# FAMILY RULES

## RULE 1 GENERAL INFORMATION

### A. SCOPE

These Rules govern cases in the Family Law Division, which hears all matters concerning the Family Code or related matters.
*(Effective 7/1/2018)*

### B. SANCTIONS

If any attorney, a party represented by an attorney, or a self-represented party, fails to comply with any of the requirements of these Rules, the Court, on motion of a party, or on request by FCS, or on its own motion, after notice and the opportunity to be heard, may strike out all or any part of any pleading of that party, dismiss the action or proceeding or any part of the action or proceeding, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, including monetary sanctions to the Court, and may order that party or his or her attorney to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees.
*(Effective 7/1/2010)*

### C. FAMILY JUSTICE CENTER COURTHOUSE

*(Effective 7/1/2016)*
The Family Law Division operates in the Family Justice Center courthouse located at 201 North First Street, San Jose California 95113.
*(Effective 7/1/2016)*

### D. CASE ASSIGNMENT

(1) DIRECT CALENDAR

New family law cases, except those subject to subsection (3) and (4) below, are randomly assigned to a judicial officer for all purposes. The judge in that department is the All-Purpose Judge (APJ). Upon the filing of a new case, the clerk must provide the Petitioner notice of the case assignment on the Family Law Notice (attached form FM-1050). If a case is sent for trial to the Civil Division based on its expected length or other reasons, the APJ will still decide all issues up to trial, including any ex parte requests and motions to continue the trial. All filed documents must contain the name of the assigned APJ and department.
*(Effective 7/1/2022)*

(2) CASES HEARD BY COMMISSIONERS

In some proceedings assigned to a family law department, except those subject to subsection (3) below, the parties may be asked to stipulate that their matter be heard and decided by a Commissioner of the Superior Court, acting as a temporary judge pursuant to California Constitution, Article VI, §§ 21 and 22 and Code of Civil Procedure Code § 259(e), either for All Purposes or for a Limited Purpose. Before the first hearing before a Commissioner who will hear that case for all purposes, the Court will provide the parties the Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes (attached form FM-1112). The refusal of a party to stipulate to a Commissioner acting as an All Purpose temporary judge will lead to reassignment of the case to an APJ and in most cases will result in a continuance of the matter to another date. If a party declines to stipulate to a Commissioner acting as a Limited Purpose temporary judge, in most cases the hearing will be delayed until the APJ is able to hear the matter.
*(Effective 7/1/2016)*

(3) THE CHILD SUPPORT COMMISSIONERS

As provided by statutes or upon stipulation, the Child Support Commissioners shall hear all Title IV-D support cases; U.I.F.S.A., Department of Child Support Services (DCSS) paternity, custody and visitation issues raised in IV-D cases as provided by law, support enforcement, and welfare reimbursement cases, as well as other family law matters upon assignment.
*(Effective 1/1/2010)*

(4) DOMESTIC VIOLENCE PREVENTION ACT (DVPA) FILINGS

All standalone DVPA filings, except for those involving married parties with minor children, and DVPA filings accompanied by a Uniform Parentage Act (UPA) filing will be assigned to a Dedicated Family DVPA Department's APJ for all purposes. For cases that are accompanied by a Uniform Parentage Act Filing, the DVPA APJ may order the case to be reassigned to a non-DVPA APJ once all issues related to the DVPA request have been addressed or at any other time in the DVPA APJ's discretion. If a DVPA case is set for trial for more than two days, it will be set on the Long Cause Trial Setting Calendar. A DVPA department's APJ will decide all issues up to trial, including any ex parte requests and motions to continue the trial. All filed documents must contain the name of the assigned APJ and department.

All DVPA filings accompanied by a Family Law Petition, and all standalone DVPA filings involving married parties with minor children, will be randomly assigned to a non-DVPA APJ for all purposes and subject to all provisions under Local Family Rule 1D. If a Family Law Petition filing occurs after a DVPA filing has been filed and assigned to the DVPA APJ, the DVPA APJ will continue to address any issues regarding the DVPA filing. The DVPA APJ may order the DVPA filing to be consolidated into the Family Law Petition filing once all issues related to the DVPA request have been addressed or at any other time in the DVPA APJ's discretion.
*(Effective 1/1/2025)*

(5) CASES INVOLVING EMPLOYEES

If a court employee or deputy sheriff working at the Family Justice Center courthouse in the Family Law Division, or a member of his or her family, is a party to a Family case, the Supervising Judge of the Family Law Division may transfer the case to the Civil Division for assignment.

*(Effective 7/1/2022)*

**E. VENUE**

All family proceedings in Santa Clara County, including the DCSS matters, must be filed at the Family Court Clerk's Office of the Santa Clara County Superior Court, located at 201 North First Street, San José, California 95113. Domestic violence and gun violence restraining order applications must also be filed at the Family Court Clerk's Office location.

*(Effective 7/1/2022)*

**F. ABBREVIATIONS**

The following abbreviations are used throughout the Family Court Rules.

APJ = All-Purpose Judge
Cal. Rules = California State Rules of Court
CLETS = California Law Enforcement Telecommunications System
CRC = Family Centered Case Resolution Conference
CSC = Custody Settlement Conference
DCSS = Department of Child Support Services
EPRO = Emergency Protective Restraining Order
FC = Family Code
FCS = Family Court Services
FCSO = Family Court Settlement Officer
FJCC = Family Justice Center Courthouse
JCC = Judicial Custody Conference
JSSC = Judicially Supervised Settlement Conference
MSC = Mandatory Settlement Conference
PMH = Post-Mediation Hearing
SOC = Settlement Officer Conference
TRO = Temporary Restraining Order
DVPA = Domestic Violence Prevention Act

*(Effective 7/1/2024)*

**G. SERVICE OF ALTERNATIVE DISPUTE RESOLUTION INFORMATION**

A notice regarding Alternate Dispute Resolution Information must be served with any new Dissolution, Legal Separation, Nullity, Parentage, or Petition for Custody and Support of Minor Children, as well as with any post-Judgment Requests for Order in cases where a Judgment resolving all matters has been obtained. (See attached local form FM-1021.)

*(Effective 7/1/2022)*

**H. FILING REQUIREMENTS**

*(Effective 7/1/2010)*

(1) MANDATORY ELECTRONIC FILING AND SERVICE

a. Refer to Rule 6 of the General Court and Administration Rules.

*(Effective 6/20/2016)*

b. EX PARTE APPLICATIONS

Attorney applications for ex parte or emergency orders, or domestic violence restraining orders in Family Law matters must comply with Local Family Rule 5 and must be submitted to the Court through e-filing. Self-represented litigant applications for ex parte or emergency orders, or domestic violence restraining orders in Family Law matters must comply with Local Family Rule 5 and must be submitted to the Court by using the FJCC drop box or by e-filing.

*(Effective 10/1/2020)*

(2) FORMAT OF DOCUMENTS SUBMITTED FOR FILING

Exhibit attachments to pleadings must be separated by a standard size sheet of paper with a title identifying the sequence of the exhibit. No tabs should be included in any documents submitted for filing.

*(Effective 7/1/2024)*

(3) ATTACHMENTS TO PLEADINGS

a. Evidentiary attachments to pleadings filed with Family Court (excluding Judicial Council form attachments to the pleading at issue) must not exceed 10 pages in length, except orders to show cause re contempt or applications for wage assignments. However, a party may apply to the court ex parte with written notice of the application to the other parties for permission to attach additional documents. The application must state reasons why the additional attachments are relevant and necessary. Parties should not attach copies of pleadings already contained in the Court file to any new pleading.

*(Effective 7/1/2022)*

b. In lieu of the limits above, courtesy copies of relevant prior filings or other attachments exceeding the 10-page limit may be submitted to the Court bound separately from the current filing to which they relate, with the same copies provided to all attorneys and self-represented parties. Each page of all such attachments must be numbered sequentially. Parties must deliver courtesy copies to the Court. Such photocopies will not be filed or marked as received by the Court. If the submitting party wishes to have such photocopies returned to the party, the submission must include a stamped, self-addressed envelope of sufficient size to return the photocopies.

*(Effective 1/1/2025)*

(4) USE OF CONFIDENTIAL JUVENILE CASE FILES OR CHILD WELFARE AGENCY RECORDS IN FAMILY COURT MATTERS

All documents obtained from any juvenile case file or from any child welfare agency must be treated as confidential by all parties and attorneys pursuant to WIC 827, 827.10, and Cal. Rules, Rule 5.552. Any party who seeks to file with or present to the Family Court any juvenile case file or child welfare agency document or record must first present a request to file such documents under seal pursuant to Cal. Rules, Rules 2.550 and 2.551. Any pleading filed with the Family Court which attaches, recites or quotes any juvenile case file or child welfare agency record without a prior request and order to file under seal will be stricken from the Family Court file.

*(Effective 1/1/2013)*

**I. PREPARATION OF ORDERS**

(1) Any proposed order submitted to the Court for signature must contain a footer with the title of the order on every page, including the signature page, unless it is a Judicial Council form. In addition, the Court signature and date lines must not be on a page by themselves; the signature page must contain some text of the order.

(2) When a case has been heard by assignment to a temporary judge, the order prepared must contain the name of that judge and must be submitted to the temporary judge or the APJ for signature.

*(Effective 7/1/2022)*

**J. SERVICE OF SUMMONS BY PUBLICATION OR POSTING**

(1) To request service by publication or posting, the Petitioner must submit to the Court an Application for Order for Publication or Posting of Summons, Judicial Council Form FL-980 and Order for Publication or Posting Judicial Council Form FL982.

*(Effective 1/1/2016)*

(2) Service by posting may be ordered only if the Petitioner is found to be indigent. A Petitioner requesting service by posting must submit a Request to Waive Court Fees, Judicial Council Form FW-001, unless one has been approved in the last 4 months. If the Court approves service by posting, a Proof of Service By Posting, Judicial Council Form FL-985, is needed.

*(Effective 1/1/2016)*

**K. DEFINITION OF SOUTH BAY COUNTIES**

When this term is used in any court order, "South Bay Counties" includes only the counties of Alameda, Contra Costa, Marin, Merced, Monterey, San Benito, San Joaquin, San Mateo, San Francisco, Santa Clara, Stanislaus, and Santa Cruz.

*(Effective 7/1/2012)*

**L. ONE SETTING PER CALENDAR CALL AND CONFLICTS**

The attorney for any moving party must not set a matter for hearing at a time which conflicts with another hearing or conference scheduled in any other case. However, more than one motion to withdraw as attorney of record may be set by the same attorney on one or more calendars, if to be heard at the same courthouse.

If an attorney is scheduled to appear in more than one matter at a time (for example, as attorney for a moving party in one case and for a responding party in another case), that attorney must make reasonable effort, well in advance of the hearing date, to obtain a stipulation from the opposing attorney for a hearing on a different day and/or time. Where the unresolved conflict involves an emergency screening, the attorney with the conflict must notify the courtroom clerk and opposing counsel of the conflict and that the attorney will be delayed for a brief period to allow the emergency screening to commence. Where the unresolved conflict involves a settlement conference or trial, the attorney with the conflict must schedule a Status Conference on the earliest available date.

*(Effective 7/1/2022)*

**M. MEET AND CONFER REQUIREMENTS**

(1) GENERAL POLICY

All parties and all attorneys must meet and confer pursuant to Cal. Rules, Rule 5.98.

*(Effective 8/25/2020)*

(2) DVPA HEARINGS

*(Effective 7/1/2016)*

Self-represented parties are not required to meet and confer prior to a hearing seeking a Restraining Order under the Domestic Violence Prevention Act. If only one party is represented, counsel must ask the self-represented party if he or she consents to speak to the attorney for the other party before any meet and confer.

*(Effective 7/1/2022)*

**N. APPEARANCES**

(1) Remote proceedings are governed by Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672 and Local General Court and Administration Rules, rule 9. The ability to appear remotely in a court proceeding in the Family Division is also governed by the rules below. Further instructions may be found on the court's website at www.scscourt.org.

