

**SUPERIOR COURT  
OF  
CALIFORNIA  
COUNTY OF  
SAN MATEO**



**LOCAL COURT  
RULES**

**As Amended  
Effective July 1, 2023**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
Hall of Justice and Records  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063**

**DIVISION V  
FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**

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**DIVISION V  
FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**

Rule 5.1      Applicability of Rules

Family law proceedings are governed by the California Rules of Court as supplemented by these local rules of the San Mateo County Superior Court. These rules are intended to provide uniformity of practice and procedure among all departments involved in family law matters. These Rules shall at all times be supplementary and shall be construed and applied so they do not conflict with the California Rules of Court, and any rules adopted by the Judicial Council, and relevant case and statutory law.

Attorneys and self-represented litigants (also known as pro pers) shall comply with all applicable statutes in addition to these local family law rules and the California Rules of Court. Where these rules refer to Superior Court forms, the equivalent Judicial Council forms shall also be accepted.

Self-represented litigants shall be treated in the same manner as if represented by counsel and shall be held to the same standards. All references to counsel in these rules apply equally to self-represented litigants.

***Failure to comply with local rules may result in sanctions under the Superior Court of California, County of San Mateo Local Court Rule 0.2***

(Adopted, effective January 1, 2000)(Amended, effective January 1, 2004)(*Amended, effective July 1, 2023*)

Rule 5.2      Court Locations

The Family Law Department is located at the Court's Southern Division at the Hall of Justice and Records, 400 County Center, Redwood City, California. All Family Law proceedings shall be filed at and shall be heard at the Southern Division in Redwood City, California, unless otherwise order by the Presiding Judge or a designated Supervising Judge pursuant to Local Rule 6.9.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2004; effective January 1, 2013)

Rule 5.3      Matters Heard in Family Law Department

Matters to be heard in the Family Law Department shall include:

- A. All ***requests for orders*** and other family law matters preliminary to trial, all defaults under the Family Code; and all required settlement conferences and trials;
- B. All ***requests for orders and*** orders to show cause relating to enforcement or modifications of family law orders or judgments;
- C. All ***requests for orders*** relating to child custody, support, visitation, or attorney's fees and costs under the Uniform Parentage Act (Family Code §7600 et. seq.) And the Uniform Child Custody Jurisdiction Act (Family code §3400 et. seq.);
- D. All proceedings under the Revised Uniform Reciprocal Enforcement of Support Act (Family Code §4800 et. Seq.);
- E. All applications for restraining orders enjoining domestic violence under the Family Law Act, the Uniform Parentage Act, and the Domestic Violence Prevention Act (Family Code §6800 et. Seq.);

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- F. All family law discovery matters;
- G. All applications for issuance of writs of execution and habeas corpus, or warrants in lieu thereof, in family law cases;
- H. All *requests for orders* for change of venue in family law cases;
- I. All stipulations by the parties for appointment of a referee, private judge, or Special Master pursuant to CCP §638, or alternative dispute resolution, or any request by a party for the court to order a referee or Special Master pursuant to CCP §639.

(Adopted, effective January 1, 2000)(*Amended, effective July 1, 2023*)

Rule 5.4 Case Flow Management

A. Case Assignment: Commencing January 1, 2004 the Family Law Department will operate under a Direct Calendar system. Cases shall be randomly assigned to a Family Law Department. For matters filed prior to the commencement date, the Court in its sole discretion will randomly assign a case to a department upon the filing of the first pleading requiring a hearing, conference, or trial.

1.Exceptions: Cases required to be heard by a Title IV-D commissioner pursuant to Family Code §4251 shall not be subject to random assignment.

2.Applications for restraining orders pursuant to Family Code §6200 et seq. shall be reviewed by various departments and assigned to a judicial officer hearing the Domestic Violence Prevention Act calendar unless there is a pending family law action. If an application for a restraining order arises in a pending case, the matter shall be reviewed by the previously assigned department and heard on the appropriate calendar for that department.

B. Assignment for all purposes: The assigned department shall handle all proceedings in the case, including but not limited to, orders to show cause, ex parte applications, request for orders, law and motion, status, and settlement conferences, and trial. Post-judgment motions for enforcement and/or modification should also be heard in the initial department whenever possible. If the assigned department is disqualified, recuses itself, or there is a change in assignments, the case shall be re-assigned to another Family Law Department. Nothing herein shall be construed to interfere with the power of the supervising family law judge to assign or reassign cases pursuant to California Rules of Court.

C. Notice of Assignment: The clerk of the Court shall provide a Notice of Assignment to the petitioner in a new case filed after January 1, 2004, and to the moving party in a pending case filed prior to the commencement date upon filing of the first pleading requiring a hearing, conference, or trial. The petitioner/moving party must have the respondent/opposing party served with a copy of the Notice of Assignment. A proof of service shall be filed with the Court. The Clerk will place a copy of the Notice of Assignment in the Court file.

D. Challenges to the Assigned Department: Disqualification of a department is controlled by the “all purpose” provisions of Code of Civil Procedure §170.6 and as such a challenge is considered timely to the judicial officer to whom the case has been assigned if the challenge is exercised by the Petitioner or moving party within ten days of the filing of the Petition for cases filed after the commencement date, and within ten (10) days of the filing of the first pleading requiring a hearing, conference or trial for cases filed prior to the commencement date. The responding party has ten (10) days after service of the Notice of Assignment to assert a challenge under Code of Civil Procedure §170.6.

**E. Cases Assigned to Commissioners:**

1. Except as provided in Code of Civil Procedure § 259, subdivisions (a), (b), (c), (e), (f), and (g), parties are required to stipulate to a commissioner hearing a matter acting as a temporary judge pursuant to California Constitution, Article VI §§ 21 and 22 and Code of Civil Procedure § 259(d).
2. When a case is assigned to a commissioner, Local Form AD-10, *Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes* is available to the parties and shall be filed before the first hearing. The refusal of a party to stipulate to a commissioner will result in the reassignment of the case to a judge and the hearing may be continued to another date.
3. Child Support Commissioner: In cases where a party refuses to stipulate to a commissioner hearing a Title IV-D governmental child support case, the commissioner will proceed to make findings of fact and a recommended order subject to ratification by a judge pursuant to Family Code § 4251 (c).
4. In order to avoid the undue consumption of judicial resources and to minimize inconvenience to the litigants, parties are strongly advised to file with the court and serve on all parties either a *Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes* (Local Form AD-10) or a written objection to the assignment of a commissioner acting as a temporary judge, at least five court days before the first scheduled hearing.

#### F. Consolidated Cases

If the court consolidates a case, the case of broader jurisdiction, or the lower family law case number, (if the cases are of equal jurisdiction) shall be designated as the lead case and originals of all papers thereafter filed shall be placed in the lead case file (California Rules of Court, Rule 3.350). Any hearing date in any case other than the lead case shall be vacated and reset, and all future hearing dates will be noticed under the lead case number.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2003) (Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007)(Amended, effective January 1, 2009) (Amended, effective July 1, 2012)(Amended, effective January 1, 2017)

#### **Rule 5.4.1 Informal Discovery Conferences in Family Law Proceedings**

***(a) Informal Discovery Conference. In all family law proceedings as defined by CRC Rule 5.2(b)(3), parties are encouraged to hold an Informal Discovery Conference with the Court prior to filing a motion to compel or any other discovery motion. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.***

***(b) Permissive Informal Discovery Conference with Third Parties. Informal Discovery Conferences are permitted for discovery disputes with non-parties as well, pursuant to the same procedures described below.***

***(c) Conducted by Family Law Commissioner. Informal Discovery Conferences will be scheduled with and conducted by the Family Law Commissioner. As an Informal Discovery Conference does not involve the adjudication of any issue of disputed law or fact by the Family Law Commissioner, Code of Civil Procedure Section 170.6 does not apply. The outcome of an Informal Discovery Conference does not bar a party from subsequently filing a discovery motion or prejudice the disposition of a discovery motion.***

***(d) Remote Only. Informal Discovery Conferences in family law cases are conducted remote only by Zoom, and are not recorded by any party and are not reported by any court reporter.***

***(e) Request for Informal Discovery Conference.***

***(i) To request an Informal Discovery Conference, counsel must contact the Department of the Family Law Commissioner by email which email must be contemporaneously copied to counsel for all parties to the action and any self-represented parties. Prior to making a request with the department, counsel shall obtain the consent of opposing counsel in writing to engage in an Informal Discovery Conference. Any party requesting an Informal Discovery Conference shall identify the case name and number, the name of the party requesting the Informal Discovery Conference, the date and time reserved by that party for the Informal Discovery Conference, and the estimated length of the IDC session.***

***(ii) To reserve a date and time for the Informal Discovery Conference, the requesting party shall consult Family Law Direct Calendar of the Family Law Commissioner on the Court's website at [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov), and request in the email (under subsection (e)(i) above) an IDC session for a date that is, at least, ten calendar days, but no later than 29 calendar days, from the date of the request for Informal Discovery Conference.***

***(f) Tolling of Deadline to File Motion. By agreeing to engage in an Informal Discovery Conference, parties agree that the time for bringing any motion to compel or other discovery motion is tolled, starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motions. Tolling shall be automatically lifted upon completion of the Informal Discovery Conference; and the time in which to bring a discovery motion shall continue to run thereafter, unless otherwise agreed by the parties in writing, or unless otherwise agreed by the parties at the Informal Discovery Conference and placed in the Court's Minutes including an affirmative waiver of the statutory requirement that it be in writing.***

***(g) Email Correspondence Detailing Discovery Dispute.***

***(i) Within five (5) calendar days of the initial email request to the Court for an Informal Discovery Request, the disputing parties shall, jointly or separately, email correspondence to the department email address for the Family Law Commissioner, and contemporaneously to all parties, an electronic letter of no more than five (5) pages, without attachments, summarizing the discovery dispute(s). It shall include on the first line (i) the case name and number, (ii) the date and time reserved by the parties for the Informal Discovery Conference, and (iii) the estimated length of the IDC session.***

***(ii) Failure to timely provide the Court with email correspondence summarizing the discovery dispute(s) may, and likely will, result in the Informal Discovery Conference being vacated/cancelled, and tolling of the time to file and serve any discovery motion will cease.***

