

## **CHAPTER 12**

### **SETTING OF CONTESTED FAMILY LAW AND ADOPTION**

#### **12.1 CONTESTED LAW AND ADOPTION**

Contested Family Law will be set for settlement conference and setting of trial upon the filing of an At-Issue Memorandum, local form CI-120. Adoption; nullity; civil and family default; prove up hearings will be set for hearing upon the filing of a Request to Set Hearing, local form CI-133. The forms can be found in the forms section of the court's website.

*(Adopted October 1, 1998; Amended January 1, 2011; Amended July 1, 2015; Amended July 1, 2017)*

#### **12.2 AT-ISSUE MEMORANDUM**

The setting of family law cases for trial shall be in accordance with rule 10.901 of the California Rules of Court and these rules.

- A. Any At-Issue Memorandum filed shall be on the form provided by the clerk of the court.
- B. Approximately fifteen (15) days after the filing of an At-Issue Memorandum the court shall set the case for settlement conference and trial setting.
- C. Petitioner and respondent must have complied with Family Code section 2104, subdivision (a), and, prior to, or concurrently with, submission of the At-Issue Memorandum, must have filed a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration. (Judicial Council form FL-141.)

If the non-submitting party has failed to file a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration, the submitting party must demonstrate compliance with Family Code section 2107 by:

1. Filing a Request for Order (Judicial Council form FL-300) regarding non-compliance with disclosure requirements prior to or concurrently with the At-Issue Memorandum.

*(Adopted October 1, 1998; Amended January 1, 2007; Amended January 1, 2008; Amended January 1, 2011; Amended July 1, 2014; Amended July 1, 2017)*

#### **12.3 COUNTER AT-ISSUE MEMORANDUM**

- A. Any party not in agreement with any other representation made in an At-Issue Memorandum shall within ten (10) days after the service thereof, serve and file a "Counter At-Issue Memorandum" on his or her behalf.

*(Adopted October 1, 1998)*

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**12.4 SHORT CAUSE**

In short cause cases (one (1) day or less), in addition to the information required by rules 10.900 of the California Rules of Court, the At-Issue Memorandum shall indicate those dates, not less than thirty (30) days from the date the At-Issue Memorandum is filed, during which trial counsel is not available.

*(Adopted October 1, 1998; Amended January 1, 2007; Amended January 1, 2008; Amended July 1, 2017)*

**12.5 LONG CAUSE**

In long cause cases (more than one (1) day), in addition to the information required by rules 3.714 and 10.900 of the California Rules of Court, the At-Issue Memorandum shall indicate those dates, not less than three (3) months from the date the At-Issue Memorandum is filed, during which the trial counsel is not available.

*(Adopted October 1, 1998; Amended January 1, 2007; Amended January 1, 2008; Amended July 1, 2017)*

**12.6 REPEALED**

*(Settlement conferences - Repealed July 1, 2003)*

**12.7 REPEALED**

*(Adopted January 1, 2011, Unlawful detainer actions - Repealed, July 1, 2017)*