

RULE 9 RULES APPLICABLE TO FAMILY LAW PROCEEDINGS

GENERAL PROVISIONS

9.1 APPLICATION

Except as specifically provided in Sonoma County Local Rules, Rule 9 or otherwise provided in the Sonoma County Superior Court Rules, all provisions of these rules applicable to civil actions generally apply to family law proceedings. To the extent that Sonoma County Local Rules, Rule 9 conflicts with other provisions of these rules, the specific provisions of Rule 9 shall prevail. (Eff. 1/1/1997; Rev. 1/1/2004, 7/1/2010)

9.2 CASE ASSIGNMENT

A. General Case Assignment

All Family Law cases will be assigned to a Family Law department upon the filing of the initial pleading. Exceptions include those cases required to be heard by the Title IV-D commissioner pursuant to Family Code section 4251 and cases filed pursuant to the Domestic Violence Prevention Act, Family Code section 6200 et seq. The assigned department shall continue to hear the case through its course unless the department is disqualified, recuses itself, there is a change in judicial assignments, or the Department of Child Support Services has intervened in the action at which time all pending support-related hearings will be re-calendared to the Child Support Commissioner. If the case must be moved for any of the above reasons, the case shall be re-assigned to another Family Law department.

B. Assignment to a Commissioner or Judge Pro Tempore

1. In some proceedings assigned to a Family Law department the parties may be asked to stipulate that their matter be heard and decided by a commissioner of the Superior Court, acting as a temporary judge pursuant to Code of Civil Procedure section 259, Family Code section 4251, and Sonoma County Local Rules, Rule 12 or by a judge pro tempore acting as a temporary judge of the Superior Court pursuant to appointment under Cal. Rules of Court, Rule 2.831.
2. Where a party refuses to stipulate to a commissioner to act as a temporary judge in hearing and ruling on a motion or Order to Show Cause or any other matter delineated in Code of Civil Procedure section 259, the matter will be heard by the commissioner pursuant to Code of Civil Procedure section 259(e). A judge of the Superior Court will thereafter approve, reject, or change the findings and conclusions of the commissioner. (See Sonoma County Local Rules, rule 12.4.D and Sonoma County form #FL-021).
3. Where a party objects to the child support commissioner pursuant to Family Code section 4251(b), the matter shall be heard over the objection of the party and a recommended order shall be issued pursuant to Family Code section 4251(c). The objecting party shall have 10 days after issuance of the recommended order, to file and serve written objections on all parties.

4. The refusal of a party to stipulate to a commissioner (other than the child support commissioner) acting as a temporary judge for a trial or post-judgment motion or Order to Show Cause will result in a resetting of the matter. (Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2007, 7/1/2007, 7/1/2010, 7/1/2012)

9.3 **SANCTIONS IN RESPECT TO RULES**

A. **In General**

Failure to comply with any of these rules or any of the rules in the California Rules of Court may subject the noncomplying party, the attorney for the noncomplying party, or both, to sanctions pursuant to Code of Civil Procedure sections 575.2, 128.6, and 128.7.

B. **Responsibility**

If a failure to comply with an applicable rule is the responsibility of counsel and not of the party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.

C. **Notice and Procedure**

Sanctions must not be imposed under this rule except upon notice in a party's motion papers or upon the court's own motion after the court has provided notice and an opportunity to be heard. A party's motion for sanctions must (1) set forth the applicable rule that has been violated, (2) describe the specific conduct that is alleged to have violated the rule, and (3) identify the attorney, law firm, party, witness, or other person against whom sanctions are sought. The court on its own motion may issue an order to show cause that shall (1) set forth the applicable rule that has been violated, (2) describe the specific conduct that appears to have violated the rule, and (3) direct the attorney, law firm, party, witness, or other person to show cause why sanctions should not be imposed against them for violation of the rule.

D. **Award of Expenses**

In addition to the sanctions awardable under A., the court may order the person who has violated an applicable rule to pay to the party aggrieved by the violation that party's reasonable expenses, including reasonable attorney fees and costs, incurred in connection with the sanctions motion or the order to show cause.

E. **Order**

An order imposing sanctions must be in writing and must recite in detail the conduct or circumstances justifying the order. (Eff. 1/1/2004; Rev. 7/1/2010)

9.4 **FAMILY LAW FACILITATOR**

A. **Services Provided by the Family Law Facilitator:**

1. Provide educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child and spousal support in the Courts;
2. Provide educational materials and information to parents concerning the process of establishing child custody and parenting plan orders, particularly regarding how custody and parenting plans relate to child support, to the extent that funding is provided.
3. Distribute necessary court forms and voluntary declarations of paternity;
4. Provide assistance in completing forms;
5. Prepare support schedules based upon statutory guidelines;
6. Provide referrals to the local child support agency, Family Court Services, and other community agencies and resources that provide services for parents and children.

B. Additional Services Designated by Local Rule

1. Meet with the litigants to mediate issues of child support, spousal support, and maintenance of health insurance, where at least one of the parties is not represented by an attorney;
2. Draft stipulations and stipulated judgments regarding all Family Law issues, where neither party is represented by an attorney;
3. At the request of the court, prior to or at the Domestic or Child Support Calendar or other hearing, review paperwork, examine documents, prepare support calculations, and advise the judge or commissioner whether or not the matter is ready to proceed;
4. Prepare formal orders consistent with the court's announced orders where neither party is represented by an attorney;
5. Assist and advise the Family Law clerk with procedures and maintenance of records;
6. When requested by the court, serve as a special master and make findings and recommendations to the court, unless the Family Law Facilitator has served as a mediator in that case;
7. When requested by the court, provide the services specified in Family Code section 10004 concerning the issues of child custody and parenting plans as they relate to calculating child support, if funding is provided for that purpose.
8. Assist the court with research and any other responsibilities which will enable the court to be responsive to the needs of unrepresented parties;

9. Develop and provide programs for Bar and Community Outreach that will assist unrepresented and financially disadvantaged parties to gain equal access to the Family Law Court. (Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 7/1/2012)

9.5 COLLABORATIVE LAW CASES

The Sonoma County Superior Court recognizes the unique nature of family law disputes and the fact that family law issues are best resolved by the parties reaching agreement over such critical matters as child custody, support, and property, without engaging in the traditional adversarial litigation process. The Sonoma County Superior Court strongly supports the use of the collaborative law process as well as other alternative dispute resolution tools for the purpose of developing both short-term and long-term workable agreements that meet the best interests of the entire family, particularly the children whose lives will be affected by the resolution.

A. Designation

No case will be entitled to a designation as a “collaborative law” case unless all of the following requirements are met:

1. The parties have signed a collaborative law stipulation and order that provides for a full and candid exchange of information, that advisory counsel shall not subsequently represent either party, and the prohibition for further work on this matter by all experts and other professionals retained for the process, if the use of the collaborative law procedures are terminated.
2. All documents filed in the case are to be submitted by the parties as self-represented parties. Notwithstanding this provision, the attorneys may appear by agreement as counsel of record for the sole purpose of filing a bifurcated judgment regarding status, the final judgment and/or other final documents reflecting the agreement of the parties, upon the entry of which they shall immediately withdraw.
3. No contested matters are presented by a Request for order that require judicial resolution.
4. The term collaborative law case is included in the caption of any document filed with the court from and after the filing of the collaborative law stipulation and order.

B. The collaborative law process is by its very nature, a series of intense settlement negotiations, therefore:

1. Other than as may be agreed in the collaborative law stipulation and order, no evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to the collaborative law proceeding is admissible or subject to discovery, and disclosure of the evidence must not be compelled in any non-criminal proceeding.
2. Other than as may be agreed in the collaborative law stipulation and order, no writing, as defined in Evidence Code section 250 that is prepared for the purpose of, in the course of, or pursuant to a collaborative law case is admissible or subject to discovery, and disclosure of the writing must not be compelled in any non-criminal

proceeding. This does not include documentary items such as account statements, bank statements, records of title, etc., that reflect on the existence and value of the assets or debts.

3. Other than as agreed in the collaborative law stipulation and order, all communications, negotiations or settlement discussions between participants in the course of a collaborative law proceeding must remain confidential.

C. As to any case designated as a collaborative law case, the court will:

1. Consider collaborative counsel to be advisory and not attorneys of record, except as provided in paragraph A.2. of this rule.
2. Refuse to set any hearings, impose discovery deadlines or enter scheduling orders.
3. Give priority in processing of stipulated orders.
4. Waive any requirement for payment of the respondent's first appearance fee with the collaborative law stipulation and order.
5. Provide notice and an opportunity to be heard prior to any dismissal based upon a failure to prosecute or for delay.

D. The designation of a case as a collaborative law case is totally voluntary and requires the agreement of all parties. The collaborative law case designation will be removed upon stipulation or filing and service of a termination election as provided in the collaborative law stipulation and order. In the event collaborative law procedures are terminated, any party filing a Request for Order shall include a request for scheduling of a case management conference prior to the hearing.

E. Except as otherwise provided in this rule, collaborative law cases are governed by the Family Code and the California Rules of Court. (Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2009, 7/1/2010, 1/1/2013)

9.6 APPEARANCE BY TELEPHONE

A. Application

This rule does not limit the operation of Family Code section 4930 or apply to Family Court Services Appointments. To request to appear telephonically for mediation at Family Court Services, refer to Rule 9.13.E(1)(c). This rule does not apply when the Department of Child Support Services is requesting the telephonic appearance on behalf of one of the parties. If Department of Child Support Services is the requesting party, they shall make the request as soon as possible after the request is made of them by the party.

B. General Provision

A party, an attorney, a witness, or a representative of the child support enforcement agency or other governmental agency may request permission of the court to appear by telephone in

any hearing or conference. The Court shall ensure that the appearance of one or more parties by telephone does not result in prejudice to the parties appearing in person.

C. Requests

Absent good cause, request for appearance by telephone shall be made by submitting a separate local form, form #FL-075, to the Family Law Clerk's Office with the moving papers. If the applicant is the responding party, the attorney for the responding party, another party, or a witness, the request must be submitted to the Family Law Clerk's Office no later than (5) five calendar days after the date of service of the moving papers. The request by the responding party shall be served on the other parties.

D. Opposition

Opposition to the application must be made in writing no later than five (5) court days from the submission and service of the application for telephone appearance.

