

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

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SAN LUIS OBISPO COUNTY SUPERIOR COURT FAMILY LAW DIVISION
INITIAL STANDING ORDER

This case has been assigned to the Family Law calendar. Whenever a new or existing case is assigned, the Court issues this Initial Standing Order ("ISO"). This Order sets out the Judge's rules and expectations that all parties must follow. In addition to this ISO, parties are required to follow the California Code of Civil Procedure, California Rules of Court, and the Local Rules of San Luis Obispo Superior Court ("SLOSC").

The Court hereby ORDERS as follows effective August 1, 2023:

I. **CIVILITY AND PROFESSIONALISM**

Parties must be civil, respectful, and professional at all times. The Court expects the parties to be familiar with and follow the California Guidelines of Civility and Professionalism as well as the San Luis Obispo Bar Association's Civility Guidelines. Uncivil or unprofessional behavior will not be tolerated and may be met with sanctions. The Court expects parties to resolve all disputes regarding scheduling or time extensions without the necessity of Court involvement.

II. **IN-PERSON COURT APPEARANCES**

Effective November 13, 2023, ALL THREE FAMILY LAW DEPARTMENTS IN SAN LUIS OBISPO COUNTY WILL RETURN TO IN-PERSON PROCEEDINGS. Zoom sessions will no longer be utilized except by permission of the Court, or for non-evidentiary appearances such as trial setting and trial readiness conferences.

Parties and attorneys may ask for Zoom court appearances for good cause on a case-by-case basis. Zoom court appearances will generally *not be granted solely because an attorney is double set in another courtroom, in trial in another county close in time to the RFO calendar, or because they are from out of town*. The form (FL015) to request a Zoom court appearance is located on the court's website. The request must be made seven (7) days prior to your calendared hearing and must be granted. If the request is not granted, you must attend court in person.

III. **CONTINUANCES AND EXTENSIONS OF DEADLINES**

Due to the impacted court calendars, the Court has a strong interest in adhering to scheduled dates. Changes in dates are generally disfavored absent a showing of good cause. Accordingly, the Court will address continuances pursuant to these guidelines:

- Request for Order ("RFO") and Trial Setting Conference ("TSC"):

Only one (1) continuance will be freely granted. Continuances by email may be requested at any time prior to, but no later than, the day before the hearing at 3:00 PM. Email continuances will be granted only if both parties agree to the continuance, as confirmed either by (1) a conjoint email to the court's clerk with confirmed receipt; (2) or a signed stipulation. After one (1) continuance, appearances by both sides will be required to request any further continuance and will require a showing of good cause.

- Trial, Settlement Conference ("SC"), Trial Readiness Conference ("TRC") and Specially Set Matters:

Trial, SC, TRC and Specially Set Matter dates set by the Court are firm and will rarely be changed. Any request, whether by stipulation or motion, to continue these matters must be filed with the clerk's office and must be supported by a sufficiently detailed explanation of the grounds for the requested continuance or extension of time. The Court will only continue these matters upon a showing of good cause. If the parties are not prepared to go forward, then the Court reserves the option to vacate all pending dates.

IV. MEET AND CONFER PRIOR TO RFO HEARING

Pursuant to California Rules of Court rule 5.98, all parties and all attorneys are required to meet and confer to resolve as many issues as possible prior to an RFO hearing except for cases involving domestic violence. This meeting shall be conducted either in person, telephonically or through a videoconferencing platform. This meet and confer shall include discussing financial issues as referenced below, which shall encompass agreeing and/or narrowing areas of disagreement as to the various inputs relevant to any required calculations/submittals.

CRC 5.98 likewise requires the parties to exchange all documentary evidence (other than rebuttal or impeachment documents) that will be relied upon to prove a material fact. This is a requirement of the CRC and this Court. The Court may decline to consider documents that were not exchanged before the hearing. This requirement does not apply to cases involving domestic violence in which an active restraining order exists, and the protected party is self-represented. Under no circumstances may a restrained party communicate directly with a protected party under the guise of complying with any meet and confer requirement.

V. MEDIATION

If child custody or visitation is at issue and the parties have not attended mediation with Family Court Services within the past 120 days, the parties are ordered to attend mediation prior to their hearing date. The Court may impose a monetary sanction on the parties for failure to appear at mediation or for failure to cancel the appointment upon reaching an agreement.

