

**Superior Court of California, County of Sacramento**

**CHAPTER 5 - FAMILY LAW**

**5.00 Title of Rules.**

These rules shall be known as the Family Law Local Rules for the Superior Court of California, County of Sacramento.

(Adopted 1/1/2013)

**5.01 Construction of Provision Drawn From the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or Other Uniform Act.**

A provision of these rules, insofar as it is the same in substance as a provision of the Family Code, California Rules of Court, Code of Civil Procedure, Evidence Code, or other uniform act shall be construed to effectuate the general purpose of said codes or uniform act.

(Adopted 1/1/2013)

**5.02 Effect of Headings.**

Section headings herein do not in any manner affect the scope, meaning, or intent of these rules.

(Adopted 1/1/2013)

**5.03 Construction of Rules.**

Unless the provision or context otherwise requires, the general provisions and rules of statutory construction apply to these rules.

(Adopted 1/1/2013)

**5.04 Reference to Statute Includes Amendments and Additions.**

Whenever a reference is made to statutory law or Rules of Court, the reference applies to all amendments and additions thereto regardless of when made.

(Adopted 1/1/2013)

**5.05 Construction of Tenses.**

The present tense includes the past and future tenses, and the future, the present.

(Adopted 1/1/2013)

**5.06 Meaning of Shall, May, Shall Not, and May Not.**

"Shall" is mandatory and "may" is permissive. "Shall not" and "may not" are prohibitory.

(Adopted 1/1/2013)

**5.07 Severability of Provisions.**

If a provision or clause of these rules or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.

(Adopted 1/1/2013)

## Superior Court of California, County of Sacramento

### 5.08 Definitions and Use of Terms.

As used in these rules, unless the context or subject matter otherwise requires, the following definitions apply:

"Confidential Mediation" means child custody mediation that is confidential, or non-recommending mediation.

"Court-connected Mediation" means "child custody recommending counseling" through the Office of Family Court Services.

"Evaluator" means a court appointed investigator as defined in Family Code section 3110.

"Law and Motion" means all hearings set by the filing of a Request for Order or Request for Domestic Violence Restraining Orders.

"Long Cause Hearing" means a law and motion hearing that cannot be completed within the 15 minutes allowed for short cause hearings.

"Mediation" means "child custody recommending counseling."

"Mediator" means a "child custody recommending counselor."

"Presiding Judge" means the Presiding Judge of the Superior Court of California, County of Sacramento.

"Private Mediation" means child custody and visitation mediation conducted by a non-court connected mediator (child custody recommending counselor).

"Self-represented party" means a party not represented by an attorney of record.

"Short Cause Hearing" means a hearing on a law and motion calendar that shall be completed within 15 minutes.

"Status Only Judgment" means a Judgment of Dissolution of Marriage or Legal Separation that affects the marital status only and that reserves jurisdiction over all remaining issues in the action, if any.

"Supervising Judge" means the Supervising Judge of Family Law.  
(Adopted 1/1/2013; revised 1/1/2020)

### 5.09 Assignments in Family Law Departments.

Family Law cases shall be assigned to family law departments as the Supervising Judge determines.  
(Adopted 1/1/2013)

### 5.10 Pending Hearing Date: Disclosure on Pleading.

All pleadings filed for use at a pending hearing shall bear the date and time of the hearing, and department number in which the hearing is set, under the case number of the first page of the pleading or form. If a hearing is not set, the pleading or form shall bear the words "No Hearing."  
(Adopted 1/1/2013; revised 1/1/2016)

### 5.11 Ex Parte Application for Restoration of Former Name

When filing an Ex Parte Application for Restoration of Former Name After Entry of Judgment and Order (FL-395) the filing counsel or party shall also submit a single copy of the judgment that was entered. The copy of the judgment is to assist the court in processing the application and does not need to be attached to the application. After processing of the application, the copy of the judgment may be discarded by the court. (Adopted 1/1/2024)

## Superior Court of California, County of Sacramento

### 5.12 Signature of Self-Represented Party on Agreement or Stipulation - Notary Required.

The signature of a defaulted self-represented party to an Agreement or Stipulation shall be subscribed by a duly authorized Notary Public.

