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**CHAPTER FIVE
FAMILY DIVISION RULES**

5.1 APPLICABILITY OF RULES; SANCTIONS

(a) Applicability of Rules. These Rules apply in all departments of the Family Law Division. Local Rule 1.1 defines “counsel” as including self-represented litigants and attorneys. Both will be held to the same standards of practice and procedure.

(b) Sanctions. For any noncompliance with these rules, the court may set an order to show cause why sanctions or other penalties should not be imposed pursuant to Code of Civil Procedure section 575.2.

(Rule 5.1 new and effective July 1, 2011)

5.2 COVER SHEET

The first paper filed by the petitioner in an action or proceeding must be accompanied by a Family Law Case Cover Sheet, (FAM020). All Family Law Division forms are located at the court’s website www.lacourt.org, select Divisions, Family Law.

(Rule 5.2 [7/1/2011, 5/17/2013] amended and effective July 1, 2020)

5.3 SESSION HOURS AND CALENDARING

(a) Ex Parte Application. An *ex parte* application and order, including notice thereof, must comply with California Rules of Court, rules 5.151-5.169, except for good cause shown or as otherwise provided by law. In a Domestic Violence Prevention Act proceeding, an application may be made without notice pursuant to Family Code section 6300.

(1) Restraining Order Ex Parte Application. An *Ex Parte* application for temporary restraining order or other order under the Domestic Violence Prevention Act (Fam. Code, § 6200 *et seq.*) and other *ex parte* application for temporary restraining order in a matter specifically assigned to the Family Law Division may be presented to the department designated for such purpose by the court on any court day from 8:30 a.m. until 11:30 a.m., and from 1:30 p.m. until 3:30 p.m.

(2) Family Law Ex Parte Application:

(A) Central District: An *ex parte* application, brought on a ground other than specified in subsection (a)(1) above, may be presented on any court day only from 8:30 a.m. to 10:30 a.m. in the department in which the case is assigned; or, if the case has not yet been assigned, to Department 2.

(B) District Courts: Counsel or self-represented party should contact the department to which the case is assigned or, if not yet assigned, the clerk’s office, to determine *ex parte* application hours.

(b) Calendaring A Noticed Motion and Trial

(1) Request for Order and Other Noticed Motion: A request for an order and other motion hearings are set at 8:30 a.m. on court days not otherwise reserved for trials or other proceedings, unless otherwise ordered by the court. At the time of presenting the request or other motion, the filing clerk will set the matter in the assigned department only on the days available therefor. The moving papers must include on the face page and caption of form FL-300 the exact nature of the request for order or other non-Family Code request that is included in the request or motion.

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(2) Trials and Family Code Section 217 Hearings: The department to which the case is assigned will set trial, a Family Code section 217 hearing, and related proceedings pursuant to Local Rule 5.13 at times and days available in that department.

(Rule 5.3 [7/1/2011, 1/1/2012, 5/17/2013, 1/1/2014, 7/1/2017] amended and effective July 1, 2020)

5.4 FAMILY LAW DIVISION RELATED CASES

Family law cases are related if they involve the same parties and are based on issues governed by the Family Code or by the guardianship provisions of the Probate Code. A Family Law case may be related to one or more Family Law cases, Probate cases, or cases brought under Code of Civil Procedure section 527.6 (*See* Cal. Rules of Court, rule 5.440.) Related family law cases must be assigned to the same department except as provided in Local Rule 5.5.

Counsel in any related case must promptly serve and file a notice of related cases as required by California Rules of Court, rules 3.300(a) and (b).

(Rule 5.4 [7/1/2011, 5/17/2013] amended and effective July 1, 2020)

5.5 TRANSFER OF RELATED FAMILY LAW CASES

A department to which a related family law case is assigned may transfer the case to another family law department, or may cause another related family law case to be transferred to itself. Related family law cases must be transferred, except for good cause, to the department to which the lead case is assigned, according to the following guidelines.

(1) The first filed marital or Registered Domestic Partnership status case (dissolution, legal separation or nullity) must be the lead case;

(2) The first filed parentage case (Uniform Parentage Act) must be the lead case when there is no marital status case or Registered Domestic Partnership case;

(3) Government parentage and support cases may be related to other family law cases pursuant to Local Rule 5.24;

(4) The first filed action for exclusive custody (Fam. Code, § 3120) must be the lead case when there is no marital status or parentage case;

(5) A Domestic Violence Prevention Act (“DVPA”) case must not be the lead case over any other type of family law case except:

(A) When a case is opened to receive an order closing a dependency case involving a minor child also identified in the DVPA case. In that circumstance, the two cases must be related with the DVPA case as the lead case. In the event that the DVPA case is dismissed, the case opened to receive an order closing a dependency case will remain in the court to which it was assigned as a related case; or

(B) When a case is brought under Code of Civil Procedure section 527.6 in which event the DVPA case shall be the lead case.

(6) A case opened to receive an order closing a dependency case must not be a lead case over any other type of family law case, and must be related to any other family law case involving the same minor child.

A department assigned related cases may consolidate or dismiss any of those cases as permitted by law.

