

AMENDMENTS TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on September 24, 2019, effective July 1, 2020

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8		

1 **Rule 5.2. Division title; definitions; application of rules and laws**

2
3 (a) * * *

4
5 (b) **Definitions and use of terms**

6
7 As used in this division, unless the context or subject matter otherwise requires, the
8 following definitions apply:

9
10 (1)–(10) * * *

11
12 (11) “Reschedule the hearing” means the same as “continue the hearing” under the
13 Family Code and refers to moving a hearing to another date and time.

14
15 *(Subd (b) amended effective July 1, 2020.)*

16
17 (c)–(g) * * *

18
19 *Rule 5.2 amended effective July 1, 2020; adopted effective January 1, 2013.*

20
21 **Rule 5.94. Order shortening time; other filing requirements; ~~request to continue~~**
22 **hearing failure to serve request for order**

23
24 (a)–(d) * * *

25
26 (e) **Failure to ~~timely~~ serve request for order**

27
28 The *Request for Order* (form FL-300) or other moving papers such as an order to
29 show cause, along with any temporary emergency (ex parte) orders, will expire on
30 the date and time of the scheduled hearing if the requesting party fails to:

31
32 (1) Have the other party ~~timely~~ served before the hearing with the *Request for*
33 *Order* (form FL-300) or other moving papers, such as an order to show
34 cause; supporting documents; and any temporary emergency (ex parte)
35 orders; or

36
37 (2) Obtain a court order to ~~continue~~ reschedule the hearing, as described in rule
38 5.95.

39
40 *(Subd (e) amended effective September 1, 2017; adopted as subd (c); previously amended*
41 *and relettered effective July 1, 2016; previously amended effective September 1, 2017.)*

1 **(f) Procedures to request continued hearing date**

- 2
- 3 ~~(1) If a *Request for Order* (form FL 300), order to show cause, or other moving~~
- 4 ~~paper is not timely served on the other party before the date of the hearing,~~
- 5 ~~and the party requesting the order wishes to proceed with the request, he or~~
- 6 ~~she must ask the court to continue the hearing date.~~
- 7
- 8 ~~(2) On a showing of good cause or on its own motion, the court may:~~
- 9
- 10 ~~(A) Continue the hearing and set a new date; and~~
- 11
- 12 ~~(B) Modify or terminate any temporary emergency (ex parte) orders~~
- 13 ~~initially granted with the *Request for Order*, order to show cause, or~~
- 14 ~~other moving paper.~~
- 15
- 16 ~~(3) If the court grants a continuance and makes no change to the temporary~~
- 17 ~~emergency (ex parte) orders, those orders are extended until the time of the~~
- 18 ~~continued hearing or to another date specified by the court.~~
- 19
- 20 ~~(4) The party served with a *Request for Order* (form FL 300), order to show~~
- 21 ~~cause, or other moving paper that includes temporary emergency (ex parte)~~
- 22 ~~orders:~~
- 23
- 24 ~~(A) Is entitled to one continuance as a matter of course for a reasonable~~
- 25 ~~period of time to respond. A second or subsequent request by the~~
- 26 ~~responding party to continue the hearing must be supported by facts~~
- 27 ~~showing good cause for the continuance;~~
- 28
- 29 ~~(B) May ask the court to continue the hearing by using *Request to Continue*~~
- 30 ~~*Hearing* (form FL 306); and~~
- 31
- 32 ~~(C) Must file and serve a *Responsive Declaration to Request for Order*~~
- 33 ~~(form FL 320) before the date of the new hearing, as required by law or~~
- 34 ~~described in *Order on Request to Continue Hearing* (form FL 307).~~
- 35
- 36 ~~(5) The following procedures apply to either party's request to continue the~~
- 37 ~~hearing:~~
- 38
- 39 ~~(A) The party asking for the continuance must complete and submit an~~
- 40 ~~original *Request to Continue Hearing* (form FL 306) with two copies~~
- 41 ~~for the court to review, as follows:~~
- 42

