

**Riverside Superior Court
Title 5 – Family and Juvenile
Proposed Local Rule Changes Effective July 1, 2018**

**RULE 5115
SURROGACY PETITIONS AND JUDGMENTS**

A. Certificate of Assignment

The first paper filed in a surrogacy action or proceeding must be accompanied by a certificate of assignment. The certificate must be on the local form prescribed by the court. The party who files the certificate is not required to serve the certificate on any party. The certificate is used for statistical purposes and may affect the assignment of the case to the location specified by local rule where certain types of actions or proceedings may be tried.

~~**B. Criminal Background Check**~~

~~A criminal background check on the receiving parent(s) will be submitted as a separate document with the surrogacy action.~~

~~**B.**~~ **[B.] Surrogacy Checklist**

A Surrogacy Judgment Checklist outlining compliance with the statutory and local rules requirements will be submitted on the local form prescribed by the court with each surrogacy action.

~~**D.[C.] Request for Order [Hearing]**~~

~~A Request for Order to Enter Judgment shall be filed, and a hearing scheduled, for every surrogacy action. Counsel for the moving party, with knowledge of the facts of the case, must personally attend the hearing.~~ **[The court may require a hearing if it has a good faith, reasonable belief that the assisted reproduction agreement for gestational carriers or attorney declarations were not executed in accordance with Family Code § 7962.]**

~~**E.**~~ **[D.] Sealing**

Any request for sealing of a surrogacy action shall comply with California Rules of Court.

Reference

Family Code 3030

Family Code 7960 - 7962

California Rules of Court, rules 2.550, 2.551

Local Forms:

Certificate of Assignment - Surrogacy (RI-FL040)

<http://www.riverside.courts.ca.gov/localfrms/ri-fl040.pdf>

Surrogacy Judgment Checklist

Additions are shown by bold and bracket **[example]**. Deletions are shown by strikethrough (example).

**RULE 5155
CHILD CUSTODY RECOMMENDING COUNSELING OF CUSTODY AND
VISITATION**

- A. Parties requiring child custody recommending counseling of custody/visitation issues will be assigned an appointment time/date prior to the court date and shall complete one counseling appointment prior to the court date.
- B. Testimony of Child Custody Recommending Counselor. Child Custody Recommending Counselors are employees of the Court. All subpoenas for Child Custody Recommending Counselor testimony shall comply with the Government Code. Subpoenas shall be served on the Child Custody Recommending Counselor at least five (5) court days before the date of testimony.
- C. Disclosure. Parties are to fully disclose information to the Child Custody Recommending Counselor. Any documents brought to the appointment must be served on the other party prior to the Child Custody Recommending Counselor's review.
- D. Appearances. Parties must personally appear at the child custody recommending counseling appointment. Either party seeking to appear at the appointment by telephone must obtain prior approval from the ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]**.

Requests to appear by telephone for Child Custody Recommending Counseling shall be submitted to the Family Court Services Department a minimum of seven (7) days prior to the scheduled appointment. Requests to appear by telephone for Child Custody Recommending Counseling must be submitted using the local form.]

~~If a telephonic appearance is approved, it is the party's responsibility to contact Family Court Services the day prior to the appointment and provide a telephone number at which he or she can be contacted. On the day/time of the Child Custody Recommending Counseling appointment, the court will contact the party at the number provided.~~

~~Children shall not be interviewed telephonically unless approved by the Assistant Deputy Executive Officer of Mediation Services.~~

- E. Confidentiality. Child Custody Recommending Counseling is confidential only to the extent that disclosure of the information received is limited to those who have the right to know. Confidentiality is important to promote full and free disclosure of information necessary for settlement. It exists with regard to information divulged among the Child Custody Recommending Counselor, the parties, and attorneys; therefore, each must cooperate in this regard and not disclose confidential information to outsiders. This

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confidentiality will not preclude the Child Custody Recommending Counselor from making a recommendation to the Court if the parties fail to reach an agreement.

- F. Agreements. The Child Custody Recommending Counselor shall prepare a written agreement and proposed order. Persons present shall sign the agreement unless represented by counsel.
- G. Proposed Order. Where the Child Custody Recommending Counselor concludes that the parties are near agreement, or that certain disposition is presently appropriate, the Child Custody Recommending Counselor will submit a proposed order to the Court.
- H. Adoption of Proposed Order. Upon review and if appropriate, the Court will sign the proposed order.
- I. Mandatory Parent Orientation On-Line Class. Parents shall complete an on-line Parent Orientation Class when custody and/or visitation is raised as an issue for the first time in the case. Both parties must bring a copy of the certificate of completion from the on-line class to the child custody recommending counseling appointment. The Court may order parents to complete the on-line class at any time at the Court's discretion.
- J. Child Custody Recommending Counseling Complaint and Request for Change Procedures
 - 1. The purpose of this section is to establish a procedure for addressing complaints against Child Custody Recommending Counselors, and for requesting a change of a Child Custody Recommending Counselor. This section is intended to help the court promptly resolve any complaints or requests in a manner that is respectful and fair to the parties and the Child Custody Recommending Counselor.
 - 2. The ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]** shall be the coordinator for addressing complaints or requests for change.
 - 3. Any complaints against the Child Custody Recommending Counselor must be submitted in writing to the ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]** within ten (10) days of the child custody recommending counseling appointment. Complaints may be made on **[the]** local form ~~RI-FL015~~.
 - 4. Any requests to change the Child Custody Recommending Counselor must be submitted in writing to the ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]** a minimum of seven (7) calendar days prior to the appointment. Requests for change may be made on **[the]** local form ~~RI-FL015~~.

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5. The ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]** will conduct a preliminary review of all complaints to determine whether the complaint can be informally resolved or closed, or whether the complaint warrants further investigation. Written notice of the outcome of the preliminary review will be sent to complainant within thirty (30) days of receipt of the complaint.

6. If the matter is not resolved or closed after preliminary review, the complaint will be investigated by a Deputy Executive Officer. The Deputy Executive Officer will issue a final decision as to what action, if any, will be taken and complainant will be notified in writing.

7. All complaint procedures and proceedings must be designed and conducted in a manner that preserves the confidentiality of mediation communications. All complaint proceedings must occur in private and must be kept confidential. Unless otherwise required by law, all records and information concerning the child custody recommending counseling shall remain confidential and not subject to inspection by the public.

8. The ~~Assistant Deputy Executive Officer of Mediation Services~~ **[Family Court Services Department Head]** will review all requests for change of the Child Custody Recommending Counselor prior to the scheduled appointment. The requesting party will be notified of the decision verbally **[or in writing]** prior to the scheduled appointment.

References:

Government Code 68097, 68097.1 and 68097.2

Family Code 3160 through 3188

California Rules of Court, rule 5.210

~~Local Form:~~

~~Family Court Services Client Complaint / Request for Change form (RI-FL015)~~

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