(Rule 5.5 [7/1/2011, 1/1/2012] amended and effective July 1, 2020)

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5.6 RESERVED

(Rule 5.6 [as REQUIREMENT TO MEET AND CONFER 7/1/2011, 1/1/2012]
REPEALED and effective May 17, 2013)

5.7 RESERVED

(Rule 5.7 [7/1/2011, 1/1/2012] **REPEALED** effective July 1, 2017)

5.8 RESERVED

(Rule 5.8 [as EVIDENTIARY OBJECTIONS 7/1/2011]
REPEALED and effective May 17, 2013)

5.9 FINANCIAL DECLARATIONS AND SUPPORTING DOCUMENTS

The parties must completely fill in all blanks on financial declarations (including the Income and Expense Declaration), as required by California Rules of Court, rule 5.92. If a party claims that a previously-filed financial declaration is “current” within the meaning of California Rules of Court, rule 5.427(d), a copy must be attached to the moving or responding papers.

In addition to the schedules and pay stubs required to be attached to the Income and Expense Declaration, the parties must bring to the hearing copies of state and federal income tax returns (including all supporting schedules) and all loan applications (whether or not the loan was granted) for the last two years.

(Rule 5.9 [7/1/2011, 5/17/2013] amended and effective July 1, 2017)

5.10 TEMPORARY SPOUSAL SUPPORT

In determining the proper amount of temporary spousal support, the court may use the guideline developed in Santa Clara County.

(Rule 5.10 [as EVIDENCE OF ATTORNEYS’ FEES, EXPERTS’ FEES AND COSTS 7/1/2011
REPEALED 5/17/2013] new and effective January 1, 2016)

5.11 RESERVED

(Rule 5.11 [as PREPARATION OF ORDERS AFTER HEARING 7/1/2011, 1/1/2012]
REPEALED and effective May 17, 2013)

5.12 FAMILY-CENTERED CASE RESOLUTION

It is the intent of the court to provide judicial assistance and management to the parties in family law cases in order to focus on early resolution of cases through settlement, expedite the processing of cases, and reduce the costs of litigation. (*See* Fam. Code, § 2450.)

The court may hold a status conference at the first hearing calendared by a party after the response to the Petition is filed. At the status conference, the court may review the progress of the case, identify unresolved issues, develop discovery plans and discuss the possibility of settlement.

At the status conference, counsel must inform the court of the following matters:

- (1) the attendance of both parties at parents and children together (“PACT”) or completion of the on-line program available through the court’s website, and Family Court Services mediation;
- (2) the service by both parties of a complete Preliminary Declaration of Disclosure;
- (3) the filing with the court of a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration;
- (4) the readiness of the parties to participate in mediation;
- (5) the appropriateness of referral to arbitration;

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(6) the willingness of the parties, to limit, schedule or expedite discovery, including the willingness to provide the opposing party, without a discovery request: (a) the name, address, and telephone number of each individual likely to have discoverable information that supports the party's disclosures, and (b) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that supports the party's disclosures;

(7) the appropriateness of implementation of a family centered case resolution plan pursuant to Family Code section 2451; and

(8) the willingness of the parties to stipulate to the appointment of court experts, and allocate the expert's expense, or to schedule a hearing for the appointment and expense allocation of court experts.

At any status conference, the court may:

- (1) schedule disclosure of expert witnesses, by stipulation;
- (2) inquire whether issues can be narrowed by stipulation and set dates for the filing of stipulations;
- (3) set dates for further status conferences, as needed, and no less often than every six months;
- (4) set dates for other events that must take place before the next status conference;
- (5) set the date for trial and/or settlement conferences; and
- (6) take such other action, as permitted by law, which could promote the just and efficient disposition of the case.

Appearance by counsel at any status conference, either in person or by telephone (if approved in advance by the court), is mandatory. Failure to appear will result in the setting of an order to show cause why sanctions should not be imposed. No appearance is required if excused by the court, a judgment has been filed, or the case has been dismissed.

(Rule 5.12 [7/1/2011] amended and effective May 17, 2013)

5.13 TRIAL SETTING

A party may request that the case be set for trial by filing the court's Request for Trial Setting form number FAM 014, by request for order, orally, or as otherwise directed by the court.

The department to which the case is assigned, upon finding that the case is ready for trial setting, may, in its discretion, transfer the case to Department 2, or to another department, for all trial setting, trial readiness and trial settlement related matters, from which the case will then be re-assigned for trial to any available trial department, which could include the department originally assigned. The department originally assigned will continue to handle all other non-trial and post trial proceedings.

The parties will be notified in open court or by mail of the date and time of the trial and/or pre-trial proceedings.

The parties are required to provide the court with reasonable and accurate time estimates for trial. Unless otherwise ordered, trial counsel and the parties must appear at the trial setting conference in person.

In the event that the case settles, the parties must immediately notify the court, so that the trial date may be vacated.

(Rule 5.13 [7/1/2011, 5/17/2013, 1/1/2016] amended and effective July 1, 2020)

5.14 TRIAL READINESS, SETTLEMENT CONFERENCES AND PRE-TRIAL ORDERS

At a Trial Readiness Conference ("TRC") or other trial setting proceeding the court may make orders deemed necessary for the case to be considered ready for trial and may set the case for a

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Settlement Conference (“SC”), Mandatory Settlement Conference (“MSC”), Family Centered Case Resolution (“FCCR”), Arbitration, or other Alternate Dispute Resolution proceedings.

All parties and trial counsel must appear personally at the Trial Setting Conference, FCCR, TRC, SC, MSC, Arbitration, or other Alternate Dispute Resolution proceeding unless otherwise ordered, and comply with Local Rule 5.9.