- 1 (i) ~~The form should be submitted to the court no later than five court~~
2 ~~days before the hearing date set on the *Request for Order*, order~~
3 ~~to show cause, or other moving papers.~~
4
- 5 (ii) ~~The party may present the form to the court on the date of the~~
6 ~~hearing.~~
7
- 8 (iii) ~~The party who, on the date of the hearing, makes an oral request~~
9 ~~to the court to continue the hearing, is not required to complete~~
10 ~~form FL 306, but must complete and submit an *Order on Request*~~
11 ~~*to Continue Hearing* (form FL 307) if the court grants the~~
12 ~~request.~~
13
- 14 (B) ~~Along with form FL 306, the party asking for the continuance must~~
15 ~~submit to the court an *Order on Request to Continue Hearing* (form~~
16 ~~FL 307) with the caption and initial items completed as described on~~
17 ~~the form.~~
18
- 19 (C) ~~After the court signs and files form FL 307, a filed copy must be served~~
20 ~~on the other party as follows, unless the court orders otherwise:~~
21
- 22 (i) ~~If the continuance is granted, an *Order on Request to Continue*~~
23 ~~*Hearing* (form FL 307) must be attached as the cover page and~~
24 ~~served, along with the *Request for Order* (form FL 300) or other~~
25 ~~moving papers such as an order to show cause and any temporary~~
26 ~~emergency (ex parte) orders and supporting documents.~~
27
- 28 (ii) ~~If the court grants the responding party's request for a~~
29 ~~continuance, and the party who asked for the order was absent~~
30 ~~when the continuance was granted, then an *Order on Request to*~~
31 ~~*Continue Hearing* (form FL 307) must be attached as the cover~~
32 ~~page to any documents the court orders served on that party.~~
33
- 34 (iii) ~~Service must be in the manner required by rule 5.92 or as ordered~~
35 ~~by the court.~~
36
- 37 (D) ~~If the *Order on Request to Continue Hearing* (form FL 307), *Request*~~
38 ~~*for Order* (FL 300) or order to show cause, original or modified~~
39 ~~temporary emergency (ex parte) order, and supporting documents are~~
40 ~~not timely served on the other party, and the requesting party wishes to~~
41 ~~proceed with the hearing, he or she must repeat the procedures in this~~
42 ~~rule unless the opposing party agrees to waive notice and proceed with~~
43 ~~the hearing.~~

1
2 *Rule 5.94 amended effective July 1, 2020; adopted effective January 1, 2013; previously amended*
3 *effective July 1, 2016, and September 1, 2017.*
4

5 **Rule 5.95. Request to reschedule hearing**

6
7 **(a) Application**
8

9 The rules in this chapter govern requests to reschedule a hearing in family law
10 cases, unless otherwise provided by statute or rule. Unless specifically stated, these
11 rules do not apply to ex parte applications for domestic violence restraining orders
12 under the Domestic Violence Prevention Act.
13

14 **(b) Reschedule a hearing because the other party was not served**
15

16 If a *Request for Order* (form FL-300) (with or without temporary emergency [ex
17 parte] orders), order to show cause, or other moving paper is not served on the
18 other party as described in rule 5.92 or as ordered by the court and the requesting
19 party still wishes to proceed with the hearing, the party must ask the court to
20 reschedule the hearing date.
21

22 (1) To request that the court reschedule the hearing to serve papers on the other
23 party, the party must take one of the following actions:
24

25 (A) Before the date of the hearing
26

27 (i) The party must complete and file with the court a written
28 request and a proposed order. The following forms may be
29 used for this purpose: *Request to Reschedule Hearing* (form
30 FL-306) or *Request to Reschedule Hearing Involving*
31 *Temporary Emergency (Ex Parte) Orders* (form FL-307),
32 whichever form is appropriate for the case, and *Order on*
33 *Request to Reschedule Hearing* (form FL-309); and
34

35 (ii) The party should submit the request to the court no later than
36 five court days before the hearing set on the *Request for Order*
37 (form FL-300), order to show cause, or other moving paper.
38

39 (B) On the date of the hearing
40

41 The party may appear and orally ask the court to reschedule the
42 hearing. The party is not required to file a written request but must

1 complete and submit a proposed *Order on Request to Reschedule*
2 *Hearing* (form FL-309).

3
4 (2) The court may do any of the following:

5
6 (A) Grant or deny the request to reschedule the hearing.