*(Effective 1/1/2025)*

a. TELEPHONIC APPEARANCES PROHIBITED. Unless otherwise specifically permitted by the court before a scheduled proceeding, no person appearing in a proceeding in the Family Division may appear solely by telephone.
b. VIDEO REQUIRED. All remote appearances in the Family Division, if authorized by these rules or application to the court, must be conducted using video unless otherwise authorized by the court. For each video appearance, include your name and, if applicable, the party you are representing on the remote proceeding platform.
c. MINIMIZE DISRUPTIONS. Turn your video off and mute your microphone before you enter a remote proceeding. Do not turn your video on or unmute your microphone until your case is called. Always remember that you are in a courtroom. Remote proceedings are court proceedings and should be conducted with the same respect and decorum as in-person proceedings. Children may not be present or within hearing of the remote participant or the proceeding unless the proceeding is for Special Juvenile Immigrant Findings.
d. OTHER REQUIREMENTS. Please carefully review General Local Rule 9(B)(1)(a)-(h) for the minimum requirements and standards applicable to remote proceedings in Santa Clara County. If you cannot comply with each requirement, you may not appear remotely. If you do not comply with each requirement, the court may consider your failure to comply as a non-appearance or a delay in the proceedings may result.

*(Effective 1/1/2025)*

(2) Subject to a judicial officer's discretion and application of the current statutory authority and rules, evidentiary hearings/trials, Post Mediation Hearings, and Law and Motion Hearings will be held in person.

*(Effective 1/1/2025)*

(3) Subject to a judicial officer's discretion and application of the current statutory authority and rules, contested custody evaluation hearings and emergency screening hearings will be held in person.

*(Effective 7/1/2024)*

(4) The following conferences are conducted remotely using video conferencing. If a party is unable to access the technology necessary for a remote conference, an accommodation for an in-person conference may be requested from Family Court Services, the Family Court Settlement Officer, or the assigned judicial officer.

*(Effective 1/1/2025)*

(a) Settlement Officer Conferences
(b) Family Court Services Mediation
(c) Mandatory Settlement Conferences
(d) Judicially Supervised Settlement Conferences

*(Effective 1/1/2025)*

(5) Long Cause Trial Setting Conferences are conducted remotely using video conferencing. If a party is unable to access the technology necessary for a remote conference, an accommodation for an in-person conference may be requested.

*(Effective 1/1/2025)*

(6) Subject to a judicial officer's discretion and application of the current statutory authority and rules, Status Conferences, Judicial Custody Conferences, Identification of Minor's Counsel Hearings, and Custody Settlement Conferences may be attended remotely using video conferencing without pre-approval from the court.

*(Effective 1/1/2025)*

(a) Subject to a judicial officer's discretion and application of the current statutory authority and rules, Minor's Counsel may appear remotely using video conferencing without pre-approval from the court.

*(Effective 1/1/2025)*

(7) Subject to a judicial officer's discretion and application of the current statutory authority and rules, including Family Code section 6308, in Domestic Violence Protection Act matters parties and support persons may appear remotely at the first appearance for a DVRO request without need for pre-approval. Thereafter, whether a witness, party, or support person may appear remotely or must appear in person is subject to a judicial officer's discretion.

*(Effective 1/1/2025)*

(8) Parties may seek court approval for remote appearances by timely filing Form RA-010 and a blank FM-1201 15 days prior to the scheduled hearing. If any party or witness requires a language interpreter, the request and notice must provide that information to the judicial officer. If any party intends to present live testimony, the request and notice must provide that information. Parties should include any information you wish the court to consider by providing the information in Form MC-025 and attaching it to the Form RA-010. Notice must be given to all parties or persons entitled to receive notice of the proceedings. Any objection or opposition to a remote proceeding must be made by filing RA-015. Parties are cautioned that failure to seek and obtain authorization for a remote appearance where one is required may result in a non-appearance or a delay in the proceedings.

*(Effective 1/1/2025)*

## RULE 2 CUSTODY AND VISITATION

### A. PARENT ORIENTATION AND INITIATING MEDIATION

*(Effective 6/23/2020)*

(1) Except as provided in subdivision (a) of this rule, in all motions or requests for order in which custody or visitation is an issue, the moving party must include the order described in subdivision (b) of this rule and must serve a notice form describing Parent

Orientation and mediation, as follows: Each party is ordered to complete Orientation and schedule Mediation before going to the hearing. Go online to www.scscourt.org [Search "Orientation."] Questions? Call FCS (408) 534-5700 or email FCSCalendar@scscourt.org

*(Effective 1/1/2022)*

(a) Mediation may be initiated by a Stipulation to Remote Family Court Services. (See FM-1195.) Any Stipulation to Remote Family Court Services must be filed with the Clerk's Office with a copy served on Family Court Services. If no agreement is reached after participating in stipulated remote mediation, and a party would like a court order, the party must file a noticed Request for Order with the court.

*(Effective 7/1/2024)*

(b) Each party is ordered to complete Parent Orientation immediately by completing Orientation online at www.scscourt.org [Search "Orientation."] Failure to comply with this order or keep any FCS appointments may result in the imposition of sanctions.

*(Effective 1/1/2022)*

(c) The Court may also order parents to attend Parent Orientation at any time. Generally, parents are required to attend Parent Orientation only once, but the Court may order parties to take the class more than once.

*(Effective 6/23/2020)*

(2) Attendance at or participation in online Parent Orientation must occur before mediation, unless the Court orders otherwise.

*(Effective 1/1/2022)*

(3) Each parent participating in online Parent Orientation satisfies the Orientation requirement on the FCS Intake form. In the event parties have participated in Parent Orientation more than six months earlier and the Court orders the parties to return to mediation, or if the contact information for a party changes at any time prior to mediation, the parties must submit an updated FCS Intake Form for mediation (Attachment FM-1015 English or Attachment FM-1015 Spanish) to the FCS office via US mail or via email at FCSCalendar@scscourt.org.

*(Effective 1/1/2022)*

**B. MEDIATION PROCEDURE**

*(Effective 6/23/2020)*

(1) Upon completion of Parent Orientation, FCS shall schedule the first available mediation appointment and both parties shall attend the mediation. If the date assigned by FCS is not acceptable, either party may request one rescheduled date for mediation. If a party does not notify FCS of a request to reschedule at least 48 hours before the mediation appointment, that party will be assessed a fee to FCS.

*(Effective 1/1/2022)*

(2) The mediation appointment shall be considered a court date at which the parties shall appear. Failure to attend mediation or late cancellation of mediation appointments may result in sanctions. There are no fees for FCS mediation, provided that there is a pending custody or visitation motion before the Court.

*(Effective 1/1/2013)*

(3) The parties may stipulate to private mediation for custody and visitation disputes, at their own expense. The APJ will determine whether the parties must also participate in mediation with FCS.

*(Effective 1/1/2007)*

(4) Mediation proceedings shall be private and confidential, and the mediator's notes shall be confidential, except as provided by law. The mediator shall report any reasonable suspicion of child or elder abuse to the proper authorities and may advise the APJ of the same. The mediator may also recommend to the APJ that Minor's Counsel be appointed.

*(Effective 1/1/2022)*

(5) At the mediation, if the parties agree to some or all of the custody and visitation issues, the mediator shall prepare the written agreement and shall mail copies of the document to the parties and attorneys. The parties may object to the mediated agreement by submitting written objections to FCS, along with a proof of service on all attorneys or self-represented parties.

a. Objections: Objections shall be in writing and shall include:
   i. the specific paragraphs and language to which the party objects;
   ii. the reasons for the objections; and
   iii. the proposed modified language.

*(Effective 1/1/2011)*

If FCS receives no written objections with proof of service within 15 calendar days from the date of the mailing of the mediated agreement, the agreement will be submitted to the Court for review and signature. Family Court will send a copy of the agreement and order, when signed and filed by the Court, with proof of service to the parties and attorneys.

*(Effective 1/1/2011)*

(6) Waiver of Objections Time: In cases without allegations of domestic violence, parties may stipulate to waiving the 15 calendar day period provided for objections and their child custody order will be filed with the court upon completion of the mediation appointment.

*(Effective 7/1/2019)*

**C. CONTESTED CASES**

(1) RETURN TO MEDIATION AFTER OBJECTIONS

a. Full Agreements: If the parties reached a full agreement in mediation but a party served timely written objections, the parties shall return to mediation to attempt to resolve any outstanding disputes. Each party shall contact FCS within 10 calendar days from the mailing of the objections to schedule the return mediation.

*(Effective 1/1/2011)*

b. Partial Agreement: If the parties reached only a partial agreement in mediation and a party served timely written objections, the mediator may choose to schedule a return mediation, or the parties may return to mediation by agreement. If the parties agree, each party shall contact FCS within 10 calendar days from the mailing of the objections to schedule the return mediation. If no return mediation is scheduled, the parties, shall proceed to a Post-Mediation Hearing as described in Section (C)(2) of this Rule.

*(Effective 7/1/2020)*

(2) POST-MEDIATION HEARING (PMH)

a. Purpose: The purpose of a PMH is to comply with the post-mediation hearing requirement described in Family Code section 3185.

b. Format:

i. A PMH will be scheduled before the APJ.

ii. All parties and attorneys are required to attend the PMH, including attorneys appointed to represent a minor, unless attendance has been excused by the APJ.

iii. A PMH is a hearing at which the APJ, using discretion, will select the appropriate procedure after mediation. This may include, but is not limited to, returning the parties to mediation; scheduling a Judicial Custody Conference (JCC) before the APJ or another judicial officer; scheduling a hearing on contested issues; ordering one or both parties, or a minor child, to participate in counseling, therapy, drug/alcohol testing, or other services; or ordering an Emergency Screening, Brief Focused Assessment (BFA), or Evaluation pursuant to Family Code sections 3111 and 3188(a)(5). The APJ may also order some combination of procedures.

*(Effective 7/1/2024)*

iv. The APJ may receive evidence at a PMH and may make any orders affecting child custody, visitation, and related matters consistent with the provisions of Family Code section 3000 et seq.

c. Referral to PMH: If the parties do not reach a full agreement at mediation and no return mediation is scheduled, the mediator must serve on the attorneys and any self-represented parties a Referral to Post-Mediation Hearing (PMH), and must provide a copy of the referral to the Clerk's Office. (See attached form FM-1191) The Referral must describe generally the remaining disputed issues.

d. Requesting a PMH after Private Mediation: If the parties do not reach a full agreement at private mediation and no return mediation is scheduled, one party must complete and file a Referral to Post-Mediation Hearing (PMH). (See attached form FM-1191) The Referral must describe generally the remaining disputed issues.

e. Scheduling the PMH: The Clerk's Office will schedule the PMH to occur before the APJ within 30 to 60 days of the date of receipt of the Referral, and will serve written notice of the hearing date and time on the attorneys and self-represented parties.

f. Requirement to Confer: Except where contact between self-represented parties is prohibited by a Restraining Order, all parties and attorneys must confer in good faith no later than 10 days before the PMH to resolve any remaining disputes. If the issues are resolved, the parties shall immediately notify FCS and the Court, and prepare and submit a stipulation for approval by the APJ.

g. PMH Statement: Each party must serve and file a Post-Mediation Hearing Statement at least 10 calendar days before the scheduled PMH. (See attached form FM-1016) Each party must bring two copies of this form to the PMH.

h. Failure to Appear at PMH: If a party or attorney fails to appear at the PMH, the APJ may conduct a hearing on disputed issues on the same date and make any orders affecting child custody, visitation, and related matters consistent with the provisions of Family Code section 3000 et seq.

*(Effective 7/1/2020)*

(3) JUDICIAL CUSTODY CONFERENCE (JCC)

*(Effective 7/1/2009)*

a. Purpose: A JCC serves primarily as a post-mediation judicially-supervised settlement conference at which the court assists the parties in reaching resolution of contested child custody and visitation issues.

*(Effective 7/1/2020)*

b. Format:

i. The APJ may schedule a JCC to occur before the APJ upon consent, or before another judicial officer. All parties and attorneys must sign the Stipulation to Allow Trial Judge/Commissioner to Conduct Judicial Custody Conference (JCC) before a JCC can be scheduled before the APJ. (See attached form FM-1192)

ii. All parties and attorneys are required to attend the JCC, including attorneys appointed to represent a minor, unless attendance has been excused by the judicial officer assigned to the JCC.

iii. The judicial officer assigned to a JCC may schedule additional sessions in his or her discretion.

iv. If the judicial officer assigned to a JCC is not able to assist in resolving the contested child custody and visitation issues,

the judicial officer will schedule subsequent proceedings subject to the following directives:

(a) If the judicial officer assigned to a JCC is the APJ, the APJ will select the appropriate procedure subsequent to a JCC. This may include, but is not limited to, returning the parties to mediation; scheduling a hearing on contested issues; ordering one or both parties to participate in counseling, therapy, drug/alcohol testing, or other services; ordering counseling, therapy, or other services for a minor child; or ordering an Emergency Screening, BFA, or Evaluation pursuant to Family Code sections 3111 and 3188(a)(5). The APJ may also order some combination of these procedures.

