

CHAPTER 9 - FAMILY LAW MATTERS

Rule 900 – Subject Matter of the Family Law Division; Application of Rules; and Sanctions

- (a) All matters arising under the California Family Code are assigned to the Family Law Division. *Marvin* actions are not provided for under the Family Code, and therefore are to be filed in the Civil Division.
- (b) The Family Law Division consists of the Family Law and AB 1058 Child Support Courts.
- (c) These Rules supplement the California Rules of Court.
- (d) Failure to comply with these Rules may result in sanctions, including but not limited to, an award of attorney's fees and costs pursuant to California Rules of Court 5.14. All requests made for sanctions shall comply with California Rules of Court 5.14. (07/01/97) (Revised 01/01/18, 07/01/24)

Rule 901 - Notice of Assignment

- (a) New cases are assigned to a specific judicial officer for all purposes, except as provided in subsection (b). The case assignment will be stamped on the first page of the petition when it is filed. All appearances in the case must be made before the assigned judicial officer, unless otherwise ordered. Upon resolution of all non-child support related issues, matters involving the Department of Child Support Services shall be transferred to the AB1058 Commissioner to resolve remaining issues related to child support or establishment of parentage.
- (b) All matters involving the Department of Child Support Services shall be assigned to the AB1058 Commissioner where the issues before the court are related only to establishing parentage and/or child support.
- (c) Any subsequently opened Family Law case involving the same parties will be assigned to the same department assigned to hear the existing Family Law case. (01/01/07) (Revised 01/01/18, 07/01/24)

Rule 902 - Presentation of Documents – Omitted (07/01/24)

Rule 902.1 – Rules Specific to Child Custody and Visitation Matters

- (a) A party must inform the court when a Child Welfare Services investigation is pending in any county or if a family member with custody or visitation rights is or was involved with CWS. No permanent order will be made until CWS completes its investigation and the findings of that investigation are made known to the court.

- (b) Attorneys representing parents in child custody and/or child visitation matters will have no direct contact with the minor children who are the subject of the litigation.
- (c) Prior to hearing on a child custody and visitation matter, a designated court employee will conduct a criminal history search of both parties in the California Law Enforcement Telecommunications System (CLETS) to determine the applicability of Family Code sections 3030(a), (b) or (c); 3031(a); 3041.5(a); 3044(a); 3044(b)(2)(D); 3044(b)(2)(E); 3044(b)(2)(G); and 3044(d)(1). Only the information reportable pursuant to these statutes will be provided to the Judicial Officer hearing the matter. (07/01/24)

Rule 903 - Matters Off Calendar

After service of the moving papers, but before responsive pleadings are served, no matter will be taken off calendar without notice to the responding party or attorney. If responsive pleadings have been served and relief is requested by the responding party, the responding party or attorney must consent before the matter may be taken off calendar. (07/01/97) (Revised 01/01/18)

Rule 904 - Continuances

All requests to continue must comply with California Rules of Court 5.95. (07/01/97) (Revised 01/01/18, 07/01/24)

Rule 905 - Hearings Estimated to Take More Than 20 Minutes

If it is apparent to the assigned judicial officer, after consulting with counsel for the parties or self-represented party, that a matter will take more than 20 minutes the court will inquire of counsel for the parties or self-represented party to obtain a time estimate for the hearing, and the matter will be set for a hearing on the earliest available date given the time estimate. (01/01/07) (Revised 01/01/18)

Rule 906 - Family Centered Case Resolution

All Dissolution of Marriage, Dissolution of Domestic Partnership, Legal Separation, Nullity of Marriage, and Uniform Parentage Actions shall be set for a judicially supervised family centered case resolution conference, entitled "Case Management Conference," pursuant to California Rules of Court 5.83, and Family Code sections 2450-2452.

- (a) Case Management Conferences will be heard by a judicial officer. On the court's initiative, or at the request of parties, to enhance access to the court, the Conference may be held in person, by telephone, by videoconferencing, or by other appropriate means of communication.