The court’s role at the TRC, SC, or MSC is to assist the parties in settlement negotiations. Prior to a TRC, SC, or MSC, counsel must hold at least one face-to-face or telephonic settlement discussion, and make a full exchange of all pertinent information. The parties must be prepared to discuss the issues in the case, preparedness for trial, efforts at settlement, and trial time estimates.

(a) Pre-Trial Orders. Unless otherwise ordered, not less than seven calendar days before a SC, MSC, Arbitration, or other Alternate Dispute Resolution proceeding, each party must serve on the other the following:

(1) A conformed copy of the Declaration Regarding Service of Preliminary Declaration of Disclosure (form FL-141);

(2) A current Income and Expense Declaration (form FL-150) as required by Family Code section 3665 and California Rules of Court, rule 5.260, and Local Rule 5.9. The parties must attach pay stubs for the last two months. If self-employed, the parties must also attach a Profit and Loss Statement for the past two years or a Schedule C from their last tax return. The parties must completely fill in all blanks on financial declarations. "Unknown", "minimal" and "TBD" are not acceptable answers. The parties must bring to court copies of last year's State and Federal Income Tax Returns, including all supporting schedules;

(3) A Schedule of Assets and Debts (form FL-142), Property Declaration (form FL-160), Propertizer, or equivalent balance sheet. The parties must list community property and separate property assets and debts with a proposed division, as well as accurate fair market values and loan balances as of the current date and at the date of separation, if applicable. "Unknown", "minimal" and "TBD" are not acceptable answers;

(4) An exhibit list. The parties must exchange all non-impeachment exhibits to be offered at trial. The exhibits must be consecutively numbered as directed by the court. Exhibits must be pre-marked. Exhibits of more than one page must be given page numbers. The parties must bring the exhibits to the SC, MSC, Arbitration, or other Alternate Dispute Resolution proceeding;

(5) A list of all non-party, non-impeachment witnesses, their address and current phone numbers. The list must briefly describe each witness' testimony with specificity and provide an estimate as to the time needed for direct and cross examination. Witness List (form FL-321) may be used for this purpose; and

(6) Appraisals or other forensic reports intended to be used at trial.

(b) Contents of the SC or MSC Brief. An SC or MSC Brief, if ordered by the court, must contain the following:

(1) The times and dates of the MSC and the trial, set forth in the caption;

(2) All relevant statistical facts, including the date of marriage, date of separation, length of marriage (in years and months); and the number and ages of minor children;

(3) A recitation of the facts of the case and its procedural history, identifying all previous orders bearing on any matter in dispute;

(4) Each party’s specific proposals regarding child custody and child and/or spousal support, together with computer support printouts if applicable;

(5) The proposed division of community assets and community debts;

(6) The amount of any attorneys’ fees, experts’ fees, or costs being requested.

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(c) Sanctions for Failure to Comply with Trial Readiness Requirements Ordered by the Court. The failure, without good cause, to follow these orders may result in sanctions including monetary sanctions under Code of Civil Procedure section 177.5, California Rules of Court, rule 5.14, attorney's fees under Family Code section 271, evidentiary sanctions including exclusion of non-impeachment documents and witnesses not timely disclosed, and may result in vacating existing trial dates.

(Rule 5.14 [as MANDATORY SETTLEMENT CONFERENCES AND PRE-TRIAL ORDERS 7/1/2011, 7/1/2012, 5/17/2013, 7/1/2014, 7/1/2016] amended and effective July 1, 2020)

5.15 TRIAL

(a) Continuance. The trial date cannot be continued by stipulation of the parties. At a hearing before the court, the court may, in its discretion, continue the trial date upon a showing of good cause. (See Cal. Rules of Court, rule 3.1332.)

(b) Pre-trial Filings. The court may, at its discretion, order counsel to comply with all or part of the disclosures and pleadings required for an MSC. (See Local Rule 5.14.)

A party seeking attorneys' fees, experts' fees, or costs must comply with California Rules of Court, rule 5.427.

All exhibits listed in a party's exhibit list exchanged pursuant to the TRC, MSC, or other court order must be pre-marked and exchanged at least five court days prior to the initial date set for trial. Absent a showing of good cause, exhibits not pre-marked and exchanged will not be received in evidence.

Before trial begins, unless otherwise ordered, counsel and self-represented parties must submit to the clerk all pre-marked exhibits and a second "working" copy for the court. Voluminous exhibits should be placed in a binder with appropriate tabs. (See Local Rules 3.52 and 3.53 regarding marking of exhibits for trial.)

(c) Trial Procedure. Counsel should read and be familiar with Local Rules 3.37-3.159 regarding civil trial procedure.

(Rule 5.15 [7/1/2011] amended and effective May 17, 2013)

5.16 JUDGMENT PROCEDURE

In every case in which the court asks a party to prepare and file a judgment, counsel for the party so ordered must serve the proposed judgment on opposing counsel for approval as to form and file the approved judgment with the court. If the party ordered to prepare the judgment fails to do so, or if the opposing party files objections to the proposed judgment within ten days of service, the opposing party's counsel may prepare and submit a proposed judgment to the court with a proof of service on the other party.

At the time the court orders the judgment prepared, the court will set an order to show cause re: entry of judgment. If the judgment approved as to form is received prior to this hearing, no appearance is necessary. If no judgment is received, sanctions may be imposed.

(a) Bifurcated Status Only Judgments. Parties in action for dissolution may file a bifurcated judgment on the issue of marital status only. The box on the Judicial Council Judgment form (FL-180) must be checked which provides that jurisdiction is reserved over all other issues and all present orders remain in effect.