E. Court Order on Application

Application and/or opposition shall be submitted to the judicial assistant for the designated family law judicial officer. All requests and opposition papers must include a day time telephone number and a fax number, if available, for notification purposes. The court will rule on the application at least (5) five court days before the hearing. If the application is not contested and the court has not ruled on the application by that time, the application is deemed granted. If opposition is filed, the parties will be notified of the judicial officer's decision at least 48 hours before the hearing.

If a litigant's request to appear telephonically is denied less than (5) five days before the hearing, the litigant shall have the right to a continuance in order to make travel arrangements to attend the hearing.

The determination as to whether a party may appear by telephone shall be made by the court on a case-by-case basis. At any time before or during a proceeding or hearing, the court may determine that a personal appearance would materially assist it in deciding the proceeding or hearing and order the matter continued.

F. Costs

The party appearing by telephone will be required to pay a fee directly to the vendor who provides the telephonic appearance services. The fee may be waived if an Order Granting Fee Waiver has been issued by the court within the prior six (6) months of the date of the telephonic appearance. (Eff. 7/1/2005; Rev. 7/1/2007, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; 1/1/2012. 7/1/2012)

9.7 ACCEPTANCE OF HANDWRITTEN PLEADINGS

The Judges of the Superior Court recognize that improving the public's access to the Courts is a high priority. Litigants may submit handwritten pleadings in blue or black ink that are neat and legible. The Clerk's Office will accept handwritten pleadings in blue or black ink that are neat and legible from litigants. The judicial officer and/or Clerk's Office have the discretion to reject

handwritten pleadings that are not neat or legible. (Eff. 1/1/1997; Rev. 7/1/2005, 7/1/2009, 7/1/2010)

9.8 LIMITED LEGAL REPRESENTATION

If representation by an attorney is limited in scope, Judicial Council form, Notice of Limited Scope Representation (Judicial Council form FL-950) specifying the scope of the representation, shall be filed with the court . All communications and notices relating to the limited purpose shall be made or sent to all attorneys of record and self-represented parties. When the task specified in the Notice of Limited Scope Representation has been completed, the attorney shall file a Substitution of Attorney-Civil (Judicial Council Form MC-050) or proceed pursuant to Cal. Rules of Court, rule 5.71. (Eff. 1/1/2003; Rev. 7/1/2005, 1/1/2007, 7/1/2009, 7/1/2010)

9.9 DOCUMENTS NOT TO BE FILED WITH THE COURT

In family law cases only, notices of unavailability shall not be filed with the court. (Eff. 1/1/05; Rev. 7/1/05, 7/1/09; Retracted 7/1/10; Reinstated 7/1/11)

CASE FLOW PROVISIONS

9.10 EXCHANGE OF PRELIMINARY DECLARATIONS OF DISCLOSURE

The petitioner shall serve the other party with the preliminary declaration of disclosure either concurrently with the petition for dissolution, or within 60 days of filing the petition. The respondent shall serve the other party with the preliminary declaration of disclosure either concurrently with the response to the petition, or within 60 days of filing the response.

These specified time periods may be extended by written agreement of the parties or by court order. (Eff. 7/1/2009; Rev. 7/1/2010; Revised and Renumbered 7/1/2011 (Formerly Rule 9.9), Rev. 7/1/12.)

9.11 CASE RESOLUTION CONFERENCE

Upon the filing of a petition for dissolution, legal separation, nullity, or parentage the court will issue a Notice of Case Resolution Conference and calendar the conference 180 days after the filing of the petition. The petitioner shall serve the Notice of Case Resolution Conference on the respondent with the summons and petition and any other initial papers to be served with the summons and petition.

A Case Resolution Conference shall continue to be calendared at reasonable intervals until a judgment on all issues has been filed.

A. Purpose:

The purpose of the Case Resolution Conference is to evaluate the case, review the status of temporary orders and discovery, identify issues that need to be resolved, and implement a plan for case resolution.

At the Case Resolution Conference, the court may:

- Provide early neutral case evaluation;
- Suggest Alternative Dispute Resolution;
- Bifurcate issues and set these issues for trial;
- Make special referrals such as co-parent counseling;
- Order completion of Declarations of Disclosure if they have not been timely exchanged pursuant to Rule 9.10;
- Limit, schedule or expedite discovery, including disclosure of expert witnesses
- Appoint joint experts upon stipulation of the parties and order allocation of payment for experts;
- File stipulations the parties reach on temporary issues or that narrow the other issues;
- Schedule a hearing on issues that are critical to the progress of the case; for example, appointment of minor's counsel, appointment of experts;
- Order a Settlement Conference;
- Set the case on a dismissal calendar for failure to serve (CCP 583.210) or failure to adjudicate (CCP 583.310);
- Review other case management options under Family Code section 2451 with counsel, their clients and self represented parties;
- Take such other actions and make orders regarding case flow management which would tend to promote a just and efficient disposition of the case.

B. Case Resolution Conference Statement (FL072)

At least ten (10) calendar days prior to the Case Resolution Conference, each party shall file with the court and serve on the other party a Case Resolution Conference Statement (FL072). Failure to file and serve the Case Resolution Conference Statement may result in sanctions. If a party has submitted a request to reset and it has been denied the court shall set a date for submission of the Case Resolution Conference statement in the order denying the reset.

C. Appearances

Self-represented parties and attorneys of record must appear at the Case Resolution Conference unless excused by the Court. Represented parties do not need to appear if his/her attorney of record appears on his/her behalf, unless the party received notice from the other party that his/her appearance is required. Notice of a request for appearance shall be served 10 days prior to the Case Resolution Conference. Notice shall be given by

serving form FL-072 and checking the applicable box. If the Department of Child Support Services is a party to the action, their appearance is not required unless requested by the Court. Failure to appear at the Case Resolution Conference may result in sanctions.

D. Requests to Reset/Advance/Set Case Resolution Conference:

The parties or their attorneys, if any, - may request a resetting of the Case Resolution Conference by submitting a Request to Reset/Advance/Set Case Resolution Conference (FL-092). The request must be submitted at least five (5) calendar days prior to the Case Resolution Conference.

Cases will not be set for a Case Resolution Conference if one is currently scheduled. Parties may request to reset or advance the scheduled conference with leave of court.

The parties may not stipulate to a reset/advance/set of the Case Resolution Conference without leave of court.

If the case is progressing to the satisfaction of the court, these requests will be granted.

E. Drops from the Case Resolution Conference Calendar

A case shall not be dropped from the Case Resolution Calendar until a final judgment addressing all issues in the case has been filed with the court.

(Eff. 1/1/2008; Rev. 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.10; Rev. 1/1/2012, 7/1/2012, 1/1/2013)

9.12 EMERGENCY AND DOMESTIC VIOLENCE EX PARTE ORDERS

A. Ex Parte Orders

It is the policy of this court not to grant ex parte orders changing the status quo with respect to child custody, parenting plans or residence exclusion without a very strong factual showing of grave danger or severe detriment to the child prior to the time the issues can be properly set for a noticed hearing with both parties present and afforded an opportunity to be heard. The court may in its discretion refer the matter to Family Court Services for a child custody recommending counseling appointment prior to signing an order shortening time for the prompt calendaring of the matter at the earliest available OSC calendar.

B. Declarations

1. Factual Basis

All declarations shall be based upon personal knowledge of the declarant. Declarations containing hearsay are subject to a motion to strike the whole unless the hearsay is substantiated by a supplemental declaration by the hearsay declarant.

2. Extraordinary Relief

A very specific declaration must be given when extraordinary relief is sought. A specific declaration includes the dates of incidents, detailed descriptive facts and specific harm threatened or actually caused. Conclusions, feelings, wishes or fears alone will not support an ex parte order. Extraordinary relief includes without limitation: temporary custody of children, temporary possession and use of personal property, limited contact with children, or removal of one party from the family residence.

3. Declarations Upon Ex Parte Application

Ex parte orders are sometimes rendered without giving an opportunity for the parties to be personally seen and heard. The temptation to indulge on paper in unrestrained exaggeration is ever-present. Concealment of relevant facts is a danger. Accordingly, attorneys, parties and persons employed to type pleadings (typing services) shall adhere to the highest standards of full disclosure in preparing the declarations in support of ex parte orders.

4. Change of Status Quo

THERE IS AN ABSOLUTE DUTY TO DISCLOSE THE FACT THAT A REQUESTED EX PARTE ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.

C. Applications

Applications involving family law matters may be dropped off at the Sonoma County Court Clerk's Office, Family Law Division, 3055 Cleveland Avenue, Santa Rosa, Monday through Friday, during normal business hours. If same day review is sought, the applications must be submitted between 8:00 a.m. and 8:30 a.m. Applications submitted after 8:30 a.m. will be sent to the reviewing judge on the following business morning.

Orders will be available for pick up by counsel or parties after 2:00 p.m. on the day the order is signed. Results of the application will be made available after 2:00 p.m. through a pre-recorded phone message at (707) 521-6676 and on the court's web site. The uniform resource locator is <http://sonoma.courts.ca.gov>. The link to Tentative Rulings is located on the left hand column of the page.

D. Opposition

Opposition papers may be submitted in person at the Sonoma County Court Clerk's Office, Family Law Division, 3055 Cleveland Avenue, Santa Rosa, or faxed to the court at (707) 521-6763 by 8:30 a.m. on the day of the review. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, an ex parte declaration shall be filed providing the reasons for the lack of service. (Sonoma County form FL-016).

E. Judicial Review

Judicial review of the applications for ex parte orders shall be conducted Monday through Friday beginning at 8:30 a.m. by a judicial officer designated by the Presiding Judge.

At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by 9:30 a.m. on the morning of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

F. Notice of Application

The moving party must give notice of the ex parte request. The notice SHALL include copies of the Declaration Regarding Notice of Request for Temporary Orders (Form FL-016) and ALL papers submitted to the court. This notice requirement can be waived by the court if (1) notice is impossible, or (2) notice would frustrate the very purpose of the order, or (3) immediate and irreparable harm could be suffered if notice were given.

G. Notice of Ex Parte Requests for Domestic Violence Temporary Restraining Orders

Notice of Ex Parte Applications for Domestic Violence Temporary Restraining Orders, which shall include copies of all documents to be submitted, shall be given as follows:

Note: Notice by telephone call or telephone message alone is insufficient notice.

