



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
Hall of Justice and Records
400 County Center
Redwood City, California 94063-0965

RODINA CATALANO
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5005

September 28, 2015

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

smsccomment@sanmateocourt.org

with a subject line stating "Comments on Proposed Rule changes". Please state the proposal number, the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than 2:30 PM, Monday, November 16, 2015.

Sincerely,
Rodina Catalano, Court Executive Officer

A handwritten signature in black ink, appearing to read "Mary Treanor".

By: Mary Treanor
Court Rules Committee Staff

INVITATION FOR PUBLIC REVIEW AND COMMENT
[Proposed Effective Date of January 1, 2016]

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

Proposed Revisions to Local Court Rules

(Click on proposal number for link to page)

Fall15-01 **DIVISION V– FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**
Rule 5.6 B.2 – Ex Parte Orders

Fall15-02 **DIVISION V– FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**
Rule 5.8 E.6 – Short Cause Trials
Local Court Form FL-12

Fall15-03 **DIVISION V– FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**
Rule 5.13 B.13 – Family Court Services

Submitting Comments

- Comments must be submitted addressed to *Proposed Rules* via email at smscomment@sanmateocourt.org.
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 p.m. on Monday, November 16, 2015.**

PROPOSED AMENDMENTS TO LOCAL COURT RULES – FALL 2015 CYCLE

Proposal Number 2015-Fall-01	
Title	DIVISION V: FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES RULE 5.6 B. 2. - EX PARTE ORDERS
Summary	To change the Rule so that a self-represented party seeking an ex parte order is not required to bring in to the Family Law Facilitator’s office completed forms but is strongly encouraged to present their papers for review prior to submission.
Discussion	This change removes the requirement that a self-represented party seeking an ex parte order present forms to the Family Law Facilitator for review prior to filing because the Court cannot make filing contingent on meeting this condition.
Proposed Changes (insert text of new rule or changes here with track changes)	<p><u>Rule 5.6 Ex Parte Orders</u></p> <p>A. Unchanged</p> <p>B. Ex Parte Application</p> <p>1. Unchanged</p> <p>2. Self-Represented Parties. Self-Represented parties seeking an ex parte order must<i>are strongly encouraged to</i> present their papers to the Family Law Facilitator’s office for review prior to submission to the assigned department. After review of the Ex Parte papers by the Family Law Facilitator’s office, the self-represented party will be directed to the Family Law Clerk’s Office to file their Ex Parte papers and for assignment by the Family Law Supervising Judge to a department for review and determination.</p> <p>3. Unchanged</p> <p>C. through H. Unchanged</p> <p>(Adopted, effective January 1, 2000) (Renumbered <i>formerly 5.5</i>) and Amended, effective January 1, 2004) (Amended, effective January 1, 2008) (Amended section E, effective July 1, 2008) (Amended, effective January 1, 2012) (Amended, effective January 1, 2013)(Amended, effective July 1, 2013) (<i>Amended, effective January 1, 2016</i>)</p>

(All new provisions are indicated in ***Bold and Italics***)

Proposal Number 2015-Fall-02

Title	DIVISION V: FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES RULE 5.8 E.6 - SHORT CAUSE TRIALS Local Court Form FL-12
Summary	To change Local Court Form FL-12 referenced in Local Rule 5.8 E.6 – Short Cause Trials to reflect gender neutral language for spouses and to make Local Court Form FL-12’s format more consistent with Judicial Council forms.
Discussion	This version of the form uses “petitioner” and “respondent” in place of “husband” and “wife.” <i>See attached Local Court Form FL-12</i>
Proposed Changes (insert text of new rule or changes here with track changes)	<u>Rule 5.8 Short Cause Trials</u> A. through D. Unchanged E. <u>Short Cause Trials</u> 1. through 5. Unchanged 6. Mandatory Short Cause Statements (see <u><i>Local Court Form FL-12</i></u>): Counsel shall prepare a short cause trial statement and, if financial matters are at issue, an income and expense declaration. Completion and filing of a Mandatory Settlement Conference statement shall satisfy the requirements of this section. The originals of these documents and income and expense declaration shall be filed with the family law clerk’s office and copies served on the opposing party not later than 5 calendar days before the Mandatory Settlement Conference of trial date whichever comes first. Failure to timely serve and file the trial statement shall subject the offending counsel to sanctions. 7. Unchanged F. Unchanged (Adopted, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective July 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2008) (Amended, effective January 1, 2009) (Amended, effective January 1, 2010) (Amended, effective July 1, 2012) (Amended, effective July 1, 2013) (<u><i>Amended, effective January 1, 2016</i></u>)