A Preliminary Declaration of Disclosure with all required attachments must be served on the nonmoving party with the proposed judgment, unless it has been served previously and a proof of service is filed with the court.

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(b) Stipulated Judgments on Further Reserved Issues. When all remaining issues have been resolved, a Stipulation for Judgment or Further Judgment Upon Reserved Issues may be submitted to the court without appearance. The proposed judgment must comply with the California Rules of Court. The following forms must be submitted:

- (1) Original and three copies of the judgment. The court will retain the original and one copy;
 - (2) If child support has been ordered, the judgment must be accompanied by:
 - a) A Stipulation to Establish or Modify Child Support and Order;
 - b) If appropriate, an Order/Notice to Withhold Income for Child Support;
 - c) If appropriate, a Stay of Service of Earnings Assignment Order;
 - (3) An Appearance, Stipulation and Waiver, including a stipulation that the matter may be heard by a commissioner sitting as a judge pro tempore;
 - (4) Declaration Regarding Service of the Final Declaration of Disclosure. If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the judgment;
 - (5) Original and two copies of the Notice of Entry of Judgment; and
 - (6) Two self-addressed, stamped envelopes, addressed to each counsel.
- (Rule 5.16 new and effective July 1, 2011)

5.17 DEFAULT OR UNCONTESTED JUDGMENT BY AFFIDAVIT

The following forms must be submitted to obtain a default or uncontested judgment:

- (1) Declaration for Default or Uncontested Dissolution;
- (2) Request for Default or Appearance, Stipulation and Waiver form, whichever applies;
- (3) Declaration Regarding Service of Declaration of Disclosure (Preliminary and/or Final, as necessary). If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the Judgment;
- (4) Original and three copies of the judgment. The court will retain the original and one copy;
- (5) Original and two copies of the Notice of Entry of Judgment; and
- (6) Two self-addressed, stamped envelopes, with the court's address as the return address;

As appropriate, the following forms are also required:

- (1) Current Income and Expense Declaration;
- (2) Stipulation to Establish Or Modify Child Support and Order;
- (3) Earnings Assignment Order; and
- (4) Property Declaration.

All forms must be completely filled out. A party may not request orders in the judgment which were not requested in the petition.

Unless there is a written agreement to the contrary, the following issues will require a court hearing:

- (1) Request to terminate the court's jurisdiction over spousal support in a marriage of ten years or longer;
- (2) Request for no visitation or for supervised visitation; and
- (3) Request for a specific amount of spousal support.

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Filing fees will not be required from a defaulting party that has signed a judgment. The signature of the defaulting party must be notarized.

(Rule 5.17 new and effective July 1, 2011)

5.18 ALTERNATIVE DISPUTE RESOLUTION (“ADR”) OF NON-CUSTODY DISPUTES

(a) Arbitration and Mediation. Pursuant to Family Code section 2554, the court may order parties to arbitration. In lieu of arbitration, the parties may elect mediation, pursuant to Code of Civil Procedure section 1141.10.

(b) Mediator Qualifications. The qualifications necessary to serve on the family law mediation panel are found in Appendix 5.A to the Local Rules.

(Rule 5.18 [7/1/2011] amended and effective May 17, 2013)

5.19 FAMILY COURT SERVICES: MEDIATION, CUSTODY EVALUATIONS AND PARENT EDUCATION

Family Court Services must provide confidential mediation of child custody and visitation disputes, must provide a mediation orientation program as described below in subdivision (a)2(i), and will conduct or coordinate court-ordered evaluations. Family Court Services staff will aid parents making their own decisions regarding the care of their children.

(a) Family Court Services Mediation.

(1) This rule applies to all family law cases involving a dispute regarding child custody and/or visitation.

(2) The Family Code assigns jurisdiction over such matters disputes to the Conciliation Court. Family Court Services must provide the parents in such disputes with the following:

(i) A mediation orientation program which includes an explanation of the mediation process, educational material regarding the effects of parental separation and conflict on children, and information and referrals about domestic violence.

(ii) Mediation session(s) focused on the resolution of the custody and/or visitation dispute.

(3) Unless otherwise specified below, parents must attend a mediation orientation and a mediation session prior to appearing at an order to show cause hearing or trial regarding the custody and/or visitation of their children, unless they resolve all issues pertaining to custody and/or visitation prior to the date of hearing. Parents must attend the mediation orientation program once. An appointment for a mediation session will be obtained prior to obtaining an order to show cause hearing date or a trial date regarding child custody and/or visitation issues.

(i) Parties in cases filed under the DVPA may attend the mediation orientation program but are not required to do so.

(ii) Failure to attend the mediation orientation program will not preclude the Family Law Services Mediation Office from proceeding with a mediation session in a specific case.

(iii) Failure to attend the mediation orientation program will not preclude a court from making orders regarding a specific matter.

(iv) This rule and a schedule for the mediation orientation program will be provided by the clerk to the petitioner or moving party. The petitioner or moving party must serve the same, along with the Petition or order to show cause, on the responding party. The clerk will not schedule a court date for an order to show cause hearing regarding custody and/or visitation until the party has scheduled a mediation appointment with Family Court Services.

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(v) Each party will receive a certificate of completion of the mediation orientation program. It is the responsibility of each party to provide proof of completion of the mediation orientation program upon request of the court.

Sanctions may be imposed by the court upon any party for failure to complete the mediation orientation program or Family Court Services mediation.

(b) Confidentiality of Family Court Services Proceedings.