PERSONAL DELIVERY, FACSIMILE TRANSMISSION (FAX) OR E-MAIL: By 10:00 am on the day prior to the submission of the request. **Add an additional day if there is a court holiday.**

OVERNIGHT OR NEXT DAY CARRIER: The ex parte documents shall be sent three (3) court days prior to the submission of the request. **Add an additional day if there is a court holiday.**

FIRST CLASS MAIL: The ex parte documents shall be placed in the mail five (5) calendar days -prior to submission, excluding the day of mailing and the date of submission.

Mailed Monday:	May submit the following Monday by 8:30 am
Mailed Tuesday	May submit the following Monday by 8:30 am
Mailed Wednesday	May submit the following Tuesday by 8:30 am
Mailed Thursday	May submit the following Wednesday by 8:30 am
Mailed Friday	May submit the following Thursday by 8:30 am
Mailed Saturday	May submit the following Friday by 8:30 am
Mailed Sunday	May submit the following Monday of the following week by 8:30 am

H. Timing and Manner of Notice of Family Law Ex Parte Requests

Notice requirements for Ex Parte Requests for Domestic Violence Temporary Restraining Orders, which shall include copies of all documents to be submitted, are listed in "G" above. Notice of all other Family Law Ex Parte Requests shall be given as follows:

Note: Notice by telephone call or telephone message alone is insufficient notice.

PERSONAL DELIVERY, FACSIMILE TRANSMISSION (FAX) OR E-MAIL: By 4:00 pm on the day which is two (2) court days prior to the submission of the request. **Add an additional day if there is a court holiday.**

OVERNIGHT OR NEXT DAY CARRIER: The ex parte documents shall be sent three (3) court days prior to the submission of the request. **Add an additional day if there is a court holiday.**

FIRST CLASS MAIL: The ex parte documents shall be placed in the mail five (5) calendar days prior to submission.

Mailed Monday-	May submit the following Monday by 8:30 am
Mailed Tuesday	May submit Tuesday by 8:30 am
Mailed Wednesday	May submit Wednesday by 8:30 am
Mailed Thursday	May submit Thursday by 8:30 am
Mailed Friday	May submit Friday by 8:30 am
Mailed Saturday	May submit Monday of the following week by 8:30 am
Mailed Sunday	May submit Monday of the following week by 8:30 am

I. Declaration Regarding Notice of Request for Temporary Orders

The attorney or unrepresented party requesting ex parte orders must submit a Declaration Regarding Notice of Request for Temporary Orders. (Sonoma County form FL-016)

J. Set Aside of Ex Parte Order

If a responding party requests an ex parte order be set aside prior to the date set for hearing on the Domestic Calendar, notice shall be given to the moving party in the same manner as described in Sonoma County Local Rules, rule 9.12.H above. The judicial officer may order an earlier hearing date or modify the orders on a proper showing in lieu of setting aside the orders. (Eff. 7/1/2005; Rev. 1/1/2007, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.11; Rev. 1/1/2012, 7/1/2012)

9.13 DOMESTIC AND CHILD SUPPORT CALENDARS

A. Calendar (Domestic and Child Support)

1. Domestic and Child Support matters shall be heard as designated by the Presiding Judge. A copy of the current designation may be obtained from the Clerk's Office or the Sonoma County Superior Court website at www.sonoma.courts.ca.gov. Domestic matters shall be heard by a judge, court commissioner, or persons specified by the Presiding Judge.

Request for Orders shall be heard by judicial officers at the times specified. Any disqualifications or objections must be made within the time limits specified in Code of Civil Procedure section 170.6 or Family Code section 4251.

2. Matters will be scheduled for a hearing date, time and courtroom at the Clerk's Office upon the filing of moving papers.
3. **Format of Motions:** All documents presented for filing shall comply with Cal. Rules of Court, rules 3.1110-3.1115. Any document filed relating to a matter which is set for hearing must have the hearing date and time prominently displayed on the face of the document. The court need not consider documents which do not comply with these requirements.
4. Unless agreed to by all parties, contempt proceedings shall not proceed at the initial calendar date. The moving party need not have witnesses available at that time. The initial calendar date shall be for the appointment of counsel if necessary, entry of plea, and the setting of a trial date.

B. Responsive Pleadings

Responsive pleadings to a Request for Order shall be filed and served within the time provided by law. An order shortening time for service may specify a different time for filing responsive documents.

An exception to these pleading rules may be allowed by the court to allow more time to file a response if the matter is an initial Request for Order on a new matter or a post judgment motion or for good cause shown. If additional time is permitted to file a response, the moving party may request that the hearing be continued.

Sanctions for failure to comply with the rules may include the hearing being conducted as a default matter, or if a continuance is requested, the party whose pleadings are untimely filed may be required to pay the costs of the opposing party's appearance.

C. Meet and Confer Requirements

No case on the Domestic Calendar, Family Law and Motion Calendar, Case Resolution Calendar, Settlement Conference Calendar, Trial Calendar, or the Child Support Calendar will be heard unless and until ALL THE PARTIES, COUNSEL, AND THE LOCAL CHILD SUPPORT AGENCY (when involved in the case) have met and conferred, face to face, in a good faith effort to resolve all issues. All relevant documents shall be exchanged by all the parties, their counsel, and the local child support agency while conferring, absent good cause to the contrary.

The requirement to meet and confer on the Child Support Calendar may be satisfied by a meeting on the day of the hearing prior to the case being heard except in cases in which one or more parties will appear by telephone.

Failure to so meet and confer may result in the matter being dropped from calendar or continued, or rejection of documents not so exchanged, or other appropriate sanctions. Contempt proceedings shall not be subject to this rule.

D. Continuance or Drops

1. Continuances on Domestic and Child Support Matters

To request a continuance, a NOTICE OF STIPULATED CONTINUANCE (FAMILY LAW) (Sonoma County form FL015) executed by all parties or their attorneys and the continuance fee must be submitted to the family law clerk no later than noon (12:00 p.m.) one (1) court day prior to the hearing date. Signatures transmitted by facsimile transmission (fax) are acceptable.

At the time of submission of a notice of stipulated continuance, all parties must:

- a. State the number of times the matter has been continued previously.
- b. State the date(s) that the parties met and conferred on the issue(s).
- c. Review Sonoma County Local Rules, rule 9.18 and acknowledge that they have considered participation in a Settlement Conference.

Stipulated continuances prior to the court date will be allowed a maximum of two (2) times. Thereafter, a court appearance is required to request a continuance. The party(ies) requesting a continuance after two continuances have already been granted shall be required to show good cause and/or an emergency. Orders to show cause and motions shall be heard and resolved within four (4) months of the original hearing date absent a showing of good cause and/or an emergency.

If a party is unable to submit a Notice of Stipulated Continuance, Sonoma County local form FL015, to the court by noon (12:00 p.m.) one (1) court day prior to the scheduled hearing, then good cause and/or an emergency must be shown to the court on the day of the hearing. Furthermore, a courtesy call to the Judge's judicial assistant is required by 3:00 pm one (1) court day prior to the scheduled hearing. The content of the call shall be limited by providing only notice that an in court continuance will be requested and that good cause and/or an emergency will be presented.

2. Continuances on the Title IV-D Calendar

Requests for continuances on the Child Support calendar may be effected via NOTICE OF STIPULATED CONTINUANCE pursuant to the rules above, OR may be made via personal appearance on the scheduled hearing date. If the continuance will be requested by personal appearance at the scheduled hearing, a courtesy call to the Commissioner's Judicial Assistant by 3:00 pm the prior court day is encouraged, but not required. Litigants who wish to have IV-D matters continued must contact the Department of Child Support Services to verify available calendar dates. There is no fee for continuing a child support matter on this calendar

3. Dropping a Case from the Domestic Child Support Calendars

The moving party may drop a case from the Domestic or Child Support Calendar by contacting the Family Law Clerk at 521-6500 by noon (12:00 p.m.) one (1) court day prior to the hearing date. The following matters may not be dropped without a written stipulation covering the status of existing court orders:

- a. Restraining orders.
- b. Child custody and visitation parenting plans or orders which have been issued in conjunction with a domestic violence restraining order and transmitted to the Department of Justice through the California Law Enforcement Telecommunications Systems (CLETS).

E. Financial Matters

1. Financial Documents

If financial matters are at issue, pursuant to CRC 5.118, the parties shall serve an Income and Expense Declaration or Financial Statement (Simplified) with the Request for Order ~~Order to Show Cause/Notice of Motion~~ or the Responsive Declaration. If the moving party is only seeking Family Code Section 271 fees (and no other financial relief), the moving party need not file an Income and Expense Declaration. However, a party objecting to an attorney fee request based on their inability to pay attorney's fees shall be required to file an Income and Expense Declaration. The Income and Expense Declaration shall have the following documents attached:

- a. W-2's or 1099 forms if the income tax return is unavailable; and
- b. Last three (3) pay stubs.
- c. Self-employed individuals shall attach a profit and loss statement for the preceding twelve (12) months, or other appropriate time period, at least as detailed as the IRS form Schedule C, to their Income and Expense Declaration.

In addition, if more than three (3) months have elapsed since the filing of the Income and Expense Declaration, self-employed individuals shall prepare a supplemental profit and loss statement, again at least as detailed as the IRS form Schedule C, for the period of time between the ending date of the profit and loss statement attached to the Income and Expense Declaration and the time of the hearing. Any supplemental profit and loss statement shall be delivered to the other party no later than three (3) court days preceding the hearing date.

The parties shall also exchange the last two (2) years income tax returns, including all attachments.

2. Format and Timing

All supporting documents shall be attached to the Income and Expense Declaration or Financial Statement (Simplified), except that income tax returns shall be exchanged between the parties and provided to the court as required by this rule, but shall not be filed with the court. If the court determines that it wants to retain the tax returns they shall be sealed and maintained as a confidential record of the court pursuant to Family Code section 3552(c).

It is not necessary to deliver a copy of any documents obtained from the other side or known to be in their possession.

Income and Expense Declaration or Financial Statement (Simplified) forms filed three (3) months or more before the date of the hearing are considered by the court out of date and require the filing of a new Income and Expense Declaration or Financial Statement (Simplified).

