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Chapter Fourteen — Family Law

14.0 APPLICATION

All Court rules are applicable to Family Law proceedings in all districts of the Court, unless excluded by California Rules of Court or unless otherwise provided.

(Rule 14.0 adopted and effective 7/1/04.)

14.1 MATTERS ASSIGNED TO FAMILY LAW DEPARTMENTS

All matters arising under the Family Code are assigned to the Family Law Departments, except adoption, freedom from parental custody and other matters specifically assigned to other departments by these rules or order of court.

Guardianship proceedings of minors, when related to a family law department child custody proceeding, are assigned to the Family Law Departments.

(Rule 14.1 adopted and effective 7/1/04.)

14.2 COVER SHEET

The first paper filed by the petitioner in an action or proceeding shall be accompanied by a Los Angeles Superior Court Family Law Case Cover Sheet.

(Rule 14.2 adopted and effective 7/1/04.)

14.3 SESSION HOURS

(a) Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) Ex parte Applications. *Ex parte* applications brought under the Domestic Violence Prevention Act are heard each court day from 8:30 a.m. until 11:30 a.m., and from 1:30 p.m. until 3:30 p.m.

(Rule 14.3(a) amended and effective 1/1/08.)

(b) Central District Ex parte Applications. *Ex parte* applications, other than those brought under the Domestic Violence Prevention Act, shall be presented from 8:30 a.m. to 10:30 a.m. Monday through Friday in the department to which the case is assigned, or to Department 2 if the case has not been assigned.

(c) Central District Orders to Show Cause. In the Central District, Orders to Show Cause are set on Mondays, Tuesdays and Wednesdays at 8:30 a.m.; trials are set on Wednesdays at 1:30 p.m. and Thursdays and Fridays at 8:30 a.m.; and motions are set on Mondays and Wednesdays at 8:45 a.m.

(d) District Courts. In Districts other than Central, counsel should contact the courtroom in which the case is assigned to determine session hours.

(Rule 14.3 [adopted 7/1/04] amended and effective 1/1/08.)

14.4 RELATED FAMILY LAW CASES

Related Family Law cases, for the purpose of this section, are Los Angeles Superior Court cases that involve the same parties, and are based on issues governed by the Family Code or by the guardianship provisions of the Probate Code. Related Family Law cases shall be assigned to the same Family Law department except as provided in Rule 14.24.

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Counsel for any party and self-represented parties in such cases must promptly serve and file a notice of related cases as required by California Rules of Court, rule 3.300(a).

(Rule 14.4 [7/1/04] amended and effective 1/1/09.)

14.5 TRANSFER OF RELATED FAMILY LAW CASES

A department of this Court to which a related Family Law case is assigned may transfer such case to another Family Law department of this Court or may cause another related Family Law case to be transferred to its department. Related Family Law cases shall be transferred, except for good cause, to the department to which the lead case is assigned, according to the following guidelines.

1) The first filed marital or Registered Domestic Partnership status case (dissolution, legal separation or nullity) shall be the lead case;

2) The first filed parentage case (Uniform Parentage Act) shall be the lead case when there is no marital status case.

3) Government parentage and support cases may be related to other Family Law cases pursuant to Rule 14.24.

4) The first filed action for exclusive custody (Fam. Code, § 3120) shall be the lead case when there is no marital status or parentage case.

5) A Domestic Violence Protection Act (DVPA) case shall not be the lead case over any other type of Family Law case. The first filed pending DVPA case shall be the lead case. An application for a DVPA temporary restraining order shall be assigned as provided in Rule 2.0(c). However, unless good cause is shown, the hearing on the DVPA restraining order shall be set in the department which has been assigned the lead case.

A department assigned related cases may consolidate or dismiss any such cases as provided by law.

(Rule 14.5 [7/1/04] amended and effective 1/1/09.)

14.6 MEET AND CONFER REQUIREMENTS

Once papers have been filed in response to an Order to Show Cause, a moving party's counsel or self-represented party shall contact the opposing counsel or self-represented party in advance of the hearing to meet, confer, and ascertain whether issues can be settled without a contested hearing. When a party fails to meet or confer, the Court may consider such failure when making an award of attorney's fees and/or sanctions. This rule does not apply to domestic violence matters, unless both parties are represented. (Rule 14.6 adopted and effective 7/1/04.)

14.7 CONTINUANCES

(a) Stipulated Continuances. If counsel or self-represented parties stipulate to a continuance of a notice of motion or order to show cause, the party or attorney seeking the continuance shall personally inform the courtroom clerk as soon as possible, and in any event, no later than 3:00 p.m., the court day preceding the hearing, and obtain a new hearing date from the clerk. A continuance will not be granted by telephone unless the requesting attorney or self-represented party states that he/she has spoken to opposing counsel, and that opposing counsel or self-represented party has agreed to the continuance and states the number of previous continuances of the motion or order to show cause. Only two continuances may be granted based upon an agreement between counsel or unrepresented parties. Further continuances may be granted only upon appearance of counsel or party and a showing of good cause. No continuance shall be granted on the date set for hearing

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except upon appearance of counsel. The Judicial Officer hearing the matter shall, in any event, have complete discretion concerning continuances, including the right to deny continuances, to rule, or to take the matter off calendar at any time, despite agreement of counsel to the contrary.

(b) Contested Continuances. Absent good cause, the Court will not consider a contested request for continuance of a hearing, unless the requesting party has previously tried to obtain a stipulation for a continuance at least two (2) days prior to the hearing.

(Rule 14.7 adopted and effective 7/1/04.)