(1) In any family law proceeding involving the custody or visitation of minor children, any written report or recommendation from the Child Custody Evaluation Unit of Family Court Services or from any person appointed by the court to render a report must be confidential and unavailable to any person except the court (including Juvenile Division), the Department of Children and Family Services, the parties, their attorneys, expert witnesses, and any person to whom the court grants access by written order made with prior notice to all parties. No person who has access to a report shall disclose its contents to any child who is the subject of the report.

(i) Copies of the report must be furnished by Family Court Services to counsel at least ten days before any hearing or other action which is the subject of the report unless otherwise ordered by the court.

(ii) The name and address of any party who becomes delinquent in payments owed to the court for work performed by the Child Custody Evaluations Office and the amount owed may be released by the court to a collections agency for the purpose of collecting the debt.

(iii) Nothing in this rule shall prevent an evaluator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

(2) Except as provided here, it is the policy of the court that all Conciliation Court marriage counseling and family mediation services are confidential. Such confidentiality is essential to the effective functioning of the Conciliation Court.

(i) Family Court Services staff must not disclose information to persons other than participants and their counsel, or produce records in violation of this policy. No Family Court Services staffperson, party, counsel, or participant may be compelled to testify concerning any information acquired--including, but not limited to, communications or observations made in connection with the provision of Conciliation Court services.

(ii) Exceptions

Nothing in this rule restricts any person from reporting or serving as a witness where a crime has been committed, or is alleged to have been committed, in his or her presence;

Nothing in this rule restricts Family Court Services staff from complying with any law requiring reporting of child abuse and the fact that such a report was made or exists shall not be deemed confidential;

Nothing in this rule restricts Family Court Services staff from complying with the requirements of *Tarasoff v. The Regents of the University of California* (1976) 17 Cal.3d 425;

The fact that a Family Court Services mediation session took place, the time and place of that session, and the identities of participants shall not be deemed confidential;

The fact that an agreement was or was not reached and the contents of any signed stipulation and order resulting from a Conciliation Court session shall not be deemed confidential;

Nothing in this rule prevents a Family Court Services mediator from recommending that a matter be referred for a child custody evaluation, or that an attorney be appointed for a child or children;

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Nothing in this rule prevents the Family Court Services mediator from meeting with the judge hearing a contested custody matter in an in-chambers conference with both attorneys and the parties when the parties themselves have both consented to such a conference following their completion of the mediation process.

Nothing in this rule prevents a mediator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

(c) Adherence to Standards and Requests for Change of Family Court Services Mediator/Evaluator.

(1) Mediator. A request for a change of mediator must be addressed to a Supervisor, Family Court Services. If the request is not resolved to the satisfaction of the party seeking it, that party may bring the request to the attention of the Administrator, Family Court Services. The request will be granted only upon a showing of good cause.

(2) Evaluator. After a stipulation has been filed appointing the court's Child Custody Evaluations Office and an evaluator has been assigned, each side is permitted one peremptory challenge to the evaluator assigned within five court days of receiving the written notification of the assignment. Challenges for cause may be made at any point in the process through the Administrator of Family Court Services. An evaluator appointed to perform a Solution Focused Evaluation can only be challenged for cause.

(3) Good Cause. Good cause may include, but not be limited to, a showing that the mediator or evaluator is personally acquainted with a party or has a conflict of interest or appearance thereof with one of the parties or attorneys, or is otherwise unable to perform his or her duties in a fair and impartial manner.

(4) Complaints. A complaint about a Family Court Services mediator or evaluator must be addressed in writing to the Administrator, Family Court Services. A supervisor will review the complaint and the case file and discuss the matter with the individual mediator or evaluator who is the subject of the complaint. A written response will be sent to the person filing the complaint. If either the complainant or the mediator or evaluator is not satisfied with the action taken in connection with the complaint, it may be brought to the attention of the Administrator. If appropriate, corrective and/or disciplinary action will be taken with the individual staff person involved.

(5) Standards of Practice It is the responsibility of the court to assure that mediators and evaluators adhere to the Standards of Practice as set forth in the California Rules of Court, Chapter 5. The quality of service is monitored on an on-going basis by: (1) Regular training and clinical supervision of Family Court Services clinical staff and their work; and (2) Review sheets completed by judicial officers on child custody evaluations.

(d) Assessment of minor(s) seeking permission to marry.

(1) Statute requires court and parental consent for a minor seeking permission to marry.

(2) A minor seeking permission to marry must file with the Court a Request of Minor to Marry (FL-910) that includes written parental consent; and a proposed Order (FL-915).

(3) To assist the court in determining whether to grant the minor permission to marry, the minor and his or her prospective spouse are required to meet with a Family Court Services Specialist for an assessment for consent to marry.

(4) The Family Court Services Specialist must provide the court with a recommendation as to whether the application should be granted, denied, or deferred.

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(5) The recommendation is confidential and unavailable to anyone except the court, the parties, and their attorneys, and will be placed in a confidential envelope.

(6) The court shall consider the application, recommendation, and such other matters it deems relevant and thereafter issue an order to grant or deny the Request of Minor to Marry.

(Rule 5.19 [7/1/2011] re-titled & amended and effective July 1, 2014)

5.20 PRIVATE CHILD CUSTODY EVALUATIONS

(a) Qualifications for Appointment. A person appointed to conduct a child custody evaluation (“Evaluator”) must complete a Declaration of Private Child Custody Evaluator Regarding Qualifications (Form FL-326) showing compliance with all applicable education, training, and experience requirements and file it in the clerk's office no later than ten days after notification of an appointment and before beginning any work on a child custody evaluation.

