



TRIAL SETTING INSTRUCTIONS: OBTAINING A JUDGMENT OF DISSOLUTION, NULLITY OR LEGAL SEPARATION WHEN A RESPONSE HAS BEEN FILED AND/OR YOU DO NOT AGREE

If you do not agree on all issues involved in your case, you may want to have the Judge decide those issues. The Judge will make a decision on the issues after considering all the relevant evidence presented to the Court by the parties. You must complete several steps before you appear in front of a Judge. These instructions describe what you must do. If you want legal advice or assistance, you should consult a private attorney. The Family Law Facilitator's Office can help you with some of the steps, but is not permitted to give legal advice or to represent you in Court. *NOTE: If either party is incarcerated, that party will not be transported to the court date(s) and it is possible that the court date(s) will be dropped without that party's attendance.

Why Is A Settlement Conference Required?

Many parties find it easier to comply with court orders made by agreement rather than orders imposed by a Judge. In recognition of this, the Court requires all parties who request a Trial to first attend a mandatory Settlement Conference. The purpose of the Settlement Conference is to provide the parties with an opportunity to settle unresolved issues without a Trial and to have an opportunity to have a final say in the outcome of the dissolution. Otherwise, at Trial, the Judge has the final say. If all issues can be resolved at the Settlement Conference, then the Trial date can be vacated or canceled. However, if **both parties** fail to attend the Settlement Conference or file a Statement of Issues, neither party will be permitted to attend the Trial date and the Trial date will be dropped from the Court's Calendar.

Preliminary Steps

Before using these instructions, the following **must** be completed:

- A Response to the Petition has been filed.
- Both the Petitioner's and Respondent's **Preliminary** and **Final** Declarations of Disclosure are completed and served on the other spouse and Declaration Regarding Service of Declaration of Disclosure (FL-141) has been properly completed and filed with the court by both parties.
- You have responded to all discovery requests from the other party.

Information needed to complete Memorandum to Set

- Date Petition was filed.
- Date the Response was filed.



- Both parties' addresses (or the other party's attorney's address).

Documents & Materials Needed to File

- Memorandum to Set, Local form (FL/E-LP-625).

Memorandum to Set – (FL/E-LP-625)

This form is used to request Settlement Conference and Trial dates to finish your case.

The section at the top of the form is called the “caption” and *must* be completed before forms can be filed. It is helpful if you use middle initials or full middle name and suffix, e.g., Jr., II, or III when completing the forms.

In the top left box of the caption, print your full name, full mailing address, telephone number with area code and email address. In the space next to where it says "ATTORNEY FOR" print the words “In Pro Per.” This means that you are acting as your own attorney in this case.

In the second box down on the left side of the caption, the Court’s name and address may already appear. If not, please print the following information starting right after where it says “Superior Court of California, County of”:

Sacramento
3341 Power Inn Road, Room 100
Sacramento, California 95826
Family Relations Courthouse

In the third box down on the left side of the caption, print the full name of the party that opened/filed the case next to the word “Petitioner” and the name of the other party (or person that was originally served) next to “Respondent.” In the fourth box down on the left side of the caption, if there is a third party(ies) or other parent, write in the word “Claimant” and print the full name of that person next to the word “Claimant.”

In the second box down on the right side of the caption, print the case number.

In the fourth box down check the box next to “Memorandum to Set (Family Law)”.

After the words “Nature of Case:” check the box for “Family Law.”

Item 1. Check the box for either Petitioner or Respondent to indicate that you have completed your financial disclosures. If the other party has also completed his or her disclosures, check both boxes. Disregard the box next to the word “Claimant,” unless there is a “Claimant” in your case, then mark the box. If there is a claimant, a copy of the Memorandum to Set and the Statement of Issues and Contentions will need to be served on the claimant also.

Item 2. There is nothing to complete.