In the event that depositions are necessary in connection with ~~an~~ a Request for Order ~~Order to Show Cause or Motion~~ relating to financial matters, the deposition of any party may be bifurcated and taken as to financial issues without violating the statutory limitation of a single deposition, provided the notice of taking deposition specifies that only financial matters will be investigated and that the deposition will be adjourned to a later date for all other issues. This procedure also may be applied to a deposition regarding issues which have been bifurcated for trial.

F. Attorney Fees

With respect to requests for attorney's fees and costs based on financial need this section has been superseded by California Rules of Court, Rule 5.93, effective January 1, 2012. Please note, three new *optional* Judicial Council forms for requesting and responding to requests for attorney's fees were approved ~~adopted~~ effective January 1, 2012: FL-158 (Supporting Declaration), FL-319 (Request), and FL-346 (Order Attachment).

Requests for attorney's fees as sanctions pursuant to Family Code § 271 must comply with the provisions of Rule 5.93 except that a request *for* § 271 sanctions need not be accompanied by a current Income and Expense Declaration. However, a reply to a request for § 271 sanctions based on the inability to pay all or part of the fees requested as sanctions must be accompanied by a current income and Expense Declaration.

(Eff. 7/1/2005; Rev. 1/1/2007, 7/1/2007, 1/1/2008, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010, 1/1/2011; Revised and Renumbered 7/1/2011 – formerly Rule 9.12; Rev. 1/1/2012, 7/1/12, 1/1/2013)

9.14 APPOINTMENT OF SPECIAL MASTER, APPRAISERS, EXPERTS

- A. Parties may request appointment of a Special Master, Special Master Team, Appraiser or Other Expert by means of a Request for Order or in a Case Resolution Conference Statement.
- B. **Special Master Team.** If the parties request an appointment of a Special Master Team (hereafter "Team") the parties or their attorneys, if represented by counsel, shall contact the proposed mental health and attorney members of the Team to obtain his or her consent to act as a Team. The Team may only be appointed by agreement of both parties and upon each Team member signing the Appointment of Special Master Team Stipulation, Sonoma County Local Form FL- 030 and the attorneys for the parties signing The Role of the Client's Attorney document, Sonoma County Local Form FL-031. Any requested modifications to the provisions of the local forms must be approved by each Team member. A Stipulation and Order for Appointment of Special Master Team may only be submitted to the Court for approval and signature after obtaining the confirming signatures of the mental health and attorney members of the Team.

- C. **Individual Special Master.** Parties choosing to appoint an individual mental health professional or attorney to act as a Special Master shall use the same process as set forth at paragraph 9.14.B, except that they shall contact the proposed individual Special Master to obtain the Stipulation and Order to Appoint Special Master used by that individual as Sonoma County Local Form FL-030 is not applicable to individual appointments. An individual Special Master may not be appointed until that individual has consented to the appointment by signing a Stipulation and Order containing the terms of the appointment.
- D. The court will maintain a list of Special Masters and a list of professionals available to participate as members of a Special Master Team. The list will be maintained by the Judicial Assistant of the Supervising Family Law Judge.

9.15 CHILD CUSTODY

A. Referral to Orientation Class and Family Court Services

All Orders regarding custody or parenting plan issues must be filed and served with local form FL-017, entitled "Custody and Visitation Orders." Appointment dates for child custody recommending counseling (hereafter referred to as recommending counseling) appointments may be obtained through the Clerk's Office on the date of filing. No contested child custody or parental contact cases, including requests for review dates and requests for modifications, will be heard by the court unless and until the parties have been provided appropriate opportunity to attend an orientation class and a recommending counseling appointment.

All parties are to complete the Orientation Program and attend the recommending counseling appointment as directed on the order entitled "Custody and Visitation Orders" (Sonoma County form FL-017). The Orientation Program cannot be waived and is to be completed before the recommending counseling appointment at Family Court Services.

1. Documents to be Delivered and Reviewed by the Child Custody Recommending Counselor

All relevant materials to be considered by Family Court Services must be delivered to the opposing party in a timely manner as follows:

- a. Moving documents must be filed and personally delivered, faxed or e-mailed no less than seven (7) court days prior to the recommending counseling appointment. If delivery is by US Mail, documents must be mailed to opposing party seven (7) court days plus five (5) calendar days prior to the recommending counseling date. Proof of delivery is required. Responding documents must be filed and personally delivered, faxed or e-mailed no less than two (2) court days prior to the recommending counseling appointment. If delivery is by US Mail, documents must be mailed to opposing party two (2) court days plus five (5) calendar days prior to the recommending counseling date.

- b.** No court documents shall be served or exchanged at Family Court Services. Videotapes, recordings, electronic communication and photos shall not be brought to the child custody recommending counseling session.

Only the following types of documents showing compliance with prior court orders may be presented at Family Court Services at the time of the appointment without being previously filed and served if they were not available to be served and delivered in compliance with paragraph 9.15A.1.a: Counseling, education, self-help programs, drug test results, law enforcement records, supervised visitation, day care, anger management/domestic violence/ psychological/substance abuse assessments and medical records. Other necessary documents may also be presented if they are relevant and unavailable to be served and delivered within the time frame set forth in paragraph 9.15.A1.a. Copies shall be provided to the other party before or at the Family Court Services appointment.

The Court may impose a financial penalty on a party or attorney who failed to provide documents to the opposing party in a timely manner.

When the parties have reached an agreement concerning any issues, Family Court Services shall report any agreement to the court in writing.

If the parties fail to reach any agreements, Family Court Services shall provide the court with its recommendation as to custody, parenting plans and restraining orders pending further proceedings, pursuant to Family Code section 3183. Such recommendations shall be in writing and may include referral for an investigation and/or a child custody evaluation and report pursuant to Evidence Code section 730. The court may consider the Family Court Services recommendation when making any custody or parenting plan orders.

Copies of all reports to the court regarding Family Court Services agreements and/or the child custody recommending counselor's recommendations will be delivered to the parties and/or their attorneys as soon as practical prior to the hearing.

2. Appearing by Telephone

Party(ies) may appear telephonically for their appointment at Family Court Services if they are 60 miles or more driving distance, in one direction, from the Family Court Services Office. Party(ies) shall contact Family Court Services by telephone at (707) 521-6800 no later than one day before the scheduled appointment to make arrangements to appear by telephone for the appointment.

3. **Failure to Attend Recommending Counseling Appointments at Family Court Services**

The court may impose a fine on a party who receives reasonable notice of the appointment and fails to appear. Inquiry may be made by the court on the reasons why one or all the parties missed their appointment. Fines as deemed appropriate by the judicial officer may be levied and collected by the Court Collections Division. A "Failure to Appear" report will be filed by Family Court Services prior to the imposition of any fine.

Failure to cancel or re-schedule an appointment at least 48 hours before the appointment may result in sanctions.

4. **Requests for Change of Recommending Counselor, or Complaints Regarding Recommending Counselors**

Any request for a change of recommending counselors or any complaints relating to general problems with recommending counseling must be received by Family Court Services no later than thirty (30) calendar days after the recommending counseling session and should be addressed to the Family Court Services Manager. Requests or complaints received after this time frame will not be considered. The request or the complaint should be in writing and should set forth the case name, case number, and the nature of the request for a change in recommending counselor, and should set forth all of the facts and circumstances with as much clarity and specificity as possible. If the complaint or request for change in recommending counselor involves the Family Court Services Manager, the necessary information should be directed to the Deputy Court Executive Officer. A response to the complaint will be issued in writing thirty (30) calendar days after the complaint is received by the Department. The other party will be copied on the communication.

Complaints or disagreements related to the content of the recommending counseling report should be addressed with the Court.

5. **Contact with Family Court Services**

No party, attorney, or the court is permitted to have any ex parte contact with the assigned Family Court Services recommending counselor about the pending case. Communication with the Family Court Services staff shall be conducted by a mutually agreed upon conference between each party, or if represented, his or her attorney, and the recommending counselor. Family Court Services' staff other than the assigned recommending counselor may

be contacted regarding scheduling and timing of the recommending counseling process.

Minor's counsel may contact Family Court Services pursuant to Family Code section 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the minor's counsel pursuant to California Rule of Court 5.235.

Unsolicited communications (facsimiles, e-mails and correspondence via regular mail) are not permitted and will not be reviewed or considered.

B. Private Custody Mediation

As an alternative to the referral to Family Court Services, the parties may engage in Private Custody Mediation by submitting to the court the Stipulation and Order Assigning Private Custody Mediator. (Sonoma County form FL-035)

C. Appointment of Child Custody Evaluators

a. Referral

i. In the event of a referral to a private psychological expert for a custody evaluation and report, the parties shall complete the Order Appointing Child Custody Evaluator (FL-327) and the court shall make an order regarding the payments of the costs of such evaluation at the time the evaluation is ordered.

b. Time Limits

Custody Evaluation Reports will be filed with the court within ninety (90) days of the date such investigation has commenced (120 days if one party resides outside the county). The "commencement date" for a report by a private psychological expert shall be when the parties have paid the required deposit/retainer and submitted any required paperwork.

Custody Evaluation Reports are confidential and shall be distributed to parties, attorneys, experts, and the Court. The report, or any portions thereof, shall not be shown or distributed to any other person or used or attached to any document filed with the Court, except as authorized by the Court. Upon a request by the evaluator or a party, the Court may make additional and/or more limited restrictions regarding the release and distribution of the report. The Court shall sanction unauthorized distribution or use of the report.

c. Requests for Change of Evaluator or Complaints Regarding Evaluators

i. Private Psychological Evaluators

Each party shall be entitled to one peremptory challenge for the choice of evaluator. The challenge must be exercised at the time of the hearing on the appointment of an evaluator unless the appointment is made by written order without a hearing, in which case the challenge must be exercised within thirty (30) days from the issuance of the order of appointment.

An evaluator may otherwise only be disqualified or removed at the request of a party on grounds applicable to the disqualification or removal of a judicial officer, referee or arbitrator (Code of Civil Procedure, section 170.1).