14.8 EVIDENTIARY OBJECTIONS

Except for good cause shown, evidentiary objections to any declaration submitted in support or opposition of a motion or order to show cause, to which specific individual court rulings are requested, must be in writing and served and filed within the same time periods provided by Section 1005 of the Code of Civil Procedure, at least nine (9) court days before the hearing for objections to the moving declarations and at least five (5) court days before the hearing for objections to opposition declarations. Objections to any reply declaration shall be served and filed at least two (2) court days before the hearing. Each objection must be numbered and placed in an attached copy of the declaration after the sentence or phrase that is objected to along with the basis of the objection. Brackets must be placed around the sentence or phrase to which the objection is made. Subject to the Court's rulings on timely filed written objections, or cross-examination of the declarants if permitted by the Court, all declarations shall be considered received in evidence at the hearing. Failure to comply with the above requirements does not prohibit a party from arguing that reduced or no weight should be given any declaration or any statement contained therein.

Evidentiary objections to any declaration submitted in support of or opposition to a motion or order to show cause, oral or written, including objections on the grounds of inadmissible hearsay, conclusion and lack of foundation, for which specific individual rulings are not requested or not required may be considered by the court at any time prior to or during the hearing thereon.

(Rule 14.8 [7/1/04, 7/1/06] 1st ¶ amended and effective 1/1/07.)

14.9 FINANCIAL DECLARATIONS AND SUPPORTING DOCUMENTS

All blanks on Financial Declarations, as defined by the California Rules of Court, must be completely filled in. If a previously filed Financial Declaration is claimed to be "current," a copy must be attached to the moving or responding papers.

In addition to the schedules and pay stubs required to be attached to the Income and Expense Declaration, parties will bring copies of State and Federal Income Tax Returns (including all supporting schedules) and all loan applications (whether or not the loan was granted) for the last two years.

(Rule 14.9 adopted and effective 7/1/04.)

14.10 EVIDENCE OF ATTORNEY'S FEES, EXPERT'S FEES AND COSTS

Any request, oral or written, for an order for payment by another party of attorney's fees and court costs in excess of \$1,000, should be accompanied by a separate written fee declaration signed by the attorney or party seeking such order. A failure to submit such declaration may result in the court limiting the evidence in support of such request to the evidence that may already be before the court in the pending proceeding. Such declarations may be supplemented at the time of the hearing to update the amount of the fee or costs requests.

Fee declarations should include the services performed and costs incurred to date; the time

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expended; the hourly rate charged, if applicable; counsel's years in practice and years in family law practice; professional certifications; his/her best estimate of future services to be performed, costs to be incurred and the necessity therefor; each party's access to community assets; the specific amounts requested, and amounts paid by or on behalf of the party requesting fees and costs; and prior awards of fees and costs.

If expert's fees are sought, the moving party shall provide a statement setting forth the scope of the expert's assignment, including the services performed, the time expended and costs incurred to date, the estimate of future services to be performed, costs to be incurred, the specific amounts requested, and the necessity therefor.

(Rule 14.10 [7/1/04] rule title & 1st ¶ amended and effective 7/1/06.)

14.11 PREPARATION OF ORDERS AFTER HEARING

Unless otherwise ordered by the Court, or unless otherwise provided by the California Rules of Court, the moving party shall prepare a written order within ten (10) days following any hearing and submit it to the other party's attorney, or to the other party, if self-represented, for approval and then file it with the Court. If either party or attorney fails to prepare or approve the order, or files objections to it within ten (10) days of service, the other party or attorney may prepare and submit the order to the Court with a proof of service on the other party or attorney.

If there is a disagreement between the parties concerning the accuracy of the proposed order, either party may request the Court, by letter, to refer to the applicable portions of the hearing transcript, which shall be attached to the letter or the clerk's minutes.

All orders after hearing shall be filed in the department where the hearing was held.

(Rule 14.11 adopted and effective 7/1/04.)

14.12 CASE MANAGEMENT PROCEEDINGS

It is the intent of the Los Angeles Superior Court to manage Family Law cases in order to focus on early resolution of cases through settlement, expedite the processing of cases, and to reduce the costs of litigation.

At the first hearing calendared by a party after the response to Petition is filed, the Court may hold a status conference. At the status conference, the Court may review the progress of the case, identify unresolved issues, develop discovery plans and discuss the possibility of settlement.

At the status conference, the parties shall inform the Court of the following matters:

- (1) attendance of both parties at PACT and Family Court Services Mediation;
- (2) completion and service by both parties of a complete Preliminary Declaration of Disclosure;
- (3) filing with the Court of a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration;
- (4) readiness of the parties to participate in mediation;
- (5) appropriateness of referral to arbitration;
- (6) willingness of the parties, to limit, schedule or expedite discovery and willingness without waiting for a discovery request, to provide to the opposing side, with the name and, if known, the address and telephone number of each individual likely to have discoverable information that supports the party's disclosures and a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or

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- control of the party and that supports the party's disclosures;
- (7) appropriateness of implementation of case management pursuant to Family Code section 2451;
 - (8) willingness to stipulate to the appointment of Court experts, and to allocate the expense for the appointment, or to schedule a hearing for the appointment of Court experts and the allocation of the expenses for the experts.

At any status conference, the Court may:

- (1) schedule disclosure of expert witnesses, by stipulation upon agreement;
- (2) require filing of stipulations, if issues can be narrowed;
- (3) set dates for further status conference, as needed but no later than every six months;
- (4) set dates for other court-ordered events that are to take place before the next status conference;
- (5) set the date for trial and/or settlement conferences; and
- (6) take such other action, as permitted by law, which could tend to promote the just and efficient disposition of the case.

Appearance at any status conference by counsel and any self-represented party, either in person or by telephone (if approved in advance by the Court) is mandatory. Failure to appear shall result in the setting of an Order to Show Cause why sanctions should not be imposed. No appearance is required if excused by the Court, or if a judgment has been filed, or if the case has been dismissed.