Item 3. Certain issues may be given priority in the scheduling of Settlement Conference and Trial dates. Because preferences can be complex, if you wish to request one, please utilize the resources available at the Law Library or consult a private attorney. If you are not able to claim a preference or you do not wish to claim a preference, you may leave this section blank.

Item 4. Check the box that is closest to the time you think it will take for both sides to present their cases. In most cases ½ a day is more than sufficient time to have your case heard.

Item 5. Print the dates the Petition and Response were filed. You will find the date stamped in the upper right corner of each filed document that says “for Court use only”. If you are unsure, you can review your file in the Records Department located in Room 102 or check with the Family Law Facilitator’s Office.

Read Item 6. There is nothing to complete.

Item 7. Print your name, address and telephone number next to either Petitioner or Respondent. Print your spouse’s name next to the appropriate party designation. If your spouse has an attorney, print the attorney’s name and address below your spouse’s name. If he or she does not have an attorney, print your spouse’s address. If there is a Claimant, complete that section as well. If you have changed your address, you must complete the Notice of Change of Address or Other Contact Information form (Judicial Council Form MC-040) and submit with the Memorandum to Set.

Completing the two boxes on page 2:

First, you **must** contact all other parties (or their attorney) regarding scheduling the Settlement Conference and Trial dates. If you are unable to reach all other parties, you will need to keep trying until you are able to discuss the dates. If the other parties are represented by an attorney, call the attorney’s office. Ask the other party(ies) if they agree to request the first available dates or if they have specific dates that they are available or are not available.

(Trial Section)

Before completing the box on page 2 that says “Trial”, try to agree with the other party(ies) to at least three dates on which to schedule a Trial date. Trials are scheduled on Thursdays and Fridays. Trials, 2 days in length, are heard on Thursday and the subsequent Friday. If there are specific dates that you or the other party(ies) are not available then you can request “any date but” the dates either of you are not available. **Available dates may be found on the court’s Public Notice at: <https://www.saccourt.ca.gov/family/family-law.aspx>.**

If both you and your spouse are able to agree upon dates, then print the dates next to the agreed upon dates in the “Trial” portion of the box of page 2 for the Petitioner, and for the Respondent. If one or the other of you is available only on certain dates, then print those dates next to the available dates for each party. If you are merely concerned with having the soonest possible Trial date, print “first available,” next to either Petitioner’s Available or Agreed Dates, and/or the Respondent’s Available or Agreed Dates, and/or the Claimant’s (if there is one) Available or Agreed Dates for the appropriate party.

If you are unable to reach an agreement on dates with the other party or attorney, use the space provided to explain why you were unable to agree. You must make several attempts to contact



the other party, at different times of the day or by alternate means and this should be included in the explanation.

If the dates that you request on your Memorandum to Set, (FL/E-LP-625) are not available, your form will not be filed, and you will be notified by the court.

(Settlement Conference Section)

You will also need to complete the Settlement Conference section box. To complete the box on page 2, you will try to agree on Settlement Conference dates approximately one week prior to your Trial date. Settlement Conferences are held on Tuesdays, Wednesdays, Thursdays and Fridays. In the "Settlement Conference" portion of the box on page 2, print the agreed upon dates or available dates for the Petitioner and the Respondent. Once again if you are merely concerned with having the soonest possible settlement conference date, print "first available" next to the appropriate box, provided both parties agree.

If you are unable to reach an agreement on dates with the other party or attorney, use the space provided to explain why you were unable to agree. You must make several attempts to contact the other party, at different times of the day or by alternate means and this should be included in the explanation.

Keep in mind that Settlement Conference and Trial dates are firm, meaning they cannot be moved to suit the convenience of the parties. Therefore it is essential that you specify any dates when you or the other party are not available.

Service of the Memorandum to Set

Before you may file this form, you must have a copy of it served on your spouse or their attorney, by a 3rd party, over the age of 18, who is not a party to the case. Have this person complete the Proof of Service section at the bottom of the page before making 2 copies and mailing one to your spouse or attorney. The form **must** be mailed on the date indicated on the Proof of Service.