An evaluator may decline appointment. Once appointed, an evaluator may petition the court for withdrawal by submitting a letter to the court, with copies to counsel and/or self-represented parties. The letter shall state the reasons for the request for withdrawal. The court shall thereafter set a hearing to determine whether the request will be granted and if granted, to appoint a new evaluator.

A party with a grievance regarding an evaluator shall first meet with the evaluator to attempt to resolve the issue, if the evaluator is willing to meet. If the evaluator is not willing to meet, or if after meeting with the evaluator, the grievance is unresolved, complaints regarding an evaluator shall be directed to the Family Law judge or court commissioner who is, or has been hearing the case. The complaint shall be in writing and should set forth the case name, number and the nature of the complaint, including all the facts and circumstances with as much clarity and specificity as possible.

e. Contact with Child Custody Evaluator

No party, attorney, or the court is permitted to have any ex parte contact with the assigned child custody evaluator about the pending case, except as directed by the child custody evaluator during the custody evaluation procedure.

D.4. Appointment of Minor's Counsel

a. Family Code section 3150 Appointments

i. The court may appoint counsel to represent a child in a custody proceeding or order to modify a child sharing plan. The appointed attorney shall receive a reasonable sum for compensation and expenses. The court shall set the attorney's hourly rate taking into consideration the parties' financial circumstances. The rate may be up to the attorney's full hourly rate. The court shall apportion payment of the hourly rate between the parties depending on the

parties' respective financial circumstances. The court may order the parties to submit updated financial information.

If the court finds that the parties cannot afford to compensate minor's counsel, appointed counsel shall be compensated by the court.

The appointed counsel should submit invoices for payment to the court on a quarterly basis. The court uses a fiscal year that operates from July 1st - June 30th. Request for payment by appointed counsel must be submitted within the fiscal year that the services were performed or the invoice will not be paid. The only exception is at the close of the fiscal year (June 30th), where the appointed counsel may submit an invoice for work performed in the last quarter of the fiscal year by July 31st of that calendar year.

When submitting an invoice to the court for reimbursement the appointed counsel must include the order indicating the appointment and the terms of compensation and a detailed invoice which clearly describes the services provided and the hours assigned to each service.

All requests for payment are subject to judicial review. If the charges are deemed excessive by the reviewing judge, charges may be reduced or disallowed.

ii. Application for Appointment for Family Code section 3150 Appointments

- aa.** To apply to be on the court approved attorney appointment panel for Family Code section 3150 appointments, an attorney must file an application which includes a resume, and confirmation that they have met the educational requirements with the family law supervising judge.
- bb.** The court will evaluate the application and notify the applicant within 30 days of the court's decision.
- cc.** The court will only appoint attorneys who are members of the court approved counsel panel.

iii. Annual Review

- aa.** Upon appointment of minor's counsel the court will set an annual review of the appointment of minor's counsel. This date will be approximately twelve 12 months after the first appearance of minor's counsel in the case.
- bb.** At the annual review, the court will determine whether the minor's counsel has satisfied his/her education requirements as set forth in CRC 5.242(c-e).

cc. The annual review will be scheduled in the order of appointment or at the child's counsel's first court appearance of the case.

iv. **Inter-Agency Exchange of Information**

aa. This rule addresses the exchange of information between Family Court Services, Probation Department, Department of Human Services, Case Management Council, minors counsel and the Court Investigator in juvenile delinquency, juvenile dependency, child custody, conservatorship, guardianship, and criminal proceedings. The disclosure of information concerning children and their parents by any of these agencies is generally prohibited by law. Nevertheless, a limited exchange of information about children or parents between these agencies in certain circumstances will serve the best interests of the child who is before the court. The court hereby finds that the best interests of children and victims appearing in court, the public interest in avoiding duplication of effort by the courts and by the investigative agencies serving the juvenile and family courts and the value of having relevant information gathered by a court agency outweighs the confidentiality interests reflected in Penal Code sections 11167 and 11167.5 and W&I sections 827 and 0850 et seq., Family Code section 1818, and Probate Code section 1513, and therefore good cause exists for this rule.

bb. The representatives of the above-listed agencies who are investigating or supervising cases involving children may orally disclose information to each other as follows:

Whether the child before the court, his/her parents, guardians, or caretakers are or have been the subject of a child custody, delinquency, dependency criminal or probate investigation, the findings and status of that investigation the recommendations made or anticipated to be made to the court by the agencies listed above, and the progress while under court supervision including compliance with court orders, and any court orders in existence with respect to the child, parents, guardians, or caretakers.

Any statement made by the child or the child's parents, guardians, or caretakers which might bear upon the issue of the child's best interests in the pending case.

Each agency may include this information in court reports and keep such information in their case files.

All of the above listed agencies may provide written documents to each other. These documents may include but are not limited to relevant portions of investigation notes, progress notes and summaries, and court reports containing information described in (a) and (b) above. However, 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. Copies of HSD or Juvenile Probation Department documents used by the above-listed agencies will not be made available to the public without a court order.

- cc.** Any disclosure authorized by this rule shall be subject to the following conditions: The agency receiving the request shall first establish to its satisfaction that the inquiring party is in fact a member of an agency designated above; all information shall be provided orally; if an agency desires written documentation, it shall make written application for a court order releasing that documentation; the information gathered shall be used exclusively in the investigation being conducted and the subsequent court proceedings, and shall not be repeated to anyone not a party to those proceedings without court order.
- dd.** Nothing in this rule is intended to limit any disclosure of information by any agency which is otherwise required or permitted by law or by other court orders.
- ee.** The release of information by Family Court Services is subject to limitations imposed by state and local rules.

v. Relieving Minor's Counsel of Appointment

The court, in its discretion, will consider relieving minor's counsel of appointment under the following circumstances:

- aa.** At the time of a final order or judgment has been filed, or 90 days thereafter, or;
- bb.** A motion filed by any party for good cause; or
- cc.** A motion to be relieved filed by the minor's counsel if the minor's counsel does not believe that he or she can effectively represent the child; or
- dd.** At the annual review.
- ee.** Minor's counsel will not be relieved if the court, upon a showing of good cause, deems it necessary to extend the

appointment, or if the court requests periodic review or monitoring of the child related issues before the court. At any hearing where the Court is considering relieving minor's counsel, the Court will address the issues of reimbursement of fees paid to minor's counsel by the Superior Court. All parties must file current income and Expense Declarations at the hearing.

vi. Grievance

A party or counsel who wishes to lodge a complaint regarding the performance of a minor's counsel appointed by the court must do so in writing and serve the original of the complaint on the minor's counsel no later than 20 days after the event giving rise to the complaint or within 20 days of receiving any written report of the minor's counsel.

No later than 10 court days after the receipt of the complaint, the minor's counsel must serve the complainant with a written response to the complaint. Without conceding the accuracy of the contents of the complaint, minor's counsel may ask the court to relieve him or her of the appointment and, if appropriate, appoint a new minor's counsel.

If the response served by the minor's counsel does not resolve the complaint, the complainant must serve a copy of the complaint and the response of the minor's counsel, if any, on the supervising family law judge whose decision concerning the complaint, which may include removing the minor's counsel from the panel of minor's counsel used by the court, will be final. The decision by the supervising judge must be served on the complainant and minor's counsel within 15 court days of receipt.

vii. Minors counsel may contact Family Court Services pursuant to Family Code section 3151(c)5 to obtain and provide relevant information regarding the child(ren) they represent. However, Family Court Services is prohibited from contacting the minors counsel pursuant to California Rule of Court 5.235.

viii. All other aspects of Family Code Section 3150 appointments are governed by California Rules of Court 5.240 - 5.242.

b. Family Code section 7860 Appointments

The court may appoint counsel to represent a child or parent in a freedom from parental custody and control proceeding. The appointed attorney shall receive a reasonable sum for compensation and expenses, the amount of which shall be determined by the court. The amount shall be paid by the real parties in interest, other than the child, in proportions the court deems just.

If the court finds that the real parties in interest are unable to afford counsel, the amount shall be paid out of the general fund of the county.

All requests for payment are subject to judicial review. If the charges are deemed excessive by the reviewing judge, charges may be reduced or disallowed.

9.16 CHILD SUPPORT

A. Guidelines for Child and Spousal Support

1. Child support shall be awarded in accordance with Family Code section 3500 et seq. and shall be determined by the use of a computer generated calculation that complies with the formula set forth in Family Code section 4055.
2. Temporary spousal support shall be awarded in accordance with Family Code section 3600 et seq. and may also be determined by the use of a computer generated calculation that applies the “Alameda Rule”.

The “Alameda Rule” provides:

- (a) In cases in which there is no child support, the guideline shall be 40% of the net income of the payor minus 50% of the net income of the payee.
- (b) In cases in which there is to be child support, the guideline shall be 35% of the payor’s net income, after deducting the child support amount, minus 40% of the payee’s net income.
- (c) If the amount produced is a negative number, the spousal support is zero.

B. Computer Generated Support Calculations

In all proceedings in which support, other than permanent spousal support, is an issue, immediately prior to the hearing the parties shall submit a Judicial Council approved computer generated calculation that sets forth their proposal for child support and/or temporary spousal support.

If a support modification is at issue, the parties shall indicate on their respective proposals the date and amount of the order that the court is being asked to modify.

All orders after hearing, including stipulations, that contain child and/or temporary spousal support provisions, including orders for \$0 support, shall have attached a computer generated support calculation setting forth the guideline amount and the assumptions used by the court in determining the support amount. If the parties do not agree upon a single calculation, each party may attach a computer generated calculation.

C. Reimbursement Issues

Request for reimbursement of out-of-pocket costs for health care and/or child care must include a summary detailing the cost paid and reimbursement requested. Copies of evidence/exhibits in support of the request for reimbursement shall be submitted with the moving papers.

9.17 PUBLIC ASSISTANCE

If one party is receiving public assistance or if the local child support agency is otherwise providing support enforcement services pursuant to Family Code sections 17400 and 17406, all of the following shall apply:

- A. A copy of the Request for Order and all supporting documents shall be served on the local child support agency at the same time the papers are served on the opposing party;
- B. The fact that any party is receiving public assistance shall be revealed on the financial declarations filed with the court;
- C. All orders shall comply with Family Code sections 4200 and 4201;
- D. All stipulations for temporary or permanent orders shall be presented to the local child support agency for approval pursuant to Family Code section 4065(b) in sufficient time for the local child support agency to object if it deems it necessary to do so. (Eff. 7/1/2005; Rev 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.13, Rev. 7/1/12)

~~9.18 CASE MANAGEMENT CONFERENCE~~

(Eff. 7/1/2005; Rev.7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.17; Repealed 1/1/2012)

9.18 PREPARATION OF ORDERS AFTER HEARING

- A. Unless otherwise ordered by the court, the moving party must, within ten (10) days of the ruling, prepare a written order following any hearing.