***(h) Statutory Declaration Waived. The Court waives the statutory requirement for the parties involved in the discovery dispute to file "meet and confer" declarations pursuant to Code of Civil Procedure Sections 2016.040 or 2016.080(b) prior to the Informal Discovery Conference. The dispute will be addressed by the e-correspondence method/procedure set forth above; and the parties are requested not to file any such declarations unless and until the Informal Discovery Conference is unsuccessful and a formal discovery motion is subsequently filed.***

***(i) Email Requirements.***

***(i) All communications to the department email address for the Family Law Commissioner must include in the header “subject line” the Case Number and Name of Case (e.g., 19FAM06543 Smith v. Jones).***

***(ii) All correspondence regarding any Informal Discovery Conference, such as IDC letter briefs, requests to take matters off calendar, and requests for rescheduling, shall be submitted electronically, rather than paper, to the department email address for the Family Law Commissioner. All electronic correspondence must be sent in at least 12-point type. The email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Family Law Commissioner.***

***(iii) Communications to the department’s email address are not part of the official court files; and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.***

***(j) Authorization of Family Law Commissioner.***

***(i) Good cause appearing, the Family Law Commissioner may, and is authorized to, continue the Informal Discovery Conference, or schedule further proceedings on the same discovery disputes via Informal Discovery Conference. The Family Law Commissioner shall enter minutes in the family law case docket indicating that an Informal Discovery Conference was held, the date held, the counsel and parties attending, and whether or not all discovery disputes were resolved.***

***(ii) If a party to a discovery dispute is notified of the Informal Discovery Conference and fails to appear, the Family Law Commissioner may, and is authorized to, reschedule or cancel the Informal Discovery Conference, or issue an Order to Show Cause Re: Sanctions for failure to appear.***

***(k) Motion if Unresolved Discovery Disputes. If any discovery dispute is not resolved following the Informal Discovery Conference, any party may proceed to file and calendar hearing on a motion to compel or other discovery motion in the department of the Family Law Judge assigned to that case***

***(Adopted, effective July 1, 2023)***

**Rule 5.5 Alternative Dispute Resolution**

A. ADR Policy: California Rules of Court and the Family Law Act strongly encourage alternative dispute resolution (ADR) of family matters. The Family Law Department recognizes that formal litigation of legal claims and disputes is expensive and time consuming. The goals of this Court are: to reduce hostilities between the parties; facilitate the early resolution of issues; and provide parties with an opportunity to maximize their satisfaction with the resolution of their case. It is therefore the policy of this Court to promote and encourage the parties to settle their disputes by the use of appropriate dispute resolution options which include mediation, arbitration, collaborative law, court supervised settlement conferences and/or judicial case management.

B. Requirements for filing and service of the Notice of ADR Options In Family Law Actions: Each party to a family law action shall be informed of the alternatives to litigation to resolve their disputed issues. Notice shall be in the form of an information sheet entitled “Notice of ADR Options” (hereinafter “Notice”) (see Local Court form FL-02). All parties and counsel shall file and have the Notice served on the other party with any Petition or Response under the Family Law Act or Uniform Parentage Act, Request for Order, Responsive Declaration to Request for Order, or other family law pleading which will result in a court hearing or trial, unless a Notice has previously been filed within the past 180 days. A Proof of Service shall be filed with the Court.

(1) Exceptions: This rule shall not apply to domestic violence cases filed under Family Code 6200 et seq., nor to Title IV-D child support actions involving the Department of Child Support pursuant to Family Code §§17400 and 17406 and/or those actions filed by the local child support agency pursuant to Family Code §4900 et seq. This rule shall not apply to Motions to Withdraw or to matters pending before a private judge. The Notice shall not be served on an employee pension benefit plan.

C. Except for temporary emergency court orders or an initial Request for Order filed with a Petition, no hearing or trial date shall be set by the Clerk of the Court until the moving party has complied with filing and service of the Notice as set forth in this Rule.

D. The Court's ADR program shall maintain a list of attorneys who possess the qualifications related to this Rule.

E. The Court has existing procedures in adherence to California Rules of Court, Rule 5.420.

(Adopted, effective January 1, 2000) (Renumbered (*formerly Rule 5.4(c)*)) and Amended, effective January 1, 2004) (Amended, effective July 1, 2004) (Amended, effective January 1, 2010) (Amended, effective July 1, 2012) (Amended, effective July 1, 2013)

#### Rule 5.6 Ex Parte Orders

Please see California Rules of Court (CRC), Rules 5.151, et seq., for procedures governing requests for "Emergency Orders". The following local policies and procedures shall be considered and followed when making a request for emergency orders under CRC 5.151

**A. Court's Policy.** Ex parte applications are strongly disfavored. Orders will be issued thereon only upon a substantial showing of need. The court's policy is to decide ex parte applications solely based upon the affidavits/declarations submitted in favor of, or in opposition to, the applications.

#### **B. Ex Parte Applications.**

1. **Represented Parties.** Applications for ex parte orders in family law matters when there is a pending Family Law case shall be presented to the judge assigned to the case for all purposes through the family law clerk's office at the Hall of Justice and Records in Redwood City. When there is no pending Family Law case, the application shall be submitted to the Family Law Clerk's office and will be assigned a department by the Family Law Supervising Judge for review and determination.

2. **Self-Represented Parties.** Self-Represented parties seeking an ex parte order are strongly encouraged to present their papers to the Family Law Facilitator's office for review prior to submission to the assigned department. After review of the Ex Parte papers by the Family Law Facilitator's office, the self-represented party will be directed to the Family Law Clerk's Office to file their Ex Parte papers and for assignment by the Family Law Supervising Judge to a department for review and determination.

3. **Filing Fees.** All parties are required to pay all applicable filing fees associated with filing Ex Parte Applications as required by law, unless the party has obtained a Fee Waiver Order. The filing fee must be paid prior to the application being presented to the appropriate Department for review and determination.

**C. Exceptions to the Notice Requirements.** Requests for the following types of ex parte relief do not require notice to the opposing party or the opposing party's counsel:



1. Signature of an order or judgment for which opposing counsel has approved or agreed not to oppose entry;
2. Signature of an order or judgment after default proceedings;
3. Wage and earning assignment orders for support orders made on or after July 1, 1990 (Family Code §5230). Earning assignment orders may be granted ex parte for support orders made on or after July 1, 1990 by submitting the assignment order separately or with the underlying support order or judgment.
4. Ex parte assignment orders for arrearages accrued under any support order may be requested by completing a detailed declaration and calculation, signed under penalty of perjury, setting forth the month to month accrual of amounts paid and unpaid. Ex parte assignment orders for arrearages are granted without prejudice to subsequent attack by a motion to quash.
5. Orders to locate prepared by the Department of Child Support Services.
6. Order for the restoration of a former name.
7. Order for payment through the Department of Child Support Services.
8. Request for a child protective services report for a minor child requested by Family Court Services.

**D. Application for Ex Parte Temporary Custody Order.** In addition to those requirements set forth in Rule 5.151(d)(5), California Rules of Court, a party requesting an ex parte custody order shall include information on any existing custody order(s) and the status of any previous related referrals to any law enforcement agency or child protective services in their supporting affidavit/declaration.

**E. Order Shortening Time for Hearing and/or Deposition.** When a request for an order shortening time for hearing and/or taking of a deposition is granted, time for service may be shortened up to two court days before the hearing date and five calendar days before the taking of a deposition.

**F. Stay Away From Residence Orders.** Ex parte residence exclusion orders will not be issued unless there is a clear showing, under Family Code §6321. The showing must include a full description of the most recent instance(s) of actual assault, or threats to assault, disposition towards violence, substance abuse or other such facts, and shall specify the date of each occurrence.

**G. Exclusive Use of Vehicle.** An ex parte order granting exclusive use of a vehicle ordinarily will not be granted unless the declaration demonstrates a true emergency and specific facts to support the order, including a discussion of the relative hardships to the parties and a compelling need for the order. Whenever possible, any request for orders with respect to a vehicle should include the year, make and license number of the vehicle.

**H. Set Aside of Ex Parte Order.** If a responding party requests an ex parte order to be set aside prior to the date set for hearing, notice shall be given to the moving party. The court may order an earlier hearing date or modify the orders on a proper showing in lieu of setting aside the orders.

(Adopted, effective January 1, 2000) (Renumbered (*formerly* 5.5) and Amended, effective January 1, 2004) (Amended, effective January 1, 2008) (Amended section E, effective July 1, 2008) (Amended, effective January 1, 2012) (Amended, effective January 1, 2013)(Amended, effective July 1, 2013)(Amended, Effective January 1, 2016)

Rule 5.6.1 Request for Emergency Orders (REPEALED)

(Adopted, effective January 1, 2013) (REPEALED, effective July 1, 2013)

Rule 5.7 Request for Orders, Order to Show Cause, and Notice of Motion

A. Moving and Responsive Papers

- 1 Moving and Responsive Papers – See California Rules of Court, Rules 5.90 through 5.94
2. Courtesy Copies of Moving and Responsive Papers: Counsel and parties are advised to bring a courtesy copy of all relevant moving or responsive papers to the hearing. Due to last-minute filings and the volume of business, the court file may be incomplete at the time of the hearing. Courtesy copies are welcomed and encouraged. Parties shall check with individual departments that will be hearing the motion for preferences regarding providing hard copies, email, or facsimilies and the time frame within which to provide the courtesy copies.
3. Family Court Services Information Sheet: When filing a Request for Order regarding custody or visitation, whether disputed or not, the moving party must also complete a Family Court Services Information Sheet. (See Local Court form FCS-04 ) This is not to be filed with the court, rather submitted to Family Court Services at the time of the scheduled appointment.
4. Post-Judgment Request for Order: Service of post-judgment Request for Orders shall be pursuant to Family Code §215. However, Family Code §215 shall not apply to on-going matters where a judgment of dissolution of status has been entered, but further judgment on reserved issues is pending. [See CRC 5.92(A)(1)(6)(B)].

B. Initial Calendaring: All motions and Orders to Show Cause shall be initially set on the law and motion calendar of the assigned family law department. The initial hearing date shall be assigned by the clerk's office at the time the matter is filed. Approximate setting dates are available on the updated clerk's office hotline at (650)261-5018 and may be requested on a messenger slip or other memorandum addressed to the clerk.