(Rule 14.12 adopted and effective 7/1/04.)

14.13 SETTING OF CONTESTED TRIALS

Either party may file a Request For Trial Setting to set contested issues for trial. At the discretion of the Court, the matter may first be set for a trial setting conference. The parties or their counsel shall be notified by mail of the date and time of the trial or the status conference.

In the event that the case settles, both parties shall immediately notify the trial court, so that the trial date may be vacated.

(Rule 14.13 adopted and effective 7/1/04.)

14.14 MANDATORY SETTLEMENT CONFERENCES FOR LONG CAUSE TRIALS

A Mandatory Settlement Conference (MSC) shall be set two (2) weeks before trial, or as close to that time as the Court's calendar can accommodate, in all family law cases estimated as long cause (defined as 5 hours or more). In the Central District, the MSC shall be set in Department 2 and in other Districts the MSC will be set per District policy.

All parties and trial counsel shall appear personally at the MSC.

The Court's role is to assist parties in concluding settlement negotiations. Prior to the MSC, attorneys shall hold at least one face-to-face or telephone settlement discussion, and have made a full exchange of all pertinent information, including information required by current statutory and case law.

(a) Pre-MSC Requirements.

(1) Not less than seven (7) calendar days before the scheduled MSC, witness lists shall have been exchanged identifying all non-party, non-impeachment lay and expert witnesses to be called at trial to prove their case in chief. A brief written summary of each proposed witness' testimony shall be provided.

Failure, without good cause, to identify any such witness shall preclude calling

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that witness at time of trial. Failure, without good cause, timely to provide a witness list shall be sanctioned; such sanction(s) may include, but not necessarily be limited to, precluding the noncomplying party from calling any non-party, non-impeachment witness.

(2) Not less than seven (7) calendar days before the scheduled MSC, exhibit lists shall have been exchanged identifying all non-impeachment exhibits to be offered at trial to prove their case in chief. Within five (5) calendar days of receipt of the list of exhibits, the receiving party may request in writing that the offering party provide a copy of any listed exhibit(s).

Failure, without good cause, to make a timely written request for any exhibit(s) shall preclude claiming surprise at the time of trial, but shall be without prejudice to any other appropriate evidentiary objection. Failure, without good cause, to comply with a party's timely request for any listed exhibit within five (5) calendar days of receipt of such a written request shall preclude admission of any such exhibit at the time of trial. Failure, without good cause, timely to provide an exhibit list and/or to list any particular exhibit shall be sanctioned; such sanction(s) may include, but not necessarily be limited to, precluding the noncomplying party from offering any unlisted non-impeachment exhibit(s) at the time of trial.

(3) Not less than seven (7) calendar days before the MSC, the parties shall lodge with the Court the MSC Brief (copies also being concurrently served each side to the other); current Income and Expense Declarations (copies also being served concurrently each side to the other); exhibit lists; witness lists, Property Declaration (when there are community and separate property issues) and a jointly prepared Joint MSC Worksheet available in Department 2. Failure, without good cause, to comply with this provision may result in the imposition of sanctions which can include contempt, payments of money including attorney's fees and costs incurred by other parties and/or taking trial of the case off calendar.

(b) Contents of the MSC Brief.

(1) The caption of the MSC brief shall contain the times and dates of the MSC date and trial.

(2) The brief shall include all relevant statistical facts, including date of marriage, date of separation, length of marriage (in years and months) and the number and age of minor children.

(3) The MSC brief shall contain a recitation of the facts of the case followed by a brief discussion of the law on which a party relies as to each contested issue, unless otherwise set forth in a separate memorandum of points and authorities filed in the matter.

(4) Each party shall set forth specific proposals regarding child custody and child and/or spousal support. As to each support item, each party shall set forth all computations and attach all necessary forms consistent with current statutory and case law. Computer support printouts may be attached.

(5) With regard to community property assets and liabilities, each party shall prepare and submit a current, signed and dated Schedule of Assets and Debts and all necessary Continuation Declaration(s) on Judicial Council forms prescribed by current law. Unless the parties have stipulated to valuation and distribution in writing or in open Court prior to preparation of the MSC brief, or unless mutually agreed appraisals are attached and annotated to show proposed division, each party shall prepare a comprehensive inventory of all assets, real and personal, claimed by such party to be community property. The parties shall also complete a Joint Debt Worksheet and attach it to their respective MSC briefs. In all cases, values claimed by either party shall be supported by appraisals or when appropriate, their own estimates, copies of which shall be attached, unless good

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cause is shown why no appraisal has been obtained.

(6) If a party claims a right to reimbursement, he/she shall submit the Joint Reimbursement Worksheet setting forth the total amounts proposed to be charged to each party. Each reimbursement claim must be clearly set forth with attached applicable documentation.

(7) In each case in which an item of personal or real property or an interest therein is claimed to be separate property, and the other party has not stipulated thereto in writing or in open Court, the following additional information shall be provided in tabular form on an exhibit entitled "Separate Property Information." This document shall include the following information: (i) the date and cost of acquisition, (ii) the encumbrances at acquisition; (iii) the title at acquisition; (iv) current value; (v) amount of present encumbrance; and how title is currently vested.

In each case in which real property or an interest therein was acquired during marriage but a separate property interest is claimed therein, the claimed interest shall be set forth, the amount thereof calculated and the formula displayed, consistent with current statutory and case law, on an exhibit entitled "Separate Property Real Property Claims."

(8) Any request for attorney's fees, expert's fees and costs shall comply with the requirements of Rule 14.10. (Rule 14.14 adopted and effective 7/1/04.)

14.15 TRIALS

The trial date cannot be continued by stipulation (see California Rules of Court) of the parties, but may be continued at a hearing before the Court and good cause shown.