- (b) At the Case Management Conference counsel for each party and each self-represented litigant must be familiar with the case and must be prepared to discuss the party's positions on the issues.
- (c) Any inclusion of alternative dispute resolution (ADR) in a case resolution plan under Family Code section 2451(a)(2) must comply with California Rules of Court 5.83 (d)(4).
- (d) All cases will be set for Case Management Conference 120 days following the filing of a Petition, however if a motion or other request for orders is presented for filing with the Petition, the first Case Management Conference will be set concurrently with the hearing date set on the motion or other request for orders. If the Case Management Conference is set 120 days following the filing of the Petition, then by the time of the first Case Management Conference the Petitioner shall have a Declaration of Service of the Preliminary Declaration of Disclosure (Judicial Council Form FL-141) filed, and the Respondent shall have a Declaration of Service of the Preliminary Declaration of Disclosure (Judicial Council Form FL-141) filed, provided that service of Summons was effected on the Respondent more than 60 days prior to the Case Management Conference.
- (e) At the Case Management Conference, the case status including discovery will be discussed, alternative dispute resolution ordered as appropriate, and mandatory settlement conference dates will be assigned so long as both parties have filed a Declaration of Service of the Preliminary Declaration of Disclosure (Judicial Council form FL-141), unless settlement of all issues is imminent. Trial dates will not be scheduled until after the mandatory settlement conference to ensure that the estimated time to the try the contested issues is accurate.
- (f) If an answer or response has not been filed within 120 days of the filing date of the action, and no default or judgment has been entered, the court will order a review hearing in accordance with California Rules of Court 5.83(c)(2).
- (g) Case Management Conferences shall thereafter be set in the court's discretion, but at least every 180 days thereafter until disposition.
- (h) If, after 18 months from the date the petition was filed, both parties have failed to participate in the case resolution process as determined by the court, the court's obligation for further review of the case is relieved until the case qualifies for dismissal under Code of Civil Procedure section 583.210 or 583.310, or until the parties reactivate participation in the case.
- (i) In deciding whether a case is progressing in an effective and timely manner, the court will consider the procedural milestones set forth at California Rules of Court 5.83(c)(4) and the additional factors for consideration set forth at California Rules of Court 5.83(c)(7). (01/01/07) (Revised 07/01/11, 01/01/14, 01/01/18, 07/01/24)

Upon the filing of a first paper in all dissolution of marriage, legal separation, and nullity of marriage cases, the clerk shall provide Petitioner with two (2) copies of the court's Case Information Sheet. Petitioner shall serve one copy of the Case Information Sheet on the Respondent with the initial pleadings. Petitioner must include the Case Information Sheet on the Proof of Service of the Summons and Petition. (01/01/2016, 07/01/24)

Rule 907 - Emergency Short Notice Hearings

- (a) All parties requesting an emergency short notice hearing must file the required pleadings with the clerk in Room 201 of the Tulare County Superior Court in Visalia or the Counter Clerk at the South County Justice Center in Porterville, depending upon where the case has previously been filed or is being filed concurrently with the request. The clerk will transmit the request to the assigned judge, who will review the pleadings and instruct the clerk as to whether an ex parte hearing is to be set. If instructed by the judge to do so, the clerk will set the matter for hearing before the assigned judge, unless the assigned judge is not available in which case an available judicial officer will hear the matter.
- (b) The procedure and notice of an emergency short notice hearing must be pursuant to California Rules of Court 5.151 through 5.169.
- (c) A short notice order granting exclusive use of a vehicle will not be granted unless the declaration demonstrates that the opposing party has suitable transportation available, or requires no such transportation, or such order is necessary for the immediate best interests of the child/ren. Only in unusual circumstances will an order for vehicle possession be issued on short notice.
- (d) A short notice order removing a party from a residence will not issue without facts demonstrating domestic violence, and the date or dates thereof, and that physical harm would result if the short notice order is not granted.
- (e) A short notice order requiring the payment of obligations will not issue without financial facts justifying the order, plus a fully completed Income and Expense Declaration ~~with~~ containing at least an estimate of opposing party's gross income. Only in unusual circumstances will a payment of an obligation order be issued on short notice.
- (f) Where an emergency short notice hearing is being requested related to a matter in the AB1058 child support court, that request may be made directly through the AB1058 court assigned clerks. (01/01/07) (Revised 01/01/09, 01/01/10, 01/01/18, 07/01/24)

Rule 908 - Omitted (01/01/18)

Rule 909 - Omitted (01/01/18)

Rule 910 - Omitted (07/01/11)

Rule 911 - Omitted (01/01/18)

Rule 912 - Omitted (01/01/18)

Rule 913 - Omitted (01/01/18)

Rule 914 - Failure to Appear/Tardiness

- (a) Failure of the moving party or attorney to be present at the calendar call, or failure to have informed the bailiff or clerk of his or her location, may result in the matter being removed from the calendar; and if the responding party has appeared, attorney fees and costs may be awarded to the appearing party.
- (b) In the event the responding party or attorney fails to appear or fails to have informed the bailiff or clerk of his or her location, the court may continue the matter, award attorney fees, or enter an order on the pleadings and testimony of the moving party. (07/01/89) (Revised 01/01/18, 07/01/24)

Rule 915 - Preparation of Order After Hearing

- (a) Findings and Order After Hearing prepared on printed local forms provided by the court shall be completed prior to the attorneys and/or parties leaving the courtroom on the day of the hearing. Fillable local form Findings and Order After Hearing are also available on the court's website under Forms & Filing/Local Forms, Information and Instructions for Filing/Family Law Division.
- (b) In the alternative, the court in its discretion may order preparation of the Findings and Order After Hearing to be made in compliance with California Rules of Court 5.125.
- (c) Findings and Order After Hearing forms will be prepared by the Self-Help Resource Center staff in cases in which both parties are unrepresented. (01/01/07) (Revised 07/01/11, 01/01/14, 01/01/18, 07/01/24)

Rule 916 - Adoption of Schedule for Temporary Spousal Support Awards

Except for good cause shown, temporary spousal support shall be calculated by using the computation method commonly known as the "Kings County formula" programmed into the support software certified by the Judicial Council. (01/01/07) (Revised 01/01/18)