If temporary restraining orders pursuant to the Domestic Violence Prevention Act have been granted pending a hearing, the Clerk must set the hearing date within 25 days of the filing date. When mediation (child custody recommending counseling) at Family Court Services is required in these cases, the hearing will be calendared within 25 days of the filing date, but hearing on the custody and visitation aspects of the case may be continued to another setting unless a Family Court Services appointment is available at least 5 court days prior to the hearing.

C. Time Limits: Hearings on the law and motion calendar are limited to 20 minutes and are subject to further time limitations to accommodate the court's calendar. The time limit includes presentation of the case and reading of the file by the Court.

D. Transfer of a Matter Exceeding 20 minutes:

1. Transfer At Initial Hearing: If at the time of the first calendar appearance the court determines that the hearing in the matter will exceed 20 minutes in length, the matter may be continued by the Court to a Short Cause calendar in the assigned department.
2. Transfer Prior to Initial Hearing: If, after service of the Order to Show Cause, Notice of Motion, or Request for Order, but before the hearing date, both counsel and/or self-represented parties agree

that the hearing of a matter will exceed 20 minutes, the matter may be transferred by the courtroom clerk in the assigned department to a Short Cause Calendar.

E. Continuances: A request for a continuance should be made at the earliest possible time prior to the hearing, except as otherwise noted in rule 5.113(f) of the California Rules of Court. A request by the moving party for continuance at the time of the hearing may be looked upon with disfavor and in the absence of good cause, may be denied. Once a matter has been set for hearing, no more than two continuances shall be granted unless good cause is shown. Absent good cause, if a case is not ready to proceed to hearing on the date established as a result of the second continuance the court may take the matter off calendar. Once approved, counsel should advise the assigned department of the continuance at the earliest possible date prior to the hearing.

1. Stipulated continuances prior to hearing: Requests for continuances should be directed to the clerk's office via facsimile, email or in person, no later than 12:00 Noon the court day before the scheduled hearing. If timely made, the Clerk will grant the continuance provided that:
  - a. proper service was effected;
  - b. the requesting party represents that all parties have agreed to a continuance;
  - c. all parties have agreed to continue the matter to a specific date which is provided to the Clerk at the time of the request (counsel and parties are reminded that available dates may be obtained from the court's hotline (650) 261-5018);
  - d. the parties send written confirmation to the Clerk by letter or using local court form "Stipulation and Order Re: Continuance"; and
  - e. the proper fees have been paid or arrangements for payment have been made.
2. An appearance is required for stipulated continuances made after 12 Noon the court day prior to the hearing. Stipulated continuances may be obtained from the courtroom clerk in the assigned department before the calendar call. The court may also grant stipulated continuances at the calendar call. Parties may submit the local court form "Stipulation and Order Re: Continuance" to request a continuance.
3. Continuances of Orders to Show Cause re: Contempt must be requested in open court (with the citee present), or obtained by written stipulation including a signed consent by the citee to the continuance. The stipulation shall be filed with the court at or before the time set for the original hearing. If the citee does not appear, upon request, a bench warrant will normally be issued and held until the new date to retain jurisdiction.

F. Conduct of Hearings:

1. Meet and Confer Requirements: Once responsive papers have been filed, the moving party shall contact the opposing party prior to the scheduled hearing and arrange to meet and confer (personally or by telephone) prior to the hearing. All parties and counsel are to make good faith efforts to resolve the issues pending before the court, and to inspect documents and exchange information so that issues may be resolved, facts agreed to by stipulation, and those issues remaining for determination be clearly delineated and expeditiously presented to the court at the time of the hearing. Failure to comply with the meet and confer requirements in good faith may result in the award of attorney's fees and/or sanctions against the non-cooperating counsel or party. The inability of counsel to get along or communicate effectively is not an excuse for failure to meet and confer. The professional obligation of counsel to meet and confer in an effort to resolve disputes is an obligation owed to clients, the court, witnesses, children, and other litigants. This rule does not apply to harassment or domestic violence matters (See Rule 5.98 of the California Rules of Court).

2. Calendar Calls: The calendar for each session shall begin promptly at the appointed time and place designated on the notice of hearing. The supervising judge of the Family Law Department may change the times for calendar calls and notice thereof will be published in the legal newspapers in the county and/or posted outside the affected courtrooms. The Court allows for remote appearances by way of Zoom Audio/Video for certain family law calendars and hearing types. Please refer to the Calendar Appearance Requirement Matrix, on the court's website ([www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov)) for specific details as to which calendars allow remote appearances. For those calendars where remote appearances are permitted, appearances by video are strongly preferred; audio-only appearances, through the video vendor, currently Zoom, are permitted only if video is completely unavailable. However, in all evidentiary hearings where a party or witness is appearing remotely, video is required. Any attorney or party joining the Zoom meeting after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing. The Court will provide a telephone number on the website ([www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov)) for litigants and attorneys to obtain assistance regarding remote appearances. The telephone line will be open 30 minutes before the start of a court hearing and will remain open for the duration of the court session.

3. Nonappearance at calendar call: If there is no appearance within 15 minutes of the calendared time for the hearing, the matter may be ordered off calendar or may be heard as an uncontested matter in the court's discretion. Counsel who will be engaged elsewhere at the calendar call or have an unavoidable conflict in another department should advise opposing counsel at the earliest possible time prior to the hearing. Counsel should notify the department(s) they will be appearing before, and request the court's accommodation and/or calendar priority prior to the calendar call at the check-in with the courtroom clerk. The court strongly discourages counsel from scheduling appearances in more than one department per calendar call. If unavoidable, every reasonable effort should be made to reschedule one of the hearings.

4. If parties and/or counsel wish to conduct settlement negotiations on the day of the hearing, they shall notify the courtroom clerk prior to the calendar call at the time of the check-in. After so informing the clerk, neither the parties nor counsel need be present when the calendar is called, and the matter will remain on calendar. If a case is settled after the calendar is called but before the hearing, counsel should so inform the courtroom clerk and every effort will be made to place the stipulation on the record before the court hears the remaining contested matters provided there is sufficient time. Counsel should not state that a case is settled if any issues are remaining for court adjudication. It is the duty of counsel to periodically inform the court of the status of the settlement negotiations and to ascertain that sufficient time remains to hear the matter if settlement is not reached.

5. Matters are frequently continued to another date at the time of the hearing or conference. Counsel are advised to bring their calendars to court if they wish the court to take into consideration prior commitments. The court will not allow counsel to postpone setting a future court appearance because they lack immediate knowledge of their calendar.

6. At the time the calendar is called it is the duty of counsel to give the court accurate time estimates for the presentation of the entire matter. Failure to do so may result in the hearing being interrupted, continued, or ultimately concluded at the end of the calendar.

7. Manner of Presentation: Participants shall present Orders to Show Cause, Request for Orders, and motions in the following order:

- a. Announce appearance; and,
- b. Clearly state ALL contested issues; and,

- c. Recite any stipulated matters for approval of opposing counsel, the parties and the court; and,
- d. Briefly present argument on each contested issue including a specific recommended solution Participants shall not interrupt the opposing side's presentation, other than with valid evidentiary objections, and shall direct all remarks to the court.

8. Once the court has rendered its decision, participants shall not attempt to reargue the case. It is, however, acceptable to question the court in order to clarify a ruling or correct an obvious mistake of fact.

G. Evidence at Hearing: Presentation of testimony at the hearing is dictated by the provisions of Family Law Code section 217 and any rules of court adopted by the Judicial Council regarding implementation of Family Code section 217 (i.e. rule 5.111 of the California Rules of Court (declarations) and rule 5.113 of the California Rules of Court (live testimony)).

H. Award of Attorney's Fees and Costs: If liquid community assets exist, an award of attorney's fees and costs will generally be made from this source. If no liquid community assets exist, the court will generally award attorney's fees and costs to those persons who are unable to bear their own fees and costs. Each party should be aware that an award of attorney's fees and/or costs under Family Code sections 2030 and 2032 is generally subject to a need and ability analysis. Absent unusual circumstances, it is highly unlikely the court will order any party to pay 100% of the other party's attorney's fees and costs. Each party should expect to bear a significant portion of his/her own attorney's fees and costs even after a need/ability analysis. An award against a party may, if requested, be made in the nature of non-taxable spousal support payable by wage assignment. The court will require the repayment of a retainer where the party awarded the attorney's fees was compelled to borrow the retainer, and the community or the paying party has the ability to repay the loan.

When awarding attorney's fees in enforcement actions, including contempt, the court will be governed by Family Code §3557.

Any time fees or costs are at issue, pursuant to Family Code, section 2030 both parties shall submit a *fully completed* income and expense declaration. (Emphasis added).

I. TEMPORARY SPOUSAL SUPPORT FORMULA. Temporary spousal 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. In the event there is child support, temporary spousal support is calculated on the net income not allocated to child support and/or child-related expenses.

(Adopted, effective January 1, 2000)(Amended and renumbered (*formerly Rule 5.6*), effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2010)(Amended, effective July 1, 2010) (Amended, effective July 1, 2011) (Amended, effective July 1, 2012) Amended, effective July 1, 2013) (Amended, effective January 1, 2014) (Amended, effective January 1, 2023)

#### Rule 5.7.1 Tentative Rulings for Requests for Orders, Orders to Show Cause, and Notices of Motion

(Adopted, effective July 1, 2018) (REPEALED, effective July 1, 2023)

#### Rule 5.8 Trial Setting, Status Conference, and Mandatory Settlement Conference Rules

A. Purpose: The purposes of these rules are to: ensure that contested Family Law matters are thoroughly prepared and expeditiously processed; foster the informal exchange of information and cooperation between counsel and parties; avoid using the trial itself as a vehicle for what should be pre-trial discovery and settlement procedures; and encourage the consideration and use of appropriate dispute resolution options.

B. Trials – Please refer to Rule 5.393 of the California Rules of Court.

C. Status Conference:

1. Date set upon filing: Except as set forth in paragraph 2 below, every case for dissolution of marriage, nullity, or legal separation filed after the effective date of this rule will be assigned a Status Conference with the assigned judicial department on a date and time to be provided by the court upon filing of a Response. The Conference will be set in the assigned department approximately 120 days from the filing of the Response unless counsel or self-represented parties request that the Status Conference be held earlier, a judgment has been entered, or a dismissal has been filed. The court will serve a copy of the Notice of Assignment and Status Conference on the parties when the Conference is set.