(Adopted 1/1/2013; revised 1/1/2016)

### 5.13 Ex Parte Application.

(A) Ex parte applications are governed by California Rules of Court, rule 5.151. A judge will only grant ex parte relief if the party requesting it shows a risk of irreparable harm or immediate danger. This is explained further in Family Code section 3064 and California Rules of Court, rule 5.151(d).

(B) The court considers ex parte applications Monday through Friday at 8:30 a.m. The court makes its decision based either on the documents filed by the parties; or following a hearing requested by the court. The moving party, opposing/responding party and attorneys must be reachable by email or phone on the day of the requested ex parte hearing from 8:30 a.m. to noon. If an appearance is required, the court will contact both parties and their attorneys with a time to appear for the hearing. More information about the Emergency/Temporary Order process and copies of forms to be used can be located on the court's website at <https://www.saccourt.ca.gov/family/emergency-temp-orders.aspx>

(C) Requirements of the Moving Party:

1. Notice and service to opposing/responding party.

The moving party must:

- a) Serve the opposing/responding party with a copy of the ex parte application. The application may be served personally, by fax, by electronic means if permitted, or by overnight mail or other overnight carrier.
- b) Notify the opposing/responding party or their attorney that (i) they must be reachable between 8:30 a.m. and noon on the requested ex parte hearing date if the court determines that an appearance is required; and (ii) they must submit their opposition to the assigned court department by 8:30 a.m. on the requested ex parte hearing date if they wish to file an opposition. Notice may be given personally, by telephone, in writing, by voicemail, or by electronic means if permitted.
- c) Complete (a) above no later than 10:00 a.m. the court day before the moving party wants the matter to be considered by the court, as stated in California Rule of Court, rule 5.165.

2. Notice to the court.

The moving party must:

- a) Submit their ex parte application to the court via drop-box or by express mail with guaranteed time of delivery by 8:30 a.m., the day before the desired ex parte hearing date.
- b) Provide the court with current telephone numbers and email addresses for all parties and their attorneys, using the Document Drop-Off Sheet for Domestic Violence and Ex Parte Applications form (FL-E/LP-668). This will allow the court to contact all parties if they need to appear for a hearing.

3. Completed Proof of Service.

The moving party must submit a completed proof of service to the assigned court department by 8:30 a.m. on the scheduled ex parte hearing date showing they have complied with items 1(a) and 1(b), above. If the moving party fails to do this, the court may deny the ex parte request or set a later hearing to ensure that the opposing/responding party is properly notified and served.

4. Request to Waive Notice.

A party may ask the court to waive notice to all parties and their attorneys of the request for emergency orders. To make the request, the party must file a written declaration signed under penalty of perjury that includes facts showing good cause not to give the notice, as explained in California Rules of Court, rule 5.165.

**Superior Court of California, County of Sacramento**

(D) Requirement of the Opposing/Responding Party:

1. If the opposing/responding party wants to submit a written response for the court to consider, they must submit it to the drop-box by 8:30 a.m. on the scheduled ex parte hearing date, with proof of service to the moving party. Service may be by personal service, by fax, by electronic means if permitted, or by overnight mail or other overnight carrier.

(E) After the Court Issues a Ruling:

1. Once the court rules, the court will make the orders available on the Public Case Access System (PCAS). More information on how to access PCAS is available at <https://services.saccourt.ca.gov/PublicCaseAccess/Family>.
2. The moving party must serve the opposing/responding party with the ex parte order and file proof of service before the return hearing date.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2022, revised 1/1/2023, revised 1/1/2024)

**5.14 Order Shortening Time - Request for Order.**

The court, on its own motion or on application for an order shortening time supported by a declaration showing good cause, may prescribe shorter times for the filing and service of papers than the times specified in Code of Civil Procedure section 1005.