Rule 917 - Income and Expense Declaration

- (a) Except as provided in Family Code section 6309, where a party requires information from an opposing party for the court to rule on financial issues that exceeds the scope of information the opposing party is otherwise affirmatively required to produce under existing law or these rules, the court expects the party and their counsel to propound discovery on the opposing party to obtain that information.
- (b) If production of documents under this rule is requested or ordered, both parties must comply with this rule and the order must state, “Both parties are ordered to comply with Local Rule 917, a copy of which is attached. Willful failure to comply with this rule may result in sanctions, if requested.”
- (c) In addition to the fully-completed Income and Expense Declaration required by CRC 5.92, a party subject to this Rule must serve on the other party, but need not file with the court, the following documents:
 - (1) Copies of tax returns for the immediately preceding year (state and federal).
 - (2) Copies of all records reflecting income (whether the income has been received or not) since the last tax return, including but not limited to bank statements and cash application records of transactions.
 - (3) Copies of partnership Schedule K-1’s filed within the last three years by any partnership in which either party has any interest.
 - (4) Copies of financial statements received by either party regarding any legal entity in which either party had an interest during the last three years.
 - (5) Copies of all loan applications or financial statements submitted to financial institution(s) within the last three years, whether or not a loan was obtained.
- (d) If any of the above-listed documents are not available to the producing party (i.e., they are in the possession and control of the other party) or no such documents exist, the producing party must file and serve a declaration under penalty of perjury specifying the unavailable category or document and the reason for its unavailability. (01/01/07) (Revised 01/01/18, 07/01/24)

Rule 918 – Child Support and the Tulare County Department of Child Support Services

- (a) The language set forth at section (b) must appear in all orders or judgments, or as ordered by the court in any proceeding where child support, child support arrearages, or enforcement of child support is at issue in any of these circumstances:

- (1) A party is awarded custody of minor child/ren and is receiving, or is likely to receive, Temporary Assistance to Needy Families for the benefit of the child/ren;
 - (2) The Department of Child Support Services has an open case and is either establishing or enforcing an order of support for the minor child/ren;
 - (3) The issue of child support has not yet been addressed at the time the judgment is submitted for the court's review and filing;
 - (4) Either party requests that the Department of Child Support Services establish and enforce an order of support, and one or both parties want to open a case with the Tulare County Department of Child Support Services.
- (b) "The issue of child support is referred to the Tulare County Department of Child Support Services (hereinafter, the Department) for an investigation and report. Prior to the investigation commencing, one of the parties shall open a case with the Department, which can be done online at: <https://childsupport.ca.gov/application-for-child-support-services/>. Once the case has been opened with the Department, if not already filed with the Court, the parties shall have 30 days in which to file with the court and provide to the Department fully completed Income and Expense Declarations including all supporting information requested in that form. If either party fails to open a case with the Department within 60 days of the referral or provide the required Income and Expense Declaration within 30 days of the case opening, the Department will automatically be released from having to prepare the investigation and report. This release will not limit the Department's ability to provide further services to the party that requested case opening. If the case is opened with the Department within 60 days of the referral and the required income information is received within 30 days of the case opening, the report of the Department shall be mailed to the parties or their attorneys within 120 days from the date of the referral. The Department will provide a blank Request for Order with the report. The parties will have 20 days after the mailing of the Department's report to file a Request for Order objecting to the report. The objecting party shall simultaneously serve a copy of the Request for Order objecting to the report on the Department and the opposing party. In the absence of such an objection, the recommendation will be adopted as an order of this court.

"The Department will enforce the payment of child support as ordered above. All child support payments must be made to the California State Disbursement Unit, P. O. Box 989067, West Sacramento, CA 95798-9067. Parties must notify the Department of Child Support Services in writing within 10 days of any change of residence, income, or employment." (01/01/07) (Revised 01/01/09, 01/01/18, 01/13/21, 07/01/24)

Rule 919 - Mandatory Child Custody Recommending Counseling and Confidential Voluntary Mediation Sessions in Child Custody and/or Visitation Matters

Child Custody Recommending Counseling and Voluntary Mediation sessions will be held in private, and all written and verbal communication will be deemed "official information" (Evidence Code, §1040). Any information may, however, be disclosed to the court.