2. If the parties to a case for dissolution of marriage, nullity, or legal separation elect to resolve their matter using the collaborative law process (also referred to as collaborative practice) or mediation, then they may defer the setting of a Status Conference provided they file a Stipulation and Order to Defer Setting of Status Conference (see Local Court form FL-13). Thereafter, if upon termination of the collaborative law process or mediation, either party wishes to set a Status Conference, s/he shall do so by filing a Request to Set Status Conference (see Local Court form FL-14).

3. On request of either party or on the Court’s own motion, the court may set any other matter for a Status Conference.

4. Required Statement: At least 5 days prior to the initial Status Conference the parties shall file with the court and serve on all other parties a completed Status Conference Statement (see Local Court form FL-03) a copy of which is available at the clerk’s office or through the court’s website: [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov). The parties may elect to file a jointly prepared Status Conference Statement.

5. Participation at Conference: Unless otherwise excused by the court, counsel for each party and each self-represented party appearing in the action shall attend the Status Conference, shall have filed the required statement and shall be familiar with the case and be fully prepared to discuss all matters raised by the pleadings including a timetable for resolution which may include those actions described below in subdivision 5. The court may, after reviewing the timely filed Status Conference Statement determine that appearances at the conference is not necessary. If such appearance is not required, the court will notify counsel and any self-represented parties that no appearance is required.

6. Actions and orders: At the Status Conference, provided that the parties have stipulated and when legally required, the court shall take appropriate action and make orders consistent with the policy of prompt case resolution. Such actions may include but are not limited to the following:

- a. Set the case for trial and/or mandatory settlement conference;
- b. Schedule the case for a further status conference;
- c. Bifurcate issues for trial;
- d. Consolidate cases;
- e. Set or reset the hearing of law and motions matters;
- f. Set a date for the exchange of Declaration of Disclosure information;
- g. Limit, schedule, or expedite discovery matters;
- h. Set a date for the exchange of expert witness information;
- i. Refer the case for mediation, arbitration or another ADR method;
- j. Require filing of preliminary stipulations where the issues can be narrowed;
- k. Dismiss the action in whole or in part;

- l. Impose sanctions;
- m. Refer the parties to local family law resources or ancillary services;
- n. Order counsel or parties to engage in and report back on meet and confer discussions;
- o. Review case management options under Family Code section 2451 with counsel and self-represented parties;
- p. Appoint an expert, referee or special master and allocate expenses or set a hearing thereon;
- q. Refer to Family Court Services for child custody recommending counseling;
- r. Appoint a Special Master pursuant to Code of Civil Procedure section 639 and California Rules of Court, Rules 3.900-3.910;
- s. Appoint counsel for a minor;
- t. Order an evaluation pursuant to Family Code section 3111 or by a psychologist under Evidence Code section 730;
- u. Any other orders the court deems appropriate for the expeditious resolution of the case.

7. Continuances: Each party may request one continuance from the assigned department at least 15 calendar days prior to the scheduled conference date. Additional continuances may be requested for good cause. Good cause may consist of, but is not limited to, a showing that significant progress has been made toward a resolution of the case through settlement, mediation, collaborative law, and/or reconciliation. Both counsel and parties must agree that the status conference should be continued.

8. Sanctions: *Upon notice and opportunity to be heard*, the court may impose sanctions if a Status Conference Statement is not timely filed and served, a Status Conference Statement is not fully completed, a party or his/her attorney fails to appear, an attorney or self-represented party is not fully prepared to discuss the case or lacks the authority to discuss and resolve any issues that arise at the conference including but not limited to discovery matters and the setting of subsequent court dates.

9. The matter may not be set for trial until the judicial officer conducting the Status Conference deems the matter ready for a Mandatory Settlement Conference and/or trial.

10. Judges Pro Tem: Experienced family law attorneys may be assigned as judges pro tem to assist the parties and counsel in reaching a settlement. (It is not necessary for a party to stipulate to a judge pro tem at settlement conferences unless there is a request for stipulations to be placed on the record.) Parties are required to participate in meaningful settlement discussions and attempt to resolve as many trial issues as possible. The supervising judge and any judge or commissioner not otherwise engaged may be available for additional assistance, including making orders for sanctions requested by either party.

#### D. Mandatory Settlement Conferences (MSC)

1. Calendaring: No long cause case will be tried until the parties participate in a Mandatory Settlement Conference (“MSC”). A Mandatory Settlement Conference is available on short cause matters by stipulation and court order. The date for the MSC will be set at the final status conference by the clerk of the assigned department. Additional Mandatory Settlement Conferences may be held on the joint request of the parties or on order of the Court.

Counsel shall call the clerk of the assigned department at least 5 court days in advance of the MSC to confirm that the MSC will go forward or to request a continuance. An MSC will only be continued for good cause. No continuances shall be granted on the day of the scheduled conference. Failure to comply will result in monetary sanctions.

2. **Meet and Confer Requirement:** Counsel shall meet and confer either in person or by telephone at least seven (7) court days before the day of the MSC to resolve as many issues as possible and to specify those matters to be litigated. Results of the conference shall be included in the Mandatory Settlement Conference Statement. Failure to comply with these requirements shall subject offending counsel to monetary sanctions.

3. **Mandatory Settlement Conference (MSC) Statement:** Both parties shall prepare a Mandatory Settlement Conference Statement and, if support or fees are at issue, a current income and expense declaration, and shall serve a copy of each on opposing counsel and the assigned judge in such a manner as to assure they are received no later than 12 noon 5 court days prior to the MSC. (If that falls on a Monday, which is a court holiday, then the preceding Friday is viewed as the appropriate date.) Both parties shall state with specificity their good faith proposal for the disposition of each contested issue. Counsel should adhere to the format set forth in the “Mandatory Settlement Conference Statement Format” (see Appendix 1). A settlement brief may be attached. Copies of the following documents shall be brought to the MSC if an unresolved issue requires their production (these documents are not to be attached to the Mandatory Settlement Conference Statement):

- a. All real and personal property appraisals and pension plan evaluations. If no written demand to cross-examine the appraiser is made within ten (10) days after the Mandatory Settlement Conference, or five (5) court days prior to trial, whichever occurs first, the appraisal shall be deemed to have been stipulated as admissible in evidence without a foundation and without the appearance of the appraiser.
- b. If a party proposes an immediate award of the full community interest of a pension plan, then that party must obtain an actuarial or other appropriate and relevant valuation of the plan. The valuation should be requested sufficiently in advance so that the written evaluation is available at the conference.
- c. Bank, credit union, savings account balances and statements of balances of other liquid accounts, as of the date of separation and relevant dates thereafter.
- d. Promissory notes, deeds, and other documents of title or major debt, bills from creditors, and negotiated bank checks.
- e. An itemization of all furniture, furnishings, appliances, utensils, and all other personal property with the party’s best estimate of value of each item, unless the parties previously have agreed to some division of these items, or unless an appraisal of these items is included.
- f. A statement from the carrier of the cash value of a whole life insurance policy.
- g. Copies of the relevant blue book pages for all vehicles whose value is at issue.

4. **Attendance:** Absent a court order allowing a party to appear telephonically, both parties and their counsel of record must personally attend the MSC and be prepared to conduct a meaningful settlement conference. Each attorney attending the MSC shall have a thorough knowledge of the evidence and shall be prepared to discuss the facts and law pertaining to all issues then pending and to be resolved at trial.

5. **Sanctions:** The trial judge may consider the reasonableness of each party’s prior settlement position in awarding attorney’s fees and costs pursuant to Family Code §271. Failure to appear or participate in the MSC or to comply with the exchange of information as required by these Rules will result in sanctions.

6. **Setting for Trial:** Cases shall be set for trial according to Local Rule 5.8 (E) and (F) at the conclusion of the conference where settlement was not reached on all issues.

E. Short Cause Trials



1. Short cause trials are any evidentiary hearings of up to 2.5 hours including time for the judge to review the file, read the trial briefs, conduct chambers conferences and issue a ruling. Cases may be assigned to a department's Short Cause trial calendar by court order from the law and motion calendar or at the conclusion of a status or settlement conference that did not fully resolve all pending issues. A trial date will not be set except by the assigned department after determination is made that subsequent conferences would not settle the case. Cases that exceed the estimated time for hearing may be mis-tried by the trial judge and set for a status or Mandatory Settlement conference with a revised time estimate, continued, or dismissed from the trial calendar
2. Continuances: One stipulated continuance of a short cause trial may be granted by phone with 24 hours' notice, or in open court. No more than one continuance shall be granted without court order and for good cause shown. If a case is not ready to proceed to hearing on the date established as a result of the continuance, the court shall, absent good cause shown, take the matter off calendar.
3. Occasionally, temporary judges will be available to hear short cause cases when the assigned judicial officer is absent. These temporary judges will be experienced family law attorneys who have been approved by the supervising judge of the Family Law Department and/or the presiding judge. If a case is assigned to a temporary judge, litigants will be asked by the clerk in the assigned trial department to sign a stipulation consenting to that temporary judge. If consent to a temporary judge is not obtained, the case shall be referred to the Supervising Family Law Judge for assignment that day to an available judicial officer or continued to a convenient date on another calendar.
4. Counsel shall meet and confer either in person or by telephone at least 7 calendar days before the day of the trial to resolve as many issues as possible and to specify those matters to be litigated. Failure to comply with these requirements shall subject offending counsel to monetary sanctions.
5. If custody or visitation is in issue at the time of the trial, the parties shall meet with Family Court Services before trial. The meeting shall be scheduled sufficiently in advance of the trial to allow time for the counselor to prepare and file a recommendation, at least 5 calendar days before the scheduled trial date.
6. Mandatory Short Cause Statements (see Local Court Form FL-12): Counsel shall prepare a short cause trial statement and, if financial matters are at issue, an income and expense declaration. Completion and filing of a Mandatory Settlement Conference statement shall satisfy the requirements of this section. The originals of these documents and income and expense declaration shall be filed with the family law clerk's office and copies served on the opposing party not later than 5 calendar days before the Mandatory Settlement Conference or trial date whichever comes first. Failure to timely serve and file the trial statement shall subject the offending counsel to sanctions.
7. Memorandum of Points and Authorities: When a case involves complex or novel points of law or the California Rules of Court require it, the parties shall file legal points and authorities along with their short cause trial statement.