*(Effective 7/1/2024)*

(b) If the judicial officer assigned to a JCC is not the APJ, the judicial officer will schedule the matter for a PMH before the APJ.

v. A judicial officer assigned to a JCC may make any orders affecting child custody, visitation and related matters consistent with the provisions of Family Code section 3000 et seq.

*(Effective 7/1/2020)*

c. Requirement to Confer: Except where contact between self-represented parties is prohibited by a Restraining Order, all parties and attorneys must confer in good faith no later than 10 calendar days before the scheduled JCC to resolve any remaining issues. If the issues are resolved, the parties must immediately notify the judicial officer assigned to the JCC and submit a stipulation for approval by the APJ.

*(Effective 7/1/2020)*

d. JCC Statement: Each party must serve and file a Judicial Custody Conference Statement at least 10 calendar days before the scheduled JCC. (See attached form FM-1016.) Each party must bring two copies of this form to the JCC.

*(Effective 7/1/2020)*

e. Failure to appear at JCC:

i. If a party or attorney fails to appear at a JCC assigned to the APJ, the APJ may conduct a hearing on disputed issues on the same date and make any orders affecting child custody, visitation and related matters consistent with the provisions of Family Code section 3000 et seq.

*(Effective 7/1/2020)*

ii. If a party or attorney fails to appear at a JCC assigned to another judicial officer, the judicial officer will schedule the matter for a PMH before the APJ. The judicial officer may also conduct a hearing on disputed issues on the same date as the JCC and make any orders affecting child custody, visitation and related matters consistent with the provisions of Family Code section 3000 et seq.

*(Effective 7/1/2020)*

(4) CUSTODY EVALUATIONS AND BRIEF FOCUSED ASSESSMENTS (BFA)

*(Effective 7/1/2025)*

a. If an evaluation is ordered at FCS, the Court will set a Custody Settlement Conference (CSC) on a date between 90 and 100 calendar days from the initial appointment. At the initial appointment, the FCS evaluator may coordinate rescheduling the CSC, within the same 90 to 100 calendar day period, if the original CSC date conflicts with the evaluator's schedule.

*(Effective 7/1/2024)*

b. By stipulation and with the Court's approval, the parties may nominate a private evaluator to perform an evaluation at the parties' expense. The Court may also appoint a private evaluator over objection at a noticed JCC, PMH, Status Conference, CRC or other hearing. Form FM-1057 must be attached to Judicial Council form FL-327, to set forth the scope and procedures for the evaluation. The parties must share the costs of the private evaluation equally, unless the Court orders a different allocation. The Court will set a status conference 90 days from the date of the order to a private evaluation. The Court will set a CSC date between 140 and 150 calendar days from the date of the order to a private evaluation, or earlier if the private evaluator and the APJ agree. The requirements and other timelines in this Rule will apply to private evaluations.

*(Effective 7/1/2024)*

c. By stipulation and with the Court's approval, the parties may nominate a private evaluator to perform a BFA at the parties' expense. The Court may also appoint a private evaluator to conduct a BFA over objection at a noticed JCC, PMH, Status Conference, CRC, or other hearing. A BFA is a limited custody evaluation. Form FM-1127 must be attached to Judicial Council form FL-327, to set forth the scope and procedures for the BFA. The parties must share the costs for the BFA equally, unless the Court orders a different allocation. The Court will set a status conference 90 days from the date of the order to a BFA. The Court will set a CSC date between 90 and 100 days from the date of the BFA Order or earlier if the evaluator and the APJ agree. The requirements and other timelines in this Rule apply to BFA evaluations.

*(Effective 7/1/2024)*

d. Parties must notify the evaluator, the Calendar Office and the clerk for the APJ as soon as the case settles before the CSC and/or status conference.

*(Effective 7/1/2024)*

e. Children must be present for the initial FCS evaluation appointment only when either parent resides more than 100 miles from the courthouse to which the case is assigned, or the Court or the evaluator directs that the children be available. When the children are required to be present, the custodial parent shall bring an adult who can care for the children.

*(Effective 1/1/2022)*

f. If one attorney fails to appear at the initial appointment, as required, the evaluator has the discretion to proceed with the parties only and to reschedule the appointment with both attorneys.

*(Effective 1/1/2011)*

g. Evaluation and BFA reports are confidential and shall be sent to the Court, attorneys and self-represented parties only. The report shall not be duplicated, disseminated, or in any other way provided or shown to any individual not a party to the proceedings, except consulting experts and court-ordered therapists and evaluators. Evaluation reports, including psychological evaluations, shall not be attached as exhibits to any papers filed with the Court, and shall not be quoted or summarized in any publicly filed document.

*(Effective 1/1/2022)*

h. FCS will charge for evaluations, unless a fee waiver is granted for a party. The parties must submit deposits or fee waiver requests to FCS within five court days of receipt of the Court's order to an evaluation. Subject to a judicial officer's discretion and consistent with current caselaw and statutory authority, the court will evaluate the allocation of private custody evaluation or BFA fees upon the request of any party.

*(Effective 7/1/2025)*

(5) RECOMMENDED ORDERS AND OBJECTIONS

a. No later than 60 calendar days after the date of the first evaluation or BFA appointment the evaluator must serve on all parties and counsel written recommendations and a report. The time for completing the evaluation may be extended by the Court on the evaluator's written application upon a showing of good cause. Any extension request must be served on all self-represented parties and attorneys. The Court will wait 10 calendar days before deciding any extension request, to allow parties the opportunity to respond. Any response must be submitted to the Court in writing with a proof of service on the opposing party or counsel, FCS, private evaluator.

*(Effective 7/1/2024)*

b. Any party will have 15 calendar days after the date of mailing of the evaluation recommendations to object to the recommendations by doing all of the following:

*(Effective 7/1/2024)*

i. File specific written objections with the Court.

ii. File a proof of service showing service of the objections on all attorneys or self represented parties.

*(Effective 7/1/2024)*

iii. Personally serve FCS or the private evaluator with an endorsed, filed copy of the objections and a copy of the proof of service showing service of the objections on the attorneys and parties.

iv. File a proof of service reflecting compliance with Rule 2(C)(5)(b)(iii).

*(Effective 1/1/2022)*

c. Objections: Objections shall be in writing and shall include the following:

i. the specific paragraphs and language to which the party objects;

*(Effective 1/1/2008)*

ii. the reasons for the objections; and

iii. the proposed modified language.

*(Effective 1/1/2008)*

d. Meeting After Objections:

When objections are filed, the parties shall contact the evaluator within five calendar days of the filing of the objections to schedule a Meeting After Objections to discuss the objections before the CSC. The Meeting After Objections shall occur prior to the date of the CSC. If any party fails to cooperate in setting, or fails to attend, this Meeting after Objections, the Court at the CSC may sign the recommended orders and may order sanctions. If no endorsed, filed objections are received by FCS or the private evaluator within 15 calendar days from the date of mailing of the evaluation recommendations, the recommended order shall be submitted to the Court for review and signature.

*(Effective 7/1/2014)*

e. If an evaluator appointed to conduct a custody evaluation or BFA becomes aware of or develops a concern regarding a safety risk to the minor child/ren who is/are the subject of the evaluation, they will notify all counsel and/or self-represented parties that they intend to file a Request for Interim Orders with the court. If the child/ren is/are represented by Minor's Counsel, Minor's Counsel will file the Request for Interim Orders as an ex parte request immediately. If child/ren is/are not represented, and the parties are represented by counsel, counsel will file the Request for Interim Orders as an ex parte request.

*(Effective 7/1/2025)*

(6) CUSTODY SETTLEMENT CONFERENCE (CSC)

a. All attorneys and parties and the evaluator shall attend the scheduled CSC to attempt to settle all contested custody and visitation issues. (See attached form FM-1192) Any proposed stipulation to reschedule a CSC shall be in writing and shall include the evaluator's signature.

*(Effective 1/1/2024)*

b. Each party shall file and serve a CSC Statement at least 10 calendar days before the CSC, clearly stating any remaining custody or visitation issues and any proposed alternative language. Previously-filed objections may be attached and incorporated by

reference. The Statement of Issues shall also include the time estimate for trial and a list of witnesses. Each party shall bring two copies of the CSC Statement to the CSC.

*(Effective 1/1/2011)*

c. If agreement is not reached at the CSC, the Court may set the case for trial or hearing.

*(Effective 1/1/2011)*

d. If a party fails to appear at the CSC, a hearing may be held on the day of the CSC or on another day set by the Court and custody or visitation orders may be made.

*(Effective 1/1/2011)*

(7) EMERGENCY SCREENINGS

(a) In any case in which there are serious and immediate safety risks to the child/ren, the Court may order a staff member of FCS, other than the mediator, or a private screener, at the parties' expense, to conduct an "emergency screening" (a preliminary and limited investigation), to make recommendations regarding the temporary custody, visitation, and related conditions for the minor children. In most cases, the Court will not order any emergency screening based solely on an ex parte application, but may order protective orders until the hearing date on an adequate showing that serious harm to a child may result if no order is issued. FCS, the private screener, and/or the Court will provide instructions for emergency screening to all parties and attorneys when a screening is ordered. For FCS emergency screenings, any documents or other materials submitted to FCS must be provided no later than 48 hours in advance of the screening date and copied to opposing parties, including Minor's Counsel if applicable. If the parties wish to have a screener review audio or video files, the files must be provided on a USB or flash drive and they must comply with all the requirements detailed in FM-1080 "Emergency Screening General Information." Parties must comply with FCS, or the private screener's instructions, rules, and procedures. Attorneys and parties must be available as required by FCS, or the Court may reschedule the screening. A private screening will be conducted in compliance with these Local Rules, but without the involvement of FCS. The Court will not provide reports of criminal history or CPS records to any private screener.

*(Effective 7/1/2025)*

(b) If the parties agree to and sign the screening recommendations, they shall be submitted to the Court for review and signature.

*(Effective 1/1/2008)*

(c) If a party objects to the FCS or private screener's screening recommendations, a brief hearing, generally less than 30 minutes, will be held on the day of the screening, or as soon as possible. All parties must be personally present for the hearing, except for Minor's Counsel, who may appear remotely.

*(Effective 7/1/2025)*

(d) Fees shall be charged for any screening performed by FCS, unless a fee waiver is granted.

*(Effective 1/1/2008)*

(e) If a private emergency screening is ordered, the hearing will be set within 21 days or as soon thereafter as possible. On the date of the hearing, the screener, the parties, and the minor child/ren must be present at the courthouse by 3 p.m. The parties must provide childcare by a neutral third-party, over the age of 18, for the children who are the subject of the screening while they are at the courthouse. The parent who has custody of the children at the time of the screening is responsible for providing childcare during the screening. The child/ren will remain at the courthouse until released by the screener. Screening recommendations are to be released to the parties at the courthouse.

*(Effective 7/1/2025)*

(8) MODIFICATION OF JUVENILE COURT EXIT ORDERS

Requests to modify the juvenile custody order filed within one year of the date the custodial order was entered shall be returned to the issuing juvenile department for hearing. The juvenile judge shall determine whether there is a significant change in circumstances to warrant modification of that order as set forth in Welfare and Institutions Code § 302(d), and make any orders necessary to promote the child's best interests. The juvenile judge shall sit as a family judge for purposes of hearing the motions regarding modification of custody and/or visitation. Thereafter, any future litigation relating to the custody, visitation and control of the child shall be heard in the Family Court.

*(Effective 7/1/2012)*

**D. SPECIAL ISSUES**

*(Effective 1/1/2011)*

(1) FCS PERSONNEL

*(Effective 1/1/2011)*

a. Any party who seeks to examine any FCS staff at any deposition, trial, or hearing must coordinate the date with FCS and must serve an appropriate subpoena.

*(Effective 1/1/2018)*

b. Any party who subpoenas any FCS staff to appear in Court must confirm that the appearance is still required with that FCS staff person by telephone at least one court day in advance. The subpoenaing party must inform the FCS staff person immediately of any continuance or delay of the hearing, or settlement.

*(Effective 1/1/2011)*

c. Any party may be assessed expert witness fees for the appearance of an FCS staff member at a trial or hearing. The parties shall pay the fees equally unless the Court orders otherwise.

*(Effective 1/1/2011)*

d. Absent a Court order based on good cause, no deposition subpoena of FCS personnel and no subpoena for FCS records shall be served until recommendations pursuant to an evaluation are complete and an objection is filed.