- (a) Prior to their session, the parties shall complete the Online Orientation and Intake for Family Court Services located on the Tulare County Superior Court website at www.tulare.courts.ca.gov. Select Family Court Services and click the box that states “complete here.” On the Orientation page, read instructions and follow the directions to complete orientation and registration. Notice will be sent automatically to Family Court Services.
- (b) Family Court Services Locations – Family Court Services’ main offices are located in Room 204 of the Visalia Courthouse. Family Court Services conducts Voluntary Mediation Sessions and Child Custody Recommending Counseling Sessions at their Visalia location and at the Self-Help Resource Center of the South County Justice Center. All Voluntary Mediation Sessions are to be scheduled through the Visalia office, but may be conducted at that office or at the South County Justice Center. The location of all Child Custody Recommending Counseling Sessions will be set by the assigned judge.
- (c) Child Custody Recommending Counseling Sessions - In all matters set for hearing involving disputed issues of custody and visitation of minor children, the parties will be referred to Family Court Services for mediation so long as a written response has been timely filed and served, or the moving party consents to late service of the response. The assigned judge will schedule the child custody recommending counseling appointment and a review hearing date which shall be set at least two weeks after the appointment date. The child custody recommending counselor will work to assist the parties in settling the issues by agreement on the date set for their appointment. If an agreement is reached, the child custody recommending counselor will prepare a stipulation, which will be submitted to the court for endorsement after the parties and their attorneys, if applicable, have reviewed and signed the document. If no agreement is reached, the child custody recommending counselor will prepare a written recommendation and reasons for the recommendation, which will be filed with the court and provided to the parties and their attorneys, if applicable, prior to their hearing date. The assigned judge will consider the recommendation at the time of the hearing.
- (d) Voluntary Mediation Sessions - Without the filing of a noticed motion, confidential Voluntary Mediation Sessions are available through Family Court Services. If an agreement is reached in mediation, a stipulation will be prepared and when signed by the parties, their attorneys, and the court, it will be filed in the court’s file. If no agreement is reached and a party desires that the court address the disputed issues of custody and visitation, a noticed motion must be filed by one of the parties and the matter must be set for hearing. At the hearing the case will be referred to Child Custody Recommending Counseling. A different Family Court Services staff member will be assigned to the case.
- (e) Challenge to a Child Custody Recommending Counselor – A request for change of child custody recommending counselor shall be addressed to the Family Court Services director, or his or her designee if the director is not present. The request for change of child custody recommending counselor shall be made prior to the beginning of the child custody

recommending counseling session. If the request for change is not satisfactorily resolved, it may be directed to the assigned judge.

- (f) Complaint Procedure - Any objections that may arise in conjunction with a court-ordered child custody recommending counseling session must be presented to the director of Family Court Services. If the director or the director's designee is not available, the matter may be presented to the assigned judge for resolution.
- (g) Participation of Children - A minor may give his or her input to the court, pursuant to CRC 5.250. Consistent with Family Code section 3042 and CRC 5.250, children may not be present in the courtroom during proceedings relating to them without prior approval of the court.
- (h) Domestic Violence Procedures - If the matter is referred by the court to Family Court Services for a Child Custody Recommending Counseling Session, the Session shall be conducted remotely and the party holding a restraining order, or who has made allegations of domestic violence occurring within the past five years in his or her moving papers, shall be interviewed separately. This court follows procedures outlined in California Rules of Court, rule 5.215.
- (i) Presence in Family Court Services - Only the parties involved in the Voluntary Mediation or Child Custody Recommending Counseling Session are to be present in the offices of Family Court Services in Visalia or at the Self Help Resource Center at the South County Justice Center in Porterville. Friends and relatives of the parties shall not be in the waiting room or in the area outside of either location while the parties are in their Voluntary Mediation or Child Custody Recommending Counseling Session. (01/01/07) (Revised 01/01/09, 07/01/11, 01/01/18, 07/01/24)

Rule 920 - Custody Evaluations

- (a) California Rules of Court 5.220 is implemented.
- (b) In all cases referred for evaluation or limited investigation for which there is no previous stipulation as to the evaluator or the process for selection of an evaluator, the parties will nominate three qualified professionals, and the court will choose from that list. No peremptory challenge will be allowed once the name of the evaluator is so chosen.
- (c) A court-appointed evaluator may petition the court to withdraw from a case.
- (d) Ex parte communication between the parties, counsel, and the court shall be governed by applicable statutes and Rules of Court.
- (e) A party may obtain information about finding a qualified evaluator by consulting directories in the local area.

- (f) A party to the action may present a complaint about the performance of a child custody evaluator to the Supervising Family Law Judge. Said complaint shall be in writing and copies of the complaint shall be served on all parties. A proof of service evidencing service of the complaint on all parties is required. A response to the complaint, if any, shall be presented to the Supervising Family Law Judge within seven (7) days of service of the complaint. Said response shall be in writing and copies of the response shall be served on all parties. A proof of service evidencing service of the response on all parties is required. Upon receipt of the complaint and the response, if any, the Supervising Family Law Judge may respond to the complaint as the Supervising Family Law Judge deems appropriate. (01/01/07) (Revised 07/01/11, 01/01/18, 07/01/24)

Rule 921 - Custody Orders and Agreements

As allowed by Family Code section 3024, all custody agreements and orders shall contain language that is in substantial conformity to the following:

“If either parent plans to change the residence of a child, subject to this order, for more than thirty (30) days, and that change will affect the ability of either parent to fulfill this parenting plan, the parent contemplating the move shall notify the other parent of said move by mail, return receipt requested and postage prepaid, to the last known address of the parent to be notified. A copy of the notice shall also be sent to that parent’s attorney of record. To the extent feasible, the notice shall be provided within a minimum of 45 days prior to the proposed change of residence so as to allow time for child custody recommending counseling of a new agreement concerning custody and visitation. It is the policy of this court that the parent contemplating the move is responsible for obtaining a modified parenting plan by either written agreement or order of the court.”