F. Long Cause Trials

1. A long cause trial is defined as any trial estimated to require more than 2.5 hours (Rule 5.393 of the California Rules of Court).
2. Trial Setting: A trial date will not be set except by the assigned department after the Mandatory Settlement Conference has occurred and a determination made that no further settlement conferences will settle the case. The trial date will be set a reasonable time after the last settlement conference.

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3. Continuances: Trials may only be continued by the supervising judge or assigned trial judge. Normally continuances are only granted in extraordinary circumstances (which do not include a change of counsel).

4. Trial Preparation: The rules governing trial preparation are set forth in the “Long Cause Trial Rules Checklist” (see Appendix “2”).

5. Trial Briefs: Trial briefs are required. If a case involves complex or novel points of law or otherwise required by California Rules of Court, the trial brief shall include legal points and authorities. The format of the trial brief is left to each attorney’s discretion. Trial briefs shall be exchanged as set forth in Appendix “2” (See Rule 5.394 of the California Rules of Court).

(Adopted, effective January 1, 2004) (Amended, effective January 1, 2005)  
(Amended, effective July 1, 2005) (Amended, effective January 1, 2007)  
(Amended, effective January 1, 2008) (Amended, effective January 1, 2009)  
(Amended, effective January 1, 2010) (Amended, effective July 1, 2012) (Amended, effective July 1, 2013)(Amended, effective January 1, 2016) (*Amended, effective July 1, 2023*)

Rule 5.9 Long Cause Trials

( Adopted, effective January 1, 2000)(Repealed and incorporated into New Rule 5.8, effective January 1, 2004)

Rule 5.9 Judgment by Default or Uncontested Hearing

Please refer to Rules 5.401 through 5.415 of the California Rules of Court.

(Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.13), and Amended, effective January 1, 2004)(Amended, effective July 1, 2013)

Rule 5.10 Family Support Division Matters

( Adopted, effective January 1, 2000)( Renumbered as Rule 5.12 and Amended, effective January 1, 2004)

Rule 5.10 Preparation of Orders After Hearing and Judgments

A. For orders after hearing, reference Rule 5.125 of the California Rules of Court and note paragraph B. below. For judgments, reference Rules 3.1590(h) – (l), 5.260, and 5.401 of the California Rules of Court.

B. The party preparing the order or judgment shall ensure that at least two lines of text appear on the page upon which the judge’s signature is affixed. No text may appear after the judge’s signature.

( Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.14) and amended, effective January 1, 2004)  
(Amended, effective July 1, 2013) (Amended, effective January 1, 2015)

Rule 5.11 Family Court Services

(Adopted, effective January 1, 2000) (Renumbered as Rule 5.13, effective January 1, 2004)

Rule 5.11 Declarations of Disclosure and Financial Information to be Provided

A. Declarations of Disclosure: All preliminary declarations of disclosure (“DOD”) shall be prepared and served in compliance with Family Code §§ 2103 and 2104.

All final DOD's shall be prepared and served in compliance with Family Code §2105, unless mutually waived in compliance with Family Code §2105(d).

Pursuant to Family Code § 2106, absent good cause, no judgment regarding the parties' property rights shall be entered without each party executing and serving their respective DOD and filing their respective proof of service of the DOD. "Good cause" may be established by a declaration signed under penalty of perjury, stating sufficient supporting facts or at a court hearing.

**B. Financial Information:** The following rules apply to all Family Law proceedings where any financial matter is at issue, including any request for child support, spousal support, family support, or attorneys fees and/or costs. The parties must completely disclose all relevant financial information to each other and the court whenever a financial matter is at issue.

1. **Completed Income and Expense Declaration:** A case may not be heard unless current Income and Expense Declarations have been completed by each side, filed with the court, and served on the opposing party. An Income and Expense Declaration is current if it is executed within 60 days of the hearing. If a previously filed Income and Expense Declaration is claimed to be current, a copy must be attached to the moving or responding papers. However, in no event will an Income and Expense Declaration executed more than 6 months prior to the hearing be sufficient. All applicable blanks on the form must be completed (notations such as "not applicable," "none," "estimated," or "unknown" should be used where appropriate. Supplemental, updated, or responsive Income and Expense Declarations shall be served at least five court days before the hearing. The court may impose sanctions as permitted by law, or dismiss the matter, if delay results from the failure of either party to comply with these requirements.

2. The Income and Expense Declarations shall be deemed to be received in evidence at the hearing, subject to amendment and cross-examination. Examinations on matters covered by the Income and Expense Declaration will be heard only under exceptional circumstances within the court's discretion and normally will be limited to testimony regarding unusual items not adequately explained in the Declaration itself.

3. **Required Supplemental Information:**

- a. Wage earners must attach three most recent pay stubs for all jobs and their most recent W-2 and/or 1099 forms to all Income and Expense Declarations.
- b. If self-employed, a party must provide a profit and loss statement, financial statement or other schedule reflecting all compensation received by that party for the year to date and for the prior year. All gross self-employment income and all business expenses must clearly be identified and itemized.
- c. Rental income received by a party (including from roommates) must be disclosed in a summary document reflecting all rental receipts, deposits, reimbursements, and expenses for the current year to date and for the prior year.
- d. If a party is unemployed, a declaration must describe previous employment, gross and net income derived there from, reasons for termination of employment and the current efforts undertaken by the party to seek work.
- e. If there are other income producing household members, a declaration must specify: their income(s), the household member(s) relationship to the party, their contribution(s) to household expenses, and any financial arrangement between the party and that household member(s).
- f. If the other party's income is unknown, a declaration must include the following information if known: prior employment history including employer's name, position(s) held, duration of employment, earnings, and reason for termination of

- employment; educational background and degrees; licenses held; age; health; and any other supported children.
  - g. If a party is disabled, that party should submit documentation of and a declaration including the following information: nature of the disability and how long it is expected to continue; type of disability benefits received; monthly amount of benefits received; duration of benefits received; whether or not the disabled party has applied for benefits for a child.
  - h. If a party is receiving retirement benefits, that party must submit documentation of and a declaration that specifies the type of retirement benefit(s) received and the amount being received from each benefit.
  - i. If a party is incarcerated this fact must be disclosed on a declaration including the place of incarceration and the expected date of release, if known.
  - j. The section on attorney's fees and costs must be full completed including the hourly rate, even if attorney's fees have not been requested, along with the amount of fees and costs paid to date and fees and costs outstanding.
  - k. If a party has or will receive bonuses, a schedule of bonuses, setting forth the amount and date of the most recent bonus, the date on which the next bonus is expected to be received, and the amount of the next bonus (if known) must be provided.
  - l. If a party receives overtime, a declaration must include a statement of overtime and a description of the frequency of overtime if the receipt varies.
  - m. When requesting add-ons to child support, the moving party must specify the actual amount of each add-on expense that is being requested (if known) and documentary proof that the expense is being incurred.
  - n. A party receiving public assistance benefits shall disclose that fact, including the appropriate aid and/or Department of Child Support Services identification or file number, in the appropriate section of the Income and Expense Declaration.
4. Tax returns and forms: When child, spousal, or family support has been requested a party may require the opposing party to provide income tax return forms and schedules pursuant to Family Code §3552. The request should be made no later than 5 court days prior to the hearing and the documents produced no later than 2 court days prior to the hearing. The type of income and documents that may be requested are:
- a. Salaried or hourly employees: a copy of the party's W-2 form for the prior year.
  - b. Self-employment or independent contractor income: a copy of the Schedule C and all depreciation schedules of that party's IRS 1040 or 1040A forms from the most recent federal income tax return filed.
  - c. An owner or owner/employee of a corporation: copies of the Schedule 1120 and 1125 and all depreciation schedule of that party's IRS 1040 or 1040A forms from the most recent federal income tax return filed.
  - d. An individual with income derived from a partnership: the K-1 most recent statement(s) and IRS form 1065 for each partnership from the most recent federal income tax return filed.
  - e. The recipient of rental income: copies of the Schedule E form attached to that party's IRS 1040 or 1040A form and all depreciation schedules from the most recent federal income tax return filed.
  - f. The recipient of dividend of interest income: copies of all 1099 forms for the prior year and a copy of Schedule B of that party's IRS 1040 or 1040A form from the most recent federal income tax return filed.
- C. Child Support Proceedings: all stipulations regarding child support shall include a support calculation such as DissoMaster or SupportTax printout.

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1. If the stipulated amount falls below guideline as set forth in the attached calculation the following language must be included, except where either of the parties or children is receiving public assistance:
  - a. The parties are fully informed of their rights concerning child support;
  - b. The order is being agreed to without coercion or duress;
  - c. The agreement is in the best interest of the child(ren);
  - d. The needs of the child(ren) will be adequately met by the stipulated amount; and
  - e. The right to support has not been assigned to any county pursuant to Welfare and Institutions Code §11477 and no public assistance application is pending.
2. If the stipulated amount is above guideline, language must be included that the parties understand that a change of circumstances is required to modify the amount downward, unless the stipulated amount indicates a change of circumstance is not required.

( Adopted January 1, 2000) (Renumbered (formerly Rule 5.7, and Amended, effective January 1, 2004)

Rule 5.12 Appointment of Counsel for Child

(Adopted, effective January 1,2000) (Renumbered as Rule 5.14, amended, effective January 1, 2004)

Rule 5.12 Department of Child Support Services

- A. All matters involving the Department of Child Support Services shall be heard and set on the Child Support Services (DCSS) calendar. All domestic relations matters involving the Department of Child Support Services shall be heard at the Hall of Justice, 400 County Center, Redwood City unless the Department has provided a written waiver.
- B. The DCSS calendars are set at either 9:00 a.m. or 2:00 p.m. Parties are required to meet and confer with representative(s) at the Department of Child Support Services office, 555 County Center, 2<sup>nd</sup> Floor, Redwood City, no later than one (1) hour prior to the calendar call, unless otherwise ordered by the Court. A party making a telephone appearance may meet and confer with DCSS telephonically.
- C. When the County of San Mateo is providing public assistance benefits to a custodial parent pursuant to Welfare and Institutions Code §11477, the San Mateo County Department of Child Support Services is an indispensable party to any action involving child support. The party seeking establishment, modification or enforcement of a child support order shall give the Child Support Agency written notice as required by case law. [See In re Marriage of Mena (1989) 212 Cal. App. Ed 12 and In re Marriage of Lugo (1985) 170 Cal. App. 3d 427.] Upon a showing that adequate notice was given to the Child Support Agency, the action may be heard despite the absence of a representative from the Child Support Agency's office.
- D. All orders involving the Department of Child Support Services shall include the following provisions:
  1. All payments shall be made by wage assignment payable to the California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067;
  2. The Payor must provide the Department of Child Support Services with their date of birth, social security number, income information, employer's name, employer's address, and residential address.
  3. The Payor must notify the Department of Child Support Services in writing with 48 hours of any change of address, income or employment.
  4. The Payor shall provide health insurance for the child/children in the action, if available at no or reasonable cost through their employment.