(b) Disclosures. An Evaluator must disclose in writing within ten days of appointment, any significant personal or professional relationship the Evaluator has or has had with a party, attorney, or law firm in any case to which appointment is made, including the number and nature of any services in the past 24 months for which the Evaluator has been privately compensated by a party, attorney, or law firm involved in the case to which appointment is made. “Services” includes, but is not limited to, services provided as an expert witness, consultant, evaluator, parenting plan coordinator, mediator, or therapist.

(c) Peremptory Challenge. When an Evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge of a specific Evaluator. The challenge must be made within ten court days of the notice of appointment.

(d) Withdrawal From a Case. An Evaluator may petition the trial court making the appointment to withdraw from a case. The request shall be granted upon a showing of good cause.

(e) Complaint Regarding Evaluator. A complaint regarding the performance of a court-appointed Evaluator may be addressed to the appropriate professional licensing board and/or, in the case of a party, through a Request for Order and/or Motion before the judge making the appointment. The judge who made the appointment will determine the appropriate response to a complaint about the Evaluator’s performance. The court’s decision concerning the removal or retention of a court-appointed Evaluator is independent of any action taken by any applicable professional licensing board. If the Evaluator is listed on the court’s Evaluator List, the judge receiving the complaint may refer the matter to the Supervising Judge of the Family Law Division for further action concerning removal or retention of the Evaluator on the Evaluator List.

(f) Ex Parte Communication. An Evaluator must not have *ex parte* communication with parties, counsel, or the court unless permitted under this rule. *Ex parte* communication includes all forms of communication including but not limited to voice, email, or written communication. An *ex parte* communication between the Evaluator and a party, counsel, or other person for the purpose of scheduling appointments or arranging for payment for services rendered is permitted. An *ex parte* communication between the Evaluator and any party, child, or other witness in the course of conducting scheduled interviews as part of an evaluation is also permitted. A party or counsel may address an objection to an *ex parte* communication between an Evaluator and another person to the judge making the appointment. The judge who made the appointment will determine the appropriate response to the objection, which may include disqualifying the evaluator or striking the evaluation report.

(g) Evaluator List. Family Court Services maintains a list of Evaluators (“Evaluator List”). This list is provided solely as a public service. The court does not endorse or recommend any Evaluator.

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The Evaluators are not court employees. The court may appoint a person to conduct a child custody evaluation who is not on the Evaluator List.

(h) Qualification for Inclusion on Evaluator List. To be included on the Evaluator List, a person must meet the qualifications set forth in the Family Code and the California Rules of Court. An Evaluator must also complete any application required by the court and meet the requirements set forth in the application. Upon request by the court, an Evaluator on the Evaluation List must provide documents demonstrating compliance with these qualifications, including proof of continuing education and training, and the case names, numbers and dates of four completed court-appointed child custody evaluations in which the Evaluator has participated in the preceding three years in accordance with California Rules of Court, Rule 5.225.

(i) Completion of Report by Evaluator on the Evaluation List. An Evaluator on the Evaluator List ordered to conduct an evaluation must complete the evaluation and send the report to those persons as directed by the court or as provided by stipulation within fourteen weeks of the appointment unless good cause is shown for an extension. An Evaluator seeking an extension must file a written request with the judge who made the appointment, and send a copy of the request to both parties. The request must specify the length of the requested extension and describe the circumstances constituting good cause.

(j) Removal from Evaluator List. The court reserves the right to remove any person or entity from the Evaluator List with or without cause upon written notification to the Evaluator. Any court-conducted investigations and conclusions concerning an Evaluator will be confidential and not be maintained as a public record.

(Rule 5.20 [7/1/2011, 5/17/2013, 1/1/2014] amended and effective July 1, 2015)

5.21 COMPLAINTS REGARDING MINOR'S COUNSEL

Complaints regarding the conduct and procedures employed by counsel appointed for a child pursuant to Family Code section 3150 *et seq.* will be handled by the judicial officer to whom the case is assigned. Complaints may also be made to the State Bar of California. Pursuant to noticed motion, application, or order to show cause, the judicial officer must determine what action should be taken, if any.

(Rule 5.21 new and effective July 1, 2011)

5.22 MINOR'S CONTRACT PROCEDURE

(a) Use of Mandatory Forms. A petitioner must use the mandatory forms, as applicable, denominated as Petition to Approve Contract(s) of Minor(s) (FAM 172), Additional Minors-Attachment A to Petition (FAM 174), Parental Quitclaim-Attachment B to Petition (FAM 175), Waiver of Notice-Attachment D to Petition (FAM 176), Additional Contracts-Attachment E to Petition (FAM 177), Declaration of Lender-Attachment F to Petition (FAM 178), Additional Facts-Attachment G to Petition (FAM 179), Order Approving Contract(s) of Minor(s) (FAM 180), Additional Minors-Attachment A to Order (FAM 181), and Additional Contracts-Attachment B to Order (FAM 182).

(b) Filing Of Petition. A petition for the confirmation of a minor's contract under Family Code section 6750 *et seq.* must be filed in Department 2. The contract for which confirmation is sought must be attached as an exhibit to the petition. The petition must be accompanied by a separately filed proposed order.

