

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

5.1 MATTERS ASSIGNED TO THE FAMILY LAW DIVISION; APPLICABILITY OF RULE

a. ASSIGNMENT OF MATTERS TO THE FAMILY LAW DIVISION

All family law matters will be heard principally in the Family Law Division as designated by the Presiding Judge and in such additional departments to which such matters may, from time to time, otherwise be assigned for trial or hearing by the Supervising Judge of the Family Law Division.

(Subd (a) adopted effective January 1, 2013.)

b. MATTERS TO WHICH RULE 5 APPLIES

Rule 5 applies to all family law matters, including:

- (1) Proceedings under the Family Code for dissolution of marriage or registered domestic partnership, nullity of marriage or registered domestic partnership, legal separation, custody and support of minor children, termination of parental rights, adoptions, the Uniform Parentage Act, the Uniform Child Custody Jurisdiction and Enforcement Act, or the Uniform Interstate Family Support Act;
- (2) Local child support agency actions under the Family Code; and,
- (3) Contempt proceedings relating to family law or local child support agency actions.

Requests for protective orders under the Domestic Violence Prevention Act are governed by Rule 16, not Rule 5. However, ancillary issues (such as support, custody, and temporary possession of property) raised in such a request are governed by Rule 5.

(Subd (b) amended effective July 1, 2014; adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

c. APPLICABILITY OF RULES TO PARTIES AND COUNSEL

Unless otherwise prohibited by law, Rule 5 applies to the parties, to the attorneys of represented parties, and to minor’s counsel. References to a party’s counsel or attorney includes a self-represented party.

(Subd (c) adopted effective January 1, 2013.)

(Rule 5.1 amended effective July 1, 2014; adopted effective January 1, 2013.)

5.2 DIRECT CALENDARING

a. ASSIGNMENT OF MATTER TO JUDICIAL OFFICER

When a family law case is filed, or received and filed as a transfer from another jurisdiction, the Clerk of the Court shall assign the case to one judicial officer for all purposes, as directed by and subject to the approval of the supervising judge of the Family Law Division. The assignment shall be designed to fairly distribute the workload among the judicial officers of the Family Law Division and best serve the court.

(Subd (a) adopted effective January 1, 2013.)

b. NOTIFICATION OF ASSIGNED JUDICIAL OFFICER

The Clerk of the Court shall notify the parties of the initial assignment of the case to a judicial officer at the time the petitioner’s initial pleading is filed.

(Subd (b) adopted effective January 1, 2013.)

c. NOTIFICATION OF REASSIGNMENT

Cases may be reassigned from time to time. Reassignments may be done on the record at a hearing or by written notification from the court.

(Subd (c) adopted effective January 1, 2013.)

(Rule 5.2 adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

5.3 PREPARATION AND FILING OF FORMS AND PLEADINGS

a. USE OF SOLANO COUNTY COURT CASE NUMBER

The case number shall have the following format on all pleadings and forms filed with the court:

- (1) SF012345: All family law cases filed prior to December 8, 1999 (excepting adoptions and Uniform Parentage Act cases).
- (2) FFL012345: All family law cases filed on or after December 8, 1999 or whose case number is equal to or higher than FFL050994 (excepting adoptions and Uniform Parentage Act cases).
- (3) SA001234: All adoption cases filed prior to December 8, 1999.
- (4) FAD001234: All adoption cases filed on or after December 8, 1999, or whose case number is equal to or higher than FAD005778.
- (5) SL012345: All Uniform Parentage Act cases filed prior to December 8, 1999, including cases with case numbers formatted as “L012345”.
- (6) FCS012345: All Uniform Parentage Act cases filed between December 8, 1999, and September 30, 2002.
- (7) FFL012345: All Uniform Parentage Act cases filed on or after October 1, 2002, or whose case number is equal to or higher than FFL069339.

(Subd (a) adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

b. APPLICATIONS FOR ORDERS FOR PUBLICATION OF SUMMONS

A petitioner seeking an order for publication of summons pursuant to Code of Civil Procedure section 415.50 may submit the request on either a local form made available for that purpose or in a pleading that contains the same substantive information required on the form.

(Subd (b) adopted effective January 1, 2013.)

c. FORMS AND DOCUMENTS TO BE INCLUDED WITH MOVING PAPERS

In addition to any forms required by the California Rules of Court, any *Request for Order* or other moving papers served on the other party shall include a copy of the court's local form *Meet and Confer Orders*.