5. The Payor shall provide documentation showing proof of health insurance coverage to the Department of Child Support Services within 48 hours.
- E. The parties may use the Department of Child Support Services case number to litigate issues of child custody and visitation.

(Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.10) and amended, effective January 1, 2004) (Amended, effective January 1, 2013)

### Rule 5.13 Family Court Services

A. **Mediation Required:** Whenever custody or visitation are in dispute, the parties are required by Family Code §3170 to participate in court ordered mandatory mediation with either Family Court Services or a private mediator retained by the parties. Family Court Services (FCS) provides mediation also called “child custody recommending counseling” without charge to help parties resolve disagreements about the care of their child(ren). The child custody recommending counselor will meet with both parties in mediation to help them make a parenting plan. If the parties are unable to reach an agreement, the child custody recommending counselor will give a written recommendation about the parenting plan to the court.

B. **Location of Family Court Services**

1. Family Court Services is located on the 6th floor of the Hall of Justice and Records, 400 County Center, Redwood City, California. Phone number: 650 261-5080.
2. **Setting an appointment with Family Court Services:** If a Request for Order concerns custody or visitation and FCS mediation also called “child custody recommending counseling” appears necessary, the moving party, or their attorney, must contact FCS the first court day after the moving papers are filed and served to schedule an appointment. If the responding party determines that a custody or visitation dispute exists, which is not set forth in the moving papers, the responding party is responsible for scheduling the earliest possible FCS appointment and promptly **notifying** the moving party of the time and date for the meeting. (Providing the requested relief is available pursuant to Family Code section 213).
3. **Parent Orientation Workshop:** All parties filing a Request for Order related to custody and visitation of minor children are required to complete a parent orientation workshop prior to their FCS appointment. Parties can meet this requirement by:
  - a) Viewing the Orientation and Parent Handbook online at [www.sanmateo.courts.ca.gov/fcs](http://www.sanmateo.courts.ca.gov/fcs). Parties are required to bring their certificate of completion to their appointment.
  - b) The Parent Orientation Workshop is offered online as a convenience to the parties. However, if due to disability or language barrier a party needs to request an accommodation, they may call FCS at 650-261-5080. Any party with limited computer access may call FCS at 650-261-5080 for a list of options to access the online Parent Orientation Workshop at a Court or community location.
4. **Failure to Appear at Family Court Services Appointment:** Family Court Services will impose a fine of \$100 on a party who receives reasonable notice of the appointment at FCS and fails to appear without good cause or who cancels within two court business days of the appointment. The Court may order additional sanctions.
5. **Submitting Information Sheet to Family Court Services:** At or before the appointment with FCS, each party must submit a completed Information Sheet. Blank Information Sheets may be obtained at [www.sanmateo.courts.ca.gov/forms-filing](http://www.sanmateo.courts.ca.gov/forms-filing). If a party is appearing by telephone, an Information Sheet may be obtained online and the completed form must be received by FCS prior to

the appointment. Filed-endorsed moving papers, responsive papers, and/or declarations signed under penalty of perjury which have not yet been scanned by the clerk's office may be provided to FCS at the time of the appointment by the parties or their attorney. Absent a court order to the contrary, FCS will not accept these documents unless they have been served on the opposing party or their attorney. FCS may request and review further documents submitted by either party if the counselor, at the counselor's sole discretion, determines them relevant.

6. Remote Appointments: Family Court Services has the discretion to set remote video, telephone, or in-person appointments in accordance with departmental policies. It is the responsibility of each party not appearing in person to join the remote video session and/or place the telephone call to FCS at the time of the appointment (i.e., FCS does not call the parties).

7. Initial Meeting: The assignment of child custody recommending counselors is an administrative function of Family Court Services. Cases are equitably distributed amongst staff on a rotational basis according to availability, except by specific order of the court. Other than a statutorily authorized support person, only parents shall attend the appointment, unless requested by the court or FCS counselor. The parties' attorneys do not participate in the session. If the recommending counselor wants to interview the child(ren), or other relevant persons, the counselor will arrange for such interviews after the initial meeting.

8. Subsequent Appointments: Unless a review appointment is requested by the Court or the recommending counselor, parties may not set an appointment with Family Court Services sooner than twelve (12) months after their last session. In general, it is the policy of Family Court Services to assign the parties the same counselor in order to provide for continuity of services.

9. Complaints and Requests to Change Counselors (pursuant to Family Code 3163):
- a) All requests for a change of recommending counselor and/or formal complaints shall be in writing. The Client Comment Policy and Complaint Form is available online at [www.sanmateo.courts.ca.gov/forms-filing](http://www.sanmateo.courts.ca.gov/forms-filing) or by contacting the Family Court Services office at (650) 261-5080.
  - b) Comments about the FCS process, complaints, and/or requests to change counselors shall be directed to the Manager of Family Court Services and should be made at the earliest possible time after the appointment, but in no event later than 10 calendar days after the report.
  - c) A peremptory challenge of a counselor is not allowed.
  - d) No change of counselor requests will be granted unless there is substantial showing that the counselor is biased or prejudiced against one of the parties or is unable to render a fair and impartial recommendation.
  - e) A courtesy copy of the Complaint Form shall be provided to the other parent by Family Court Services. The other parent may submit a written response.
  - f) The Manager shall review the request and shall advise the parties of the decision in writing. The Manager's decision is final.

10. Meeting separately: If there is a restraining order, the parties will be seen separately during the same session. A party who alleges under penalty of perjury that they have been a victim of domestic violence may request to meet separately even though there is no current restraining order. Protected parties or parties who allege domestic violence may have a support person in the session. The support person must be at least 18 years of age and cannot be the attorney of record for either party. The

support person must sign a FCS form agreeing to keep the session confidential. The support person is for emotional support and is not present to speak or offer comments during the session, nor to offer advice to the parent. If the support person is disruptive to the session, the counselor will exclude the support person.

11. **Involvement of a Child in the Process:** As part of the recommendation process, minors are occasionally interviewed by FCS. Parents should not bring children to appointments unless specifically requested by the recommending counselor or Court. In general, children are interviewed by the counselor without the parents present. Family Court Services does not provide the type of parent-child interaction/attachment assessment that is included in a private child custody evaluation. Beyond minor interviews with FCS, a child's participation in Family Court is governed by Family Code §3042 and related California Rules of Court, see Rule 5.250 of the California Rules of Court. As such, a counselor will inform the court if they have information indicating that a child in a pending matter wishes to address the court.

12. **Family Court Services Recommendation:** If the parties were unable during the mediation to reach an agreement the child custody recommending counselor will submit a written recommendation about the parenting plan and the reasons for the recommendation to the parties, their attorneys and the court. The court will consider the recommendation at the time of the hearing and will make a final determination about custody and visitation. A party has the right to cross-examine the counselor during the hearing. A subpoena is required to ensure attendance of the counselor, and fees shall be submitted in advance to Family Court Services in accordance with Government Code § 68097.2.

13. **Reports and Recommendations:** Reports received from FCS or other mental health professionals shall be maintained in the confidential portion of the civil file.

14. **Confidentiality of Reports:** Family Court Services Report to the Court shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to whom the court expressly grants access by written order made with prior notice to all parties. Except for the section of the report labeled "Recommendations" or "Agreements" the report should never be attached to any pleadings made part of the Court file. Minors should not have access to the report.

Anyone receiving the child custody recommending counselor's report shall not give copies of, or parts of the report to anyone who is not authorized by statute or the court. These reports usually contain sensitive information and shall not be used to cause unnecessary embarrassment or harm to the parties but shall be handled in a responsible, confidential manner for purposes limited to the litigation. The court reserves the right to impose appropriate sanctions upon any person who violates this rule.

Family Court Services proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the child custody recommending counselor made in the proceeding are official information, and FCS staff will not release information about the case to any individual except as authorized by the Court or statute.

If any person subpoenas or otherwise attempts to obtain confidential case information, FCS staff will be deemed to have asserted the privilege for official information, and said information will not be provided without an order of the court.

**C. Court Ordered Private Child Custody Evaluations:**

1. Court appointed evaluators shall abide by the requirements of Rules 5.220 through 5.230 of the California Rules of Court.



2. No peremptory challenge to a Court appointed evaluator is allowed.
3. Evaluators may petition to withdraw from a case by submitting a request in writing to the court and mailing copies to the counsel for the parties. The request shall include the reason for the request and a status report on any action taken by the evaluator appointed to the case.
4. Grievance Procedure: A complaint regarding the performance of a Court appointed Child Custody Evaluator may be addressed to the appropriate professional licensing board and/or, in the case of a party, through a Request for Order and/or Motion before the judge making the appointment. The judge who made the appointment will determine the appropriate response to a complaint about the Evaluator's performance. The Court's decision concerning the removal or retention of a Court appointed Child Custody Evaluator is independent of any action taken by any applicable professional licensing board. If the Evaluator is listed on the court's resource list that include evaluators, the judge receiving the complaint may refer the matter to the Supervising Judge of the Family Law Division for further action concerning removal or retention of the Evaluator on the list.
5. Notwithstanding Rule 5.235 of the California Rules of Court, the evaluator may initiate an ex parte communication with the court to define the scope, process and methods of the evaluation when authorized by the order appointing the evaluator.
6. All child custody and visitation evaluations shall be ordered by the court and evaluators will be appointed under Evidence Code Section 730.
7. A copy of the appointment of the evaluator under Evidence Code Section 730 will be made available to the court assigned evaluator. A court ordered evaluation may be limited in scope to the issues identified by the court.
8. Any evaluation based on interviews with only one parent shall not include a recommendation regarding custody.
9. Payment of the Evaluation: The court will order payment of the evaluation at the time of the appointment.
10. Any court ordered child custody evaluation shall be submitted to the court and counselor for the parties not less than ten (10) days before the hearing or trial.