*(Effective 7/1/2012)*

e. No peremptory challenges are permitted to FCS evaluators, private evaluators appointed by the Court pursuant to Evidence Code § 730, and mental health professionals appointed by the Court to do psychological testing. A complaint about an FCS evaluator, mediator, or emergency screener may be submitted by letter to FCS with proof of service of a copy to all other counsel and self-represented parties FCS will accept and respond to the complaint in writing to all parties within 30 days. (See Attachment FM-1078)

*(Effective 1/1/2018)*

(2) CHILDREN IN THE COURTHOUSE

While children who are the subject of litigation may appear at the courthouse, it is the policy of the Court not to have any children in the courtroom without the Court's prior knowledge. At all times, children present at the courthouse shall be in the care of a responsible adult person who is not a party to the case. Further, a child shall not be brought to court to testify without prior order of the court following a discussion of the factors described in Cal. Rules 5.250 regarding the child's participation in family court proceedings.

*(Effective 1/1/2013)*

(3) TESTIMONY OF CHILDREN

No party shall notice or take the deposition of any minor child who is the subject of litigation without first obtaining a court order to allow that deposition after a noticed hearing and based on a showing of a compelling reason to take the deposition

*(Effective 7/1/2012)*

(4) PRODUCTION OF FCS RECORDS/ PROTECTIVE ORDER

When making any order for the production of FCS records or psychological evaluations, the Court will make appropriate Protective Orders. The mandatory Protective Order form is located on the Court's website. (See attached FM-1036.) Subpoenas for the production of FCS records and the signed Protective Order must be served on FCS at least six weeks in advance of the date the records are required.

*(Effective 7/1/2012)*

(5) DOCUMENTS PROVIDED TO EVALUATOR OR SCREENER

*(Effective 7/1/2009)*

Any documents provided to an evaluator or screener must be accompanied by either a Judicial Council Proof of Service (FL-330 or FL-335) or the FCS Declaration of Mailing or Personal Service form (See attached form FM-1061). The number of submitted pages must be stated on the form. FCS may require a party to index and prioritize submissions. A party who seeks to submit more than 15 pages to an FCS evaluator or screener must obtain the consent of the FCS evaluator or screener by demonstrating good cause, and must provide an index, number each page sequentially, and assign a priority to all documents submitted. All electronic media files, such as audio and video files should be appropriate and relevant. Electronic media must not be more than 10 minutes long. FCS may require a party to index and prioritize submissions. Audio and video files must be in a format that can be read by FCS personnel. FCS may seek guidance from the Court at the commencement of a screening, or in the case of an evaluation, may ask the Court to set an immediate review hearing if FCS contends that a document submission of more than 15 pages (excluding items specifically requested) is not warranted or contains documents not relevant to the issues to be considered. The Court will set this hearing on shortened time so that the evaluation will not be delayed. At that hearing, the Court may limit the scope and/or number of documents to be considered by FCS.

*(Effective 1/1/2022)*

(6) TIME LIMITS

*(Effective 1/1/2022)*

The time limits in this Rule include the time for mailing and shall not be extended by the mailing of any required documents.

*(Effective 1/1/2011)*

(7) SUPERVISED VISITATION

*(Effective 1/1/2022)*

a. Professional Visitation and Professional Exchange Supervisors:

(i) Professional visitation and professional exchange supervisors must complete and submit Judicial Council Form FL-324(P), Declaration of Supervised Visitation Provider (Professional), and the Initial and Annual Renewal Application and Change Request Form (see attached form FM-1179) to Family Court Services to be included on the Supervised Visitation and Supervised Exchange Provider List.

*(Effective 1/1/2022)*

(ii) Professional visitation and professional exchange supervisors must thereafter complete and submit annually an updated Judicial Council Form FL-324(P), Declaration of Supervised Visitation Provider (Professional), and an updated Initial and Annual Renewal Application and Change Request Form (see attached form FM-1179) to Family Court Services no later than January 15th of each year to remain on the Supervised Visitation and Supervised Exchange Provider List.

*(Effective 1/1/2022)*

(iii) Professional visitation and professional exchange supervisors must lodge with the Clerk of Court any written report generated pursuant to Section (j)(3) of the California Standards of Judicial Administration, and must file an updated Judicial Council Form FL-324(P), Declaration of Supervised Visitation Provider (Professional), at the same time the report is lodged.

*(Effective 1/1/2022)*

b. Non-Professional visitation supervisors must complete and file Judicial Council Form FL-324 (NP), Declaration of Supervised Visitation Provider (Nonprofessional), within 30 days of appointment as a visitation supervisor in a case. The supervised party must provide the visitation supervisor with a copy of A Guide for the Non-Professional Provider of Supervised Visitation within 15 days of appointment.

*(Effective 1/1/2022)*

## RULE 3 CHILD, SPOUSAL AND PARTNER SUPPORT

### A. INITIAL SUPPORT MOTIONS

All initial motions for child, spousal or partner support shall be calendared within 30 calendar days of the filing of the Request for Order, except upon the request of the moving party for additional time.

*(Effective 1/1/2013)*

### B. COMPUTER SUPPORT PRINTOUTS

A computer support printout shall be attached to the pleadings or submitted to the Court at the hearing by both moving and responding parties when child support or temporary spousal or partner support is at issue (but not permanent spousal or partner support).

*(Effective 1/1/2011)*

### C. TEMPORARY SPOUSAL OR PARTNER SUPPORT FORMULA

Temporary spousal or partner support is generally computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. If there is child support, temporary spousal or partner support is calculated on net income not allocated to child support and/or child-related expenses. The temporary spousal support calculations apply these assumptions. (Please refer to the Family Rules Appendix: Discretionary Policy Statements for the Family Law Division.)

*(Effective 1/1/2011)*

### D. INCOME AND EXPENSE DECLARATION/FINANCIAL STATEMENT (SIMPLIFIED)

A current Income and Expense Declaration or, if applicable, Financial Statement (Simplified), shall be filed and served by both parties as part of the moving or responding papers if support is an issue. An Income and Expense Declaration or Financial Statement is "current" within the meaning of this Rule if it was completed and filed within three months prior to the hearing, as long as none of the information has changed. A copy of any previously-filed Income and Expense Declaration that is asserted as current must be attached to the moving or responding papers. All blanks on the forms must be answered. Notations such as "unk." for unknown, "est." for estimated, "N/A" for not applicable, and "None" shall be used to avoid leaving any item blank, but failure to provide any required information may result in the Court's refusal to consider the forms, denial of the requested relief, or a delay of the hearing. Referring to any separate document, such as "see SAD (Schedule of Assets and Debts)" is not acceptable.

*(Effective 1/1/2011)*

### E. TAX RETURNS

The parties shall bring to the hearing at least three legible copies of their most recent state and federal income tax returns including all Attachments, specifically including all schedules, W-2 forms, 1099 forms, and amendments. If a self-employed party operates as a corporation, that party shall also bring copies of the most recent corporate tax return. If the most recent tax returns are not for the prior year, (1) self-employed parties shall bring their most recent profit and loss statements, balance sheets, quarterly sales tax reports, or similar documentation evidencing income from all sources; and (2) employees shall bring paystubs for the prior year-end showing all income for the prior year. The Court may request additional tax returns and related documents. Failure to bring tax returns to the hearing may result in a delay of the hearing on a request for support or other sanctions.

*(Effective 1/1/2011)*

### F. SEEK WORK ORDER

The Court may issue orders requiring a party to actively seek employment, provide a monthly report of job search efforts, and promptly notify the other party when employment is obtained. When a Seek Work Order issues, Attachment FM-1120 shall be used.

*(Effective 1/1/2014)*

### G. CHILD SUPPORT HEARINGS IN DCSS MATTERS

(1) All hearings to establish, modify, or enforce child support orders in cases where Department of Child Support Services (DCSS) is involved shall be set on the DCSS calendar when appropriate.

(2) Transfers: If an APJ or other judicial officer transfers or continues a child support matter to a DCSS calendar, the moving party shall provide a filed-endorsed copy of the moving papers and the Court's transfer order to DCSS. The responding party shall provide a filed-endorsed copy of any responsive pleadings to DCSS. Failure to do so may result in another continuance to give DCSS proper notice of the hearing and pending issues.

*(Effective 7/1/2015)*

**H. BONUS INCOME ATTACHMENT**

When the Court orders additional child support and/or spousal support based upon the parties' receipt of inconsistent income under *In re Marriage of Ostler and Smith* (1990) 223 Cal.App.3d 33, the terms of the order may be specified using the Smith/Ostler Bonus Attachment (attached Form FM-1194).

*(Effective 1/1/2021)*

## RULE 4 ATTORNEY'S FEES AND COSTS

*(Effective 1/1/2010)*

**A. FEE REQUESTS**

When a party has requested attorney's fees (either pendente lite or after judgment), both parties shall file a current Income and Expense Declaration with attached pay stubs, which shall be served along with the Application, Request for Order, or Responsive Declaration requesting fees. The requirements of Rule 3 B above concerning the definition of "current," the attachment of a previously-filed statement, and the completion of all blanks apply. Both sides must also complete the attorney's fees section, and provide complete information in the asset section (Section 11). Any fee request above $1,000 shall be accompanied by the declaration described in Section B below, in addition to the Income and Expense Declaration. The parties shall not attach billing statements to the attorney's fee request, but shall exchange billing statements before the hearing. The attorney shall also bring copies of the bills to the hearing.

*(Effective 1/1/2013)*

**B. FEE DECLARATIONS**

Any fee and cost request over $1,000 shall include a separate written fee declaration signed by the attorney and addressing the following facts:

*(Effective 1/1/2011)*

(1) the services performed and by whom and costs incurred to date, the time expended, and the hourly rate(s) charged, if applicable;

*(Effective 1/1/2011)*

(2) the best estimate of the future services to be performed and costs to be incurred; the specific amounts of fees and costs requested, the reasons for the request, and why the fees and costs are necessary;

*(Effective 1/1/2011)*

(3) each party's financial circumstances and access to assets, including a copy of any computer printout for any current support order;

*(Effective 1/1/2011)*

(4) all fees paid by or on behalf of the party requesting fees and costs, and the history of prior fee awards; and

*(Effective 1/1/2011)*

(5) a brief description of the attorney's experience in practicing family law, including whether the attorney is a Certified Family Law Specialist.

*(Effective 1/1/2011)*

## RULE 5 LAW AND MOTION

**A. EX PARTE/EMERGENCY APPLICATIONS AND ORDERS**

*(Effective 7/1/2013)*

(1) ORDERS SHORTENING TIME

A request for an order shortening time must be submitted to the Court Specialist as an ex parte application on Form FL-300 and must include all of the information and documentation required by Cal. Rules, Rule 5.151, including a declaration setting forth evidentiary facts which explain why a shorter notice period is necessary. An Order shortening time will only be granted upon a showing of good cause.

*(Effective 10/1/2020)*

(2) SUBMISSION OF EX PARTE APPLICATIONS

a. All applications for ex parte or emergency orders must be submitted on Form FL-300 and must include all of the information and documentation required by Cal. Rules, Rule 5.151. In Santa Clara County Family Court, all ex parte applications are handled on the documents submitted. No hearings are scheduled to argue ex parte applications.

*(Effective 10/1/2020)*

b. All ex parte requests by attorneys must be submitted to the Court Specialist through e-filing with any filing fees due with the motion. All ex parte requests by self- represented litigants must be submitted to the Court Specialist by using the FJCC drop box or by e-filing with any filing fees due with the motion. The Court Specialist will hold all applications (except requests for domestic violence restraining orders, gun violence restraining orders, matters identified in Cal. Rules, Rule 5.170, or properly supported requests not to give notice) for 24 hours before submission to the judicial officer. Notice of the application must be given to the opposing attorney or self-represented party before 10:00 a.m. on the court day before the matter is to be considered by the court.

*(Effective 10/1/2020)*

c. Except where otherwise specifically ordered by the Court, if the requesting party gives notice of the application after 10:00 a.m. or submits the application to the Court Specialist after 4:00 p.m., then notice will be deemed to have been given at 9:00 a.m. the next court day, and the application will be submitted to the judicial officer after 9:00 a.m. on the first court day after that.

*(Effective 10/1/2020)*

d. Any Request for Order seeking temporary orders without prior notice to all parties, including orders shortening time (except for requests for domestic violence restraining orders, gun violence restraining orders or matters described in Cal. Rules, Rule 5.170), must include a sworn statement of facts showing good cause not to give notice. The moving party may not rely on the declaration filed in support of the Request for Order to establish good cause not to give notice. The statement of good cause not to give notice may be provided on Attachment FM-1013, with attached pages if necessary, or may be provided through a sworn declaration submitted with Attachment FM-1013. Any party who does not provide a notice will be required to give notice before the request will be submitted to the APJ for consideration of the temporary orders. If the requesting party does not submit the required declaration of good cause or does not give notice within 48 hours of submitting the request for temporary orders, the Request for Order will be filed by the Court Specialist and set for hearing on the law and motion calendar without an order shortening time.