Compliance with this notice requirement is not sufficient to change an existing order of custody and visitation. (01/01/07) (Revised 07/01/11)

Rule 922 - Settlement Conference Statement

All parties and attorneys must attend a mandatory settlement conference prior to trial on a date designated by the court, unless exempted from compliance with this rule. An exemption will be granted only upon a showing of good cause and leave granted by the court. A motion for leave to dispense with any mandatory settlement conference requirement must be filed, calendared, and heard on or before the date of the settlement conference.

At least ten days before the settlement conference, each party must submit to the court and serve on the opposing party a Settlement Conference Statement. These Statements will be marked as “Received” by the clerk, but will not be filed. The Statement must contain the following:

- (a) A list of all community assets and encumbrances, including the date of acquisition, purchase price, and present fair market value. If there is a dispute as to whether the asset is, in fact, community property, a tracing of the funds should be included.

- (b) A list of all property that the party claims is separate property, including the date and method of acquisition. The fair market value of separate assets should also be included.
- (c) Factual data upon which the parties rely in support of (or in opposition to) a claim for child support, and/or spousal support, and attorney fees. Any request for spousal support must be supported by a completed FL-157 form or other a statement addressing all relevant facts as listed in Family Code section 4320. An updated Income and Expense Declaration must be filed concurrently with the Settlement Conference Statement if child or spousal support is to be addressed.
- (d) Where the parties possess real property, the same must have been appraised before the date of the settlement conference, and a copy of the appraisal must be attached to the statement.
- (e) Where the furniture has not been divided, a complete inventory of the furniture must be attached along with an appraisal or other reliable evidence of the fair market value of each item.
- (f) Motor vehicles listed must be accompanied by the Kelly Blue Book private party sale valuations.
- (g) When the asset is a pension or retirement plan, unless the parties have agreed regarding the pension division, or anticipate it will be an in-kind division, an appraisal of the same must be attached to the statement; provided however, that if a party is willing to accept the “vested cash value,” such party may furnish a certified statement by the holder of the pension giving the “vested cash value” of the pension.
- (h) A list of the community obligations existing at time of separation. If a spouse is claiming credit for payment after separation, an itemized list, with proof of payment, must be attached.
- (i) Any party contending that community property or quasi-community property of the parties should be valued at a date after separation and before the trial must comply strictly with the provisions of Family Code sections 2550-2552 with respect to notice to the other party. Such motion must have been made and heard before the date of the settlement conference.
- (j) A statement that the value of an asset or liability is unknown (without a showing that a good faith appraisal thereof could not be made), or that a valuation of the asset is not made because a party seeks a sale, a deferred sale of home order, or equal division of the asset, will be deemed a material failure to comply with these rules.
- (k) Where it is urged that the family home be retained pursuant to Family Code section 3800, all facts relevant to this issue must be included in the statement. (01/01/07) (Revised 07/01/24)

Dismissals of Family Law matters shall be made without prejudice and in accordance with the mandates of Code of Civil Procedure sections 581, 583.161, 583.250, 583.310, 583.360, 583.410, 583.420, and California Rules of Court 3.1340 and 3.1342, as applicable. (01/01/07) (Revised 01/01/18)

Rule 924 - Entry of Default

Envelopes provided to the superior court clerk for mailing to parties in default in a dissolution matter must contain the return address of the superior court clerk, not the address of the moving party. The court's address for cases assigned to the Visalia Court is: Clerk of the Superior Court, County Civic Center, Room 201, Visalia, CA 93291, Case No.: _____ ; the court's address for cases assigned to the Porterville Court is: Clerk of the Superior Court, 300 E. Olive Avenue, Porterville, CA 93257, Case No.: _____ (07/01/00) (Revised 01/01/18)

Rule 925 - Omitted 01/01/10

Rule 926 - Parties Not Represented

Any proposed Marital Settlement Agreement in which only one party has legal counsel should contain language which is in substantial conformity with the following:

“Petitioner/Respondent acknowledges by the initials at the end of this paragraph that she/he has been advised to obtain independent legal counsel and that she/he has voluntarily chosen not to do so; that she/he has read and understands the contents and legal effect of this agreement and has entered into it and signed it freely and voluntarily. (initials of party)”
(07/01/97) (Revised 01/01/18)

Rule 927 - Early Disposition Conferences

The purpose of an early disposition conference (EDC) is to expedite and simplify family law litigation. Participation in an EDC is not in lieu of a mandatory settlement conference and will not relieve either party of the duty to participate in a regularly scheduled settlement conference.