(Adopted, effective January 1, 2000)(Renumbered (formerly 5.11) and Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective July 1, 2010) (Amended, effective January 1, 2011).(Amended, effective January 1, 2012) (Amended, effective January 1, 2013) (Amended, effective July 1, 2013) (Amended, effective January 1, 2014)(Amended, effective January 1, 2016) (Amended, effective July 1, 2018) (Amended, effective January 1, 2020.) (Amended, effective July 1, 2021).

**Rule 5.14 Appointment of Counsel for Child**

- A. Reference Rules 5.240 through 5.242 of the California Rules of Court.
- B. Upon appointment of counsel for a child, the judge shall designate who shall contact the attorney and determine his or her availability. Once the attorney has agreed to accept the appointment, an order of appointment of counsel for minor shall be prepared, filed and served upon the appointed counsel, counsel for the parties or unrepresented parties. Should the appointed counsel be unavailable for any reason, this information shall be reported to the clerk of the judge making that appointment and another appointment shall be made.

C. No judicial officer shall appoint counsel for a minor and authorize the payment for services of said counsel to be made without the prior approval of the supervising judge of the Family Law Department.

D. Payment for Court appointed counsel services (Fam.C. sections 3150 & 3153, Rules 5.240 & 241 of the California Rules of Court(CRC) )

1. Payment by Party(ies). If the Court determines that the party(ies) has/have the ability to pay all or a portion of the appointed counsel's compensation, the Court must state the rate of compensation and the manner of payment as provided for in CRC, rule 5.241. Failure of the party(ies) to pay pursuant to the Order may result in legal action by the appointed counsel under CRC 5.241(c)(3).

2. Payment by the Court.

a. If the Court determines that the party(ies) is/are unable to pay all or a part of the appointed counsel's compensation or if counsel is appointed to represent a child under CRC 5.241(c)(2), the Court will compensate counsel for his/her services.

b. If during the course of the proceedings or after counsel is relieved as attorney of record the court may redetermine the party(ies) ability to pay for counsel's services (CRC 5.241(b)(3).

c. Court appointed counsel under this section must follow the Court's invoice processing procedures as set forth in Local Form FL-024 that is attached as an addendum to the Order Appointing Counsel.

d. All invoices for services shall be submitted immediately to the judicial officer appointed for your case or their designee, upon the conclusion of the billed for event, but in any case not less than on a quarterly basis (by January 6, April 6, July 5 or October 5, or the next court business day) for services performed during the previous quarter.

( Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.12) and amended, effective January 1, 2004)(Amended, effective July 1, 2013)

#### Rule 5.14.1 Complaint Procedure for Court Appointed Counsel

A. 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 that must be delivered to the courtroom clerk for the Supervising Judge of the Family Law Court and is served on all counsel and self-represented parties in the action. The Supervising Judge of the Family Law Division shall respond to the complaint, either by setting the matter for hearing or by issuing a written response. In the event that the judicial officer, who appointed counsel to represent the minor, is the sitting Family Law Supervising Judge, the complaint will still be served as required herein but the matter will be referred to the Court's Presiding Judge for review.

B. The written complaint shall include the case name, number, the name of the judicial officer assigned to the case, and the name of the minor's counsel along with their address, phone number and State Bar number. The complaint shall be as specific as possible regarding the alleged inadequacies or behaviors which give rise to the complaint. A copy of the complaint must also be served on all counsel and self-represented parties.

C. The Family Law Supervising Judge shall have the discretion to investigate and respond to the complaint directly or set the matter for hearing.. The Court shall respond to the complaint within 60 days of receipt of the complaint. The Family Law Supervising Judge or Presiding Judge, when appropriate, will then take whatever steps he or she deems appropriate with respect to the complaint.

(Adopted, effective July 1, 2011)

Rule 5.15 Family Law Facilitator's Duties

A. Pursuant to Family Code Section 10000 et seq., the San Mateo County Superior Court shall maintain an office of the Family Law Facilitator. Services provided by the Family Law Facilitator shall include, but are not limited to:

1. Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child support and spousal support in the courts;
2. Distributing necessary court forms and voluntary declarations of paternity;
3. Providing assistance in completing forms;
4. Preparing support schedules based upon statutory guidelines; and
5. Providing referrals to the local child support agency, family court services, and other community agencies and resources that provide services for parents and children.

B. Provided that they have adequate staffing, time, funding and available resources, the Family Law Facilitator may:

1. Meet with parties to assist in resolution of issues of child support, spousal support, and maintenance of health insurance, subject to Family Code §10012
2. Draft stipulations on any issues agreed to by the parties.
3. Prior to or at the hearing, and at the request of the court, review the paperwork, examine documents, prepare support schedules, and advise the judge whether the matter is ready to proceed;
4. Assist the clerk in maintaining records;
5. Prepare formal orders after hearing where both parties are self-represented.

C. Self-represented parties (pro pers) in family law cases are encouraged to meet with the Family Law Facilitator located at the Hall of Justice and Records, 400 County Center, Redwood City, California or at 1050 Mission Road, South San Francisco, California prior to filing any documents or pleadings with the Court. If the matter to be addressed is child and/or spousal support, parties shall bring with them the following documents to their meeting with the Family Law Facilitator:

1. Three (3) recent wage stubs
2. The last IRS Form 1040, 1040A or 1040EZ
3. Filed, completed Income and Expense Declarations, and
4. Receipts for childcare and medical expenses.

If a party is self-employed, that party shall bring:

1. His/her most recent tax return,
2. Quarterly profit and loss statements,
3. Financial statements for the past 12 months; and
4. Proof of reasonable and necessary expenses of the business for the past 12 months.

D. Pursuant to Family Code Section 10013, the Family Law Facilitator shall not represent any party. No attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator. The absence of an attorney-client relationship means that communications between the party and the family law facilitator are not privileged and that the family law facilitator may provide services to the other party. Pursuant to CRC 5.430(f), if for reasons other than the services previously provided through the Family Law Facilitator's office, the facilitator deems himself or herself disqualified or biased, the Family Law Facilitator's office will follow their conflict protocol to provide the customer with options for assistance.

E. Pursuant to CRC 5.430(g), feedback regarding the Family Law Facilitator's Office may be submitted on the Customer Feedback Form. This form is available on the Court's website or in-person at the Family Law Facilitator's Office. All positive comments, complaints, and suggestions will be reviewed by the supervisor and/or the Managing Attorney.

(Adopted, effective January 1, 2000)(Amended, effective January 1, 2004) (Amended, effective January 1, 2020.)

Rule 5.16 Coordination Of Court Proceedings And Sharing Of Case Information Involving Minors

A. Coordination and Determination of Forum.

It is the policy of the Superior Court to identify and coordinate proceedings involving the same minor which may be scheduled in multiple legal settings. It is further the policy of the Superior Court to coordinate the efforts of the different court divisions so that the minor's needs are served and the resources of the family and the court are not wasted. To these ends, the Superior Court and the agencies serving the court shall establish policies and procedures for the Human Services Agency's Department of Children & Family Services ("DCFS"), Family Court Services, ("FCS"), the Probate Court investigators ("PCI"), and, Juvenile Probation Officers ("JPO"), Victims of Violent Crimes Unit of the District Attorney's Office ("VC") and the Family Law Facilitators ("FLF"), to exchange information and to determine the most appropriate forum for the resolution of the issues relating to the minor. The Juvenile Mediation Program ("JMP") staff and/or mediators shall be an included recipient of such information when a minor and/or his/her family has been referred to the program.

B. Confidentiality of Minor's Information.

All recipients of information described in section A above shall respect its confidentiality and not disclose it to unauthorized third parties or use it for any purpose other than to determine the most appropriate forum or services for the minor and the minor's family. This protocol shall be read to be consistent with WIC §827 & §204, Pen. C. §11167.5, Family C. §3111, Probate C. §1514.5, Evidence C. § 1115-1126, WI C. §350, California Rules of Court Rule 5.518 and all other statutes governing confidentiality of information relating to reports of child abuse or neglect. In the event of any conflict over the interpretation of this protocol, the interpretation most consistent with the policy reflected in those statutory provisions shall prevail.

(Adopted, effective July 1, 2007) (Amended, effective July 1, 2012)

Rule 5.16.1 Information Sharing Protocol Between And Among The Court And Department Of Children & Family Court Services (DCFS), Family Court Services (FCS), Probate Court Investigators (PCI), Family Law Facilitator (FLF), District Attorney's Violent Crime Unit (VC), And Juvenile Probation Officers (JPO) Staff.

A. Each agency staff person may orally, or in writing, disclose to each of the other respective agency staff, the following information:

1. Whether a child or his/her parents or caretaker(s) are or have been the subject of a child abuse, neglect, probate, criminal or delinquency investigation, regardless of whether or not that investigation resulted in a petition being filed. The findings and status of that investigation, the recommendations made or anticipated to be made by the respective agency, regardless of whether or not that investigation resulted in a petition being filed. The progress of the proceedings while under court supervision including compliance with court orders, and a copy of any court order in existence as well as probation conditions with respect to the child, parent(s) or caretaker(s).

2. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon on the issue of the best interest of that child, or a sibling or half-sibling living with or visiting with that child, who is involved in a pending Family, or Probate Court matter. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon the issue of the child's dependency or delinquency or any disposition in the dependency or delinquency proceedings.