*(Effective 10/1/2020)*

e. All ex parte applications must disclose:
   (1) whether a requested ex parte order will result in a change of status quo, and
   (2) whether orders are already in effect regarding the same issue; and
   (3) all previous applications on the same issue by any party and whether any orders were made, even if an application was previously made upon a different state of facts. Previous applications include an order to shorten time for service of notice or an order shortening time for hearing.

*(Effective 10/1/2020)*

(3) NOTICE OF APPLICATION

The moving attorney or self-represented party must submit a Declaration in Support of Ex Parte Application For Orders (attached form FM-1013) and must give notice of all ex parte applications to the opposing attorney or self-represented party before submitting the request, except under the following circumstances, which must be documented in detail in the application:

a. The application requests Domestic Violence Prevention Act (DVPA) or gun violence restraining orders.

*(Effective 10/1/2020)*

b. Giving notice would frustrate the purpose of the order;
c. Giving notice would result in immediate and irreparable harm to the applicant or the children who may be affected by the order sought;
d. Giving notice would result in immediate and irreparable damage to or loss of property subject to disposition in the case;
e. The parties agreed in advance that notice will not be necessary with respect to the matter that is the subject of the request for emergency orders, and the applicant provides evidence of that agreement;
f. The party made reasonable and good faith efforts to give notice to the other party, and further efforts to give notice would probably be futile or unduly burdensome; or
g. Notice is not required for the request at issue under Cal. Rules, Rule 5.170.

*(Effective 7/1/2013)*

(4) MANNER OF NOTICE OF APPLICATION

Notice is provided by serving upon all self-represented parties and all attorneys of record the Declaration in Support of Ex Parte Application for Orders (attached form FM-1013), the proposed orders, and all moving papers before submitting the moving papers to the Court Specialist, in one of the ways below. Telephone notice alone is not sufficient.

*(Effective 7/1/2013)*

a. Personal service or, upon written consent, by facsimile transmission with either a printed electronic confirmation of receipt, which must be attached to the Declaration in Support of Ex Parte Application for Orders (attached form FM-1013), or the sender's declaration that the recipient has acknowledge receipt; or

*(Effective 10/1/2020)*

b. Service is by mail, but notice is not complete and the moving papers must not be submitted to the Court Specialist until five calendar days after mailing. Where service is by next-day carrier, notice is not complete and the papers must not be submitted until two calendar days after the carrier receives the papers to be served.

*(Effective 10/1/2020)*

(5) OPPOSITION TO EX PARTE APPLICATION

Attorneys or self-represented parties must serve on moving party and file with the Court Specialist any written response to the ex parte application within 24 hours of the ex parte application's submission to the Court, unless the Court requests an expedited response.

*(Effective 10/1/2020)*

(6) ON LINE STATUS OF EX PARTE APPLICATION

The Court will post on the website, www.scscourt.org the status of ex parte matters that have been submitted to the Court for review and signature.

*(Effective 1/1/2011)*

**B. SPECIAL PROCEDURES FOR DVPA RESTRAINING ORDERS**

*(Effective 7/1/2016)*

(1) JUDICIAL COUNCIL AND LOCAL FORMS

a. Any restraining orders under the Domestic Violence Prevention Act or Family Law Act must be submitted to the Court on the CLETS forms or other Judicial Council approved forms. All ex parte requests for CLETS restraining orders must include a completed Declaration in Support of Ex Parte Application for Orders (form FM-1013). If a party requesting a restraining order believes the other party has access to or possesses guns, firearms, or ammunition, the requesting party may file a Declaration Regarding Restrained Party's Firearms (form CV-5103/FM-1200) with their restraining order request, at any time before the hearing, or as directed by the Court.

*(Effective 7/1/2024)*

b. All restraining order applications and orders after hearing must be accompanied by the Confidential CLETS Information Form CLETS-001 and where applicant requests that the Sheriff serve the orders, by the Request for Sheriff to Serve and Sheriff's Fee Statement (form FM-1041), which will not become part of the court file. The local form entitled How to Safely Turn in Firearms and Ammunition (form FM-1047) must be served with any CLETS temporary restraining order or restraining order after hearing.

*(Effective 7/1/2024)*

c. If the Court issues mutual restraining orders after a hearing, such orders must be stated on two separate sets of CLETS forms or other Judicial Council approved forms, one for each party.

*(Effective 7/1/2024)*

d. In cases where the Court allows for property removal as an exception to the restraining order, Attachment FM-1102 (Other Orders Property Removal) may be used as an attachment to the Temporary Restraining Order (Judicial Council form DV-110) and Restraining Order After Hearing (Judicial Council form DV-130).

*(Effective 7/1/2024)*

e. All personal conduct and stay-away restraining orders in a judgment must be set forth separately on a CLETS or Judicial Council form and must include the expiration date.

*(Effective 7/1/2024)*

f. Pursuant to Family Code section 6380, the Court will transmit to the Sheriff's Office for entry into the domestic violence restraining order system orders for personal conduct, residence exclusion, and stay away, as well as proofs of service of such orders and custody and visitation orders issued in these cases. Parties may also deliver certified copies of the orders and proofs of service to law enforcement agencies.

*(Effective 7/1/2024)*

(2) EXISTING CRIMINAL PROTECTIVE ORDERS

a. The Family Court must examine available databases for existing restraining or protective orders involving the same restrained parties before issuing CLETS Civil Restraining Orders. If the information is not available, the Court will ask the parties before issuing any such permanent CLETS Civil Restraining Orders.

*(Effective 10/1/2020)*

(3) MODIFICATION OF CRIMINAL PROTECTIVE ORDERS

a. Any Court responsible for issuing custody or visitation orders involving minor child(ren) of a defendant/restrained person subject to a Criminal Protective Order – Domestic Violence (CLETS-CPO) (Judicial Council form CR-160), also known as Criminal Protective Order, may modify the Criminal Protective Order if all of the following circumstances are satisfied:

*(Effective 1/1/2016)*

i. Both the defendant/restrained person and the victim/ protected person are subject to the jurisdiction of the Family, Juvenile, or Probate Court; both parties are present before the Court; and both agree to the modification.

*(Effective 1/1/2013)*

ii. The defendant/restrained person has been convicted of or is currently charged with a domestic violence related offense in Santa Clara County and a Criminal Protective Order has issued and is still in effect.

iii. The Family, Juvenile, or Probate Court identifies a Criminal Protective Order issued against the defendant, which is inconsistent with a proposed Family, Juvenile, or Probate Court Order, such that the Family, Juvenile, or Probate Order is/will be more restrictive than the Criminal Protective Order or there is proposed custody or visitation order which requires recognition in the Criminal Protective Order.

*(Effective 7/1/2025)*

iv. The defendant signs an appropriate waiver of rights forms or enters a waiver of rights on the record.

*(Effective 7/1/2025)*

v. Both the victim/protected person and the defendant/restrained person agree that the Criminal Protective Order may be modified to a more restrictive order or to provide for exceptions.

b. The Family, Juvenile, or Probate Court may not modify existing Criminal Protective Orders to be less restrictive. A modification of the Criminal Protective Order to grant exceptions will not be considered less restrictive if a child or children are listed as protected persons.

*(Effective 7/1/2025)*

c. The Family, Juvenile, or Probate Court may, on its own motion or at the request of a defendant, protected person or other interested party, calendar a hearing before the Criminal Court on the issue of whether a Criminal Protective Order should be modified. The Family, Juvenile, or Probate Court will provide the Criminal Court with copies of existing or proposed Orders relating to the matter. Notice of the hearing will be provided to all counsel and parties.

*(Effective 10/1/2020)*

**C. SPECIAL PROCEDURES FOR GUN VIOLENCE RESTRAINING ORDERS INVOLVING MINORS**

*(Effective 1/1/2024)*

(1) This section applies to all requests for a gun violence restraining order pursuant to Penal Code section 18100 et seq. for which the respondent is a minor.

*(Effective 1/1/2024)*

(2)

a. A petitioner, or law enforcement officer or law enforcement agency requesting a gun violence restraining order who is informed and believes that the person to be restrained is a minor must, at the time the Petition for Gun Violence Restraining Order (GV-100) or Gun Violence Emergency Protective Order (EPO-002) is submitted, request that information regarding the minor obtained or provided in connection with the request, including, but not limited to, the minor's full name, address, and the circumstances surrounding the request for a gun violence restraining order with respect to that minor, be kept confidential, by following subsection (3)b below, except as provided in subdivision (4).

*(Effective 7/1/2026)*

b. The person or entity submitting the request must complete and file confidential form Request to Keep Minor's Information Confidential – GVRO (attached form FM-1199) and must submit redacted and unredacted versions of the Petition for Gun Violence Restraining Order (form GV-100) or Gun Violence Emergency Protective Order (EPO-002) and any attachments. Form FM-1199 and the unredacted version of the GV-100 or EPO-002 must be filed and maintained in a confidential case file. The respondent must be served with copies of form FM-1199 and the redacted and unredacted versions of the GV-100 or EPO-002. The court must determine whether to grant a request for confidentiality without requiring that notice of the request be given to the other party and without an adversarial hearing. The court may grant the entire request, deny the entire request, or partially grant the request for confidentiality.

*(Effective 7/1/2026)*

c. The court must determine whether to grant a request for confidentiality without requiring that notice of the request be given to the other party and without an adversarial hearing. The court may grant the entire request, deny the entire request, or partially grant the request for confidentiality.

*(Effective 1/1/2024)*

d. The court may order the information in subdivision (2)a be kept confidential if the court expressly finds all of the following:
   i. The minor's right to privacy overcomes the right of public access to the information.
   ii. There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential.
   iii. The order to keep the information confidential is narrowly tailored.
   iv. No less restrictive means exist to protect the minor's privacy.

*(Effective 1/1/2024)*

(3)

a. If the request for confidentiality is granted, except as provided in subdivision (4), the information regarding the minor must be maintained in a confidential case file and must not become part of the public file in the proceeding unless otherwise ordered by the court.

*(Effective 1/1/2024)*

b. On all subsequent pleadings and orders, the parties and the court must prepare redacted and unredacted copies and use the initials of the minor or other initials at the discretion of the court. Redacted pleadings and orders must be filed and maintained in the public file and the unredacted pleadings and orders must be filed and maintained in a confidential file.

*(Effective 1/1/2024)*

c. If the request for confidentiality is denied, the Clerk must file and provisionally maintain the unredacted Petition for Gun Violence Restraining Order (form GV-100) or Gun Violence Emergency Protective Order (EPO-002) and any attachments in a confidential case file for 15 days from the date of filing. During the 15-day period, the minor, the minor's legal guardian, or the attorney for the minor may file an ex parte motion to schedule a closed hearing on shortened time to determine whether there are additional facts that would support granting the request for confidentiality. Unless the court grants the request for confidentiality after the hearing, the Clerk must remove the Petition from the confidential case file after the 15-day period has expired and place it in the public file.

*(Effective 7/1/2026)*

d. Except as provided in subdivision (4), if the court determines that disclosure of confidential information has been made without a court order, the court may, in its discretion, impose a sanction pursuant to Code of Civil Procedure section 575.2. The minor may not be sanctioned for the disclosure of confidential information.

*(Effective 1/1/2024)*

(4) Notwithstanding subdivision (3)a, confidential information must be made available to the following:

a. The Department of Justice and the California Restraining and Protective Order System consistent with Penal Code section 18115.

*(Effective 1/1/2024)*

b. Law enforcement pursuant to Penal Code section 18120 for the purpose of enforcing a gun violence restraining order.

*(Effective 1/1/2024)*

c. The minor, the minor's legal guardian, and the attorney for the minor to allow them to comply with the order for confidentiality and to allow the minor to comply with and respond to the gun violence restraining order.

*(Effective 1/1/2024)*

(5) The court may, at any time, on its own motion or on the motion of a petitioner, minor, minor's legal guardian, law enforcement officer or law enforcement agency, authorize a disclosure of any portion of the confidential information to certain individuals or entities as necessary to effectuate the purpose of the gun violence restraining order, including implementation of the gun violence restraining order, or if the disclosure is in the best interest of the minor.

*(Effective 1/1/2024)*

**D. STIPULATIONS**

*(Effective 1/1/2025)*

All stipulations must be signed by both parties and if represented, any attorney of record. FM-1197 Order appointing Real Estate Expert and FM-1198 Order appointing Certified Public Accountant are optional stipulations.

