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Deering's California Codes Annotated
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*** This document reflects all changes received through March 18, 2014 ***

CALIFORNIA RULES OF COURT
Title 5. Family and Juvenile Rules
Division 1. Family Rules
Chapter 1. General Provisions
Article 1. General Provisions

Cal Rules of Court, Rule 5.2 (2014)

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

(a) **Division title** The rules in this division may be referred to as the Family Rules.

(b) **Definitions and use of terms** As used in this division, unless the context or subject matter otherwise requires, the following definitions apply:

(1) "Family Code" means that code enacted by chapter 162 of the Statutes of 1992 and any subsequent amendments to that code.

(2) "Action" is also known as a lawsuit, a case, or a demand brought in a court of law to defend or enforce a right, prevent or remedy a harm, or punish a crime. It includes all the proceedings in which a party requests orders that are available in the lawsuit.

(3) "Proceeding" is a court hearing in an action under the Family Code, including a hearing that relates to the dissolution or nullity of a marriage or domestic partnership, legal separation, custody and support of minor children, a parent and child relationship, adoptions, local child support agency actions under the Family Code, contempt proceedings relating to family law or local child support agency matters, and any action filed under the Domestic Violence Prevention Act, Uniform Parentage Act, Uniform Child Custody Jurisdiction and Enforcement Act, Indian Child Welfare Act, or Uniform Interstate Family Support Act.

(4) "Dissolution" is the legal term used for "divorce." "Divorce" commonly refers to a marriage that is legally ended.

(5) "Attorney" means a member of the State Bar of California. "Counsel" means an attorney.

(6) "Party" is a person appearing in an action. Parties include both self-represented persons and persons represented by an attorney of record. Any designation of a party encompasses the party's attorney of record, including "party," "petitioner," "plaintiff," "People of the State of California," "applicant," "defendant," "respondent," "other parent," "other parent/party," "protected person," and "restrained person."

(7) "Best interest of the child" is described in *Family Code section 3011*.

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(8) "Parenting time," "visitation," and "visitation (parenting time)" refer to how parents share time with their children.

(9) "Property" includes assets and obligations.

(10) "Local rule" means every rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice and procedure in that court.

(c) **Application of rules** The rules in this division apply to every action and proceeding to which the Family Code applies and, unless these rules elsewhere explicitly make them applicable, do not apply to any other action or proceeding that is not found in the Family Code.

(d) **General law applicable** Except as otherwise provided in these rules, all provisions of law applicable to civil actions generally apply to a proceeding under the Family Code if they would otherwise apply to such proceeding without reference to this rule. To the extent that these rules conflict with provisions in other statutes or rules, these rules prevail.

(e) **Law applicable to other proceedings** In any action under the Family Code that is not considered a "proceeding" as defined in (b), all provisions of law applicable to civil actions generally apply. Such an action must be commenced by filing an appropriate petition, and the respondent must file an appropriate response within 30 days after service of the summons and a copy of the petition.

(f) **Extensions of time** The time within which any act is permitted or required to be done by a party under these rules may be extended by the court upon such terms as may be just.

(g) **Implied procedures** In the exercise of the court's jurisdiction under the Family Code, if the course of proceeding is not specifically indicated by statute or these rules, any suitable process or mode of proceeding may be adopted by the court that is consistent with the spirit of the Family Code and these rules.