VI. FINANCIAL ISSUES

In any trial or hearing where financial matters are at issue (e.g., child support, spousal support, attorney's fees, payment of debts, or calculation/payment of arrearages), both parties must comply with San Luis Obispo County Family Law Department Family Law Policies and Procedure section 2:8.2. Accordingly, the parties must file and serve current and complete Income and Expense Declarations (FL-150). "Current" is defined as being completed within the last three (3) months before the date of the RFO, long-cause hearing or trial. See CRC 5.260(a)(3) (support) and 5.427(d) (attorney's fees). Failure to comply with this requirement may result in the Court drawing an adverse inference against the non-complying party.

In addition, if child support or temporary spousal support is at issue, both parties shall provide the Court with competing (or joint where the parties agree) Dissomaster* calculations (based upon the most recent financial information) supporting their respective positions on the amount of support sought. In those instances where support is not at issue, but attorney's fees (or other similar relief) are sought, which in turn requires a consideration of a party's financial capacity or needs, the parties shall nonetheless provide Dissomaster* calculations to demonstrate the parties' respective disposable net incomes after accounting for support obligations and/or tax consequences. Where retroactivity is sought, and income amounts vary during the retroactivity period in question, separate Dissomaster* calculations shall be provided for each

such timeframe with appropriate labels and identification to assist the Court and the parties. Parties shall be prepared to email the working file (i.e., not a pdf version) of each Dissomaster* calculation to the judicial officer's clerk upon request.

VII. **FINDINGS AND ORDER AFTER HEARING (the "FOAH")**

Unless the Court orders otherwise or the parties stipulate to the contrary, the moving party (i.e., the party who filed the RFO) shall prepare the findings and order after hearing. The parties shall comply with CRC 5.125 in preparing and submitting the proposed order (and any objections or alternate proposed order).

VIII. **GETTING TO A LONG-CAUSE HEARING OR TRIAL**

Parties may calendar a long-cause hearing or trial at their request in court at an RFO hearing, DVPA hearing or by filing an "At Issue Memorandum for Trial Setting". If property issues are to be litigated, such as is the case for a dissolution, the parties must have complied with Family Code § 2104 requiring exchange of Preliminary Declarations of Disclosure ("PDDs") prior to filing the "At Issue Memorandum." You will be placed on calendar for a Trial Setting Conference ("TSC") that will set in motion a series of events designed to bring the case, in whole or in part, to a resolution by way of agreement or trial.

a. **Voluntary Settlement Conference ("VSC")**: You may choose to attend a VSC with one of our bench officers in an attempt to settle your case. If so, you will need to complete and email a Confidential Settlement Conference Statement setting forth pertinent case information, contested issues, and what you think the court should ultimately order. These statements should not be disclosed to your trial judge or commissioner, so do not file them into your court file as you do other documents. Please email your confidential statement to the courtroom in which you are having your VSC. The email address for each courtroom is:

- Department7@slo.courts.ca.gov (Department 7 with Judge Childs)
- Department11@slo.courts.ca.gov (Department 11 with Commissioner McDaniel)
- DepartmentP1@slo.courts.ca.gov (Department P-1 with Judge Guerrero)

b. **Trial Setting Conference ("TSC")**: At the TSC, the Court will assess whether the parties are reasonably ready for trial. If appropriate based on the circumstances of your case, the Court may set a date for a settlement conference with another Family Law judge or commissioner to help try to settle your entire case. The Court will also give you other dates, such as dates to exchange witness lists, exhibits, a Trial Readiness Statement and give you a Trial Readiness Conference court date.

c. **Meaningful Meet and Confers**: In most cases, you will be ordered to have a "meaningful meet and confer" which is where parties and attorneys have the choice of meeting in person or by videoconference to try to settle your entire case out of court. A meaningful meet and confer is one where the parties and their attorneys attend, devote their full attention to the meeting, and legitimately discuss which issues may be resolved out of court. Failure to meet this requirement may result in monetary sanctions against the non-cooperating individual(s).

d. **Trial Readiness Conference (TRC) and Trial Readiness Statement**: The last appearance you will have before your long-cause hearing or trial is the TRC. This is where you tell the judge or commissioner that you are or are not ready for trial. You will also be ordered to file a Trial Readiness Statement to be filed before the TRC which shall contain the following applicable information and attachments:

