)

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DOCUMENTS NEEDED FOR DEFAULT OR UNCONTESTED JUDGMENTS FOR ESTABLISHMENT OF PARENTAL RELATIONSHIP (UPA) OR FOR ESTABLISHMENT OF CUSTODY AND SUPPORT PER FAMILY CODE §3120

Unless already on file, the following documents shall be submitted to the court **at the time the hearing is requested or at the time the judgment by declaration is submitted**:

- *Proof of Service of Summons* (form FL-115) or other proof of service
- *Request to Enter Default* (form FL-165), with a stamped envelope addressed to the respondent and the court clerk's address as the return address
- *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) from both the petitioner and respondent (a separate form must be filed by each party)
- *Stipulation for Entry of Judgment Re: Establishment of Parental Relationship* (form FL-240)
- **If proceeding without a hearing,** submit a *Declaration for Default or Uncontested Judgment* (form FL-230), to which is attached:
  1. *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235) from both the petitioner and the respondent (a separate form must be signed by each party)
  2. If attorney fees are requested:
     - A *Request for Attorney Fees and Costs* (form FL-319) or a comparable declaration that addresses the factors covered in the *Request for Attorney Fees and Costs* form, **and,**
     - Either a *Supporting Declaration for Attorney's Fees and Costs Attachment* (form FL-158) or a comparable declaration that addresses the factors covered in the *Supporting Declaration for Attorney's Fees and Costs Attachment* form
- **If either child support or attorney fees are requested**, submit the following:
  1. The petitioner's current *Income and Expense Declaration* (form FL-150) **OR** *Financial Statement (Simplified)* (form FL-155)

The following documents shall be submitted to the court **prior to or at the hearing or at the time the judgment by declaration is submitted**:

- *Judgment* (form FL-250), to which is attached:
  1. *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) **OR** other proposed written order containing the information required by Family Code 3048(a)
  2. If child support is requested:
     - *Child Support Information and Order Attachment* (form FL-342)
     - *Notice of Rights and Responsibilities and Information Sheet on Changing a Child Support Order* (form FL-192)
  3. *If attorney fees are requested:*
     - *Attorney Fees and Costs Order Attachment* (form FL-346) or other proposed written order
- *Notice of Entry of Judgment* (form FL-190)
- 2 stamped envelopes large enough to return the *Judgment* and *Notice of Entry of Judgment*, with one envelope addressed to petitioner and the other to respondent.

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