*(Effective 7/1/2023)*

**E. PROOF OF SERVICE**

*(Effective 1/1/2025)*

Unless the Court has granted an order shortening time, proof of service of the moving papers must be filed no later than five court days before the hearing. If a responding party fails to appear at a hearing and the moving party does not submit to the Court proof of timely service, the matter will be taken off calendar or reissued for service. If the responding party fails to appear and proof of service is submitted, the Court may enter orders based on the pleadings and evidence of the moving party, or continue the hearing and award attorney's fees.

*(Effective 10/1/2020)*

**F. TIME LIMITS AND COUNTER-MOTIONS**

*(Effective 1/1/2025)*

All matters on the law and motion calendar are limited to hearing of 30 minutes or less. A responding party may set a counter-motion on the law and motion calendar for the same date only if (1) the counter-motion will to cause the hearing to exceed 30 minutes, and (2) space is available on the calendar or the APJ approves an application submitted to the Court Specialist.

*(Effective 1/1/2011)*

**G. CONTINUANCES**

*(Effective 1/1/2025)*

(1) FIRST CONTINUANCE

Before the first hearing date, if the moving papers have already been served and if the parties agree, one continuance may be obtained by filing at the Clerk's Office, at least two court days before the hearing, (1) a stipulation signed by both attorneys or self-represented parties; or (2) a letter signed by the requesting attorney or self-represented party confirming that the other party agrees to continue the hearing. This procedure for continuing the first hearing date does not apply to hearings on requests for domestic violence or other restraining orders.

*(Effective 1/1/2025)*

If the Court had issued an order shortening time for the filing, service, and original hearing date, and the hearing date is then continued by stipulation of the parties, the continuance will not affect the dates for filing and service set by the original order shortening time unless the Court specifically so orders.

*(Effective 1/1/2011)*

(2) ADDITIONAL CONTINUANCES

No additional continuances will be granted except by a written request submitted to the APJ no later than 9:00 a.m. on the court day before the hearing, based on a showing of good cause.

*(Effective 1/1/2011)*

**H. LONG CAUSE TRIAL SETTING**

*(Effective 1/1/2025)*

Trials or evidentiary hearings which will exceed two days are considered long cause trials.

Once the APJ or DVPA judge accepts a trial estimate for a long cause trial, the matter will be set on the Long Cause Trial Setting calendar. The Long Cause Trial Setting calendar will be managed by the Supervising Judge. At the Long Cause Trial Setting calendar the Supervising Judge will set the matter for trial in the Family Division on the Long Cause Trial calendar or will refer the matter to the Civil Division for further setting.

The Supervising Judge may make any orders that could be made at a Status Conference or Case Resolution Conference. The Supervising Judge has the discretion to schedule a Judicially Supervised Settlement Conference with the agreement of the parties.

*(Effective 10/1/2020)*

**I. MATTERS TAKEN OFF CALENDAR OR RESOLVED BEFORE HEARING**

*(Effective 1/1/2025)*

(1) After service of the moving papers, no matter shall be taken off calendar without notice to the responding party. The responding party must agree to take any matter off calendar when the responding party has requested affirmative relief.

*(Effective 1/1/2011)*

(2) Attorneys or self-represented parties shall notify the Court at the earliest opportunity of any agreement or request to take a hearing off calendar or if all issues to be considered at the hearing have been resolved. At least one of the parties or counsel must leave a voicemail message for the Courtroom Clerk that the hearing will be a "no-read" matter no later than 9:00 a.m. on the court day before the hearing. At the same time, a voicemail message must be left for the Duty Clerk at (408) 5345644, with the caller's name, the case name, number, hearing date and department, and reason for the message. If a message is left that the parties have agreed to continue the hearing, the parties should be prepared to proceed with the hearing if the Court does not agree to continue the matter.

*(Effective 1/1/2011)*

**J. DOCUMENTS**

*(Effective 1/1/2025)*

Except for documents that impeach the truthfulness of a party or witness, a party shall provide a copy of each document to be offered to the Court before any hearing to all counsel and self-represented parties. Parties shall bring to court three copies of any document to be offered at the hearing. Parties shall also be prepared to provide to the Court at the hearing copies of all pleadings, proofs of service, and earlier orders.

*(Effective 7/1/2012)*

**K. TIME ESTIMATES**

*(Effective 1/1/2025)*

At the hearing, parties shall provide the Court with reasonable and accurate time estimates. If either party's time estimate is exceeded, the Court may, in its discretion, rule without further hearing, defer the matter to the end of the calendar if time permits, continue the matter, declare a mistrial for the hearing, or order the matter off calendar.

*(Effective 1/1/2011)*

**L. CONTEMPT**

*(Effective 1/1/2025)*

(1) APPOINTMENT OF COUNSEL

If a party cited for contempt appears without an attorney, one continuance will be granted to permit the citee to retain counsel or if indigent, to be referred to the appropriate office to determine financial eligibility and representation. The citee will be ordered to attend the continued hearing.

(2) ORDERS

After the contempt hearing, the moving party shall prepare an order for the Court's signature, using the Judicial Council form, setting forth the Court's findings and orders. If the citee is self-represented, the moving party shall submit the order directly to the Court, without the citee's approval as to form and content. A copy of the proposed order shall be provided to the other party at the same time it is sent to the Court. If the citee is taken into custody at the conclusion of the hearing, the order shall be filed before 4 p.m. the next court day.

*(Effective 1/1/2011)*

**M. TENTATIVE RULINGS IN FAMILY LAW AND MOTION MATTERS**

*(Effective 1/1/2025)*

For judges choosing to issue tentative rulings in law and motion matters, tentative rulings will be posted on the day of the hearing, or announced orally at the time of oral argument.

*(Effective 7/1/2009)*

## RULE 6 CASE STATUS CONFERENCE (STATUS CONFERENCE), SETTLEMENT, FAMILY CENTERED CASE RESOLUTION CONFERENCE (CRC), LONG CAUSE HEARINGS AND TRIALS

*(Effective 7/1/2013)*

**A. PURPOSE**

The purpose, definitions, and goals of the CRC and Status Conference are set forth in Family Code Sections 2450 and 2451, and Cal Rules, Rule 5.83. Until final disposition of the case, the parties must participate in a review of the case at a Status Conference or a CRC at least every one hundred eighty (180) days in order to determine the most appropriate next steps to help ensure an effective, fair, and timely resolution. At each Status Conference, SOC or CRC, a further date for review will be scheduled, unless judgment has been entered.

*(Effective 1/1/2022)*

**B. CASE STATUS CONFERENCE (STATUS CONFERENCE)**

(1) CALENDAR

a. In any Dissolution, Nullity, Legal Separation, Termination of a Domestic Partnership, Custody and Support, or Uniform Parentage Act case:

i. When the Petition is filed, the Clerk of the Court will, in compliance with Family Code Sections 2450 and 2451 and Cal Rules, Rule 5.83, schedule a regular electronic case status review.

*(Effective 1/1/2022)*

c. On request of either party or on the Court's own motion, the Court may set any matter for a Status Conference or Case Resolution Conference at any time, or at the Court's discretion, order the parties to attend a CRC.

*(Effective 1/1/2022)*

(2) ORDERS AT STATUS CONFERENCE

At a Status Conference, the Court will review the status of the case and progress toward efficient resolution. At any Status Conference, the Court may:

a. Refer appropriate cases to arbitration or mediation, Early Neutral Evaluation (ENE), or a Settlement Officer Conference (SOC);
b. Inform the parties of procedural steps to reach disposition in the case;
c. Set time limits and deadlines for service of process and filing proof of service, entry of default, service of preliminary declarations of disclosure, submission of judgment, or filing a request for trial;
d. Appoint an attorney for a minor child upon stipulation, or schedule a hearing to appoint a child's attorney and/or make a fee allocation;
e. Set or reset trials, settlement conferences, or hearings, including bifurcating issues for trials;
f. Order further Status Conference;
g. Determine that the case requires a Case Resolution Conference (CRC) under the factors described in Cal. Rules, Rule 5.83(c)(7) and schedule a CRC;

*(Effective 7/1/2013)*

h. Take any other actions permitted by law that would promote a just and efficient disposition of the case.
i. To document the orders made at the Status Conference, the parties must prepare the Order After Status Conference on Local Form FM-1123, and present to the Court for signature at the conclusion of the hearing, unless otherwise ordered by the Court. Self-represented parties may seek the assistance of the Family Court Clinic to prepare the Order.

*(Effective 1/1/2022)*

(3) ATTENDANCE

a. Attorneys and self-represented parties must attend each Status Conference unless excused in advance by the Court, the case has been dismissed, or a Judgment resolving all issues has been entered. An initial Status Conference will be continued if an SOC is calendared before the Status Conference. Parties represented by an attorney do not have to attend a Status Conference unless ordered by the Court to appear.

*(Effective 1/1/2022)*

b. Parties and attorneys may appear remotely by video or phone using the Remote Hearings Links located on the Court's website at www.scscourt.org. On a case by case basis, the Court may require personal attendance at any Status Conference or CRC.

*(Effective 7/1/2023)*

c. Any self-represented litigant who wants assistance from the Court's Self-Help Center on the day of the Status Conference or CRC must appear in person.
d. If no party appears at a scheduled Status Conference without advance excuse by the Court, a further Status Conference will be scheduled in approximately one hundred eighty (180) days. The Calendar Clerk will mail a notice of the Status Conference, notifying the parties if they fail to appear in Court, the case may be subject to dismissal. A third failure to appear at a scheduled Status Conference or CRC will lead to notice sent by the Calendar Clerk that unless steps are taken by the parties to pursue the case, the case will be subject to dismissal. No further Status Conference will be scheduled unless one of the parties schedules a hearing, Status Conference, or takes other action to pursue the case.

*(Effective 1/1/2022)*

e. Alternative Dispute Resolution (ADR): Parties who file a Request to Change Status or Resolution Conference Date (Local Form FM-1059) prior to the Status Conference or CRC indicating they are participating in ADR and actively negotiating or mediating their case will be exempt from the Status Conference or CRC for one hundred eighty (180) days, and a new Status Conference will be set in approximately one hundred eighty (180) days. If a judgment or dismissal is not filed within one hundred eighty (180) days of the filing of Local Form FM-1059, the Court will proceed with the Status Conference.

*(Effective 1/1/2022)*

f. Reconciliation: Parties who file a Request to Change Status or Resolution Conference Date (Local Form FM-1059) prior to the CRC or Status Conference indicating they are attempting reconciliation will be exempt from the Status Conference or CRC for one hundred eighty (180) days, and a new Status Conference will be set in approximately one hundred eighty (180) days. If a judgment or dismissal is not filed within one hundred eighty (180) days of the filing of the Local Form FM-1059, the Court will proceed with the Status Conference.

*(Effective 1/1/2022)*

**C. SETTLEMENT OFFICER CONFERENCE (SOC) AND CASE STATUS CONFERENCE**

(1) PURPOSE

At an SOC and Status Conference with the FCSO, the Family Court Settlement Officer (FCSO), temporary judge, or settlement attorney will assist the parties to settle or to streamline all non-custody or visitation issues or to assist in determining the issues for trial. Upon agreement of the parties, the Court may also appoint the FCSO as a temporary judge for the listing and sale of real estate. The FCSO will conduct a Status Conference to address any outstanding procedural milestones that have not been met. The FCSO has the discretion to set return SOC appointments without the agreement of the parties. If the case does not settle and no further SOC appointment is set, the FCSO will set the matter for a Status Conference with the APJ, or if the case requires a CRC under Family Code Section 2451(a)(2) and Cal. Rules, Rule 5.83(c)(7), the FCSO will schedule a CRC with the APJ, on a date convenient to the parties and the Court, but in no event more than one hundred eighty (180) days after the completion of the SOC. Parties attending an SOC will have satisfied the requirement to attend a Status Conference for that one hundred eighty (180) day period. Another Status Conference, SOC, or CRC will be scheduled at the conclusion of the SOC to meet the scheduling requirements for the next one hundred eighty (180) day period.

*(Effective 1/1/2022)*

(2) CALENDAR

a. The SOC calendared by attorneys or self-represented parties must be set by agreement. Parties and attorneys may contact the Calendar Clerk at any time, but in no event later than 40 calendar days before the Mandatory Settlement Conference (MSC).

*(Effective 1/1/2025)*

b. A party may also request an SOC when filing a Request for Trial (Local Form FM-1012).