In long cause trials, at least seven (7) days before the trial date, counsel and self-represented parties shall exchange with each other and file with the Court a trial brief in the format set out in Rule 14.14(b).

In short cause trials, the Court may, at its discretion, order counsel and self-represented parties to comply with all or part of the disclosures and pleadings required for the Mandatory Settlement Conference.

For all trials when attorney's fees, expert's fees and costs are at issue, the party seeking such fees and costs will comply with Rule 14.10.

No Witness List or Exhibit List or Expert's Report may be amended or augmented after the Mandatory Settlement Conference has been concluded without first having obtained the approval of the MSC judicial officer at the MSC or the trial court, good cause having been shown.

All Exhibits set forth in the Exhibit List, that was exchanged pursuant to the MSC rules, shall be pre-marked and exchanged at least five (5) court days prior to the initial date set for hearing. No exhibits shall be allowed into evidence that have not been pre-marked and exchanged, without first having obtained the approval of the trial court and having shown good cause.

Counsel shall submit to the clerk prior to the start of trial all pre-marked exhibits together with a second "working" copy for the Court. It is preferable that all exhibits be placed in a binder, with appropriate tabs.

Counsel should read and be familiar with the Local Rules regarding Civil Trial Procedures in Chapter Eight of these rules. (Rule 14.15 adopted and effective 7/1/04.)

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14.16 JUDGMENT PROCEDURE

In every case when a Judgment has been ordered by the Court to be filed, the party so ordered shall submit the proposed judgment to the other party's attorney, or to the party, if self-represented, for approval thereof and then file it with the Court. If either party or attorney fails to prepare or approve the judgment, or file objections to it within ten (10) days of service, the other party or attorney may prepare and submit the judgment to the Court with a proof of service on the other party or attorney.

The Court will set an Order to Show Cause re: Failure to Submit Judgment. If the judgment is received prior to this hearing, no appearance is necessary and the OSC will go off calendar. If the judgment is not received, sanctions may be imposed.

(Rule 14.16 adopted and effective 7/1/04.)

14.17 BIFURCATED STATUS ONLY JUDGMENTS

The parties may file a bifurcated judgment on the issue of marital status only. The box on the Judicial Council Judgment form must be checked which provides that jurisdiction is reserved over all other issues and all present orders remain in effect.

A Preliminary Declaration of Disclosure with all required attachments shall be served on the nonmoving party with the proposed judgment, unless it has been served previously and a proof of service is filed with the Court.

(Rule 14.17 adopted and effective 7/1/04.)

14.18 STIPULATED JUDGMENTS ON FURTHER RESERVED ISSUES

When all remaining issues have been resolved, a stipulation for Judgment or Further Judgment Upon Reserved Issues may be submitted to the Court without appearance. The proposed judgment shall comply with the provisions of California Rules of Court. The following forms shall be submitted:

- 1) Original and three (3) copies of the Judgment. The Court will retain the original and one copy;
- 2) If child support has been ordered, the Judgment shall be accompanied by:
 - a) A Stipulation to Establish or Modify Child Support and Order;
 - b) If appropriate, an Order/Notice to Withhold Income for Child Support;
 - c) If appropriate, a Stay of Service of Earnings Assignment Order;
- 3) An Appearance, Stipulation and Waiver, including a stipulation that the matter may be heard by a commissioner sitting as a judge pro tem;
- 4) Declaration Regarding Service of the Final Declaration of Disclosure. If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the Judgment;
- 5) Original and two (2) copies of the Notice of Entry of Judgment;
- 6) Two (2) self-addressed, stamped envelopes, addressed to each counsel of record or to each self-represented party.

(Rule 14.18 adopted and effective 7/1/04.)

14.19 DEFAULT OR UNCONTESTED JUDGMENTS BY AFFIDAVIT

The following forms shall be submitted to obtain a default or uncontested judgment:

- 1) Declaration for Default or Uncontested Dissolution;

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- 2) Request for Default or Appearance, Stipulation and Waiver form, whichever applies;
- 3) Declaration Regarding Service of Declaration of Disclosure (Preliminary and/or Final, as necessary). If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the Judgment;
- 4) Original and three copies of the Judgment. The Court will retain the original and one copy;
- 5) Original and two (2) copies of the Notice of Entry of Judgment;
- 6) Two (2) self-addressed, stamped envelopes, with the Court's address as the return address;

As appropriate, the following forms are also required:

- 1) Current Income and Expense Declaration;
- 2) Stipulation to Establish Or Modify Child Support and Order;
- 3) Earnings Assignment Order;
- 4) Property Declaration.

All forms must be completely filled out. A party may not request orders in the Judgment which were not requested in the Petition.

Unless there is a written agreement to the contrary, the following issues will require a court hearing:

- 1) Request to terminate spousal support in a marriage of ten years or longer;
- 2) Request for no visitation or for supervised visitation;
- 3) Request for a specific amount of spousal support.

First paper filing fees will not be required from a defaulting respondent who has signed a judgment. The signature of a defaulting party must be notarized.

(Rule 14.19 adopted and effective 7/1/04.)

14.20 FAMILY COURT SERVICES: MEDIATION, CUSTODY EVALUATIONS AND PARENT EDUCATION

Family Court Services shall provide confidential mediation of custody and visitation disputes, shall conduct or coordinate court-ordered evaluations and shall provide parent education. Family Court Services staff shall facilitate the parents making their own decisions regarding the care of their children.

(a) Family Court Services Mediation.

1) This rule applies to all Family Law cases involving a dispute regarding child custody and/or visitation.

2) The Family Code assigns jurisdiction over such matters to the Conciliation Court. In exercising this jurisdiction, Family Court Services shall provide the following:

a. A mediation orientation/parent education program (known as Parents and Children Together or PACT) including but not limited to: an explanation of the mediation process and other services available through the court, educational material regarding the effects of parental separation and conflict on children, and referrals specific to domestic violence situations.

b. Mediation session(s) focused on the resolution of the custody and/or visitation dispute.