(Adopted 1/1/2013)

**5.15 Law and Motion Pleadings - Filing - Assignment. Time Limitation.**

(A) Law and Motion pleadings, excluding those involving child custody and visitation disputes, shall be filed with the clerk of the court in room 100. Pleadings involving child custody and visitation disputes, shall be filed with the clerk of the court in Family Court Services, room 104, shall include a Family Law Case Demographics Information Sheet for Child Custody/Visitation (local form ME-811).

(B) All Law and Motion pleadings shall first be set for a short cause hearing. A short cause hearing shall have a maximum duration of 15 minutes, unless extended by leave of court.

(C) Law and Motion hearings that exceeds, or are likely to exceed, 15 minutes maximum duration may be set for long cause hearing.

(Adopted 1/1/2013; revised 1/1/2020; revised 1/1/2022, revised 1/1/2024)

**5.16 Confidential Mediation: Office of Family Court Services (FCS).**

Mediation resulting from a Petition for Confidential Mediation shall be confidential and, except as otherwise authorized by law, there shall be no mediation report offered to the court. A Petition for Confidential Mediation shall be filed with the clerk of the court in Family Court Services, room 104,

(Adopted 1/1/2013; revised 1/1/2022, revised 1/1/2024)

**5.17 Recommending Mediation: Referrals to the Office of Family Court Services (FCS).**

(A) Except as provided in Local Rules, rule 5.16, mediation of child custody and visitation disputes is non-confidential, and a written report including recommendations may be provided to the parties, counsel, and court pursuant to Family Code section 3183 through the court's Public Case Access System located on the website at <https://services.saccourt.ca.gov/PublicCaseAccess/Family> or at FCS, and the parties must have a copy available to review at any hearing involving custody or visitation issues. Said reports and recommendations may be offered for admission into evidence at hearing or trial, subject to procedural or evidentiary objection.

(B) Parties participating in court-connected mediation and child custody recommending counseling through the Office of Family Court Services shall comply with the rules located on the court's website at <https://www.saccourt.ca.gov/family/fcs.aspx>.

**Superior Court of California, County of Sacramento**

(C) Ex parte communication between parties, counsel, mediator and court shall be governed by applicable statutes and California Rules of Court.  
[Rule required by CRC 5.210(d)(1)(H)]  
(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2016; revised 1/1/2018; revised 1/1/2020; revised 1/1/2022, revised 1/1/2024)

**5.18 Recommending Mediation: Referrals to Private Mediation.**

(A) "Private Mediation" is child custody and visitation mediation conducted by a non-court connected privately retained mediator (child custody recommending counselor). Private mediation is at the parties' expense.

(B) A party may request that mediation of disputed custody and visitation issues be conducted by a private mediator not affiliated with the court, in lieu of mediation conducted by the Office of Family Court Services. Written notice of a request for private mediation shall be made by filing a Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-601), together with an Order for Private Child Custody Recommending Counseling (local form FL/E-LP-603), a Declaration of Private Child Custody Recommending Counselor Regarding Qualifications (local form FL/E-FR-411) for each mediator proposed in the Petition, and a Proof of Personal Service (Judicial Council form FL-330). Absent agreement otherwise, the party filing the Petition shall advance the cost of private mediation and the court shall reserve jurisdiction to allocate the costs by further order.

(C) Absent a Stipulation, the Petition (local form FL/E-LP-601), Declarations (local form FL/E-FR-411), a blank Response to Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-602), and a copy of the local Instructions for Petition for Private Child Custody Recommending Counseling (Private Mediation) shall be personally served on all parties or their attorney of record before filing them with the court. Within ten (10) calendar days of service of the Petition (local form FL/E-LP-601) on all parties or their attorneys of record, any party may object to the relief requested in the Petition (local form FL/E-LP-601) by serving and filing the Response (local form FL/E-LP-602). Once the court rules on the Petition, the moving party must serve it on all other parties within 5 calendar days of receipt.

(D) Parties may stipulate that they would like to go to private mediation in lieu of mediation conducted by the Office of Family Court Services. Written notice of a request for private mediation shall be made by filing a Petition for Private Child Custody Recommending Counseling (local form FL/E-LP-601), together with an Order for Private Child Custody Recommending Counseling (local form FL/E-LP-603) a Declaration of Private Child Custody Recommending Counselor Regarding Qualifications (local form FL/E-FR-411) for each mediator proposed in the Petition.