Parties and counsel must mutually agree on an EDC date and must contact the appropriate family law courtroom clerk with the requested date. (07/01/11) (Revised 01/01/18)

Rule 928 - Procedures for Entry of Judgment and Common Child Support Orders

- (a) All proposed judgments or findings and orders after hearing in which child support is ordered shall include a copy of Judicial Council Form FL-192 entitled “Notice of Rights

and Responsibilities - Health Care Costs and Reimbursement Procedures,” and shall contain the following language:

- (1) “The parent ordered to pay support must pay additional monthly support for reasonable child-care costs, as follows: ___ one-half or ___% (specify amount) per month of the costs. Payments must be made to the ___ other parent ___ State Disbursement Unit ___ child-care provider (select one).”
 - (2) “The parent ordered to pay support must pay reasonable uninsured health-care costs for the children as follows: ___ one-half or ___% (specify amount) per month of the costs. Payments must be made to the ___ other parent ___ State Disbursement Unit ___ healthcare provider (select one).”
- (b) All proposed judgments or findings and orders after hearings containing a stipulation to set child support below the guideline amount of child support shall contain the following:
- (1) A clear recitation of the provisions of Family Code section 4065(a), and the parties’ understanding of and agreement to each of those provisions.
 - (2) A copy of the guideline calculation of child support.
- (c) All judgments or findings and orders after hearings containing a child support order that is being enforced by Tulare County Department of Child Support Services (TDCSS) shall have attached to it Form FS01, “Standard Orders Attachment.” A supply of forms as mentioned above in this rule shall be maintained and distributed by the courtroom clerks as well as be available on the court’s web site (www.tulare.courts.ca.gov) and for purchase from room 201 of the Visalia courthouse and from the Counter Clerk of the Porterville Courthouse. (01/01/07) (Revised 01/01/18, 01/01/20, 07/01/24)

Rule 929 - Family and Juvenile Court Management of Child Abuse Cases

It is the policy of this court to identify and coordinate custody proceedings involving the same child, which may appear in multiple legal settings. It is further the policy of the court to coordinate the efforts of the different court systems so that the child/ren’s and family’s needs are served and the resources of the family and the court are not wasted. To these ends the court and the agencies serving the court must cooperate to increase the exchange of information and to determine the most appropriate forum for the resolution of the issues relating to the child/ren. (Pursuant to Welfare & Institutions Code section 827.10.)

- (a) Report Pursuant to Penal Code section 11166 - If, during the pendency of a family law proceeding, a child abuse allegation against one of the child’s parents comes to the attention of a Family Court Services staff member or other evaluator, that person must first determine whether the allegation must be reported to a child protection agency, pursuant to Penal Code section 11166. If that person determines the allegation does not fall within the description of section 11166, he/she need not make a report. However, any other person may report the allegation to a child protection agency.

- (b) Child Abuse Investigation - When the Health and Human Services Agency, Child Welfare Services Branch (CWS), receives a report of suspected child abuse during the pendency of a family law proceeding, it must investigate the matter immediately, or within 10 days, unless the judicial officer from family court requests an earlier investigation. CWS, and the law enforcement agency having jurisdiction, must coordinate their investigative efforts. If CWS becomes aware that a family law case is ongoing concerning a child who is the subject of a suspected child abuse investigation, CWS must inform Family Court Services of the pending investigation and any decisions it makes concerning the child abuse investigation. If CWS, or the law enforcement agency having jurisdiction, determines that further investigation is necessary, the agency making that determination must contact the other agency immediately so that all investigative efforts may be coordinated.
- (c) Welfare and Institutions Code section 329 Application - If CWS decides not to intervene, or fails to report to the reporting party within 10 days, any person may apply to the social worker pursuant to Welfare and Institutions Code section 329. In that application, the affiant must give notice and identifying information of any pending family law proceeding. A copy of the application must be sent to Family Court Services by the moving party. The social worker must respond to the application as soon as possible, or within three weeks after submission of the application (Welf. & Inst. Code, § 329). (See Appendix 4 for application and order form or use Judicial Council form JV-212, Application to Review Decision by Social Worker Not to Commence Proceedings.)
- (d) Suspension of Family Court Proceedings Pursuant To Welfare and Institutions Code section 300 Petition Filed In Juvenile Court - Upon the filing of a petition pursuant to Welfare and Institutions Code section 300 in the juvenile court, all custody and visitation proceedings in the family court are suspended. The juvenile court clerk will determine whether there is a family law court file concerning the child/ren named in the petition. If there is a family law court file, the juvenile clerk will send a copy of the notice required under Welfare and Institutions Code section 335 to the family law court. Upon receipt of such notice, the family law clerk will place such notice in the family law file. Thereafter, custody and visitation issues will be determined by the juvenile court. The family court will resume jurisdiction over custody and visitation issues only after termination of jurisdiction of the juvenile court. Upon termination of jurisdiction of the juvenile court, the clerk of the juvenile court will lodge a copy of the order terminating jurisdiction and any juvenile court custody order in the family court file.
- (e) Review of Dependency Decision - If CWS decides to initiate dependency proceedings after reviewing the application under Welfare and Institutions Code section 329, any person may apply to the juvenile court to review that decision pursuant to Welfare and Institutions Code section 331. The application for court review must include a copy of the application made pursuant to Welfare and Institutions Code section 329. The juvenile court will rule on the application as soon as possible, and in no event later than 30 days after receipt of the application.

