

**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.)*

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**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.)*

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*(Rule 5.2 adopted effective January 1, 2013.)*

**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.)*

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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.)*

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**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) 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 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 party shall file a declaration under penalty of perjury indicating whether or not notice of the hearing was given in compliance with

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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 July 1, 2022; 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 pleadings have been filed, the moving party may take the matter off calendar but must give notice to both the court and the responding party so as to avoid unnecessary review by the court and appearances by the party. Notice to the court may be given by telephone to the appropriate department.

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

**(2) By Stipulation**

If responsive pleadings have been filed, the moving party may not take the matter off calendar without written stipulation or written or oral confirmation by the responding party. Confirmation may be by telephone to the appropriate department.

If both parties agree no hearing is needed, both parties shall so inform the department to which a matter has been assigned as soon as practicable.

A failure to appear without prior notification to the court may result in the imposition of sanctions against one or both parties and/or attorneys, in the court's discretion.

*(Subd (2) adopted effective January 1, 2013.)*

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

**c. REISSUANCE OF A REQUEST FOR ORDER**

If the moving party did not serve the responding party before the date set for the hearing, a new hearing date may be obtained from the calendar clerk and a *Request for Order* may be reissued. The request to reissue the *Request for Order* must be submitted to the court at least two court days before the scheduled hearing date; otherwise, the party must appear at the hearing and request the reissuance in open court.

If a moving party does not obtain a reissuance prior to the hearing and fails to appear at the scheduled hearing to request a reissuance, the court may take the matter off calendar.

If the moving party served the responding party but the service was untimely, the moving party must attend the scheduled hearing. The responding party shall be entitled to a continuance and the court may reissue the *Request for Order*. Any temporary orders previously made may be extended upon a showing of good cause.

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

**d. DAY OF HEARING PROCEDURES**

**(1) Duty to Appear and to Advise Court of Settled Issues and Remaining Contested Issues**

All parties and their attorneys shall be punctual for all court appearances and shall check in with the courtroom clerk or bailiff upon arrival.

The parties or the attorneys for the parties shall be prepared to advise the court as to what issues have been settled by agreement and what issues remain contested.

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

**(2) Failure to Appear by Moving Party**

If the moving party or attorney fails to appear when the matter is called, the court may continue or remove the matter from the calendar at its discretion. If the responding party appears, the court may award attorney fees and costs to the appearing party if as a result of the moving party's nonappearance unnecessary fees are incurred.

If the responding party appears and has filed and served a responsive pleading seeking appropriate affirmative relief, the court may continue the matter or rule on the affirmative relief requested, at its discretion.

*(Subd (2) adopted effective January 1, 2013.)*

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

**e. TELEPHONIC APPEARANCES**

A party, an attorney, or a representative of a local child support agency or government agency who wishes to appear by telephone at a hearing must file a request with the court clerk at least 2 court days prior to the date of the hearing.



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The request shall be made on a *Request for Telephone Appearance* (Judicial Council form FL-679). The request must be served on all other parties, their attorneys, and the local child support agency through a means calculated to ensure delivery by the close of business on the next court day.

If the court permits the appearance by telephone, and unless the court specifically directs otherwise, counsel or litigants wishing to appear by telephone shall refer to the Court's website at [www.solano.courts.ca.gov](http://www.solano.courts.ca.gov) and follow the procedures as set forth on the website. Counsel or litigants wishing to appear telephonically shall be responsible for all fees and costs charged by the service provider.

Absent prior court order, requests for telephonic appearances in trials, contempt hearings, orders of examination, and any other matters in which the person has been subpoenaed to appear will not be permitted. Rules for ex parte requests and orders shortening time shall apply.

*(Subd (e) amended effective July 1, 2017; adopted effective January 1, 2013.)*

**f. INFORMAL DISCOVERY CONFERENCES**

The procedure set forth in Local Rule 3.15 shall apply to informal discovery conferences brought in proceedings governed by Rule 5.

*(Subd (f) adopted effective July 1, 2018.)*

*(Rule 5.5 amended effective July 1, 2018; Rule 5.5 adopted effective January 1, 2013.)*

**5.6 PRESENCE OF CHILDREN IN COURTROOM**

Unless a child whose custody or visitation is at issue has been given court permission to address the court or testify per Family Code section 3042, that child shall not be present in the assigned courtroom while the matter is being heard, unless the judicial officer has specifically given permission for the child to be present.