A party seeking to modify a prior order or judgment shall attach a copy of the prior order or **pertinent** part of the prior judgment to his or her *Request for Order*. **A copy of the entire judgment need not be attached to the *Request for Order*.** If the *Findings and Order After Hearing* has not been filed, a copy of the minute order shall be attached instead.

A party filing an *Order to Show Cause and Affidavit for Contempt* (Judicial Council form FL-410) shall attach a copy of each order allegedly violated.

(Subd (c) adopted effective January 1, 2013.)

d. FILING OF NOTICES OF UNAVAILABILITY

The court shall not accept for filing a "Notice of Unavailability of Counsel" or other document or pleading whose sole purpose is to advise the court and/or other parties of an attorney's or party's unavailability. (*Carl v. Superior Court of Orange County* (2007) 157 Cal.App.4th 73.)

(Subd (d) adopted effective January 1, 2013.)

(Rule 5.3 adopted effective January 1, 2013.)

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

5.4 APPLICATIONS FOR EMERGENCY ORDERS (EX PARTE ORDERS)

a. **APPLICABILITY**

All parties shall comply with the provisions in Chapter 7 of Division 1 of Title 5 of the California Rules of Court and with these local rules.

(Subd (a) amended effective July 1, 2014; adopted effective January 1, 2013.)

b. **GENERAL STATEMENT REGARDING EMERGENCY ORDERS**

Applications for emergency orders are appropriate only if needed to prevent an immediate danger or irreparable harm to a party or to the children involved in the matter, prevent immediate loss or damage to property subject to disposition in the case, shorten time for hearing or service, or continue a hearing or trial.

(Subd (b) adopted effective July 1, 2014; previous subd (b) relettered as subd (c) effective January 1, 2014.)

c. **PROCEDURES FOR REQUESTING EMERGENCY ORDERS**

All parties shall comply with the following procedures:

~~(1) — Requests for emergency orders will be considered every court day at specific times set by each department. Those times will be available on the court's website at www.solano.courts.ca.gov or by telephoning the individual department.~~

(1) The original *Request for Order* plus two copies and any other documents required by statute or California Rules of Court plus two copies of each document shall be submitted through the Family Law Division's clerk's office. Unless the moving party has a valid fee waiver order on file or submits a fee waiver concurrently with the *Request for Order*, the moving party is required to pay all the applicable fees set by law at the time the *Request for Order* is submitted to the Family Law Division's clerk's office.

(2) ~~The emergency order hearing will be set on a date two court days after the documents are submitted to the Family Law Division's clerk's office.~~ For submissions ~~after received by~~ 3:00 p.m., the emergency order hearing will be set on a date two court days after the documents are submitted to the Family Law Division's clerk's office. For submissions after 3:00 p.m., the

**Superior Court of California
County of Solano**

**Rule 5 – Family Law
PART ONE: Family Law Proceedings Generally**

emergency order hearing will be set on a date three days after the documents are submitted to the Family Law Division’s clerk’s office.

- (3) Before the emergency order hearing, the moving party shall file a declaration under penalty of perjury indicating whether or not notice of the hearing was given in compliance with California Rules of Court, rule 5.165. The moving party may satisfy this requirement by filing a completed *Declaration Re Notice Upon Application For Emergency Orders (Family Law)* (local form 5006-FL), a completed Judicial Council form approved for this purpose, or a declaration in compliance with California Rules of Court, rule 5.151(e)(2).

(Subd (c) amended effective January 1, 2017; adopted effective January 1, 2013; previously amended July 1, 2014 and January 1, 2016.)

(Rule 5.4 amended effective January 1, 2017; adopted effective January 1, 2013, previously amended July 1, 2014 and January 1, 2016.)

5.5 LAW AND MOTION HEARINGS (HEARINGS OTHER THAN CASE MANAGEMENT CONFERENCES, STATUS CONFERENCES, SETTLEMENT CONFERENCES, AND TRIALS)

a. SETTING AN INITIAL HEARING

When an initial hearing is set pursuant to a *Request for Order* or other paper seeking relief, the matter shall be set on the assigned judicial officer’s law and motion calendar. The clerk shall provide the time and date for all initial hearings. All matters set on an initial hearing calendar are limited to 20 minutes of hearing time.

(Subd (a) adopted effective January 1, 2013.)

b. VACATING A SCHEDULED HEARING

(1) By the Moving Party

If the moving party’s *Request for Order* or other papers seeking relief have not been served on the responding party, the moving party may take the matter off calendar by giving notice to the court, which may be done by telephone to the appropriate department. Notice does not need to be given to the responding party.

If the pleadings have been served on the responding party but no responsive