- (f) Informal Supervision Agreement - If, during the CWS worker's investigation, one or both parents reach an informal supervision agreement pursuant to Welfare and Institutions Code section 331, a copy of that agreement must be sent immediately to CWS, to Family Court Services, to family court, and to each parent.
- (g) Family Code section 3150 Appointment of Counsel - During family court proceedings in which allegations of child abuse have been made, the family court judge may appoint counsel for the child/ren (Fam. Code, § 3150) to protect the child/ren's interests and/or to expedite the policy stated herein and carry out the terms of this protocol.
- (h) Coordination of Cases - At any time during the process described herein, the supervising judges and bench officers of the family and juvenile courts are encouraged to discuss, generally, problems relating to the coordination of cases involving child abuse allegations. Nothing in this section will be construed to permit judicial officers to discuss the specific facts of any certain case. (01/01/07) (Revised 07/01/11, 01/01/20, 07/01/24)

Rule 930 - Self Help Resource Center/Family Law Facilitator - Resource for People Who Represent Themselves

- (a) The services provided by the Family Law Facilitator are pursuant to the Family Law Facilitator Act, Family Code section 10000 et seq., including the additional duties set forth in Family Code section 100005.
- (b) To the extent adequate funding is provided the duties set forth in Family Code section 10005, in addition to those mandated by Family Code section 10004, are adopted as a local rule of court. These duties include that the Family Law Facilitator's office may meet with litigants to draft stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Family Code section 10003; and may prepare formal orders consistent with the court's announced order in cases where both parties are unrepresented.
- (c) The Family Law Facilitator has offices located at Room 203 of the Visalia courthouse located at 221 South Mooney Boulevard, Visalia, CA 93291, and at the Self Help Resource Center of the South County Justice Center located at 300 E. Olive Avenue, Porterville, California 93257. Parties may call (559) 737-5500 or email TCSCselfhelpinfo@tulare.courts.ca.gov for information regarding the services of the Family Law Facilitator and the Self-Help Resource Center. (01/01/07) (Revised 01/01/09, 01/01/10, 01/01/18, 07/01/24)

Rule 931 - Domestic Violence Coordination Rules

- (a) Prior to a judge reviewing a Request for Domestic Violence Restraining Order, a designated court employee shall conduct a criminal history search in the California Law Enforcement Telecommunications System (CLETS) to determine whether the party against whom the restraining order is sought has a prior restraining order, a violation of a restraining order,

or a criminal history as specified in Family Code section 6306. The CLETS search will include a search of the databases set forth in Family Code section 6306(a). The employee conducting the search will submit to the judicial officer hearing the matter a written memorandum containing only the information reportable pursuant to Family Code section 6306. All additional provisions of Family Code section 6306 will apply, including but not limited to the provisions regarding judicial use of the information, confidentiality and destruction of information, and the parties' access to the information.

- (b) The court's criminal, family, and juvenile law departments shall use all reasonable efforts to communicate and exchange information with each other regarding any domestic violence orders.
- (c) No department of the family or juvenile court shall knowingly issue a protective order or custody order in conflict with an order of the criminal court. If such an order issues inadvertently, the orders of the criminal law proceeding shall have priority. A court issuing a criminal protective order may, after review of any existing family or juvenile court orders, modify the criminal protective order to allow or restrict contact between the restrained person and his or her children, spouse, or other protected person.
- (d) A family or juvenile court order may coexist with a criminal court protective order, subject to the following:
 - (1) Any order that permits contact between the restrained person and his or her children shall provide for the safe exchange of the children and shall not contain ~~language~~ either printed or handwritten language that violates a "no contact order" issued by a criminal court.
 - (2) Safety of all parties shall be the courts' paramount concern. The family or juvenile court order shall specify the time, day, place, and manner of transfer of the child, as provided in Family Code section 3100.
- (e) Upon granting of relief (through initial petition, modification, or termination), the clerk shall convey within 24 hours a file-endorsed copy of the order to the Tulare County Sheriff's Department (TCSO) for input into CLETS (a statewide computerized registration system for restraining orders), or to the court CLETS administrator upon that program becoming operational. (01/01/07) (Revised 07/01/11, 01/01/18, 07/01/24)

Rule 932 - Complaints Regarding Minor's Counsel in Family Law

The court maintains a list of attorneys who may be appointed counsel for children in family law matters. These attorneys must sign the Judicial Council Form FL-322 stating they have completed the required training outlined in California Rules of Court, rule 5.240. The court uses a rotation system to appoint the attorneys. If an attorney is appointed who is not on the list, the court will state on the record the reason for the appointment (Cal. Rules of Court, rule 5.240(d)(3)).