7
8 (B) Delegate to the court clerk the authority to reschedule the hearing if:

9
10 (i) The request to reschedule the hearing is required to allow more
11 time to serve the other party with notice of the hearing; and

12
13 (ii) The party asking to reschedule the hearing does not request a
14 change to any temporary emergency (ex parte) orders issued with
15 the *Request for Order* (form FL-300).

16
17 (3) If the court reschedules the hearing:

18
19 (A) The court, on a showing of good cause, may modify or terminate any
20 temporary emergency (ex parte) orders initially granted with the
21 *Request for Order* (form FL-300), order to show cause, or other moving
22 papers.

23
24 (B) The requesting party must serve the *Order on Request to Reschedule*
25 *Hearing* (form FL-309) on the other party in the case, along with the
26 *Request for Order* (form FL-300) or other moving papers such as an
27 order to show cause, any temporary emergency (ex parte) orders, and
28 supporting documents.

29
30 (C) If the other party has not been served with the papers in (B) after the
31 court granted the request to reschedule, the party must repeat the
32 procedures in this rule, unless the court orders otherwise.

33
34 (c) **Written agreements (stipulations) to reschedule a hearing**

35
36 The court may reschedule the hearing date of a *Request for Order* (FL-300), order
37 to show cause, or other moving paper based on a written agreement (stipulation)
38 between the parties and/or their attorneys.

39
40 (1) The parties may complete *Agreement and Order to Reschedule Hearing*
41 (form FL-308) for this purpose.

- 1 (2) The parties may agree to reschedule the hearing to a date that must be
2 provided by the court clerk. Parties should follow the court's local rules and
3 procedures for obtaining a new hearing date.
4
5 (3) Any temporary emergency orders will remain in effect until after the end of
6 the new hearing date, unless modified by the court.
7
8 (4) The parties should submit the agreement to the court no later than five days
9 before the hearing set on the *Request for Order* (form FL-300), order to show
10 cause, or other moving paper.
11
12 (5) The court must approve and sign the agreement to make it a court order.
13
14 (6) The court may limit the number of times that parties can agree to reschedule
15 a hearing.
16

17 **(d) Reschedule a hearing after the other party was served with the request for**
18 **order or other moving papers**
19

20 The procedures in this section apply when a *Request for Order* (form FL-300),
21 order to show cause, or other moving paper was served on the other party as
22 described in rule 5.92 or as ordered by the court and either party seeks to
23 reschedule the hearing date, and the parties are unable to reach an agreement about
24 rescheduling the hearing.
25

- 26 (1) To reschedule a hearing, either party must submit a written request to
27 reschedule before the hearing date as described below in (A) or appear in
28 court on the date of the hearing and orally ask the court to reschedule, as
29 described below in (B):
30

31 (A) Before the date of the hearing
32

- 33 (i) The party asking to reschedule the hearing must complete a
34 written request and a proposed order. The following forms may
35 be used for this purpose: *Request to Reschedule Hearing* (form
36 FL-306) or *Request to Reschedule Hearing Involving Temporary*
37 *Emergency (Ex Parte) Orders* (form FL-307), whichever form is
38 appropriate for the case, and *Order on Request to Reschedule*
39 *Hearing* (form FL-309).
40

- 41 (ii) The party must first notify and serve the other party. Notice and
42 service to the other party of the documents in (i) must be
43 completed as required by rules 5.151 through 5.169.

1
2 (iii) The party must file or submit to the court the forms in (i), along
3 with a declaration describing how the other party was notified of
4 the request to reschedule and served the documents. *Declaration*
5 *Regarding Notice and Service of Request for Temporary*
6 *Emergency (Ex Parte) Orders* (form FL-303), a local form, or a
7 declaration that contains the same information as form FL-303
8 may be used for this purpose.

9
10 (iv) The party should submit the forms in (iii) to the court no later
11 than five court days before the hearing date set on the *Request for*
12 *Order* (form FL-300), order to show cause, or other moving
13 paper.

14
15 (v) The party responding to a written request to reschedule may file
16 and serve a responsive declaration to the request to reschedule
17 before the court considers the written request. *Responsive*
18 *Declaration to Request to Reschedule Hearing* (form FL-310)
19 may be used for this purpose.

20
21 (B) *On the date of the hearing*

22
23 The party asking to reschedule the hearing may appear in court and
24 orally request to reschedule the hearing. The party is not required to file
25 a written request but must complete and submit a proposed *Order on*
26 *Request to Reschedule Hearing* (form FL-309).