Filing the Memorandum to Set

File the original Memorandum to Set (FL/E-LP-625) and a copy with the court; via in Department 128, mail or drop box. You will be notified by mail of your Settlement Conference and Trial dates, or Trial Setting Conference approximately two weeks later.

Statement of Issues, Contentions and Proposed Disposition of the Case (Pre-Trial Statement)

The Statement of Issues, Contentions and Proposed Disposition of the Case (otherwise known as a statement of issues) is used to identify the issues that are resolved and those that need to be resolved. A Statement of Issues is available on the Court's website at:

<http://www.saccourt.ca.gov/family/docs/fl-pre-trial-statement.pdf>, and comes with its own instructions. For more information or to find out what is required in the "Statement of Issues, Contentions and Proposed Disposition of the Case" see Sacramento Superior Court Local Rule 5.29.

Twenty days before your Mandatory Settlement Conference you must serve (by a 3rd party who is not a party to the case and over the age of 18) by mail on the other party or his or her



attorney a **“Statement of Issues, Contentions and Proposed Disposition of the Case.”** Once the Statement of Issues has been served, you must then file the original and three copies with the court (via in Department 128, mail or drop box), along with the completed Proof of Service by Mail (FL-335).

If neither party complies with this requirement, the settlement conference and/or trial dates will be dropped. But if the party that requested the Settlement Conference and Trial has completed the necessary paperwork, that party will have the choice, and can request that the trial move forward.

Duty to Meet and Confer

No later than five (5) court days before the Settlement Conference date, you and the other party must meet and attempt to resolve the issues contained in the Statements of Issues. You may meet in person or by telephone. If both you and the other party are self-represented and there is a Domestic Violence Restraining Order in effect, you are not required to Meet and Confer.

Settlement Conference

At the Settlement Conference you and your spouse (and your spouse's attorney if there is one), will meet with a temporary judge who will assist you in attempting to reach an agreement. If you are able to settle all issues, you will need to restate the agreement in Court for the Judge to confirm and put it on the record. At the conclusion of the Settlement Conference, if you are able to reach an agreement, both of you will each receive a yellow Minute Order and blue Stipulation describing the terms of your agreement. **BE SURE TO CHECK THESE FORMS TO ENSURE THAT THEY CORRECTLY REFLECT YOUR AGREEMENT.**

If you are not represented by an attorney you may obtain assistance from the Family Law Facilitator's Office in having this written agreement typed into a formal Judgment. Bring the yellow minute order, blue stipulation (if you received one), any documents you were ordered to complete, one 9" X 12" envelope addressed to you with enough postage to mail all documents back to you and one legal size #10 envelope, addressed to the other party (and one for the claimant, if there is one), with one stamp on it to the Family Law Facilitator's Office for further assistance in preparing the formal Judgment. You will be asked to complete a Judgment Preparation Request form and a Child Support Case Registry form (FL-191) if there are minor children.

Once the Family Law Facilitator's Office has typed your stipulation, you will be notified that it is ready for both parties (and the claimant, if there is one) to review and sign. You do not need to sign at the same time. Once all parties have signed the stipulation, it will then be sent to the Judge for signature.

Trial

If you and your spouse are unable to reach a full agreement at the Settlement Conference, the case will be confirmed to the Trial date.



At the Trial, the Judge will hear all the evidence and make decisions about any unresolved issues. The Judge's decision will be recorded on a yellow Minute Order. The Judge will order one of the parties to prepare a formal Judgment from the Minute Order.

