

FILED
Clerk of the Superior Court

JUN 22 2012

By: Amy Helfers

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8 **THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10 **LOCAL RULES, DIVISION V – FAMILY LAW**)
11 **RULES AFFECTED BY ADOPTED AND**)
12 **PENDING FAMILY LAW CALIFORNIA**)
13 **RULES OF COURT**)
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**EMERGENCY ORDER OF THE
PRESIDING DEPARTMENT
ORDER NO. 062212
SUPERSEDES ORDER NO. 010512**

15 The 2012 local rules for the San Diego Superior Court, Division V, Family Law, were written
16 based on the projected adoption by the Judicial Council of all the newly proposed Family Law
17 California Rules of Court no later than December 31, 2011. There was an unforeseeable delay of the
18 adoption, as well as the renumbering, of many of the proposed state rules referenced in the 2012 local
19 rules. Due to the piecemeal adoption, compliance with some of the California Rules of Court cited in
20 the local rules will be delayed until the state rule is adopted with an effective date. Due to the
21 renumbering, the state rules may not be correctly cited in the local rules. Also, until the complete
22 adoption of all the new family law state rules, the California Rules of Court numbers may not be
23 organized by subject matter or be in consecutive order.

24 To minimize confusion while insuring compliance with the new state rules that go into effect on
25 July 1, 2012 [rules 5.92, 5.93 (amended), 5.146, 5.147, 5.148], the court makes this emergency order to
26 clarify the status of the San Diego Superior Court Local Rules for the Family Law Division. On July 1,
27 2012, the local rules will be effective as written, except as provided in this order.

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1 **LOCAL RULE WITH DESCRIPTION AND APPLICATION**

2 **5.1.1B:** Sanctions for noncompliance with the local rules will be governed by the Code of Civil
3 Procedure, section 575.2 until the pertinent proposed California Rules of Court are adopted with an
4 effective date.

5 **5.1.4:** "Declarations of Disclosure" will be defined by the Family Code, sections 2100 through 2113,
6 until the pertinent proposed California Rules of Court are adopted with an effective date.

7 **5.1.5:** All references to "CRC" as the abbreviation for "Case Resolution Conference," throughout the
8 local rules, should not be confused with the standard reference to CRC as the abbreviation for the
9 California Rules of Court. While the abbreviation "CRC" cannot be changed in the local rules at this
10 time, the court will use "FRC" as the working reference for the Family Resolution Conference. See
11 California Rules of Court, rule 5.83.

12 **5.2.8A:** Mandatory settlement conferences will continue to use the existing Form SDSC D-241
13 (Settlement Conference Brief/Mandatory Trial Statement) until the proposed pertinent California Rules
14 of Court are adopted with an effective date.

15 **5.2.9:** Telephone appearances, not involving cases with the Department of Child Support Services, will
16 be governed by the applicable 2011 local rules until the pertinent proposed California Rules of Court are
17 adopted with an effective date.

18 **5.3.1A & B:** Ex parte applications will be governed by the applicable 2011 local rules until the pertinent
19 proposed California Rules of Court are adopted with an effective date.

20 **5.5.1A:** Requests for Orders shall comply with California Rules of Court, rules 5.92, 5.93 and 5.118.
21 Note: The remainder of the 2012 rule, including subparts A.1 and A.2. and part B, have been in effect
22 and will continue to be in effect through 2012.

23 **5.5.8:** Part G will be governed by California Rules of Court, rule 5.119 [not 5.113]. Part H will be
24 governed by California Rules of Court, rule 5.93 [not 5.247].

25 **5.6.1:** Service of declarations of disclosure will governed by Family Code, sections 2100 through 2113,
26 until the pertinent proposed California Rules of Court are adopted with an effective date.

27 **5.6.4:** Disclosure of income tax returns will be governed by the applicable 2011 local rule until the
28 pertinent proposed California Rules of Court are adopted with an effective date.

1 5.7.1: Trials and long cause hearings will be governed by the applicable 2011 local rules until the
2 pertinent proposed California Rules of Court are adopted with an effective date or unless otherwise
3 ordered in a case resolution plan.

4 5.7.2: Trials and long cause hearings will be governed by the applicable 2011 local rules until the
5 pertinent proposed California Rules of Court are adopted with an effective date or unless otherwise
6 ordered in a case resolution plan.

7 5.9.4.A: Trials and long cause hearings in the Family Support Division will be governed by the
8 applicable 2011 local rules until the pertinent proposed California Rules of Court are adopted with an
9 effective date or unless otherwise ordered in a case resolution plan.

10 5.9.5: Ex parte applications in the Family Support Division will be governed by the applicable 2011
11 local rules until the pertinent proposed California Rules of Court are adopted with an effective date.

12 5.11.1: Procedures and forms for default and uncontested judgments will be governed by California
13 Rules of Court, rules 5.122, 5.124, 5.136, 5.146, 5.147 and 5.148.

14 5.11.2: Preparation of orders and judgments will be governed by the applicable 2011 rules until the
15 pertinent proposed California Rules of Court are adopted with an effective date.

16 5.12.1: Requests for child support will be governed by the 2012 local rule and the current California
17 Rules of Court, rule 5.128, until the pertinent proposed California Rules of Court are adopted with an
18 effective date.

19 5.14.11: Limited scope representation will be governed by the current California Rules of Court, rules
20 5.70 and 5.71, until the pertinent proposed California Rules of Court are adopted with an effective date.

21 This Order shall expire on December 31, 2012, unless otherwise ordered by this court.

22 IT IS SO ORDERED.

23 DATED: June 22, 2012

Robert Trentacosta

ROBERT J. TRENTACOSTA
PRESIDING JUDGE