27
28 (2) The court may do any of the following:

29
30 (A) Grant the request to reschedule the hearing on a showing of good cause
31 or as required by law.

32
33 (B) Deny the request to reschedule absent a showing of good cause.

34
35 (C) Modify or terminate any temporary emergency (ex parte) orders
36 initially granted with the *Request for Order* (form FL-300), order to
37 show cause, or other moving paper.

38
39 (e) **Reschedule a hearing to attend mediation or child custody recommending**
40 **counseling**

41
42 (1) When parties need to reschedule a hearing relating to child custody and
43 visitation (parenting time) because they have been unable to attend the family

1 court services appointment, they should follow their local court rules and
2 procedures for requesting and obtaining an order to reschedule the hearing.

3
4 (2) If the local court has no local rules and procedures for rescheduling hearings
5 under (1), the parties may:

6
7 (A) Complete and file a written agreement (stipulation) for the court to sign
8 as described in (c) of this rule; or

9
10 (B) Follow the procedures in (d) to ask for a court order to reschedule the
11 hearing.

12
13 *Rule 5.95 adopted effective July 1, 2020.*

14
15 **Rule 5.151. Request for temporary emergency (ex parte) orders; application;**
16 **required documents**

17
18 **(a) * * ***

19
20 **(b) Purpose**

21
22 The purpose of a request for emergency orders is to address matters that cannot be
23 heard on the court's regular hearing calendar. In this type of proceeding, notice to
24 the other party is shorter than in other proceedings. Notice to the other party can
25 also be waived under exceptional and other circumstances as provided in these
26 rules. The process is used to request that the court:

27
28 (1)–(2) * * *

29
30 (3) Make orders about procedural matters, including the following:

31
32 (A) Setting a date for a hearing on the matter that is sooner than that of a
33 regular hearing (granting an order shortening time for hearing);

34
35 (B) Shortening or extending the time required for the moving party to serve
36 the other party with the notice of the hearing and supporting papers
37 (grant an order shortening time for service); and

38
39 (C) ~~Continuing~~ Rescheduling a hearing or trial.
40
41
42

1 (c) **Required documents**

2
3 (1) Request for order

4
5 A request for emergency orders must be in writing and must include all of the
6 following completed documents:

7
8 ~~(1)~~(A) *Request for Order* (form FL-300) that identifies the relief
9 requested.

10
11 ~~(2)~~(B) When relevant to the relief requested, a current *Income and*
12 *Expense Declaration* (form FL-150) or *Financial Statement*
13 *(Simplified)* (form FL-155) and *Property Declaration* (form FL-160).

14
15 ~~(3)~~(C) *Temporary Emergency (Ex Parte) Orders* (form FL-305) to serve
16 as the proposed temporary order.

17
18 ~~(4)~~(D) A written declaration regarding notice of application for
19 emergency orders based on personal knowledge. *Declaration*
20 *Regarding Notice and Service of Request for Temporary Emergency*
21 *(Ex Parte) Orders* (form FL-303), a local court form, or a declaration
22 that contains the same information as form FL-303 may be used for this
23 purpose.

24
25 ~~(5)~~(E) A memorandum of points and authorities only if required by the
26 court.

27
28 (2) Request to reschedule hearing

29
30 A request to reschedule a hearing must comply with the requirements of rule
31 5.95.

32
33 *(Subd (c) amended effective July 1, 2020, previously amended effective July 1, 2016.)*

34
35 **(d)–(e) * * ***

36
37 *Rule 5.151 amended effective July 1, 2020; adopted effective January 1, 2013; previously*
38 *amended effective July 1, 2016.*

39
40 **Rule 5.165. Requirements for notice**

41
42 **(a) Method of notice**

1 Notice of appearance at a hearing to request emergency orders may be given
2 personally or by telephone, ~~in writing~~, voicemail, fax transmission, electronic
3 means (if permitted), overnight mail, or other overnight carrier.
4

5 *(Subd (a) amended effective July 1, 2020.)*

6
7 (b)–(c) * * *

8
9 *Rule 5.165 amended effective July 1, 2020; adopted effective January 1, 2013.*