(c) Compliance With Family Code Section 6752(d). A proposed order confirming a minor's contract must direct petitioner, through his or her counsel, to file a declaration under penalty of perjury evidencing: (1) compliance with Family Code section 6752(b), and (2) that petitioner forwarded a copy

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of the order to the minor's guardian *ad litem* with a cover letter which included the language under Family Code section 6752(d).

(d) Continuing Jurisdiction. Department 2 has continuing jurisdiction over the petition and any funds blocked pursuant to court order until the funds are released. A petition for withdrawal of funds from blocked account pursuant to Family Code section 6752(b)(7) or section 6752(c)(5), must be supported by adequate declarations setting forth the reason and necessity of the requested action.

(e) Fees. The clerk will assess a fee for processing petitions for withdrawal of funds from blocked minors accounts.

(Rule 5.22 [7/1/2011, 1/1/2012, 7/1/2017] amended and effective July 1, 2020)

5.23 DUTIES OF FAMILY LAW FACILITATOR

Pursuant to the provisions of Family Code section 10005(a), duties of the Family Law Facilitator shall include the following:

(a) Meetings. Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Family Code section 10012. Actions in which one or both of the parties are self-represented have priority;

(b) Stipulations. Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Family Code section 10003;

(c) Advice to Court. If the parties are unable to resolve issues with the assistance of the Family Law Facilitator, prior to or at the hearing, and at the request of the court, reviewing the paperwork, examining documents, preparing support schedules, and advising the court whether or not the matter is ready to proceed; and

(d) Preparation of Order. Preparing formal orders consistent with the court's announced order in cases where both parties are self-represented.

(Rule 5.23 new and effective July 1, 2011)

5.24 ACTIONS FOR PARENTAGE, CHILD AND SPOUSAL SUPPORT

(a) Central Civil West Courthouse. The following actions shall be heard at the Central Civil West Courthouse:

(1) Actions filed by the Child Support Services Department ("CSSD") pursuant to the Family Code for an order to establish parentage and/or child support, to modify child support, to obtain retroactive child support; or to enforce a child, spousal or family support order;

(2) Actions filed, other than by the CSSD, involving only the modification or enforcement of a child, spousal or family support order or for the determination or collection of arrears in which the CSSD has made an appearance or is enforcing the child, spousal or family support order; and

(3) Actions which, upon proper notice, are transferred to Central Civil West at the request of parties with matters pending in the Central District or other district.

(b) Stanley Mosk Courthouse (Central) and District Court Family Law Departments. The following actions shall be heard in any family law court in any district:

(1) Actions filed, other than by the CSSD, by any party pursuant to the Family Code to establish parentage or an original order for child, spousal or family support;

(2) Actions filed, other than by the CSSD, by any party pursuant to the Family Code which involve issues in addition to child, spousal or family support, such as custody, visitation, division or control of property and personal restraining order; and

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(3) All other actions not specified in subdivision (a) above, unless the CSSD files and serves a written request for transfer to the Central Civil West Courthouse at least fifteen days prior to the scheduled court date. The court before whom the action is pending shall rule on the request for transfer and, if granted, a new hearing date at Central Civil West Courthouse shall be set no later than fifteen days from the date of transfer.

(c) Incorrect Filing: Transfer to Central Civil West. An action which should have been filed at Central Civil West, pursuant to subdivision (a), and which has been incorrectly filed in another courthouse, must be transferred by the clerk to Central Civil West upon discovery of the error or upon written request by letter or fax from the CSSD. The clerk shall serve notice of the transfer, specifying the reason and a new hearing date at Central Civil West no later than fifteen days from the date of the transfer, on all parties.

(Rule 5.24 [7/1/2011] amended and effective July 1, 2020)

5.25 DECLARATION/STATEMENT OF PROVIDER OF SUPERVISED VISITATION

Pursuant to Penal Code section 11166.5(d), all providers of supervised visitation who receive payment for their services must complete and file a declaration/statement as provided on court Form H272. The provider must attach a copy of proof of attendance at a training program to the form.

(Rule 5.25 new and effective July 1, 2011)

5.26 COLLABORATIVE LAW PROCESS

(a) Purpose. The court strongly encourages parties to use the collaborative law process (Fam. Code § 2013) and other consensual dispute resolution processes to reach agreements that promote the best interests of the entire family and particularly their children. To facilitate that process, the court will accept Stipulations to Proceed Collaboratively.

(b) Stipulation to Proceed Collaboratively.

(1) In addition to the Stipulation and Proposed Order to Proceed Collaboratively, the parties must file and serve a Notice of Stipulation and Order (FAM 198);

(2) Attorneys and law firms representing the parties in the collaborative law process, or any attorneys acting in association with them, may not represent either party as counsel of record in any phase of future contested proceedings (including post-judgment) between the same parties;

(3) Mental health professionals, accountants, financial professionals, and other consultants and experts jointly retained during the collaborative law process may not, in any phase of future contested proceedings (including post-judgment) between the same parties, a) assist either party or b) testify (except as required by law);

(4) Except for executed declarations of disclosure required under Family Code sections 2104 and 2105, the collaborative law process is a confidential “Mediation” under Evidence Code section 1115 and protected under Evidence Code sections 1115 through 1128. Mediation confidentiality applies to all notes, work papers, summaries, and reports that parties’ jointly retained consultants and experts prepared during the collaborative process. Mediation confidentiality commences upon the execution of the stipulation to proceed collaboratively; and

(5) Filing the stipulation constitutes:

(A) A waiver and acceptance of service by respondent within the meaning of Family Code section 233 if the Petition has not already been served on Respondent; and

(B) A general appearance if a Response to the Petition has not previously been filed.