The preparing party must serve the order upon the responding party and the responding party shall within ten (10) days from receipt, approve or refuse the order stating an alternative proposed order.

If the responding party fails to respond within ten (10) days of receipt of the proposed order, the preparing party must mail the order to the hearing judicial officer for signature, accompanied by a letter stating the events and circumstances surrounding the failure to approve the order or judgment and asking the judicial officer to sign it.

If the preparing party fails to prepare, circulate and submit an order as required above, the responding party may prepare the order and serve it upon the other side for approval. If the order is not approved nor suggestions made for its revision within ten (10) days, it may be submitted to the judicial officer for signature along with a letter describing the circumstances leading to the submission of the order.

If there is a disagreement between the parties concerning the accuracy of a prepared order, the parties shall each submit their proposed order along with a copy of the court transcript, if needed, and the Court shall either issue its order or set the matter for a further hearing.

- B.** On the Child Support Calendar, the order shall be prepared and presented to the court for approval before the end of the court session whenever possible.
- C.** On the Domestic Violence Calendar, the order shall be prepared and presented to the court for approval before the end of the court session.
- D.** Any order that includes an order for child or family support shall have attached the following Judicial Council forms:
 - 1.** Notice of Rights and Responsibilities, Health Care Costs and Reimbursement Procedures (Judicial Council form FL192);
 - 2.** Information Sheet on Changing a Child Support Order (Judicial Council form FL 192 side 2);
 - 3.** A Judicial Council approved computer generated support calculation as set forth above in Sonoma County Local Rules, rule 9.13.H. If the parties do not agree upon a single calculation, each party may attach a computer generated calculation; and
 - 4.** Notice of Rights and Responsibilities, Child Care Costs and Reimbursement Procedures if the order provides for payment of a percentage or ratio of child care costs (Sonoma County form FL020).

In addition, the parties shall submit a completed Child Support Case Registry Form (Judicial Council form FL-191) with the order. This form is not required if the local child support agency is an intervener in the case.

- E.** The Court shall set a compliance calendar date within 90 days after the hearing to assure the Order After Hearing is filed.
(Eff. 1/1/2006; Rev. 1/1/2007, 7/1/2008, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.14, 7/1/12)

9.19 REVIEW HEARINGS

With regard to any matters set for review on the Domestic or Child Support Calendars, any declarations, including income and expense declarations, or other pleadings to be considered by the court shall be filed with the court and served on all other parties no less than ten (10) calendar days before the date the matter is set for review. Any reply declarations shall be filed with the court and served on all other parties no less than five (5) calendar days before the date the matter is set for review. (Eff. 1/1/2003; Rev. 7/1/2005, 7/1/2009; Renumbered 7/1/2011 – formerly Rule 9.15)

9.20 LAW AND MOTION MATTERS

A. Application

The provisions of this division of the Sonoma County Superior Court Rules shall apply to all family law and motion matters before trial or as otherwise provided in any other division

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of these rules. All law and motion matters shall be governed by Cal. Rules of Court, rule 3.1100 - 3.1362 and 5.10 et seq. The following motions shall be considered law and motion matters:

Bifurcation of Any Issue

(If a bifurcation of status only motion is filed with any other issue, the motion will be set on the domestic calendar);

Change of Venue;

Claims of Exemption;

Discovery;

Enforce or Compel Discovery Requirements Pursuant to Family Law 2105 et seq.;

Enforce Settlement;

Execute Documents In Family Law Cases;

Motions for Reconsideration or Motions for New Trial;*

Quash;

Summary Judgment–Including Status Only;

Vacate or Set Aside Defaults, Judgments or Orders;

Withdraw as Counsel.

*These Motions shall be scheduled before the original judicial hearing officer on the appropriate law and motion calendar.

All law and motion matters in cases involving the Department of Child Support Services and issues related to support shall be placed on the Child Support calendar.

B. Scheduling

1. Family law and motion matters will be heard at such times and places as designated by the Supervising Judge of the Family Law Division. The calendar will include all family law and motion matters as listed in Sonoma County Local Rules, rule 9.20. A. A schedule may be obtained from the Family Law Clerk or through the Sonoma County Superior Court website.
2. All family law and motion matters will be scheduled for a hearing date, time, and location at the Clerk’s Office upon filing of all moving papers.
3. No hearing will be held unless a request has been made pursuant to subsection E.1 after the tentative ruling.

C. Memorandum of Points and Authorities

All law and motion matters listed in Sonoma County Local Rules, rule 9.20.A, may be accompanied by a memorandum of points and authorities.

No opening or responding memorandum may exceed 10 pages. No reply or closing memorandum may exceed 7 pages. The page limit does not include exhibits, declarations, attachments, a table of contents, a table of authorities, or the proof of service.

A party may apply to the court for permission to file a longer memorandum. The application may be made ex parte, but with written notice of the application to all other parties at least

24 hours before the memorandum is due. The application must state reasons why the argument cannot be made within the stated limit.

A memorandum that exceeds the page limits of these rules will be filed and considered in the same manner as a late-filed paper.

To the extent practicable, all supporting memoranda, declarations, and affidavits must be attached to the Request for Order.

All references to exhibits or declarations in supporting or opposing papers must reference the number or letter of the exhibit, the specific page, and, if applicable, the paragraph or line number.

Any request for judicial notice must be made in a separate document listing the specific items for which notice is requested. A party requesting judicial notice must provide the court and each party with a copy of the material requested to be judicially noticed. If the material is part of a file in the Superior Court of California, County of Sonoma, the party must (1) specify in writing the part of the court file sought to be judicially noticed; and (2) make arrangements with the clerk to have the file in the courtroom at the time of the hearing.

If a proposed order or judgment is submitted, it must be lodged and served with the moving papers but must not be attached to them.

D. Meet and Confer Conference

The parties, and attorneys, if any, shall meet and confer in person in a good faith effort to resolve all of the issues in the case pursuant to Sonoma County Local Rules, rule 9.13.C. The meet and confer session may take place by telephone conference call if the permanent residence of either party is more than 75 miles from the Hall of Justice in Santa Rosa. The meet and confer shall occur in a timely fashion so that the parties will be prepared to file a declaration regarding compliance with meet and confer rules no later than ten (10) calendar days prior to the date set for the hearing. All relevant documents must be exchanged by the parties while conferring, absent good cause to the contrary.

E. Hearings, Tentative Rulings and Oral Arguments

1. On the afternoon of the court day preceding each Law and Motion calendar commencing at 2:00 p.m., the court will cause to be recorded a tentative ruling (if available) on each motion on the next day's Law and Motion hearing. The tentative ruling may be obtained by telephoning (707) 521-6881 (tape-recorded message) or at the court's website <http://www.sonoma.courts.ca.gov>. The tentative ruling shall become the ruling of the court, unless any party desiring to be heard so advises the judicial assistant for the designated family law judicial officer no later than 4:00 p.m. on the court day preceding the law and motion calendar, and further advises the judicial assistant for the designated family law judicial officer that such party has notified all opposing parties of her/his intention to appear. Where appearance has been required or invited by the court, oral argument may be presented.

2. Evidence received at a law and motion hearing shall be by declaration and affidavit and by request for judicial notice without testimony or cross-examination, except as allowed in the court's discretion for good cause shown or as permitted by these rules.

F. Continuances

Requests for continuances by stipulation or notification of dropping of law and motion matters must be presented by the parties to the clerk by 3:00 p.m. at least five (5) court days prior to the scheduled hearing date. Only one continuance by stipulation will be granted; after that, if the case cannot proceed, the court may drop the matter or require that it be re-noticed.

It is the responsibility of the moving party to notify the clerk when a pending motion may be dropped due to a stipulation or for any other reason. No hearing will be automatically dropped from the calendar by the clerk.

G. Orders of Examination

Orders of Examination shall follow Sonoma County Local Rules, rules 5.2.C. and D.

The Sheriff's Office will notify the Family Law Division Clerk's Office if the judgment debtor is taken into custody. Upon receipt of this notification, the clerk's office shall arrange a bail hearing. The clerk shall give notice to the judgment creditor of the date, time and location of the bail hearing by telephone.

H. Hearings on Claims of Exemption

Hearings on Claims of Exemption pursuant to Code of Civil Procedure section 703.570 and section 706.105 shall be set at such times and places as designated by the Supervising Judge of the Family Law Division. Hearing dates shall be obtained from the clerk as described above in Sonoma County Local Rules, rule 5.1.B. No tentative rulings will be made available for these matters on this calendar.

I. Protective Orders (Discovery, etc.)

Any language incorporated in such an order that pertains to the filing, with the court, of material under seal shall state that the party submitting confidential material to the court to be filed shall put that material in a sealed manila envelope no smaller than 9" x 12" and no larger than 10" x 13"; that the envelope shall have on its back (on the unsealed side) the warning: "CONFIDENTIAL: SUBJECT TO PROTECTIVE ORDER," the case number and caption, and the title(s) of the paper(s) enclosed; that in parentheses beneath the title(s) of the paper(s) as they appear on the envelope, there shall be a reference to the confidentiality order, by file date and title [as, for example, (FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER FILED JANUARY 1, 2000)], under which the papers are submitted. These papers shall then be maintained in the court's regular public file but in their sealed envelopes. If the papers are exhibits to a motion or other paper, the manila envelope, with the stated identifying features, shall not be attached to the principal paper, but there shall be reference made in the motion, memorandum of points and authorities, or declaration, as appropriate, to the confidential materials filed under seal. (Eff. 1/1/2004;

Rev.7/1/2005, 1/1/2007, 7/1/2007, 1/1/2008, 7/1/2008, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.16; Rev. 1/1/2012, 7/1/2012)

9.21 FAMILY LAW SETTLEMENT CONFERENCES

- A.** Family law judicial officers may refer cases for a Settlement Conference which shall be conducted by a settlement conference officer as directed by the family law judicial officers. When setting a settlement conference date, the court shall always set a Case Resolution Conference date following the settlement conference date.
- B.** The family law judicial officer will review cases set on the domestic, Case Resolution Conference, child support, and trial calendars. If the court determines the case could benefit from a Settlement Conference, an order will be entered and a date for the conference will be set as well as a Case Resolution Conference date. The court will serve all parties with an order regarding the conference personally or by mail.