(E) The court may, on the pleadings, grant or deny the relief requested, or it may set the matter for hearing.

(F) A hearing regarding child custody and/or visitation must be scheduled in conjunction with the filing of the Petition for Private Child Custody Recommending Counseling. An order for private mediation shall, by itself, terminate court affiliated mediation.

(G) Private mediators shall be subject to the same standards, and have the same rights, responsibilities, and duties, as court-connected mediators.

(H) Requests to change private mediators shall be granted only upon a showing of good cause by noticed Request for Order.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2015; revised 1/1/2020; revised 1/1/2022, revised 1/1/2024)

**5.19 Court Ordered Child Custody Evaluations - Finding a Qualified Evaluator.**

(A) California Rules of Court, rule 5.220 is implemented.

(B) There shall be no peremptory challenge to a court appointed evaluator.

(C) A court appointed child custody evaluator may petition the court to withdraw from a case.

(D) Ex parte communication between parties, counsel, evaluator and court shall be governed by applicable

## Superior Court of California, County of Sacramento

statutes and Rules of Court.

[Rule required by CRC 5.220(d)(1)]

(E) A party may obtain information about finding a qualified evaluator by consulting directories in the local area. (Adopted 1/1/2013; revised 1/1/2022)

### **5.20 Admission of Mediation or Evaluation Reports at Short Cause Hearings.**

Absent a timely evidentiary objection, or a request for live testimony pursuant to Family Code section 217, the court may receive a mediator's or evaluator's report into evidence and consider its contents at a short cause hearing. (Adopted 1/1/2013; revised 1/1/2014)

### **5.21 Electronic Signatures on Non-Electronic Documents**

Except as provided in Family Code section 17400 (b) (1) (2) (3) and (4) (A) signed by the local child support agency, documents that are not filed by fax or electronically must include original signatures. Electronic signatures on a document filed by non-electronic means will not be accepted. (Adopted 1/1/24, revised 7/1/24)

### **5.22 Temporary Spousal Support - Calculation.**

Except for good cause shown, temporary spousal support shall be calculated by using the computation method commonly known as the "Santa Clara formula" programmed into the support software certified by the Judicial Council. (40% of High Earners net income (less child support) minus 50% of Low Earner's net income = Temporary SS.) (Adopted 1/1/2013)

### **5.23 Continuance - Short Cause Hearing, Long Cause Hearing, Trial.**

(A) The dates assigned for hearing and trial are firm. All parties and their counsel must regard the date set for hearing and for trial as certain.

(B) Except as allowed by California Rules of Court, rule 5.95, a party seeking a continuance of the date set for hearing or trial, if contested, must make the request for a continuance by noticed motion or an ex parte application with supporting declaration. The party must make the motion or application as soon as reasonably practical once the necessity for the continuance is discovered. Noticed motions or ex parte applications to drop or continue mandatory settlement conference, long cause hearing, or trial shall be heard by the Supervising Judge or judge assigned by the Supervising Judge.

(C) A stipulated request to drop or continue a hearing or trial may be submitted by using Request to Drop or Continue Hearing, Long Cause Hearing or Trial by Stipulation (local form FL/E-CT-031) no less than two business days before the hearing.

(D) Although continuances of hearings and trials are disfavored, each request for a continuance shall be considered on its own merits. The court may grant a continuance only on an affirmative showing of good cause requiring the continuances. Circumstances that may indicate good cause are specified in California Rules of Court, rule 3.1332(c) and (d).

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2020; revised 1/1/2022)

### **5.24 Remote Proceedings.**

(A) The court uses the Zoom application to conduct remote proceedings. Instructions for using Zoom to participate in Family Court proceedings can be found on the court's website at [www.saccourt.ca.gov/family/docs/fl-remote-appearance-zoom-information-revised.pdf](http://www.saccourt.ca.gov/family/docs/fl-remote-appearance-zoom-information-revised.pdf).