*(Effective 1/1/2022)*

c. The Court may order the parties to an SOC, even over an objection, at any time.

d. The SOC may be continued or vacated upon the submission of a letter copied to all counsel and self-represented parties indicating the agreement of the parties, or their attorneys, and filed with the Court Clerk at least two court days prior to the date of the scheduled SOC. An agreement to continue or vacate the SOC submitted in conformance with this Rule will be deemed approved unless the FSCO Clerk notifies the parties otherwise.

*(Effective 1/1/2025)*

e. In the event that the SOC is taken off-calendar without a further SOC or Status Conference set, the FCSO or Temporary Judge will refer the case for a Status Conference with the APJ and may make a recommendation for sanctions.

*(Effective 1/1/2015)*

(3) PROCEDURES

a. Preliminary Declarations of Disclosure must be served by all parties within the time frame specified in Cal. Rules, Rule 5.83, and in all cases at least ten (10) days prior to the SOC.

*(Effective 1/1/2022)*

b. All attorneys and parties must participate in the SOC. The Court or the Family Court Settlement Officer may permit parties or attorneys to attend by telephone or video so long as the request has been made in advance of the SOC.

*(Effective 1/1/2022)*

c. No Settlement Conference Statement is required at the SOC, but the parties should have available all necessary information.

*(Effective 1/1/2013)*

(4) ORDERS AFTER SOC AND STATUS CONFERENCE

To document the orders made at the SOC and Status Conference, and at the discretion of the FCSO, the parties may use the Order After Status Conference on Local Form FM-1123, or other order issued by the FCSO.

*(Effective 1/1/2022)*

**D. REQUEST FOR TRIAL**

(1) Trials may be requested at a Status Conference, at a CRC, or in a filed Request for Trial, a local form that is not required. (Local Form FM-1012.) A Request for Trial, however, may not be used for trials on custody or visitation issues or Domestic Violence Prevention Act restraining orders. After the Request for Trial is filed, the Clerk's Office will schedule a Status Conference, unless the Court orders the case to a CRC.

*(Effective 1/1/2022)*

(2) If one party files a Request for Trial and the other party contends that the matter is not ready for trial or disagrees with the time estimate, that party must file a Request for Trial form (Local Form FM-1012 ), explaining that disagreement.

*(Effective 1/1/2022)*

**E. CASE RESOLUTION CONFERENCE (CRC)**

*(Effective 7/1/2013)*

(1) CALENDAR

a. In any Dissolution, Nullity, Legal Separation, Termination of a Domestic Partnership, Custody and Support, or Uniform Parentage Act case, a CRC may be scheduled as follows:

1) at the direction of the Court at any time;
2) at the request of the FCSO; 2) at the request of the FLFO;
3) at the request of a party approved by the Court; or,
4) following a Request for Trial.

b. In deciding that a case requires a CRC, the Court should consider, in addition to procedural milestones, the factors described in Cal. Rules, Rule 5.83(c)(7).
c. In order to change the date of a CRC in advance without attending, attorneys or self-represented parties must complete and submit a Request and Order to Change Case Status or Resolution Conference Date (Local Form FM-1059) at least ten (10) calendar days before the CRC. Appearance at the CRC is required unless the judicial officer approves the change.

*(Effective 1/1/2022)*

(2) CASE RESOLUTION PLAN ORDERS AT CRC

*(Effective 7/1/2013)*

At a CRC, the Court will review the status of the case and progress toward efficient resolution. At any CRC, the Court may:

a. Make any of the orders that could be made at a Status Conference;
b. Limit, schedule, or expedite discovery, including the disclosure of expert witnesses;
c. Appoint court experts upon stipulation and allocate their expenses, or schedule a hearing for appointment of Court experts and the allocation of the expenses;
d. Appoint an attorney for a minor child upon stipulation or schedule a hearing on the appointment and the fee allocation;
e. Order or review a Family Centered Case Resolution Plan in accordance with Family Code Sections 2450 and 2451;

*(Effective 1/1/2022)*

f. Set or reset trials, settlement conferences, or hearings, including bifurcating issues for trials;
g. Make orders relating to subpoenas issued to Family Court Services personnel;
h. Order further Status Conference or CRC; and
i. Take any other actions permitted by law that would promote a just and efficient disposition of the case.
j. To document the orders made at the CRC, the parties must prepare the Order After Case Resolution Conference on Local Form FM-1123, and present to the Court for signature at the conclusion of the hearing, unless otherwise ordered by the Court. Self-represented parties may seek the assistance of the Family Court Clinic to prepare the Order.

*(Effective 1/1/2022)*

(3) ATTENDANCE

a. Attorneys and self-represented parties must attend each CRC unless excused in advance by the Court, the case has been dismissed, or a Judgment resolving all issues has been entered. The Court may permit parties to attend by telephone by advance order as provided above in Rule 6(B)(3)b. Parties represented by an attorney do not have to attend a CRC unless ordered by the Court to appear.

*(Effective 1/1/2022)*

b. If the Court determines that appearances at a CRC are not necessary, the Court may notify the parties and, if stipulated, issue a FCCRP order without an appearance at a conference.

(4) STATUS OR CASE RESOLUTION CONFERENCE QUESTIONNAIRE

If a party requests a trial or long cause hearing, each self-represented party or attorney must file and serve on the other self-represented party or attorney a completed Status or Case Resolution Conference Questionnaire (Local Form FM-1010) at least ten (10) calendar days before any scheduled Status Conference or CRC. If no trial or long cause hearing has been requested, the Questionnaire (Local Form FM-1010) is optional. If a Questionnaire is filed by a party, that party must bring two (2) copies of his or her Questionnaire to the Status Conference or CRC.

*(Effective 1/1/2022)*

**F. MANDATORY SETTLEMENT CONFERENCE (MSC)**

(1) CALENDAR

a. An MSC will be set in all family law cases set for trial. An MSC may be set for any long cause hearing. The MSC will be conducted approximately two (2) weeks before trial or hearing. Family law matters are usually set for an MSC and trial or long-cause hearing at Status Conference, CRC, or a Custody Settlement Conference.

*(Effective 1/1/2022)*

b. Once a trial (or long cause hearing) and MSC are set, no continuances will be granted except upon noticed motion for good cause. The parties may stipulate that the matter may go off calendar subject to Court approval, by notifying the clerk of the APJ and the calendar secretary at least one (1) week before the scheduled trial date or MSC. Any case that has been taken off the trial calendar by stipulation, can be restored to the trial calendar either by noticed motion or by requesting a further Status Conference or CRC.

*(Effective 1/1/2022)*

(2) MANDATORY ATTENDANCE

All parties must attend the MSC fully prepared for trial on all calendared unresolved issues. Attorneys must hold at least one (1) face-to-face or telephone settlement discussion and have made a full exchange of all relevant information before the MSC. If a party lives outside of California, the Court may exempt that party from appearing if requested in advance, and (1) the party is available on telephone standby and (2) the other party has been previously notified by letter.

*(Effective 1/1/2022)*

(3) SETTLEMENT CONFERENCE STATEMENT

At least ten (10) calendar days before the MSC, or fifteen (15) calendar days if service is by mail, each party must file and serve on the other party a Settlement Conference Statement. If the case has been previously set for an MSC, the Settlement Conference

Statement previously filed may be resubmitted by letter. The Settlement Conference Statement must contain detailed statements of the party's position on each issue to be decided at the long cause hearing or trial. If some issues were previously resolved, the Settlement Conference Statement must describe that resolution and refer to any filed supporting documents. If attachments to the Settlement Conference Statement collectively exceed twenty (20) pages, the attachments should be lodged with the Court separately from the Statement, and will be returned to the party at the conclusion of the MSC.

*(Effective 1/1/2022)*

**G. LONG CAUSE TRIAL SETTING**

*(Effective 1/1/2025)*

Trials or evidentiary hearings which will exceed two days are considered long cause trials.

Once the APJ or DVPA judge accepts a trial estimate for a long cause trial, the matter will be set on the Long Cause Trial Setting calendar. The Long Cause Trial Setting calendar will be managed by the Supervising Judge. At the Long Cause Trial Setting calendar the Supervising Judge will set the matter for trial in the Family Division on the Long Cause Trial calendar or will refer the matter to the Civil Division for further setting.

The Supervising Judge may make any orders that could be made at a Status Conference or Case Resolution Conference. The Supervising Judge has the discretion to schedule a Judicially Supervised Settlement Conference with the agreement of the parties.

*(Effective 1/1/2025)*

**H. JUDICIALLY SUPERVISED SETTLEMENT CONFERENCE PROGRAM (JSSC)**

*(Effective 1/1/2025)*

Parties may apply to participate in a settlement session with a sitting judicial officer. The program is governed by the following guidelines:

*(Effective 1/1/2025)*

(1) ELIGIBILITY/CRITERIA FOR PARTICIPATION

a. The case will consume significant court resources, and is set for a long cause trial.

*(Effective 1/1/2025)*

b. The parties and their attorneys represent in good faith that they desire to resolve the case, and that they agree to participate in a settlement session with a judicial officer.

*(Effective 1/1/2025)*

c. The parties are prepared to complete a settlement session as soon as the case is accepted into the program. Discovery must be completed and expert witness reports must have been disclosed.

*(Effective 1/1/2025)*

d. The Court has obtained jurisdiction over all necessary parties so that a resolution resulting from a settlement session will be final.

e. The parties are represented by counsel.

*(Effective 1/1/2025)*

f. Cases involving property division, support, or other financial issues must have been to at least one Settlement Officer Conference or have completed meaningful private mediation.

*(Effective 1/1/2025)*

g. Cases involving custody and visitation may be set only after completion of mediation, a Judicial Custody Conference, Custody Settlement Conference, or Post-Mediation Hearing.

*(Effective 1/1/2025)*

h. The Supervising Family Judge authorizes the case for the program despite the failure to satisfy one or more of the above-stated criteria.

*(Effective 1/1/2025)*

i. This program may not be appropriate in cases involving domestic violence. If requested and authorized in such cases, the Settlement Judge will use a shuttle system so that the parties will meet separately, which will require the parties to agree that the Settlement Judge may meet separately with each side.

*(Effective 1/1/2025)*

(2) PROCEDURE

a. Application must be made on the Judicially Supervised Settlement Conference Application and Order form (Local Form FM-1119) and submitted to the Supervising Judge. The application must be signed by all counsel and parties.

*(Effective 1/1/2025)*

b. The All-Purpose Judge (APJ) also may recommend that certain cases apply to the program, with the agreement of all parties and counsel.

*(Effective 1/1/2025)*

c. A JSSC may be conducted by the assigned APJ or Long Cause Trial Judge. The Settlement Judge may require a completed FM-1192 form.

*(Effective 1/1/2025)*

d. The application must be submitted to and approved by the Family Supervising Judge via electronic filing. Once the application is approved the parties must submit the Application and Order to the Family Court Settlement Officer [JSSC@scscourt.org]. The available dates for the conference will be available on the court's website. Counsel must confer and notify the Family Court Settlement Officer regarding the agreed-upon date and time. The Family Court Settlement Officer will confirm the

conference date. Any rescheduling coordination must be managed through the Courtroom Clerk for the assigned Settlement Judge.

*(Effective 1/1/2025)*

e. The parties may agree on the application that certain law and motion and discovery proceedings will be stayed until completion of the settlement session, except as otherwise agreed by the parties or ordered by the Court. Settlement sessions will be conducted on a day selected by the Settlement Judge as coordinated by the Family Court Settlement Officer.

*(Effective 1/1/2025)*

f. The parties and counsel must appear remotely via video conference. All participants must be present for the duration of the JSSC.

*(Effective 1/1/2025)*

g. Under no circumstances will the JSSC be considered a substitute for a Mandatory Settlement Conference.

*(Effective 1/1/2025)*

(3) PERSONS ATTENDING/STATEMENTS

*(Effective 1/1/2025)*

a. Lead trial counsel, parties, and persons with full authority to settle the case must attend the settlement session, unless excused by the Settlement Judge for good cause. If financial issues are to be discussed, the parties may bring their financial experts to the settlement session. The financial experts must confer prior to the settlement session to identify areas of agreement and/or disagreement. If any consent to settle is required for any reason, the person or persons with that authority must be present at the settlement session, unless excused by the Settlement Judge for good cause.

*(Effective 1/1/2025)*

b. Counsel must submit to the Settlement Judge and serve on all parties, but not file, a written statements of their position regarding settlement no later than five calendar days before the settlement session.

*(Effective 1/1/2025)*

c. Counsel for Petitioner is responsible for creating a Zoom session and link, or comparable session using a different platform, with at least two breakout rooms, unless the Settlement Judge has instructed otherwise. If the Zoom session has been created by counsel, counsel will make the Settlement Judge the host when the JSSC commences.