In a family law proceeding in which the court has appointed counsel for minor children, any party

or counsel or minor child may present a written complaint about the performance of appointed counsel pursuant to California Rules of Court, rule 5.240(e). The complaint must be filed and served on all counsel and self-represented parties, and a copy must be delivered to the courtroom clerk for the Presiding Family Law Judge. The court will respond to the complaint within 30 days, either by setting the matter for hearing or by issuing a written response. (Cross reference Local Rule 1007(q).) (01/01/10) (Revised 07/01/11)

Rule 933 - Appointment of Elisor

- (a) A court order for the appointment of an elisor must be made by a Request for Order.
- (b) The Request For Order must include at least one supporting declaration with a list of the exact documents the elisor is being asked to sign.
- (c) Copies of the documents to be signed must be filed with the Request For Order. The original documents presented to the elisor for signature must be identical to the copies of documents attached to the Request For Order.
- (d) An order appointing an elisor must designate “The Clerk of the Court or Clerk’s Designee” as the elisor. (01/01/18) (Revised 07/01/24)

Rule 934 - Venue

- (a) Initial pleadings in a family law matter may be filed either at the Visalia Courthouse or the South County Justice Center in Porterville, except as provided for at section (b).
- (b) Petitions for Return of Minor Children made in accordance with the Hague Convention on the Civil Aspects of Child Abduction shall filed be in the Visalia Division.”
- (c) Venue may be transferred in the following circumstances, and consistent with Code of Civil Procedure section 397:
 - (1) The parties may stipulate to transfer venue.
 - (2) A party may file a Request for Order to Transfer Venue, and if granted venue will be transferred.
 - (3) The court on its own motion and in its discretion may transfer venue in accordance with Code of Civil Procedure section 397(e). (01/01/18) (Revised 07/01/24)

Rule 935 – Processing and Maintaining Reports and Declarations from Supervised Visitation Providers

Supervised visitation providers have a number of legal responsibilities and duties under Family

Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). Providers should be familiar with all requirements. In addition, the following obligations must be satisfied.

- (a) Professional Supervised Visitation Providers' Obligations - The professional supervised visitation provider must sign a *Declaration of Supervised Visitation Provider (Professional)* (Judicial Council Form FL-324(P)) stating that all training and qualification requirements to be a professional provider have been met, both:
 - (1) Before providing initial supervised visitation in a case; and
 - (2) When updating the form and attaching an original report of the supervised visitation monitored by the visitation provider. *See* Cal. Rules of Court, subds. (e) & (r) of Standard 5.20.

When the Declaration is submitted before provision of initial supervised visitation in a case, a copy of the form must be submitted to the Director of Family Court Services. Every time the professional visitation provider submits a report to the court required by Standard 5.20(j)(3), a separate copy of the report must be submitted to the Director of Family Court Services.

- (b) Nonprofessional Supervised Visitation Providers' Obligations – If ordered by the court, the nonprofessional supervised visitation provider must sign the local court form Declaration of Supervised Visitation Provider (Nonprofessional) (FAM-013) stating that all requirements to be a nonprofessional provider have been met and that the provider has read the Judicial Council publication entitled “Supervised Visitation A Guide for Non-Professional Providers” or will have read it prior to visits beginning. *See* Cal. Rules of Court, subd. (d) of Standard 5.20. If ordered, the Declaration must also be submitted to the Director of Family Court Services. (01/01/22) (Revised 01/01/23, 07/01/24)

Rule 936 – Electronic Submission of Petitions for Domestic Violence Restraining Orders

Notwithstanding any provision to the contrary in these rules, petitions for domestic violence restraining orders and any filings related to those petitions may be submitted electronically during and after normal business hours. The deadlines applicable to any action taken by the court with respect to a petition filed directly with the court shall apply to any action taken with respect to a petition submitted electronically.

Instructions for electronic filings permitted under this rule are available on the court's website at <https://www.tulare.courts.ca.gov/online-services/efiling>.

Members of the public may contact the clerk's office at (559) 730-5000, option 4, to obtain information about electronic filing permitted under this rule. The telephone number shall be staffed during regular business hours. Court staff shall respond to all telephonic inquiries within one business day. (07/01/2022)

Rule 937 – Remote Appearances at Family Law Hearings, Including Petitions for Domestic Violence Restraining Orders

- (a) In accordance with Family Code section 6308, a party or witness may appear remotely at all hearings on a petition for a domestic violence restraining order.
- (b) In family law hearings other than “evidentiary hearings and trials” (as defined by California Rule of Court 3.672(c)(2)), parties and attorneys are authorized to appear remotely by video or telephone using the Court’s designated remote appearance platform, unless the court requires an in-person appearance. If remote appearances are allowed under these rules, it is not necessary for a party or attorney to file a Notice of Remote Appearance (RA-010) before making the remote appearance.
- (c) Instructions for remote appearances permitted under this rule are available at the court’s website at: <https://www.tulare.courts.ca.gov/online-services/request-remote-hearings>.
- (d) California Rule of Court 3.672(h) shall govern remote appearance requests for evidentiary hearings and trials.
- (e) Members of the public may obtain assistance regarding remote appearances by calling (559) 738-2330. This telephone number shall be staffed 30 minutes before the start of the court session at which the hearing will take place, and during the court session. (07/01/2022) (Revised 07/01/24)