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2015; revised 1/1/2018; revised 1/1/2020; revised 1/1/2022, revised 1/1/2024)

## Superior Court of California, County of Sacramento

### 5.25 Discovery - Pre-Judgment - Post-Judgment.

(A) Pre-judgment discovery is subject to the rules and procedures of the Civil Discovery Act (Part 4, Title 4, of the Code of Civil Procedure) and the California Rules of Court. In addition to all discovery conducted prior to entry of judgment, "pre-judgment" includes discovery related to "reserved bifurcated issues" after a "status only judgment" has been entered.

(B) Post-judgment discovery is subject to the rules and procedures of the Civil Discovery Act (Part 4, Title 4, of the Code of Civil Procedure) and the California Rules of Court, excepting that *"the date initially set for trial of the action"* specified in Code of Civil Procedure section 2024.020(a) shall mean the date the post-judgment motion was initially set for "long cause hearing."

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2022)

### 5.26 Trial Setting Memorandum to Set.

(A) A party may set all issues in a case for trial by filing a Memorandum to Set (Family Law) (local form FL/E-LP-625). Prior to filing the Memorandum to Set, the filing party shall have:

(1) Verified that a Response, Answer, or other responsive pleading is filed in the case;

(2) Served the Preliminary Declaration of Disclosure and the final Declaration of Disclosure on all other parties to the action;

(3) Received a copy of the other party's Preliminary Declaration of Disclosure or has obtained a waiver pursuant to Family Code section 2107;

(4) Provided responses to discovery propounded under the Discovery Act, excepting that discovery properly objected to; and

(5) Met and conferred, or attempted to meet and confer, with all other parties to determine agreed upon Mandatory Settlement Conference and Trial dates.

(B) Within 10 days of service of the Memorandum to Set, any party may object to the trial setting by filing a Counter Memorandum to Set (Family Law) (local form FL/E-LP-605) via the drop box and serving the same on all other parties. If local form FL/E-LP-605 is timely filed, Mandatory Settlement Conference and Trial dates shall not be set until the court has resolved the trial setting dispute.

(B) Trial dates are posted on the court's website at <https://www.saccourt.ca.gov>.

(Adopted 1/1/2013; revised 1/1/2014; revised 1/1/2017; revised 1/1/2018; revised 1/1/2020, revised 1/1/2024)

### 5.27 Time Estimates - Long Cause Hearing and Trial.

At the time a case is set for long cause hearing or trial, the parties shall provide a time estimate of the anticipated length of the long cause hearing or trial. A one-day trial is estimated to be about 5 hours. A two-day trial is estimated to be about 5 hours the first day and 6 hours the second day. The court will rely on the accuracy of the time estimate in setting cases and managing its calendar. All parties must regard the time estimate as certain. Absent a showing of good cause, if the case is not completed within the time estimate, the court may deem the case submitted on the evidence received, order the case off calendar, declare a mistrial, or complete the trial or hearing.

(Adopted 1/1/2013, revised 1/1/2024)

## Superior Court of California, County of Sacramento

### 5.28 Mandatory Settlement Conference - Long Cause Hearing, Trial.

(A) Except as provided in subsection (B), a Mandatory Settlement Conference shall be set for all matters proceeding to long cause hearing or trial.  
(Adopted 1/1/2013)

(B) Mandatory Settlement Conference is not required for the following proceedings: Adoptions, Termination of Parental Rights in Adoption Proceedings, Freedom from Parental Custody and Control, Contempt, and Domestic Violence Prevention Act.

(C) Parties must report to Department 128 no later than 8:30 a.m. Conflicting hearings in other courts or departments could result in the trial being dropped. Until excused by the court, each party and counsel shall personally appear at the Mandatory Settlement Conference and shall negotiate in good faith toward resolution of the issues then pending before the court.