*(Effective 1/1/2025)*

(4) SETTLEMENT CONFERENCE

*(Effective 1/1/2025)*

a. A settlement conference conducted under the JSSC Program is conducted under Family Code Section 2451. There is no provision for confidentiality of communication, unless otherwise provided in Evidence Code Section 1152, subd. (a) or other legal authority.

*(Effective 1/1/2025)*

b. If a settlement session before the Settlement Judge results in either a full or a partial settlement, the agreement must be reduced to writing by the parties. The parties may stipulate that the Court will retain jurisdiction over them to enforce the settlement, pursuant to Code of Civil Procedure Section 664.6.

*(Effective 1/1/2025)*

(5) FURTHER COURT PROCEEDINGS

*(Effective 1/1/2025)*

a. The Settlement Judge is subject to the provisions of Evidence Code Section 703.5.

*(Effective 1/1/2022)*

b. At the conclusion of the settlement session, and with notice to the parties, the Settlement Judge may report in writing to the APJ whether all or part of the case has settled, and/or make recommendations as to the process by which some or all of the remaining issues in the case may be most expeditiously resolved.

*(Effective 1/1/2013)*

**RULE 7 DUTIES OF THE FAMILY LAW FACILITATOR**

In addition to the duties mandated by the Family Law Facilitator Act, Family Code § 10000 et. seq., the Family Law Facilitator shall have the following duties:

*(Effective 1/1/2010)*

**A.** Meeting with parties when both sides are self-represented to mediate issues of child support, spousal or partner support, and maintenance of health insurance, subject to Family Code § 10012.

*(Effective 1/1/2022)*

**B.** Drafting stipulations, which may include issues other than those specified in Family Code § 10003. If the parties are not able to resolve issues with the assistance of the Family Law Facilitator, the Facilitator, before or at the hearing, and at the Court's request, shall review documents, prepare support schedules, and advise the Court whether the matter is ready to proceed.

*(Effective 1/1/2011)*

**C.** Assisting the clerk in maintaining records.

**D.** Preparing orders documenting the Court's announced order where both parties are self-represented or in those cases with one attorney where the Court refers the self-represented party because the order benefits that party.

*(Effective 1/1/2011)*

**E.** Serving as a special master and making findings to the Court, unless the Facilitator has served as a mediator in the case.
*(Effective 1/1/2011)*
**F.** Participating in the operation of the Family Court Clinic, including the training and supervision of volunteers.
*(Effective 1/1/2011)*

## RULE 8 DEFAULT OR UNCONTESTED JUDGMENT

### A. GENERAL POLICY

(1) All uncontested and default family law judgments must be obtained by declaration through the Default Clerk except that a default hearing is required for nullity of marriage cases. Additionally, the Court may set a default matter for hearing or otherwise accept stipulated default Judgments at its discretion.
*(Effective 9/18/2020)*

(2) Litigants are encouraged to use and file the Judgment Checklist for dissolution and legal separation cases (Form FL-182) or Family Law Parentage Judgment Checklist for parentage cases (Attachment FM-1053) with any proposed default or uncontested judgment.
*(Effective 1/1/2016)*

(3) Default will not be entered if Respondent's address as stated on Petitioner's Request to Enter Default (Form No. FL-165) is the same as Petitioner's address, unless Petitioner also files a declaration stating under oath that Petitioner and Respondent live at the same address.
*(Effective 7/1/2014)*

### B. CHILD CUSTODY AND VISITATION

(1) To obtain custody and visitation orders by default in a family law judgment, at least one of the following conditions must exist:
*(Effective 7/1/2014)*

a. The proposed orders are based on the Child Custody and Visitation Application (Form FL-311) that was attached to and filed with the Petition;
*(Effective 7/1/2014)*

b.
*(Effective 7/1/2014)*
There are existing custody and visitation orders; or

c.
*(Effective 7/1/2014)*
A settlement agreement or stipulation is being filed with the proposed family law judgment.

If none of these conditions apply, Petitioner shall file and serve, by personal delivery, a declaration in support of the proposed orders at least 15 calendar days before the Judgment is submitted. Petitioner may use the Declaration for Default Custody and Visitation Orders form (Attachment FM-1025).
*(Effective 7/1/2014)*

## RULE 9 COUNSEL FOR MINOR CHILDREN

*(Effective 7/1/2009)*

### A. PANEL OF COUNSEL ELIGIBLE FOR APPOINTMENT

The Family Law Division has elected, pursuant to CRC 5.240(d), to create and maintain a panel of counsel meeting the minimum qualifications set forth in the Cal. Rules, whom the Court may consider for appointment as counsel for minor children in family law proceedings. Attorneys wishing to be included on the Court's panel must submit Judicial Council form FL-322 and an Initial Application (attached form FM-1081) to the Supervising Judge. Attorneys selected for the panel who are serving as counsel for minors or who wish to remain on the panel for future appointments must submit to the Supervising Judge an updated Judicial Council form FL-322 and a Renewal Application/Eligibility Declaration (attached form FM-1082) each year no later than December 31.
*(Effective 1/1/2013)*

### B. COMPLAINT PROCEDURE

In a family law proceeding in which the Court has appointed counsel for minor children, any party or counsel or minor child may present a complaint about the performance of appointed counsel. The complaint must be in writing, filed and served on all counsel and self-represented parties, and a copy must be delivered to the courtroom clerk for the APJ. The APJ shall respond to the complaint, either by setting the matter for hearing or by issuing a written response.
*(Effective 7/1/2009)*

### C. APPLICATION FOR PAYMENT OF COMPENSATION

(1) Appointed counsel may apply for payment of fees and costs when counsel has billed a minimum of 10 hours or when representation has concluded. Appointed counsel will promptly apply for payment when costs and fees at the applicable billing rate reach $4,000. Application for payment must be consistent with any court determinations under CRC 5.241 and will be made ex parte, using local form Application for Payment of Fees and Costs of Children's Counsel (attached form FM-1067), and following the procedures set out in that form. If a judicial officer makes a determination under CRC 5.241 that the court must pay any portion of appointed counsel's fees, the fees must be paid at the rate set by the court.

(2) Any response by a party to appointed counsel's application for payment must use the Response to Application for Payment of Fees and Costs by Children's Counsel (attached form FM-1068), following the procedures set out in that form.

*(Effective 1/1/2026)*

**D. EX PARTE APPLICATION TO BE RELIEVED AS COUNSEL FOR MINOR CHILD**

Appointed counsel may apply via an ex parte application and order to be relieved as the counsel for minor child. The attorney for the minor(s) will serve the parties or attorneys for the parties the Ex Parte Application and Order to be Relieved as Counsel for Minor Child (attached form FM-1187) along with a blank Response to Application to be Relieved as Counsel for Minor Child (attached form FM-1188). Parties or attorneys for the parties will have 21 calendar days from date of the application to respond to the request. Responses must be served on the counsel for the minor child and all other parties. If no response is received, the court may grant the request if good cause exists.

If a response is received and the party or counsel for a party objects to the request to be relieved, a Status Conference or hearing may be set by the court to consider the objection.

*(Effective 1/1/2026)*

## APPENDIX

**DISCRETIONARY POLICY STATEMENTS FAMILY LAW DIVISION**

These policies are not Local Rules and do not have the force of law, and they do not replace judicial discretion.

These policies are published to provide parties and counsel an understanding of decisions the Court is likely to make in specific factual situations commonly found in family law litigation, but not covered by case law or statute.

These policies are general statements describing how the Court will usually deal with the specific issues set forth below. The intent of the Court in adopting these statements is to encourage and assist parties and counsel to resolve disputes.

These policies will apply to temporary and permanent orders, in the Court's discretion. They will not apply to a given case when contrary to law or when the application results in undue hardship.

**A. SPOUSAL OR PARTNER SUPPORT**

1. Determination of Income
   The incomes of the payor and the payee will generally be determined in the same manner as set forth in the applicable provisions of current statutory child support law, with due consideration of applicable spousal or partner support statutes.
2. Standard of Living During Marriage or Domestic Partnership
   In determining the standard of living during marriage or domestic partnership, as provided in current statutory and case law regarding the standard of living, the Court will usually base its findings on the combined gross incomes of the parties at the time of separation.
3. Application of Local Spousal or Partner Support Formula
   The Court will use the local spousal or partner support formula at temporary spousal or partner support hearings except in the following circumstances:
   a. The application would be inequitable; or
   b. The demonstrated need for the requested support is below the formula amount.

   In the interest of avoiding unnecessary litigation on this issue, the Expense Declaration of the payee will not be viewed as determining or fixing need, but as indicating the level of expenditure under the existing circumstances.

*(Effective 1/1/2005)*

**B. PARENT/CHILD TIME SHARING PERCENTAGES**

The Parent/Child Time Sharing Percentages listed below may be used in calculating guideline child support in addition to similar charts which are part of the Judicial Council approved child support software. The appropriate percentage for the time share with the children is a question of fact for the Court.

*(Effective 1/1/2005)*

(1) Time Sharing Arrangements

| | | Days | % |
|---|---|---|---|
| a. | 1 weekend per mo. | 24 | 7 |
| b. | 1 extended weekend per mo. | 36 | 10 |
| c. | 2 weekends/mo | 48 | 13 |
| d. | 1 weekend/mo + 1 evening/wk | 50 | 14 |
| e. | Alternate weekends | 52 | 14 |
| f. | Alternate weekends + 2 wks summer | 67 | 18 |
| g. | Alternate weekends & 1/2 holidays + 2 wks summer (If CP has 2 wks over summer too, then) | 69 | 19 |
| h. | Two extended weekends/month | 72 | 20 |
| i. | Alternate weekends + 1 evening/wk | 78 | 21 |
| j. | Alternate weekends + 1 overnight/wk | 104 | 28 |
| k. | Alternate extended weekends | 78 | 21 |

| | | |
|---|---|---|
| l. Alternate weekends & 1/2 holidays + 4 wks summer,(with alternating weekends continuing in summer, and makeup if weekends lost due to the 4 weeks) | 77 | 21 |
| m. Alternate weekends & 1/2 holidays +4 weeks summer (with no alternating weekends all summer) | 75 | 21 |
| n. Alternate weekends & 1/2 holidays + 1/2 summer (with or without alternate weekends in summer) | 82 | 22 |
| o. Alternate extended weekends + 1 evening/wk | 104 | 28 |
| p. Alternate extended weekends + 1 overnight/wk | 130 | 36 |
| q. Alternate weekends & 1/2 holidays, 1 evening/wk, + 4 wks summer (with alternating weekends continuing in summer, and makeup if weekends lost due to the 4 weeks) | 103 | 28 |
| r. Alternate weekends and 1 evening/wk when school is in session, + 1/2 school vacations | 104 | 28 |
| s. Three days/wk | 156 | 43 |
| t. First, third, and fifth weekends | 56 | 15 |
| u. First, third, fifth, extended weekends | 84 | 23 |
| v. First, third, and alternate fifth weekends | 52 | 14 |
| w. First, third, alternate fifth extended weekends | 78 | 21 |

*(Effective 1/1/2004)*

(2) Definitions

a. Weekend - 6 p.m. Friday – 6 p.m. Sunday (2 days)
b. Extended Weekend - School closing Fri. – school opening Mon. (3 nights, 2 days)
c. 1st & 2nd; or 2nd & 4th Weekends - Same as Two Weekends per month
d. 1st & 3rd, & alternating 5th Weekends Same as Alternate Weekends
e. Afternoon - After school until evening without dinner (1/4 day)
f. Evening - After school – after dinner
(½ day; 1 eve./wk=26 days/year)
g. Overnight - School close mid-week – School opening next day (1 day) (1 day; 1 overnight/week = 52 days/year)
h. Holidays - New Year's, President's Day, Easter, Memorial Day, Mother's Day or Father's Day, July 4, Labor Day, Thanksgiving (2 days), Christmas, (½ holidays = 5 days/year)
i. Summer - 10 weeks (70) days; some schools may vary, such as those using an all year calendar
j. School Vacations - Summer, 2 wks Christmas, 1 wk Spring, (13 wks/year; ½ vacations = 45.5 days/year, not counting subtraction of NCP's ordinary alternate weekend and mid-week visits and CP's cross visits

*(Effective 1/1/2002)*

**C. TRAVEL EXPENSES FOR VISITATION**

Travel expenses the Court will usually consider in setting child support include, but are not limited to, air travel costs, bus or train travel costs, and automobile travel costs outside the Greater Bay Area, or a comparable distance.

*(Effective 1/1/1998)*