3) Unless otherwise specified below, parents shall attend a mediation

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orientation/parent education program (PACT) and a mediation session prior to appearing at an Order to Show Cause or Trial regarding the custody and/or visitation of their children, unless they resolve all issues pertaining to custody and/or visitation prior to the date of the OSC. Parents must attend the PACT program only once. An appointment for a mediation session shall be obtained prior to obtaining an Order to Show Cause or a trial date placing child custody and/or visitation at issue.

a. Parties in cases filed under the Domestic Violence Prevention Act may attend the PACT program but are not required to do so.

b. Failure to attend the mediation orientation/parent education program (PACT) will not preclude the Mediation Office from proceeding with a mediation session in a specific case.

c. Failure to attend the mediation orientation/parent education program (PACT) will not preclude a judicial officer from making orders regarding a specific matter before the court.

d. This rule and a schedule of PACT sessions shall be provided by the Clerk of the Court to the Petitioner or moving party. The Petitioner or moving party shall serve the same, along with the Petition or Order to Show Cause, on the responding party. The Clerk of the Court will not schedule a court date for an Order to Show Cause regarding custody and/or visitation until the party has scheduled a mediation appointment with Family Court Services.

e. Each party shall receive a certificate of completion of the PACT program. It is the responsibility of each party to provide proof of completion of the PACT program upon request of the court.

f. Sanctions may be imposed by the Court upon any party for failure to complete the PACT program or Family Court Services mediation.

(b) Confidentiality of Family Court Services Proceedings.

1) In any family law proceeding involving the custody or visitation of minor children, any written report or recommendation from the Child Custody Evaluation Unit of Family Court Services or from any person appointed by the Court to render a report shall be confidential and unavailable to any person except the Court (including Juvenile Court and the Department of Children's Services), the parties, their attorneys, expert witnesses, and any person to whom the Court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall disclose its contents to any child who is the subject of the report.

a. Copies of the report shall be furnished by the court to attorneys for the parties or directly to the self-represented parties at least ten (10) days before any hearing or other action which is the subject of the report unless otherwise ordered by the Court.

b. The name and address of any party who becomes delinquent in payments owed the court for work performed by the Child Custody Evaluations Office and the amount owed may be released to a collections agency of the court's choosing for the sole purpose of collecting the debt owed the court.

c. Nothing in this section shall prevent an evaluator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

2) Except as provided here, it is the policy of the Los Angeles Superior Court that all Conciliation Court marriage counseling and family mediation services be confidential. Such confidentiality is essential to the effective functioning of the Conciliation Court.

a. Family Court Services Staff shall not disclose information to persons other than participants and their counsel, or produce records in violation of this policy. No Family Court Services staff person, party, counsel, or participant shall be compelled to testify concerning any

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information acquired--including, but not limited to, communications or observations made in connection with the provision of Conciliation Court services.

b. Exceptions:

i. Nothing in this section shall restrict any person from reporting or serving as a witness where a crime has been committed, or is alleged to have been committed, in his or her presence;

ii. Nothing in this section shall restrict Family Court Services staff from complying with any law requiring reporting of child abuse and the fact that such a report was made or exists shall not be deemed confidential;

iii. Nothing in this section shall restrict Family Court Services staff from complying with the requirements of Tarasoff v. The Regents of the University of California, 17 Cal.3d 425 (1976);

iv. The fact that a Family Court Services mediation session took place, the time and place of that session, and the identities of participants shall not be deemed confidential;

v. The fact that an agreement was or was not reached and the contents of any signed stipulation and order resulting from a Conciliation Court session shall not be deemed confidential;

vi. Nothing in this section shall prevent a Family Court Services mediator from recommending that a matter be referred for a child custody evaluation, or that an attorney be appointed for a child or children;

vii. Nothing in this section shall prevent the Family Court Services mediator from meeting with the judicial officer hearing a contested custody matter in an in-chambers conference with both attorneys and the parties when the parties themselves have both requested and consented to such a conference following the parents having completed the mediation process.

viii. Nothing in this section shall prevent a mediator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

(c) Adherence to Standards and Requests for Change of Family Court Services Mediator/Evaluator.

1) Mediator: Requests for a change of mediator shall be addressed to a Supervisor, Family Court Services. If the request for change is not satisfactorily resolved, it may then be brought to the attention of the Division Chief, Family Court Services. The request will be granted only upon a showing of good cause.

2) Evaluator: After a stipulation has been filed appointing the Superior Court's Child Custody Evaluations Office and an evaluator has been assigned, each side is permitted one peremptory challenge to the evaluator assigned within five (5) court days of receiving the written notification of the assignment. Challenges for cause may be made at any point in the process through the Administrator of Family Court Services. An evaluator appointed to perform a Solution Focused Evaluation can only be challenged for cause.

3) Good cause may include, but not be limited to, a showing that the mediator or evaluator is personally acquainted with a party or has a conflict of interest or appearance thereof with one of the parties or attorneys, or is otherwise unable to perform his or her duties in a fair and impartial manner.

4) Complaints: Complaints about Family Court Services mediators and evaluators shall be addressed in writing to the Administrator, Family Court Services. A supervisor will review

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the complaint and the case file and discuss the matter with the individual mediator or evaluator who is the subject of the complaint. A written response will be sent to the person filing the complaint. If either the complainant or the mediator or evaluator is not satisfied with the action taken in connection with the complaint, it may be brought to the attention of the Manager. If appropriate, corrective and/or disciplinary action will be taken with the individual staff person involved.