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In the event a party or minor’s counsel wants the child to be present, that party or minor’s counsel may disclose to the court that the child is in the courthouse and request that the child be permitted into the courtroom.

*(Rule 5.6 adopted effective January 1, 2013.)*

**5.7 FAMILY CENTERED CASE RESOLUTION PROCESS (CRC 5.83)  
[REPEALED]**

*(Rule 5.7 repealed effective July 1, 2018; adopted effective January 1, 2013; amended effective January 1, 2018.)*

**5.8 STATUS CONFERENCES AND STATUS CONFERENCE REPORTS**

**a. PROCEDURE FOR SETTING A STATUS CONFERENCE**

Status conferences may be used generally to assess the readiness of a case for meaningful settlement conference and/or trial. No party shall obtain a settlement conference or trial date except by court permission, which may be given at a status conference. Status conferences may be utilized at the court’s discretion for any other purpose deemed appropriate, such as for setting trial management conferences.

In dissolution of marriage, nullity of marriage, or legal separation matters, a status conference shall not be set at a party’s request unless that party has filed his or her *Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration* (Judicial Council form FL-141) showing that the moving party has complied with the disclosure requirements set forth in Family Code section 2104. Status conferences may be requested by filing a local form designated for that purpose, obtaining a date from the calendar clerk, and giving notice to the opposing party or counsel. Notice shall be consistent with Code of Civil Procedure section 1005 and proof of service of such notice shall be filed with the court.

Compliance with disclosure requirements is not required in Uniform Parentage Act cases or in proceedings to establish

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custody or support pursuant to Family Code section 3120. Thus, in cases brought per the Uniform Parentage Act or per Family Code section 3120, a party may request a status conference by filing a local form designated for that purpose, obtaining a date from the calendar clerk, and giving notice to the opposing party or counsel. Notice shall be consistent with Code of Civil Procedure section 1005 and proof of service of such notice shall be filed with the court.

The court may set a case on the status conference calendar at its discretion. No status conference may be continued or taken off calendar without court permission.

*(Subd (a) relettered effective July 1, 2018; previously adopted as subd. (b) effective January 1, 2013; former subd (a) repealed effective July 1, 2018.)*

**b. FILING AND SERVICE OF STATUS CONFERENCE REPORT**

At least seven (7) calendar days before the scheduled status conference, each party (or their counsel) shall file with the court and serve on all other parties a completed status conference report on a local form designated for that purpose. Proof of service of the status conference report shall be filed with the court at least seven (7) calendar days before the scheduled status conference.

*(Subd. (b) amended effective July 1, 2023; Subd. (b) relettered effective July 1, 2018; previously adopted as subd. (c) eff. January 1, 2013; former subd. (b) relettered as subd. (a) effective July 1, 2018.)*

**c. SANCTIONS**

The court may impose sanctions if:

- (1) A status conference report is not timely filed and served;
- (2) A status conference report is not fully completed;
- (3) A party or his or her attorney fails to appear at the status conference. However, an attorney may appear on behalf of a party unless the court has ordered a party to personally appear; or,

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- (4) An attorney or a party is not substantially aware of all procedural, factual, and legal aspects of the case, or an attorney does not have full authority to discuss and resolve any issues that arise at the conference, including, but not limited to, resolving discovery and the setting of subsequent court dates.

*(Subd. (c) relettered effective July 1, 2018; previously adopted as subd. (d) effective January 1, 2013; former subd. (c) relettered as subd. (b) effective July 1, 2018.)*

**d. APPEARANCES AT STATUS CONFERENCES**

An attorney or party may appear remotely for a status conference unless the judicial officer requires personal appearances. (See Local Rule 19).

*(Rule 5.8 amended effective July 1, 2023; adopted effective January 1, 2013; previously amended effective January 1, 2018.)*

**5.9 COURT REPORTER FEES**

Court reporter fees in family law proceedings are governed by Local Rule 18.

*(Rule 5.9 amended effective July 1, 2023; adopted effective January 1, 2013.)*