1. Issues resolved between the parties with specificity; and
2. Identification of each issue left unresolved to be determined and ruled upon at trial/hearing.
3. Expert Reports: Please request that your experts meet and confer before trial to compare their reports, spot the differences, and draft a "Side-by-Side" report to be used at trial. A "Side-by-Side" report is one that provides an overview of both reports and highlighting the differences.
4. If property is at issue, the parties are to prepare a jointly executed SCHEDULE OF PROPERTY "FREDMAN FORM" (FLO01# – San Luis Obispo), or Propertizer. Please be prepared to email the clerk a working file of your Propertizer for the Court's use barring objection of either party.
5. If spousal support is at issue, the parties shall complete the 4320 Factor Form# with the marital standard of living "MSOL" and each of the Family Code section 4320 factors.
6. A Current Income and Expense Declaration (FL-150).
7. A Proposed Dissomaster* calculation for child support, if at issue.

e. Trial: The dates set for trial are firm. Continuances will be granted only upon an affirmative showing of good cause requiring a continuance. See CRC 3.1332. Motions in Limine must be filed and served on the opposing party no later than five (5) court days before the trial date. Oppositions to any Motions in Limine must be filed and served no later than two (2) court days before the trial day. Reply briefs regarding such motions are not permitted. Parties should take special care to only file those Motions in Limine which are appropriate.

Trials set for the same day will be prioritized by issue, age of case, state of readiness, and time commitment. Trials not completed on the date set for trial shall continue day-to-day until completed, unless otherwise ordered by the Court.

IX. EXHIBITS

For a complete description, see: the San Luis Obispo County Family Law Policies and Procedures Manual, 2:10.1(2)(a)&(b). Whether your hearing or trial is by Zoom or in person, you must always provide the court with a hard copy of all of your exhibits before your trial starts. Attaching them to your declarations or filing them electronically is not sufficient. You must provide hard copies for each separate hearing or trial even if they are duplicates from another, previous hearing.

Hearings by Zoom: All exhibits must be exchanged either electronically or in hard copy (depending on what you agreed to at the TSC). Any witness that testifies remotely must be in a quiet location with stable Wi-Fi as well appear on a desktop computer or laptop – not a smart phone or tablet. The witness must also have hard copies of the exhibits with them. Electronic copies are not allowed as they are difficult to manage and use during testimony and delay the proceedings.

Hearings in person: Bring a hard copy of all your exhibits, ideally in an exhibit binder, for each attorney, the witness stand, the court and one extra for the clerk.

Video, audio, or photographic evidence: The Court cannot insert a USB drive, "thumb" drive, CD-ROM, or any other device into the court computer system, including televisions in the courtroom. Please discuss this with the bench officer at the TSC to discuss how you will present such evidence.

Where to leave your exhibits: Please leave the hard copies of your exhibits in the Jury Services room at the San Luis Obispo Courthouse and at the clerk's window or drop box at the Paso Robles Courthouse no later than the day before your trial/hearing is to start.

Stipulations to admissibility of exhibits: Before your hearing or trial, the Court will require the parties to meet to review all exhibits to see if you can stipulate to the admissibility of some or all your exhibits.

Return of Exhibits: At the completion of your long-cause hearing or trial and barring objection of the parties or counsel, all exhibits will be returned to the respective owners and ordered held for the appellate period of time.

X. **OBJECTIONS AT HEARINGS/TRIALS**

Speaking objections are not allowed. Proper objections should be made as follows:

1. State the word "Objection;"
2. State the legally recognized basis for the objection; and
3. Remain silent and await the Court's ruling on the objection.

The Court's ruling on an objection is not a request for further comment by counsel. If the Court requires additional input on an objection, then the Court will request additional input.

XI. **OTHER ISSUES**

a. Communication with the Court : Occasionally, parties and/or attorneys may communicate with the courtroom clerks about non-substantive case issues or upcoming court hearings. The court is ethically barred from having any "ex parte" communications with any party or their attorney so a judge or commissioner will never speak with a party or attorney about their case without all parties and attorneys present. However, you may wish to speak with the court clerk about a calendaring issue. If you wish to communicate with the court clerk in some way, please make sure you include the other attorney or other party if they are self-represented in the email. If you don't, the email will be deleted immediately and not read.

b. Notice of this Order: Petitioner's counsel or Petitioner (if appearing on his or her own behalf) shall immediately serve this Order on all parties, including any new parties to the action.

IT IS SO ORDERED:

11.3.23



Honorable Erin M. Childs
San Luis Obispo County Superior Court
Supervising Family Law Judge

#Form is available here: www.slo.courts.ca.gov

* ...or any child support calculator certified for use per CRC rule 5.275(j)(2)