- B. Any information received in under Section “A” above shall be kept in the confidential portion of the Family Court Services case file.
- C. Exchange of Documents.
1. The respective agencies may provide written documents to each other, unless otherwise restricted under Family Code §3025.5. The documents may include, but are not limited to, relevant portions of investigation notes, progress notes and summaries, information regarding the health status of the minor, any documentation relative to paternity and court reports containing information described in “A.1” and “A.2” above.
  2. Child abuse and neglect reports described by Penal Code Section 11167.5 (Suspected Child Abuse Report form #S-8572), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order.
  3. Copies of Department of Children Family Services (DCFS) or Juvenile Probation Office (JPO) documents, used by Family Court Services(FCS), or Probate Court Investigator (PCI) shall not be attached to their respective court reports and shall not be made available to the public without a juvenile court order.
- D. Designation of Staff for Information Access. FCS and PCI will designate an appropriate staff person to maintain a current list of FCS counselors, facilitators and probate investigators who are authorized to receive information exchanged under this Rule, and periodically distribute this list to DCFS, VC and JPO or whenever there is any change in the make up of those lists.
- E. Family Law Facilitator Information Access Limitation. For purposes of this Rule, the only information that may be disclosed to FLF is whether or not a case is pending in the juvenile court regarding a particular minor, if that case has been terminated, and the information contained in the exit orders.
- F. Information Access by Juvenile Mediation Program. For purposes of this Rule, Juvenile Mediation Program (“JMP”) staff and/or mediators shall be an included recipient of the information set forth above in paragraphs A.1, A.2 and C whenever a minor and/or his/her family has been referred to the program.  
(Adopted, effective July 1, 2007) (Amended, effective January 1, 2008) (Amended, effective July 1, 2012)

Rule 5.16.2 Juvenile Dependency Action Causing Suspension Of Related Proceedings

If a petition pursuant to WIC § 300 is filed in the Juvenile Court, all custody and visitation proceedings in the Family Court, and all guardianship proceedings in the Probate Court, are suspended. Thereafter, consistent with WIC §304, custody and visitation shall be determined by the Juvenile Court until the juvenile case is dismissed. The Child Welfare Worker shall advise the Juvenile Court of the pendency of any Family Court matter, including case number and department, and the Juvenile Court shall advise the Family Court and the Probate Court of the suspension of its jurisdiction by issuing a notice in a form agreed upon by those courts.

(Adopted, effective July 1, 2007)

Rule 5.16.3 Juvenile Court Modification Of Related Non-Juvenile Court Orders

Any restraining order, stay away order or no contact order issued by any non-juvenile division of the Superior Court, other than a criminal court, against a parent or caregiver with respect to a child under the jurisdiction of the Juvenile Court, may be temporarily modified by the Juvenile Court if the Juvenile

Court finds such contact to be in the best interest of the child. Permanent modification of the order may occur after all parties have been noticed and provided an opportunity to be heard. Notice of any temporary or permanent modification shall be given by the Juvenile Court to the court originally issuing the order by providing a copy of the minute order to the originating court. The Juvenile Court's order shall specifically state that it is a modification of the other court division's order.

(Adopted, effective July 1, 2007)

Rule 5.16.4 Juvenile Court Exit Orders

Any exit orders of the Juvenile Court determining custody, visitation or restraining contact over a child who is a dependent or a ward of the court shall be filed in any existing family law, probate or criminal proceeding involving the child and his/her parent or caregiver. If no such file exists in the family law division, then upon the dismissal of dependency or termination of wardship, the Juvenile Court order shall be the basis to open a file. No filing fee shall be required for opening this file.

(Adopted, effective July 1, 2007)

Rule 5.16.5 Family Court Modification Of Juvenile Court Orders

Juvenile court orders establishing custody, visitation, or restraining orders may be modified by petition to the Family Court subsequent to the dismissal of dependency or termination of wardship over a minor. Proceedings to modify or terminate guardianship established through Juvenile Court shall be heard in the Juvenile Court, as required by WIC §366.3(b).

(Adopted, effective July 1, 2007)

**Rule 5.16.6 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.*

*(Adopted, effective July 1, 2023)*

Rule 5.17 Court Ordered Supervised Visitation

1. All person supervising visitation are required to meet the standards outlined in CRC 5.20, including appropriate background checks. To ensure that these standards are met, supervisors are required to file a declaration regarding their qualification as follows.

a. Non-professional visitation supervisors are required to file the Declaration of Supervised Visitation Provider (Nonprofessional) (form FL-324(NP)) prior to serving as a visitation supervisor.

b. Professional visitation providers are required to file Declaration of Supervised Visitation Provider (Professional) (form FL-324(P)), in each case prior to serving as a visitation supervisor for those parties. This form must also be refiled with any reports filed under CRC 5.20(j)(3).

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2. Filed forms FL-324(P) and FL-324(NP) shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to who the court expressly grants access by written order made with prior notice to all parties.

3. Visitation supervisors are encouraged to review the materials available at <https://www.courts.ca.gov/cfcc-accesstovisitation.htm> regarding the role and duties of a supervisor.

(Adopted, effective July 1, 2021).

## APPENDIX "1"

### MANDATORY SETTLEMENT CONFERENCE STATEMENT FORMAT

- I. Background: The Mandatory Settlement Conference Statement shall include the following:
- A. A brief statement of facts: If the parties are married, include the date of marriage, date of separation, whether marital status has been terminated, the age and employment status of each party. If the parties have minor children, specify and the name and age of each minor child and where they reside.
  - B. History of the Proceedings: Summarize prior court proceedings and any temporary orders or stipulations that are in effect;
  - C. Discovery: Provide the date that the Preliminary Declarations of Disclosure were exchanged; the date that the Final Declaration of Disclosure was provided or whether there was a stipulation to waive; and detail any discovery that remains outstanding.
- II. Issues for Trial:
- The Mandatory Settlement Conference Statement should include a discussion of the issue(s) remaining for trial. When applicable, a concise statement for each issue known to be in dispute containing all material facts and relevant law should be provided in the order listed below. If not applicable, counsel shall so designate or use "N/A."
- (A) Separate Property: List of each item of separate property, and include the following information: i) the date it was acquired; ii) the basis upon which it is claimed as separate rather than community property; iii) the current market value; iv) the nature, extent and terms of payment of any encumbrance against the property; and, v) the manner in which title thereto is presently vested.
  - (B) Community Property: List of each item of community property, and include the following information: i) the date it was acquired; ii) the basis upon which it is claimed as community property; iii) the current market value; iv) the nature, extent and terms of payment of any encumbrance against the property; and, v) the manner in which title thereto is presently vested.
  - (C) Funds Held by Others: To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing, or other trust or retirement funds the statement shall fully identify the policy or fund, and include the following information: i) policy, serial or account number; ii) the present values and basis for calculations; iii) all terms or conditions imposed upon withdrawal of such funds. If any loans exist against any of these funds, the details regarding those loans should be set forth.
  - (D) Tracing: If a segregation of community property and separate property interests in a single asset is to be an issue in the case, the statement shall set forth in detail, the dates, values and dollar amounts, the transactions relevant to the tracing issues as well as the basis for computation or proration.
  - (E) Current Obligations: Separately list all debts and obligations of the spouses that are liabilities of the community and, so far as known, debts and obligations that are alleged to be the separate liabilities of the respective spouses. Specify: i) the identity of the creditor; ii) the purpose for which the debt was incurred; iii) the date on which the debt was incurred; iv) the balance currently due; v) terms of payment; and, vi) the security, if any, held by creditor.



(F) Reimbursement: A summary of each party's claims for reimbursement or other charges (e.g. claims under In re Marriage of Epstein, In re Marriage of Watts, or In re Marriage of Jeffries) listing each claimed item by dates, payment amount, and payee.

(G) Current Income and Expenses: Specify and set forth current income and expenses by completing and filing or attaching a financial declaration in the form prescribed by Rule 1285.50 of the California Rules of Court. A previously filed income and expense declaration will not satisfy this rule, unless there has been no change from the most recently filed statement, in which case it shall be attached. Include any relevant attachments as set forth in Rule 5.11.

(H) Proposal for Property Division: Set forth a proposed equal division of community property of the parties. In columnar or accounting form, listing the following: i) fair market value of each asset; ii) Secured obligation(s) against each asset, if any; iii) Net value of each asset; iv) Proposed distribution to each spouse respectively; v) Balance due on each unsecured obligation, vi) Proposed distribution of each unsecured obligation; and vii) Proposed method of equalizing the division of community property.

(I) Conditions about Custody, Visitation and Support: Specify each party's contention as to child custody and visitation and as to the amount and duration of child and spousal support.

(J) Attorney's Fees: If there is a request for attorney's fees, include: i) the compensation agreement with the client; ii) a summary of all fees and costs incurred to date, including the number of hours spent by the attorney, paralegal, and other personnel; iii) the amount already paid; iv) the source of funds for payments; v) counsel's estimate of additional fees and costs to be incurred through trial; and vi) the amount sought to be paid by the adverse party.

**APPENDIX 2  
LONG CAUSE TRIAL RULES CHECKLIST**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number and address).	TELEPHONE AND FAX NOS.	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO 400 Government Center Redwood City, CA 94063</b>		
In re the Marriage of PETITIONER(S)		
RESPONDENT(S)		
<b>LONG CAUSE TRIAL RULES CHECKLIST</b>		CASE NUMBER

- A. SEVEN COURT DAYS OR MORE BEFORE TRIAL**
1. Personally meet and confer with opposing counsel.
  2. Exchange trial briefs
  3. Where support or fees are at issue, exchange Income & Expense Declarations with required attachments.
  4. Exchange list of exhibits (see Local Court form FL-CV-09A) and copies of exhibits.
  5. Exchange list designating non-party witnesses (including name, address and telephone number) (see Local Court form FL-CV-11] and the subject matter each will testify to.
- B. FIVE COURT DAYS BEFORE TRIAL**
1. Confer with opposing counsel telephonically to discuss objections to the exhibits and in limine motions.
  2. If objections to exhibits unresolved, or motion in limine to be filed, schedule appointment for pre-trial conference.
  3. File with the court and serve in limine motions (see Local Court form FL-10]
  4. Arrange with clerk to pre-mark exhibits and file original exhibits.
  5. File trial brief, Income & Expense Declaration and court's copy of the exhibits in trial department.
- C. THREE COURT DAYS BEFORE TRIAL**
1. File with clerk of trial department and opposing counsel a written list of objections to the exhibits (see Local Court form FL-09].
- D. TWO COURT DAYS BEFORE TRIAL**
1. If there are unresolved objections to exhibits or if motions in limine were filed, confer personally with the court through the clerk.
- E. DAY OF TRIAL**
1. All objections to exhibits and motions in limine will be heard and a ruling will be issued.
  2. Each counsel must pay the mandated statutory court reporter fee for each half day of trial.
  3. At the conclusion of each day of trial, the court and counsel shall review the next days' witnesses, examination time and other calendaring issues.