5) Standards of Practice: It is the responsibility of the court to assure that mediators and evaluators adhere to the Standards of Practice as set forth in the California Rules of Court, Chapter 5. The quality of service is monitored on an on-going basis by: (1) Regular training and clinical supervision of Family Court Services clinical staff and their work; and (2) Review sheets completed by judicial officers on child custody evaluations.

(Rule 14.20 [7/1/04] amended, (c)6) *Ex parte* Communication REPEALED, and effective 1/1/07.)

(d) Assessment of minor(s) seeking permission to marry.

(1) Statute requires Court and parental consent for minor(s) seeking permission to marry.

(2) Minor(s) seeking permission to marry must file with the Court an Application for Consent to Marry (FAM047) and a Parental Consent Form (FAM048).

(3) To assist the Court in determining whether to grant the minor(s) permission to marry, the minor and his/her prospective spouse are required to meet with a Family Court Services Specialist for an assessment for consent to marry.

(4) The Family Court Services Specialist shall provide the Court with a recommendation as to whether the application should be granted, denied, or deferred.

(5) The recommendation to the Court is confidential and unavailable to anyone except the Court, the parties, and their attorneys and shall be placed in the confidential envelope.

(6) The Court shall consider the application, recommendations, and such other matters it deems relevant and thereafter the Court shall issue an order to grant or deny the Application for Consent to Marry.

(Rule 14.20(d) Assessment of minor(s) seeking permission to marry newly added and effective 1/1/09.)

(e) Training. Family Court Services mediators and evaluators must comply with all training required by the Family Law Code or California Rules of Court, Chapter 5, and maintain proof of compliance in the central office.

(Rule 14.20(e) [as (d) 7/1/04] renumbered and effective 1/1/09.)
(Rule 14.20 [7/1/04, 1/1/07] amended and effective 1/1/09.)

14.21 PRIVATE CHILD CUSTODY EVALUATIONS

This rule is adopted in compliance with California Rules of Court:

(a) Peremptory Challenges. When a private evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge of a specific evaluator. The challenge must be made within ten (10) court days of the notice of appointment.

(Rule 14.21(a) [7/1/04] amended and effective 1/1/07.)

(b) Withdrawal From a Case. A private evaluator has the right to withdraw from a case upon a showing of good cause before the trial court that made the appointment.

(c) Complaints Regarding Evaluators. Complaints regarding the conduct of and procedures employed by a private child custody evaluator appointed by the Court are the responsibility of the

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trial court judicial officer who made the appointment and the appropriate professional licensing board. The trial court judge may determine what action, if any, should be taken. In addition, if the evaluator is a member of the Court's list of private evaluators, the complaint will also be the responsibility of the list administrator per Local Rule 14.21(e)4).

(Rule 14.21(c) [7/1/04] amended and effective 1/1/07.)

(d) Training. A person appointed as a child custody evaluator must submit to the court a declaration indicating compliance with all applicable education, training, and experience requirements. A private child custody evaluator must complete a Declaration of Private Child Custody Evaluator Regarding Qualifications (Form FL-326) and file it with the clerk's office no later than 10 days after notification of each appointment and before any work on each child custody evaluation has begun.

(Rule 14.21(d) [*originally* (e) 7/1/04] renumbered, text repealed,
new text added 1/1/07.)

(e) Private Child Custody Evaluators List.

1) In an effort to assist litigants and their attorneys in locating mental health professionals who perform Child Custody Evaluations, the Los Angeles Superior Court has developed a list of mental health professionals who perform child custody evaluations. The Los Angeles Superior Court does not endorse any person on this list, nor are they employees of the Superior Court.

2) The following information describes the qualifications of the mental health professionals on this list, as well as the procedures for filing complaints regarding work performed by members on the list.

a. Qualifications and responsibilities of list members. To be included on this list, a mental health professional must:

i. Be licensed in the State of California in one of the following areas: LCSW, MFT, clinical psychologist, or board certified psychiatrist;

ii. Declare under penalty of perjury that he/she has performed five child custody evaluations within the last three years;

iii. Declare under penalty of perjury that he/she has read The Standards of Practice for Court Appointed Child Custody Evaluations in the California Rules of Court and the Los Angeles Superior Court Local Rule regarding The Private Child Custody Evaluators List;

iv. Complete any training required for child custody evaluators by statute, rule of court, or local rule;

v. Be covered by malpractice insurance;

vi. Not use their inclusion on this list in any advertising.

b. List members must submit the following materials which will be made available to the public:

i. A signed application;

ii. A current résumé;

iii. A copy of the applicable clinical license;

iv. Certificates of completion of 16 hours of advanced domestic violence training and annual updates as required by Family Code section 1816 and California Rules of Court, rule 5.230;

v. Certificates of completion of 40 hours of initial education and training and annual updates as required by California Rules of Court, rule 5.225.

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c. Upon appointment to perform an evaluation, members of the list must provide both parties with a letter describing their procedures, including a statement that any written material submitted to the evaluator must be sent to the opposing party and the final date by which written material must be submitted.

3) Any evaluation ordered through this list must be completed and mailed within 10 weeks of receiving the appointment and required deposit, unless extenuating circumstances arise. If an extension is required, the evaluator will notify the court, both parties, and the list administrator by letter. Reasons for the extension are to be described in the letter.