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(c) Timing of Collaborative Law Process. Parties may elect to proceed collaboratively upon the commencement of an action or at any time before or after the entry of judgment.

(d) Filing of the Collaborative Law Petition. If the parties agree to proceed collaboratively at the time the Petition is filed, the Petitioner must file the Petition as a self-represented party and identify the action as a “Collaborative Law Case” below the case number in the case caption on all pleadings and documents filed during the collaborative process. The address of record for either party may be “care of” the parties’ collaborative counsel even though such counsel is not appearing of record.

(e) Assignment of Collaborative Law Cases. The court clerk shall assign or reassign all Collaborative Law cases to Department 2 of the Los Angeles Superior Court during the collaborative process. This rule applies regardless of the district in which the case was initially filed. The court clerk will give notice of reassignment, if any, to the parties. For purposes of Code of Civil Procedure section 170.6, the assignment to Department 2 is a Master Calendar assignment as defined in Local Rules 2.4 and 2.5.

(f) Effect of Collaborative Case on Pending Matters. Upon the filing of the stipulation to proceed collaboratively, all of the following will occur without further court order:

- (1) All scheduled hearings are off calendar. However, the parties may stipulate to stay any request for support orders to maintain jurisdiction to make such orders retroactive;
- (2) All other appearances and court deadlines are vacated;
- (3) All outstanding discovery and discovery-related deadlines are stayed;
- (4) The case is not subject to Local Rule 5.12 during the collaborative process; and
- (5) The time periods in Code of Civil Procedure section 583.420 for discretionary dismissal are stayed during the collaborative process.

(g) Termination of Collaborative Law Process. Proceeding collaboratively is voluntary. A party may unilaterally terminate the Stipulation to Proceed Collaboratively by providing written notice of termination to the opposing party and filing a proof of service of the notice of termination. The party or parties must use the Notice of Termination of Collaborative Law Case and Order (FAM 199).

(h) Effect of Terminating Collaborative Process.

(1) If the parties terminate the Collaborative process, the court clerk will reassign the case as follows:

- (A) If the case was initially filed as a collaborative case, to the family law department in the same manner as if had been initially filed;
 - (B) If the case was initially filed in the Central District, it will remain in the Central District. If it was initially filed in another district it will be reassigned to that district; and
 - (C) If the parties elected to proceed collaboratively in a pending case, to the department to which it was previously assigned.
- (2) The court clerk will give notice of reassignment to all parties.
 - (3) The family law department to which a case is reassigned shall promptly schedule a status conference pursuant to Local Rule 5.12.

(Rule 5.26 [7/1/2011, 7/1/2018] amended and effective July 1, 2020)

5.27 FILING AND ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP PURSUANT TO A GESTATIONAL SURROGACY (Fam. Code, §§7620 and 7960)

(a) Filing Petition. Notwithstanding Local Rule 5.24, a party seeking to establish a parent-child relationship pursuant to gestational surrogacy must file the petition in the Central District, Stanley Mosk Courthouse.

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(b) Petition and Supporting Papers. The petition (FL 200) must be filed with the following documents.

(1) Petitioner's Documents:

- (A) LA County Gestational Surrogacy Cover Sheet – completed and signed (FAM-104);
- (B) Family Law Case Cover Sheet (FAM-020);
- (C) Summons (FL-210);
- (D) Stipulation for Entry of Judgment Re: Establishment of Parental Relationship (FL-240);
- (E) Appearance, Stipulations, and Waivers (Petitioner(s)) (FL-130);
- (F) Declaration for Default or Uncontested Judgment (Petitioner(s)) (FL-230);
- (G) Advisement and Waiver of Rights Re: Establishment of Parental Relationship (Petitioner(s)) (FL-235);
- (H) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (Petitioner(s)) (FL-105);
- (I) Judgment (FL-250);
- (J) Judgment (long form);
- (K) Notice of Entry of Judgment (FL-190);
- (L) Copy of Gestational Carrier Agreement, Executed and Notarized (lodged as Exhibit to Petition);
- (M) Declaration of IVF Doctor;
- (N) Declaration(s) of Petitioner(s); and
- (O) Declaration of Attorney for Petitioner(s) including as an exhibit Criminal Background Check for Petitioner.

(2) Respondent's Documents:

- (A) Response to Petition to Establish Parental Relationship (FL-220);
- (B) Appearance, Stipulations, and Waivers (Respondent(s)) (FL-130);
- (C) Declaration for Default or Uncontested Judgment (Respondent(s)) (FL-230);
- (D) Advisement and Waiver of Rights Re: Establishment of Parental Relationship (Respondent(s)) (FL-235);
- (E) Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (Respondent(s)) (FL-105);
- (F) Declaration of Respondent(s); and
- (G) Declaration of Attorney for Respondent(s).

(c) Format of Documents. Petitioner's documents must be tabbed and labeled as 1, 2, 3, etc. Respondent's documents must be tabbed and labeled as A, B, C, etc. Petitioner and Respondent must each provide an index of filed documents.

(Rule 5.27 new and effective July 1, 2018)

5.28 APPOINTMENT OF PRIVATELY COMPENSATED TEMPORARY JUDGE

A party seeking the appointment of a privately compensated temporary judge must use the Stipulation and Order for Appointment of Privately Compensated Temporary Judge (FAM 200).

(Rule 5.28 new and effective July 1, 2020)