The Family Law Facilitator's Office can type the Judgment for you so long as you were not and are not represented by an attorney. In order to request this service, you must provide the Family Law Facilitator's Office with your yellow Minute Order and any attachments, your Family Court Services report if it was adopted, one 9" X 12" envelope addressed to yourself with enough postage to mail all documents back to you and one legal size #10 envelope, addressed to the other party (and one for the claimant, if there is one), with one stamp on it, as well as any other documents the Judge ordered you to complete before your Judgment can be signed by the Judge. You will be asked to complete a Judgment Preparation Request form and a Child Support Case Registry form (FL-191) if there are minor children. Your divorce is not final until the date listed on your judgment. You should not make any plans to remarry until after the date indicated on your judgment. Your final judgment and "Notice of Entry of Judgment" will be mailed to you in the envelope that you provided once the judge has signed it. A copy of the "Notice of Entry of Judgment" only, will be mailed to your spouse in the envelope provided.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>): TELEPHONE NO ATTORNEY FOR: (<i>Name</i>)	<i>For Court Use Only</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 3341 Power Inn Road MAILING ADDRESS: Same CITY AND ZIP CODE: Sacramento, CA 95826	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
<input type="checkbox"/> MEMORANDUM TO SET (FAMILY LAW) <input type="checkbox"/> AMENDED MEMORANDUM TO SET (FAMILY LAW)	CASE NUMBER:

NATURE OF CASE: [] Family Law [] Paternity [] Other: _____

1. [] Petitioner [] Respondent [] Claimant has complied fully with all disclosure, access, and accounting requirements under Family Code section 721, 1100(e), and (applicable to all proceedings filed after January 1, 1993) Family Code section 2100 et seq.

2. Declarant has responded fully to all discovery propounded by the opposing party or parties and there is no discovery for which there was an objection.

3. If preference is claimed, cite code:
 _____.

4. Estimated time for trial: (*Please check only one box below*)
 [] 1/2 day [] 1 day [] 2 days [] Other: _____ days

5. Date petition filed: _____ Date response filed: _____

6. I hereby represent that all essential parties have been served with process or appeared, and this action is at issue as to all such parties, and I know of no further pleadings to be filed.

7. Indicate below names of party/parties being represented and trial counsel:

Petitioner(s): Attorney: Address: Telephone:	Claimant(s): Attorney: Address: Telephone:
Respondent(s): Attorney: Address: Telephone:	

NOTICE

Family law trials will be set on Thursdays and Fridays only at 8:30 a.m., in the department of the supervising family law judge, and a settlement conference will be scheduled one week before the trial in Dept. 128. Trials, 2 days in length, are scheduled on Thursday and the subsequent Friday.

Completion of the Settlement Conference section below is mandatory.

MEMORANDUM THAT FAMILY LAW CASE IS AT ISSUE

Trial: The following dates are *AVAILABLE OR AGREED* upon for trial for the respective parties during the period commencing typically no sooner than 55 days after and ending no later than 100 days after the date of filing the at-issue memorandum. *(Please refer to NOTICE above.)*

Petitioner's Available or Agreed Dates: _____

Respondent's Available or Agreed Dates: _____

Claimant's Available or Agreed Dates: _____

Settlement Conference: The following dates are *AVAILABLE OR AGREED* upon for settlement conference for the respective parties.

Petitioner's Available or Agreed Dates: _____

Respondent's Available or Agreed Dates: _____

Claimant's Available or Agreed Dates: _____

I, the undersigned declare, I am the attorney for or petitioner/respondent/claimant in this action. I have attempted to obtain dates that the other party will be available for settlement conference/trial and have been unable to determine such dates for the following reason(s):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED (ATTORNEY FOR) PETITIONER/RESPONDENT/CLAIMANT

PROOF OF SERVICE

I served the Memorandum To Set by depositing a copy thereof in sealed envelopes, postage prepaid, in the United States mail, addressed to each party or attorney of record at the addresses indicated on the front of this form, on _____ at _____, California.

At the time of service, I was at least 18 years of age, a United States citizen, employed/residing in the county where the mailing occurred, and not a party to the action. My residence/business address is:

_____.

I declare under penalty of perjury that the foregoing is true and correct.

DATED DECLARANT