4) Challenges, Complaints, Removal from the List. The Court reserves the right to remove any name from the list upon written notification to the evaluator.

a. Reasons for removal may include, but are not limited to the following:

i. Failure to maintain a clinical license in good standing;
ii. Failure to remain current on training mandated by statute, California Rules of Court, and/or Los Angeles Superior Court Local Rule;
iii. Submission of work that does not meet the standard of practice for court appointed evaluator;

iv. Failure to submit work in a timely fashion;

v. Consistent refusal to accept court referrals.

b. Complaints regarding the content of the evaluation report or the conclusions reached by the evaluator should be made at the time of trial to the trial court hearing the custody matter.

c. Complaints regarding the ethical conduct of the evaluator should be made to the appropriate licensing board.

d. Complaints regarding the procedures used by the evaluator should be addressed in writing to the list administrator. Copies of such complaints will be sent to the evaluator who is the subject of the complaint. All such complaints will be reviewed by the list administrator and answered in writing.

e. Serious complaints regarding the procedures used by an evaluator will be reviewed by a committee appointed by the Supervising Judge of the Family Law Departments. The committee shall consist of the list administrator, a Family Law Judicial Officer, a court-employed evaluator, and may also include a private evaluator and any other person appointed by the Supervising Judge. The committee will review the complaint with the evaluator. If the committee decides to remove the evaluator from the list, the evaluator will be notified in writing that he/she is being removed from the list. The decision of the committee shall be final and not subject to further review. In reviewing complaints, the members of the committee are persons performing quasi-judicial functions, and presiding at quasi-judicial proceedings within the meaning of Evidence Code section 703.5. The records and information in the possession of the committee regarding evaluators is official information acquired in confidence by public employees in the course of their duties, and not open, or officially disclosed to the public within the meaning of both subdivisions (b)(1) and (b)(2) of Evidence Code section 1040.

5) Upon request, disclose any significant personal or professional relationship the evaluator has or has had with a party, attorney, or law firm in the instant case, including the number and nature of any services in the past 24 months in which the evaluator has been privately compensated by a party, attorney, or law firm in the instant case. The services may include, but are not limited to, services provided as an expert witness, consultant, evaluator, special master, mediator,

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or therapist.

(Rule 14.21 [*originally* (f) 7/1/04, (f)4)e. 1/1/05] renumbered as (e),
amended and effective 1/1/07.)
(Rule 14.21 [adopted 7/1/04, 1/1/05] amended and effective 1/1/07.)

14.22 MINOR'S CONTRACT PROCEDURE

All petitions for the confirmation of Minor's Contracts under Family Code section 6700 et seq. shall be filed in Department 2. All such petitions shall have attached as exhibits the underlying contract for which confirmation is sought. The petition shall be accompanied by a proposed order.

Department 2 shall have continuing jurisdiction over these petitions and the funds blocked under orders issued until the funds are released. Petitions to amend prior orders or to switch investments or banks shall be supported by adequate declarations setting forth the reason and necessity of the requested actions.

All orders issued for the setting up of a blocked account or accounts shall require that the paying entity, through its counsel, set forth in a declaration under penalty of perjury that the funds are being deposited into an account that has been blocked pursuant to Court order. Such a declaration shall state that the initial deposit made into the ordered blocked account was accompanied by a copy of the order issued by this Court and a cover letter identifying the minor, the account number, the trustee, and that the deposit and account are blocked pursuant to Court order.

Applications for release of funds to the minor after reaching majority shall be accompanied by proof that the minor has reached the age of eighteen or is emancipated.

The Court shall assess a fee for processing applications for release of funds from blocked minors accounts. (Rule 14.22 adopted and effective 7/1/04.)

14.23 FAMILY LAW FACILITATOR'S AND FAMILY LAW INFORMATION CENTER

(a) Duties of Family Law Facilitator. Pursuant to the provisions of Family Code section 10005(a), duties of the Family Law Facilitator shall include the following:

1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Section 10012 of the Family Code. Actions in which one or both of the parties are unrepresented by counsel shall have priority;

2) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Section 10003;

3) If the parties are unable to resolve issues with the assistance of the Family Law Facilitator, prior to or at the hearing, and at the request of the Court, the Family Law Facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judicial officer whether or not the matter is ready to proceed;

4) Preparing formal orders consistent with the Court's announced order in cases where both parties are unrepresented. (Rule 14.23 adopted and effective 7/1/04.)

14.24 PATERNITY, CHILD AND SPOUSAL SUPPORT ACTIONS

(a) Central Civil West Actions. The following actions shall be heard at Central Civil West, as follows:

1) Actions filed by the Child Support Services Department (CSSD) pursuant to the Family Code for an order to establish paternity and/or child support, modify child support, obtain retroactive child support or enforce a child, spousal or family support order;

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2) Actions filed, other than by the CSSD, involving only the modification or enforcement of a child, spousal or family support order or for the determination or collection of arrears in which the CSSD has made an appearance or is enforcing the child, spousal or family support order;

3) Upon proper notice, parties with matters pending in the Central Courthouse or District Family Law Departments may request transfer of the above actions to the Central or District Court.

(Rule 14.24(a) [7/1/04] amended and effective 1/1/09.)

(b) Central Courthouse and District Court Family Law Departments. The following actions shall be heard in the Family Law Departments of the Central Courthouse and District Courts:

1) Actions filed, other than by the CSSD, by any party pursuant to the Family Code to establish paternity or an original order for child, spousal or family support;

2) Actions filed, other than by the CSSD, by any party pursuant to the Family Code which involve issues in addition to child, spousal or family support, such as custody, visitation, division or control of property and personal restraining order;

3) All other actions not specified in subdivision (a) above, unless the CSSD files with the Court and serves upon the opposing party, if unrepresented or attorney of record at least fifteen (15) days prior to the scheduled court date, a written request for transfer to Central Civil West. The judge before whom the action is pending shall rule on the request for transfer and, if granted, a new hearing date at Central Civil West shall be set no later than fifteen (15) days from the date of transfer;

4) Incorrect Location of Filing: Transfer to Central Civil West. Any action which should have been filed at Central Civil West, pursuant to subdivision (a), above, but which has been incorrectly filed in any Family Law Department in the Central Courthouse or in any District Family Law Department shall be transferred to Central Civil West. The transfer shall be initiated forthwith upon the written request by letter or FAX from the CSSD or by the Court or Clerk of the Court after the discovery of the incorrect location of the filing. A notice of the transfer, specifying the reason for the transfer, shall be mailed to all parties, if unrepresented, or attorneys of record by the Superior Court Clerk in the Central District or in the district court. The notice shall also specify the new hearing date at Central Civil West. The new hearing date at Central Civil West shall be set no later than fifteen (15) days from the date of the transfer.