(All new provisions are indicated in ***Bold and Italics***)

**Proposal Number 2015-Fall-02
Local Court Form FL-12**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): TELEPHONE NO.: _____ FAX NO. (Optional): _____ <u>E-MAIL ADDRESS (Optional):</u> ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO 400 COUNTY CENTER REDWOOD CITY, CA 94063	
In re the Marriage of PETITIONER:	
RESPONDENT:	
HUSBAND'S WIFE'S MANDATORY SHORT CAUSE TRIAL STATEMENT	CASE NUMBER _____

I. MEET AND CONFER STATEMENT:

DATE: _____

~~A.~~ Date of Conference: _____

~~B.~~ a. In person/By phone (specify): _____

TIME: _____

~~C.~~ b. Issues settled are (be specific): _____

DEPT.: _____

1. _____
2. _____
3. _____

~~D.~~ c. Issues to be litigated are (be specific): _____

1. _____
2. _____
3. _____

~~E.~~ d. If Counsel parties failed to meet and confer, explain reasons in detail: _____

II. STATISTICAL DATA:

a. Date of marriage: _____

b. Date of separation: _____

c. Length of marriage: _____

d. Marital status terminated? _____ If so, date terminated: _____

e. Husband's Petitioner's age () and employment: _____

f. Husband's Petitioner's gross monthly income: _____ Net income: _____

g. Husband's Petitioner's paydays: _____

h. Cohabiter or new spouse's monthly income: _____ Net income: _____

(All new provisions are indicated in ***Bold and Italics***)

**Proposal Number 2015-Fall-02
Local Court Form FL-12**

<u>PETITIONER:</u> <u>RESPONDENT:</u>	<u>CASE NUMBER</u>
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i. ~~Wife's~~ Respondent's age () and employment: _____
j. ~~Wife's~~ Respondent's gross monthly income: _____ Net income: _____

k. ~~Wife's~~ Respondent's paydays: _____

l. Minor children:

Name	Date of birth	Age	Sex	Residing with:
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

III. 3. HISTORY OF PROCEEDINGS (briefly summarize all prior court proceedings):

IV. 4. ~~HUSBAND'S/WIFE'S~~ PETITIONER'S OR RESPONDENT'S PROPOSALS RE: ISSUES (in same order as issues are listed in 1(c) above):

- a. Issue: _____
- b. Issue: _____
- c. Issue: _____

V. 5. ATTACHMENTS AND EXHIBITS (where issues include the division of assets and debts, attach relevant schedules of the proposed division): See Attachment 5.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

Self-represented or Attorney For:
 Petitioner Respondent

(All new provisions are indicated in ***Bold and Italics***)

Proposal Number 2015-Fall-03

Title	DIVISION V: FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES LOCAL RULE 5.13 B.13 – FAMILY COURT SERVICES
Summary	To clean up and clarify language to reflect current processes and procedures.
Discussion	The purpose of this proposal is to clarify the language in 5.13 B.13 to reflect that the FCS Reports and Recommendations are “received” not “filed”.
Proposed Changes	<p><u>Rule 5.13 Family Court Services</u></p> <p>A. Unchanged</p> <p>B. <u>Location of Family Court Services</u></p> <p>1. Through 12. Unchanged</p> <p>13. Reports and Filing Recommendations <u>received submitted from</u> by FCS or other mental health professionals shall be maintained in the confidential portion of the civil file.</p> <p>14. Unchanged</p> <p>C. Unchanged</p> <p>(Adopted, effective January 1, 2000)(Renumbered (formerly 5.11)and Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective July 1, 2010) (Amended, effective January 1, 2011).(Amended, effective January 1, 2012) (Amended, effective January 1, 2013) (Amended, effective July 1, 2013) (Amended, effective January 1, 2014) (<u>Amended, effective January 1, 2016</u>)</p>

(All new provisions are indicated in ***Bold and Italics***)