The court will also schedule dates prior to the settlement conference for exchange of preliminary declarations of disclosure and filing of Judicial Council Form FL141 Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration.

- C.** Parties and/or attorneys may submit a Request for Settlement Conference Only or Request for Settlement Conference and Trial, Sonoma County form FL-074, to request a Settlement Conference. The parties must verify on this form that they have exchanged preliminary declarations of disclosure. The request will be reviewed by a family law judicial officer. If the judicial officer determines a Settlement Conference is appropriate, the court will issue an order and serve the parties and/or attorneys with the order setting both a Settlement Conference and a Case Resolution Conference.
- D.** Each party shall submit a Statement of Issues for Settlement Conference or Trial, Sonoma County local form FL002 prior to the conference. The Statement of Issues for Settlement Conference or Trial must be submitted to the Civil & Family Law Courthouse, 3055 Cleveland Avenue, 10 (ten) calendar days prior to the Settlement Conference. The Statement of Issues for Settlement Conference or Trial shall be stamped as “received”. Failure to submit a Statement of Issues for Settlement Conference or Trial in a timely manner may result in the court ordering the non-complying party to pay sanctions.
- E.** Any request to drop or continue the Settlement Conference and Case Resolution Conference must be made to the Family Law Judicial Assistant by 5:00 p.m. at least three court days prior to the conference. Absent extraordinary circumstances, making a request in an untimely manner or failing to appear at the Settlement Conference may result in the court ordering such party to pay sanctions. The court will not drop the Case Resolution Conference unless a Judgment resolving all issues is submitted to the court prior to the Case Resolution Conference date.

F. Appearances

Each party and principal trial attorney for each party shall attend the Settlement Conference. The Settlement Conference shall be conducted by a Settlement Conference officer to be appointed by the court. Unless notified otherwise, appearance by all parties is mandatory.

An attorney or party who fails to attend or participate effectively in any Settlement Conference may be subject to sanctions. Any alternative to personal appearance shall be pre-approved by a judicial officer.

A Settlement Conference calendar will be called by an assigned judicial officer at 1:30 p.m. on Thursday and 8:30 a.m. on Friday each week. At the calendar call, the court will assign the case to a Settlement Conference officer and also may consider the imposition of sanctions for failure to comply with any part of this rule.

Settlement Conferences will last a maximum of three (3) hours or until the parties are excused by the Settlement Conference officer. Parties and counsel are expected to be present for the entire Settlement Conference.

When the local child support agency has intervened in a case, the agency will determine if its appearance is necessary and notify the court of its intent to appear or not to appear. The agency may appear by telephone.

- G.** If a complete settlement is not reached at the Settlement Conference, the case shall remain set for a Case Resolution Conference so the court can determine the next steps needed to resolve the case.
(Eff. 1/1/2005; Rev. 7/1/2005, 7/1/2007, 1/1/2008, 7/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.18; Rev. 1/1/2012 and Renumbered – formerly Rule 9.19, Rev. 7/1/2012)

9.22 CHILD CUSTODY SETTLEMENT CONFERENCES

Upon the filing of the Custody Evaluation Report with the court, a settlement conference and case management conference regarding the issues of child custody and parenting plan only shall be scheduled by the judicial assistant of the assigned Family Law departments to be held at as soon as possible with a judicial officer. The custody evaluator may be present at the settlement conference when requested by either party or at the direction of the court.

Once a Child Custody Evaluation Report has been filed with the court, the clerk shall attach the report to the court's file and forward it to the judicial assistant of the assigned Family Law departments. The judicial assistant shall schedule a custody settlement conference as soon as possible. In the event of an unavoidable conflict, a party or attorney shall have a limited time to reschedule the settlement conference. Stipulation of the parties alone is not good cause for continuance of the settlement conference.

At any time following the settlement conference, any party may, upon noticed motion timely served upon all parties, request that the court make interim orders regarding custody and/or parenting plan pending trial. The supporting declaration shall set forth with specificity the facts that support an interim change of custody and/or parenting plan orders prior to the trial. The declaration shall also address the recommendations in the custody evaluation report and set forth a specific proposal for interim orders.

After the completion of a custody evaluation, a Statement of Issues for Settlement Conference or Trial (Local Form FL-002) is not required for settlement conferences regarding child custody and parenting plan only. (Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.19; Renumbered 1/1/2012 – formerly Rule 9.20, Rev. 7/1/2012)

9.23 TRIAL AND EVIDENTIARY HEARINGS

These proceedings are intended to take more time so that the parties may call and question witnesses, testify themselves, and submit documentary evidence for the court to review.

For local rules relating to setting a custody issue for trial, see Sonoma County Local Rule, rule 9.21.

A. Setting Issues for Trial

A family law contested cause may be set for trial by filing a Request for Settlement Conference/Request for Settlement Conference and Trial (Local Form FL-074). The request for trial may be presented to the judicial officer at the domestic calendar hearing. If no hearing is pending, a request for transfer to the trial calendar shall be filed with the family law court clerk. The request for trial does not need to be filed as a joint request of the parties.

Upon the filing of the Request for Settlement Conference/Request for Settlement Conference and Trial, a Case Resolution Conference shall be scheduled before the judicial officer assigned to the case pursuant to Sonoma County Local Rule, rule 9.2. Case Resolution Conference may be scheduled within thirty (30) days of the filing of the request for trial. The court shall serve all parties or attorneys with a notice of Case Resolution Conference.

For contested causes set for trial directly from a domestic calendar, the judicial officer retains the discretion to set one or more of the following hearings: (1) Case Resolution Conference; (2) Settlement Conference.

If it is determined that a trial is necessary, the court shall either set the trial date far enough out for the parties to be able to comply with the discovery deadlines set forth in the California Code of Civil Procedure, or obtain a stipulation from the parties regarding the discovery cut off dates and set the trial date accordingly.

No matter will be set for trial until and unless the parties have exchanged their preliminary declarations of disclosure.

B. Case Resolution Conference

If the court sets a Case Resolution Conference in lieu of a Settlement Conference or trial date, the parties or attorneys shall file a Request/Response to Request for Case Resolution Conference, form FL-092, ten (10) calendar days prior to the conference. At the Case Resolution Conference, the court will review the status of the case and may make orders pursuant to Sonoma County Local Rule, rule 9.11.

C. Settlement Conference

The parties or attorneys shall submit a *joint or separate* Statement of Issues for settlement conference, Sonoma County form FL-002, ten (10) calendar days prior to the conference. The Statement of Issues for Settlement Conference or Trial will be received but not filed.

If the parties are unable to submit a joint statement, a separate statement may be submitted. The party submitting the separate statement must state why a joint statement was not completed and provide a summary of compliance activity.

The Statement of Issues shall include all information requested in Sonoma County form FL-002.

Settlement Conferences will be conducted pursuant to Sonoma County Local Rule, rule 9.19.

D. Trial

If a Statement of Issues was submitted for a settlement conference, the Statement of Issues shall be deemed the Statement of Issues for trial and filed in the court file unless, at the time of the settlement conference, the parties indicate they will be filing another Statement of Issues ten (10) calendar days prior to the trial date.

If a settlement conference was not held, the parties or attorneys shall file a *joint or separate* Statement of Issues for Settlement Conference or Trial, Sonoma County form FL002, ten (10) calendar days prior to the trial date.

If the parties are unable to file a joint statement, a separate statement may be filed. The party filing the separate statement must state the attempts at compliance with this rule.

The statement of issues shall include all information requested in the Statement of Issues, Sonoma County form FL002.

E. Meet and Confer

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case pursuant to Sonoma County Local Rule, rule 9.13.C. The parties, and attorneys, if any, shall state in the request for trial, status conference questionnaire, and statement of issues the dates they met and conferred.

F. Continuing a Trial

1. Continuing Domestic and Child Support Trials by Stipulation

The court, upon a showing of good cause, may grant stipulated requests to continue a trial. The stipulated request shall be submitted to the assigned judicial officer by noon ten (10) calendar days prior to the hearing date. Counsel or parties shall submit a stipulation to continue, a declaration stating why the continuance is necessary, and a proposed order for continuance. The court has discretion to determine if good cause exists to grant the continuance of the hearing. Stipulation by itself does not constitute good cause for granting a continuance.

2. Continuing Trials by Motion

Any motion which seeks to advance or continue a settlement conference or any trial shall be set on the Domestic or Child Support calendar of the judicial officer assigned to hear the case. Requests for an order shortening time for service of a motion to continue shall be submitted to the judicial officer assigned to hear the case.

Any motion for continuance must be calendared for hearing at least seven (7) calendar days in advance of the trial (or other hearing) date, unless good cause is shown for a shortening of such time. Stipulation by itself does not constitute good cause for granting a continuance.

G. Contempt Proceedings

The citee in contempt proceedings shall not be required to comply with the meet and confer rules set forth above or participate in the preparation of the statement of issues.

H. Master Calendar Call

All matters set for trial shall be called on the assigned Master Calendar Call, which will be considered the initial trial date for discovery purposes. A matter will not proceed to trial on the date of the Master Calendar Call, at which time a specific date and time (generally in the following week) for commencement of the trial will be set. Parties and witnesses need not attend the Master Calendar Call unless it is necessary for them to be ordered back for the actual commencement of the trial. (Eff. 7/1/2005; Rev. 7/1/2006, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.20; Renumbered 1/1/2012 – formerly Rule 9.21, Rev. 7/1/2012)

9.24 CHILD CUSTODY TRIALS

Either party may request an expedited custody trial on custody issues by filing a Request for Settlement Conference/Request for Settlement Conference and Trial, Sonoma County form FL-074. The request for trial does not need to be a joint request of the parties. The parties are not required to complete a Statement of Issues prior to trial.