(D) Unless the court orders another time period, no later than five court days before the date set for Mandatory Settlement Conference, the parties shall meet and confer, in person or by telephone, and shall:

(1) Identify the facts and issues set for hearing or trial that are uncontested and may be the subject of stipulation;

(2) Identify the facts and issues in the case that are in dispute;

(3) Identify the amount in dispute given the parties respective positions, to the extent the issue lends itself to such an analysis;

(4) Identify and, if possible, resolve, any disclosure or discovery disputes;

(5) Identify and, if possible, resolve, any evidentiary disputes;

(6) Determine whether the cost incurred by the parties to proceed to hearing or trial is reasonable as measured against the amount in dispute; and

(7) Determine whether settlement is possible.

(E) If both parties are self-represented and there is a Domestic Violence Restraining Order or other order prohibiting contact between the parties, then the requirement to meet and confer is excused.

(F) Failure to comply with this rule may result in sanctions as authorized in Code of Civil Procedure section 575.2.  
(Adopted 1/1/2013; revised 1/1/2020; revised 1/1/2022)

### 5.29 Statement of Issues and Contentions.

(A) At least 20 days prior to the date set for Mandatory Settlement Conference, each party shall serve and file a Statement of Issues and Contentions on all other parties to the case.

(B) The original and two copies of the Statement of Issues and Contentions shall be presented to the courtroom clerk in Department 128 for filing and endorsement. The original Statement of Issues and Contentions shall be filed 20 days prior to the Mandatory Settlement Conference. The two copies shall be endorsed and retained by the court for use by the settlement conference temporary judges.

(C) The Statement of Issues and Contentions shall identify each issue in dispute, the contention of the party as to each issue in dispute, and the legal authority supporting the party's contention, excluding extensive argument.

(D) The format of the Statement of Issues and Contentions shall be:



**Superior Court of California, County of Sacramento**

(1) Caption: In addition to that required by Code of Civil Procedure section 422.30, the caption shall bear the date and time of the mandatory settlement conference and of the long cause hearing or trial on the first page of the pleading immediately beneath the case number and pleading title.

(2) Statistical information:

- (a) Date of marriage and date of separation, if a marital case;
- (b) Names and dates of birth of all minor children.

(3) Current Orders: Identify each current order by date the order was issued for the following:

- (a) Child custody and visitation;
- (b) Child support;
- (c) Spousal support;
- (d) Domestic violence restraining order.

(4) Contested Issues and Contentions: Identify each issue in dispute, the contention of the party as to each issue in dispute, and the legal authority supporting the contention. The order of identification shall be:

- (a) Custody and visitation;
- (b) Child support;
- (c) Spousal support;
- (d) Property characterization and division;
- (e) Credits, reimbursements, and offsets;
- (f) Attorney fees and costs;
- (g) Other miscellaneous disputed issues.

(5) A list of all witnesses to be called at trial and a brief statement of the expected area of testimony of each witness.

(6) Confirmation that the matter can be concluded within the existing trial estimate.

(E) In the event that a Mandatory Settlement Conference is continued, all parties shall serve and file a Supplemental Statement of Issues and Contentions within the time prescribed by this rule.

(F) If counsel, a party represented by counsel, or an unrepresented party fails to comply with any of the requirements of this rule, the court on motion of a party or on its own motion may strike all or any part of a pleading of that party, dismiss the action or proceeding or any part thereof, enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that party or his or her counsel to reimburse the moving party for reasonable expenses in making the motion, including reasonable attorney fees as authorized in Code of Civil Procedure section 575.2.

(Adopted 1/1/2013; revised 1/1/2020; revised 1/1/2022)

**5.30. Preparation and Submission of Findings and Order After Hearing; Long Cause Hearing.**

(a) Except when a Statement of Decision is required, the party directed by the court to prepare a Findings and Order After Hearing [Form FL-340] shall, within twenty days of the ruling, serve by any means authorized by law a proposed order on all other parties for review and approval. Within ten days after service of the proposed order, the other party or parties shall either approve the order as conforming to the courts order or notify the party directed to prepare the order by writing

**Superior Court of California, County of Sacramento**

of any reasons for disapproval. Failure to notify the party ordered to prepare the order within the time required shall be deemed an approval of the order and the party ordered to prepare the order shall then submit the order, together with a copy of the court's minute order from the hearing, a proof of service evidencing service of the proposed order, and a cover letter advising the court of the other party or parties' failure to timely respond, to the court for entry.