(Rule 14.24 [7/1/04] amended and effective 1/1/09.)

14.25 DECLARATION/STATEMENT OF PROVIDER OF SUPERVISED VISITATION

(a) Compliance. Pursuant to Section 11166.5(d) of the Penal Code, all providers of supervised visitation who receive payment for their services are required to complete and file with the Court a declaration/statement as provided on Superior Court Form H272 (Appendix B). This form states that the provider has complied with Section 11166 of the Penal Code and is to attach a copy or proof of their attendance at such a training program to the form. The form is then to be filed with the Clerk of the Court. Forms are available through the various District Courts from the Clerk of the Court.

(b) Sanctions. Failure to comply with the requirements of Section 11166 of the Penal Code is a misdemeanor.

(Rule 14.25 adopted and effective 7/1/04.)

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14.26 COLLABORATIVE LAW CASES

(a) Designation. A case may be designated a “Collaborative Law Case” if the parties have signed a written Collaborative Law Agreement that provides for 1) a full exchange of information, 2) the withdrawal of the party’s attorney (whether or not said attorney is of record) upon the termination of the collaborative law process, and 3) the joint retention of any consultants needed to assist the parties in the collaborative law process, unless otherwise authorized by the written agreement of the parties. The words “Collaborative Law Case” shall be placed below the case number in the case caption on all documents filed with the Court. Attorneys representing parties to a Collaborative Law Case may be, but are not required to be, of record.

(b) Contested Matters. As long as a case is designated a Collaborative Law Case, no contested matters shall be filed with the Court. Collaborative Law Cases shall not be subject to Rule 14.12. A Collaborative Law Case filed in the Central District shall be assigned to Department 2 for as long as the case remains a Collaborative Law Case.

(Rule 14.26(b) amended and effective 1/1/05.)

(c) Initial Assignment. If a Petition filed in the Central District has the words “Collaborative Law Case” included in the box “Petition For”, the case will be assigned to Department 2 as a Master Calendar assignment for purposes of Code of Civil Procedure section 170.6.

(Rule 14.26(c) Initial Assignment newly added 1/1/2010.)

(d) Termination. Either party may terminate the designation of a case as a Collaborative Law Case without cause by both providing a written notice of such termination to the other party and filing with the Court a copy of the notice of termination and a proof of service upon the other party. The filing of contested matters by either party shall also terminate the designation of the case as a Collaborative Law Case, effective on the date of such filing. Upon termination of the Collaborative Law Case designation, any party’s attorney’s status as attorney of record shall terminate without further notice. The filing by an attorney of record of a motion to withdraw from a Collaborative Law Case does not terminate the designation of a Collaborative Law Case.

(Rule 14.26(d) [as (c) 7/1/04] renumbered and effective 1/1/2010.)

(Rule 14.26 [adopted 7/1/04, 1/1/05] amended and effective 1/1/2010.)

14.27 EX PARTE NOTICE, APPLICATION AND ORDERS

Ex parte applications and orders, including notice thereof, must comply with California Rules of Court, rule 3.1200 *et seq.*, except for good cause shown or as otherwise provided by law, such as Domestic Violence Protection Act proceedings under which orders may be issued with or without notice as prescribed in Family Code section 6300.

(Rule 14.27 [adopted 7/1/06] amended and effective 1/1/08.)

14.28 COMPLAINTS REGARDING MINOR’S COUNSEL

Complaints regarding the conduct and procedures employed by counsel appointed for a child pursuant to Family Code section 3150 *et seq.* will be handled by the judicial officer to whom the case is assigned. Complaints may also be made to the State Bar of California. Pursuant to noticed motion, application, or order to show cause, the judicial officer must determine what action should be taken, if any.

(Rule 14.28 newly added 1/1/2010.)

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APPENDIX #A

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FILE STAMP

IN THE MATTER OF:

CASE NO.:

Petitioner:

Respondent:

I, _____, a Child Custody Evaluator, as defined in Section 3110 of the Family Code, have knowledge of, and fully understand the provisions of Section 3110.5 of the Family Code and will comply with those provisions as stated.

I have received domestic violence training as required under Section 3110.5 of the Family Code and as described in Section 1816.

I understand that, while acting as a Child Custody Evaluator, failure to comply with the requirements of Section 3110.5 will result in the Court vacating the Order appointing me to perform this evaluation.

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

Dated:

Signature

Print Name

H277/11-97
Rev. 05-04

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APPENDIX #B

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FILE STAMP

IN THE MATTER OF:

CASE NO.:

Petitioner:

Respondent:

Pro Bono Case.

I, _____, a Child Visitation Monitor, as defined in Section 11165.7(a)(30) of the Penal Code, have knowledge of, and fully understand the provisions of Section 11166 of the Penal Code and will comply with those provisions as stated.

Section 11166 of the Penal Code requires that a Child Visitation Monitor who has knowledge of, or observes, a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.

“Child Visitation Monitor” means any person as defined in Section 11165.7(a)(30).

I have received child abuse identification and report training as required under Section 11166 of the Penal Code. Proof is attached to this statement.

I understand that while acting as a Child Visitation Monitor, failure to comply with the requirements of Section 11166 is a misdemeanor, punishable by up to six months in a county jail, by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. (Penal Code, § 11166.5(b))

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

Dated:

Signature

Print Name

H272
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