The Court shall set a hearing and a Case Resolution Conference on the Domestic calendar approximately two weeks after the settlement conference.

At the hearing/Case Resolution Conference following the settlement conference the Court may make interim orders, set the matter for trial, or make other pertinent orders. The Case Resolution Conference shall be continued to a date consistent with the status of the case.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.21; Renumbered 1/1/2012 – formerly Rule 9.22, 7/1/2012, 1/1/2013)

9.25 ADOPTIONS

A. In all adoption cases a hearing may be scheduled by contacting the Family Law Department's adoption line at (707) 521-6641.

- B.** The following documents must be filed or received by the court prior to scheduling the adoption hearing. Please note that you must call the court to receive a hearing date. The court does not automatically set a hearing in your adoption matter:

1. Adult Adoptions:

Petition (verified and signed by both parties)
Agreement of Adoption (consent of both parties)
Consent of Spouse of Adult Adoptee (if applicable)
Consent of Spouse of Adopting Parent (If applicable)
Court Report of Adoption (VS-44) if an amended birth certificate is requested.
Order of Adoption (proposed)

2. Agency/Independent/Inter-County Adoptions:

Adoption Request
Consent and/or Joinder of Department of Social Service OR
Agency Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
Consent/Relinquishment of natural Parents;
Report of Social Services, OR Agency Report
Court Report of Adoption (VS-44)
Adoption Expenses
Adoption Agreement (unsigned)
Adoption Order (Proposed)

3. Step-parent Adoption:

Adoption Request
Copy of Order Terminating Parental Rights (certified copy of order needed if parental rights were terminated in another county) OR
Consent/Relinquishment of Natural Parent
Report by Family Court Services
Court Report of Adoption (VS-44)
Adoption Agreement (unsigned)

- C.** The court may drop a matter from the adoption calendar for failure to comply with these rules. (Eff. 1/1/2002; Rev. 7/1/2005, 7/1/2009; Renumbered 7/1/2011 – formerly Rule 9.22; Rev. 1/1/2012 and Renumbered – formerly Rule 9.23)

9.26 JUDGMENTS

A. Action by Judicial Officer

Default and uncontested dissolution, legal separation, and nullity cases are normally processed by a court clerk for action by a judge or court commissioner. The judicial officer will do one of the following: (a) sign the proposed order or judgment; (b) “suspend” the file pending response to a request to counsel or a self-represented litigant for further documentation or proof; (c) reject the proposed order or judgment; or (d) at the judicial

officer's discretion, if the case presents issues on which a record should be made, set the matter for hearing.

B. Judgment Checklists

The appropriate checklist must be submitted with the necessary documents. The checklists may be found on the Court's website at <http://sonoma.courts.ca.gov> (Divisions/Family Law Division/Judgment Checklist).

C. Default Judgments

To obtain a default judgment of dissolution, legal separation or nullity pursuant to Family Code section 2336, the petitioner must file the following documents:

1. **Completed proof of service Summons (unless previously filed) (Form FL-115);**
2. **Request to Enter Default and required attachments, if any (Form FL-165);**
 - a. If support or attorney's fees are requested, attach an Income and Expense Declaration (FL-150);
 - b. If property orders are requested, attach a Property Declaration (FL-160);
 - c. Include a self-addressed stamped envelope for Respondent.
3. Declaration under Uniform Child Custody Jurisdiction Act (FL-105/GC-120); This is required only if there have been changes in the child's residency since the filing of the Petition.

4. **Completed Declaration for Default or Uncontested Dissolution or Legal Separation (Form FL-170);**

The party requesting the default judgment must state in this form what orders they are asking for in the judgment. The orders requested cannot exceed the relief requested in the petition. If they do and the requesting party wants the additional relief, the party must file an amended petition; have it served on the other party, and wait thirty (30) days before the default can be entered. If spousal support is requested, attach a Spousal or Partner Support Declaration (FL-157), or a declaration addressing the factors set forth in Family Code Section 4320.

5. **Completed Declaration Regarding Service of Preliminary Declaration of Disclosure (Form FL-141);** Service of Preliminary Disclosure by the Petitioner is required. The Petitioner may waive service and receipt of a preliminary and final Declaration of Disclosure from Respondent in a default proceeding.

6. **Completed Judgment and appropriate attachments (Form FL-180);**

- a. Appropriate attachments when there are children:
 - (i) Child Custody and Visitation (Parenting Time) Order Attachment (FL-341); or a written order containing Family Code 3048 provisions.

- (ii) Child Support Information and Order Attachment (FL-342) or a written order containing Family Code 4065(a) provisions, with:
 - (aa) Notice of Rights and Responsibilities, Health Care Costs and Reimbursement Procedures Sheet and Information on Changing a Child Support Order (Judicial Council form FL-192);
 - (bb) Computer generated support calculation (required in all cases where there is a child support order, whether the judgment is agreed to or not) – see www.childsup.ca.gov for guideline calculator); and
 - (cc) Notice of Rights and Responsibilities, Child Care Costs and Reimbursement Procedures if the order provides for payment of a percentage or ration of child care costs (Sonoma County form FL-020).
- b. Spousal, Partner, or Family Support Order Attachment (FL-343) or written order.
- c. Property Order (FL-345) if property orders are requested.

7. **Completed Child Support Case Registry Form (FL-191) if Child or Family Support is Ordered.**

This form is not required if the local child support agency is an intervener in the case, or if child support is set at zero.

8. **Notice of Entry of Judgment (Form FL-190)**

The party requesting the default and judgment must provide the clerk with one (1) self-addressed stamped envelope for each party.

9. **Default Hearings**

The court may set a hearing on any matter that is submitted by default if the facts are unclear to the court, or, if the court, for any other reason, determines that a hearing is necessary.

D. Nullity Judgments

A party requesting a judgment for nullity shall submit, with the proposed judgment, a “Declaration in Support of Nullity” setting forth the facts that support the requested judgment under Family Code sections 2200 and 2210 et seq. A hearing may be required on any request for a judgment of nullity.

E. Stipulated Judgments: With or Without a Response Filed, With an Agreement

1. **Completed Proof of Service summons (unless already filed or if Response has been filed).**
2. **Request to Enter Default and required attachments, if any (form FL-165);**
 - a. **If no Response has been filed, submit:**
 - i. Request to Enter Default and required attachments, if any (Form FL-165);
or
 - ii. Appearance, Stipulation and Waiver (Form FL-130). NOTE: A first paper filing fee will be charged to the Respondent if filing this form unless the Respondent is eligible for a Waiver of Court Fees.
 - b. **If a Response has been filed, submit:**
 - i. Appearance, Stipulation and Waiver (Form FL-130). There will be no fee if Respondent already filed a Response and paid the first paper filing fee at that time, or previously had them waived.
3. **Completed Declaration for Default or Uncontested Dissolution or Legal Separation (Form FL-170);**
4. **Service of Preliminary Declaration of Disclosure is required by both parties.** Parties may also serve a Declaration of Disclosure using the same FL-141 form.
5. **Stipulation and Waiver of Final Declaration of Disclosure (Form FL-144) or written stipulation.** If the parties waive service of the final declarations of disclosure, the parties must execute a separate stipulation for waiver of service of final declarations of disclosure pursuant to Family Code Section 2105(d). The waiver shall contain the representations as outlines in Family Code Section 2105(d).
6. **Completed Judgment and appropriate attachments (Form FL-180).** If no Response was filed, Respondent's signature must be notarized on any Marital Settlement Agreement or Stipulation for Judgment.
 - a. Written agreement or Marital Settlement Agreement, or
 - b. Appropriate attachments when there are children as follows:
 - (i) Child Custody and Visitation Order Attachment (Form FL-341);
 - (ii) Child Support Information and Order Attachment with (Form FL-342):
 - (aa) Notice of Rights and Responsibilities Health Care Costs and Reimbursement Procedures Sheet and Information on

Changing a Child Support Order (Judicial Council form FL-192) - this form is mandatory even with written agreement;

- (bb) Computer generated child support calculation (required in all cases where there is a child support order whether or not there is an agreement regarding support).

If the parties do not agree upon a single calculation, each party may attach a computer generated calculation;

- (cc) Notice of Rights and Responsibilities, Child Care Costs and Reimbursement Procedures if the order provides for payment of a percentage or ratio of child care costs (Sonoma County form FL020) - this form is mandatory even with written agreement;

- c. Spousal, Partner or Family Support Order Attachment to Judgment (FL-343) or written agreement.

- d. Both parties must sign the Judicial Counsel Judgment form (FL-180). Any required attachments must be included. Appropriate attachments when there are property issues: Property Order Attachment to Judgment (FL-345) or written agreement.

7. **Notice of Entry (Form FL-190)**

The parties shall provide the court with one (1) self-addressed stamped envelope for each party.

F. **Bifurcation of Marital Status**

Contested bifurcation motions in cases where both parties have appeared are law and motion matters governed by Rule 9.17.

The following documents are required for bifurcation of status only judgments:

1. **Bifurcation by Default**

- a. Declaration Regarding Service of Preliminary Declaration of Disclosure from Petitioner
- b. Motion for Bifurcation and Application for Separate Trial (Sonoma County requires a hearing for bifurcation of marital status that proceeds by default. The hearing must be set at least six months from the service date of the petition on the Respondent.)
- c. Declaration
- d. Status Only Judgment

- e. Notice of Entry of Judgment with a self-addressed, stamped envelope for each party.
- f. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (Form FL-347)

2. **Bifurcation by Stipulation**

- a. Appearance, Stipulations and Waivers (indicate on the form that the parties are stipulating to bifurcation of the marital status.)
- b. Declaration for Uncontested Dissolution or Legal Separation (Form FL-170).
- c. Declaration Regarding Service of Preliminary Declarations of Disclosure from both parties (or service of the preliminary declarations of disclosure may be deferred if stipulated to in writing.)
- d. Order for Bifurcation of Marital Status (separate from the Judgment).
- e. Status Only Judgment (Form FL-180)
- f. Notice of Entry of Judgment with a self-addressed, stamped envelope for each party. (Form FL-190)
- g. Bifurcation of Status of Marriage or Domestic Partnership - Attachment (Form FL-347)

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2009, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.23; Renumbered 1/1/2012 – formerly Rule 9.24, Rev. 7/1/2012, 1/1/1213)