(b) If a party timely notifies the party directed to prepare the order in writing of the reasons for disapproval of the proposed order, the party directed to prepare the order shall submit the proposed order, a copy of the court's minute order from the hearing, and a copy of the writing setting forth the reasons for disapproval, to the court for review. Upon review, the court may enter the order, modify and enter the order, order a party to modify and resubmit the order for entry, or notice a hearing re entry of the order.

(c) If the party directed by the court to prepare a Findings and Order After Hearing fails to prepare and submit the order as required by subsection (a) above, any other party may prepare and submit the order, together with a copy of the court's minute order from the hearing and a cover letter advising the court of the failure of the party directed to prepare the order to so prepare the order, to the court for entry.

(d) When a Statement of Decision is required, Code of Civil Procedure section 632 and California Rules of Court sections 3.1590 - 3.1591 govern.

(Adopted 1/1/2024)

**5.31 Stipulation to Establish or Modify Child Support - Child Receiving Public Assistance.**

A stipulation to establish or modify child support payable for a child receiving public assistance shall be approved and signed by an authorized representative of the local child support agency of the county providing public assistance, or of the county in which the existing child support order is registered.

(Adopted 1/1/2013)

**5.32 Requests to Change Mediators - Peremptory Challenge to Court-Connected Mediator; Complaints.**

(A) There shall be no peremptory challenge to a court-connected mediator.

(B) Complaints relating to court-connected mediation may be identified in writing and submitted to the Family Court Services Manager for review.

(Adopted 1/1/2013; revised 1/1/2016; revised 1/1/2022)

**5.33 Complaint Process - Child Custody Evaluators.**

A party to the action may present a complaint about the performance of a child custody evaluator to the Supervising Judge. Said complaint shall be in writing and copies of the complaint shall be served on all parties. A proof of service evidencing service of the complaint on all parties is required. A response to the complaint, if any, shall be presented to the Supervising Judge within seven days of service of the complaint. Said response shall be in writing and copies of the response shall be served on all parties. A proof of service evidencing service of the response on all parties is required. Upon receipt of the complaint and the response, if any, the Supervising Judge may respond to the complaint as the Supervising Judge deems appropriate.

[Rule required by CRC 5.225(k)]

(Adopted 1/1/2013)

**5.34 (Deleted effective 1/1/2015)**

**5.35 Filing Fee - Pleadings Filed by Minor's Counsel On Behalf of Minor.**

The filing fee for a pleading filed by minor's counsel on behalf of a minor child is waived for said minor. The court may assess the filing fee to a party, or parties, to the action.

**Superior Court of California, County of Sacramento**

(Adopted 1/1/2013)

**5.36 Minor's Counsel - Complaint Procedure.**

A party to the action may present a complaint about the performance of minor's counsel to the Supervising Judge. The complaint shall be in writing and copies of the complaint shall be served on all parties. A proof of service evidencing service of the complaint on all parties is required. A response to the complaint, if any, shall be presented to the Supervising Judge within seven days of service of the complaint. Said response shall be in writing and copies of the response shall be served on all parties. A proof of service evidencing service of the response on all parties is required. Upon receipt of the complaint and the response, if any, the Supervising Judge may respond to the complaint as the Supervising Judge deems appropriate.

[Rule required by CRC 5.240(e)]

(Adopted 1/1/2013)

**5.37 Family Law Facilitator - Additional Duties.**

To the extent adequate funding is provided, the Family Law Facilitator may perform the following duties in addition to those mandated by Family Code section 10004:

- (A) Assist the clerk in maintaining records;
- (B) Prepare formal orders consistent with the court's announced order;
- (C) Provide the services specified in Family Code section 10004 concerning the issues of child custody and visitation as they relate to calculating child support;
- (D) Other duties as the court may from time to time approve as promoting the purpose and intent of Division 14 of the Family Code.

(Adopted 1/1/2013)

**5.38 (Deleted effective 1/1/22)**