# AMENDMENT TO THE CALIFORNIA RULES OF COURT Adopted by the Judicial Council on December 28, 2021, effective January 1, 2022

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9		

#### Rule 3.670. Telephone appearance

## (a) Policy favoring telephone appearances

The intent of this rule is to promote uniformity in the practices and procedures relating to telephone appearances in civil cases. To improve access to the courts and reduce litigation costs, courts should permit parties, to the extent feasible, to appear by telephone at appropriate conferences, hearings, and proceedings in civil cases.

### (b) Application

Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July 1, 2023, during which time the provisions in rule 3.672 apply in their place. This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

(Subd (b) amended effective January 1, 2022; previously repealed and adopted as subd (a) effective July 1, 1998; previously relettered effective January 1, 2008; previously amended effective January 1, 1999, January 1, 2001, January 1, 2003, and January 1, 2007.)

## (c)-(q) \*\*\*

Rule 3.670 amended effective January 1, 2022; adopted as rule 298 effective March 1, 1988; previously amended and renumbered as rule 3.670 effective January 1, 2007; previously amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2011, July 1, 2013, January 1, 2014, January 1, 2016, January 1, 2019.

# Rule 3.672. Remote proceedings

## (a) Purpose

The intent of this rule is to promote greater consistency in the practices and procedures relating to remote appearances and proceedings in civil cases. To improve access to the courts and reduce litigation costs, to the extent feasible courts should permit parties to appear remotely at conferences, hearings, and proceedings in civil cases consistent with Code of Civil Procedure section 367.75.

# (b) Application

1 2 3		<u>(1)</u>	This rule applies to all civil cases. Provisions that apply specifically to juvenile dependency proceedings are set out in subdivision (i).
4 5 6		<u>(2)</u>	Nothing in this rule limits a requirement or right established by statute or case law to an appearance in one manner, either remote or in person, to the exclusion of the other.
7 8 9 10		<u>(3)</u>	Nothing in this rule modifies current rules, statutes, or case law regarding confidentiality or access to confidential proceedings.
11	<u>(c)</u>	<u>Defin</u>	nitions
12 13 14		As us	sed in this rule:
15 16 17 18 19		<u>(1)</u>	"Civil case" is as defined in rule 1.6(3), including all cases except criminal cases and petitions for habeas corpus, other than petitions for habeas corpus under Welfare and Institutions Code section 5000 et seq., which are governed by this rule.
20 21 22		<u>(2)</u>	"Evidentiary hearing or trial" is any proceeding at which oral testimony may be provided.
23 24		<u>(3)</u>	"Oral testimony" is a spoken statement provided under oath and subject to examination.
25 26 27 28 29		<u>(4)</u>	"Party" is, except in (i), as defined in rule 1.6(15), meaning any person appearing in an action and that person's counsel, as well as any nonparty who is subject to discovery in the action.
30 31 32		<u>(5)</u>	"Proceeding" means a conference, hearing, or any other matter before the court, including an evidentiary hearing or trial.
33 34 35		<u>(6)</u>	"Remote appearance" or "appear remotely" means the appearance of a party at a proceeding through the use of remote technology.
36 37 38		<u>(7)</u>	"Remote proceeding" means a proceeding conducted in whole or in part through the use of remote technology.
39 40 41 42 43		<u>(8)</u>	"Remote technology" means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

1	<u>(d)</u>	<u>Cou</u>	rt discretion to require in-person appearance								
2											
3			Notwithstanding the other provisions of this rule and except as otherwise required								
4			by law, the court may require a party to appear in person at a proceeding in any of								
5		the fo	ollowing circumstances:								
6		(1)									
7		<u>(1)</u>	If the court determines on a hearing-by-hearing basis that an in-person								
8			appearance would materially assist in the determination of the proceeding or								
9			in the effective management or resolution of the case.								
10		(2)	If the count does not have the technology to conduct the masses ding nometaly.								
11 12		<u>(2)</u>	If the court does not have the technology to conduct the proceeding remotely,								
13			or if the quality of the technology prevents the effective management or								
13			resolution of the proceeding.								
15		<u>(3)</u>	If, at any time during a remote proceeding, the court determines that an in-								
16		<u>(2)</u>	person appearance is necessary, the court may continue the matter and								
17			require such an appearance. Such determination may be based on the factors								
18			listed in Code of Civil Procedure section 367.75(b).								
19			instead in Code of Civil Frocedure Section 307.75(0).								
20	<u>(e)</u>	Loca	l court rules for remote proceedings								
21	<u>(C)</u>	Loca	result rules for remote proceedings								
22		<u>(1)</u>	Except for juvenile dependency cases, a court may by local rule prescribe								
23		<del> /</del>	procedures for remote proceedings, so long as the procedures are consistent								
24			with the requirements of Code of Civil Procedure section 367.75, posted on								
25			the court's website, and include the following provisions:								
26											
27			(A) A requirement that notice of intent to appear remotely be given to the								
28			court and to all parties or persons entitled to receive notice of the								
29			proceedings;								
30											
31			(B) A clear description of the amount of notice required; and								
32											
33			(C) For evidentiary hearing and trials, an opportunity for parties to oppose								
34			the remote proceedings.								
35											
36		( <u>2)</u>	If local procedures include written notice, any mandatory Judicial Council								
37			forms must be used.								
38											
39		<u>(3)</u>	For juvenile dependency cases, a court may by local rule prescribe								
40			procedures for remote proceedings as long as the procedures are posted on								
41			the court's website and consistent with Code of Civil Procedure section								
42			367.75 and subdivision (i).								
43											

1		<u>(4)</u>	<u>Notw</u>	ithstanding the requirements of rule 10.613, courts may adopt or amend
2			a loca	al rule under this subdivision for an effective date other than January 1
3			or Jul	y 1 and without a 45-day comment period if the court:
4				
5			(A)	Posts notice of the adoption of the new or amended rule prominently on
6				the court's website, along with a copy of the rule and the effective date
7				of the new or amended rule;
8				
9			(B)	Distributes the rule to the organizations identified in rule 10.613(g)(2)
10			<del>\</del>	on or before the effective date of the new rule or amendment; and
11				and the control was the man of the man of which which was
12			<u>(C)</u>	Provides a copy of the rule to the Judicial Council.
13			<u>(C)</u>	110 vides a copy of the fall to the statisfal Council.
14			No lit	tigant's substantive rights may be prejudiced for failing to comply with
15				adopted or amended under this paragraph until at least 20 days after the
16				change has been posted and distributed.
17			<u>ruic c</u>	nange has been posted and distributed.
18		<u>(5)</u>	Notw	ithstanding (1) and rule 10.613, any local court procedures consistent
19		<u>(2)</u>		Code of Civil Procedure section 367.75 and posted on the court's
20				ite may continue in effect until March 31, 2022, or until such earlier date
21				nich a court has adopted a local rule under (1)–(3).
22			Uy WI	nen a court has adopted a local full dilder (1)—(3).
	<b>(f)</b>	Noti	ca and	waiver for duration of case
23	<b>(f)</b>	Noti	ce and	waiver for duration of case
23 24	<b>(f)</b>			
23 24 25	<b>(f)</b>	<u>Notio</u> (1)		waiver for duration of case  e for remote appearances for duration of case
23 24 25 26	<b>(f)</b>		<u>Notic</u>	e for remote appearances for duration of case
23 24 25 26 27	<b>(f)</b>		Notice  At an	e for remote appearances for duration of case  y time during a case, a party may provide notice to the court and all
23 24 25 26 27 28	(f)		Notice At an other	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings
23 24 25 26 27 28 29	<b>(f)</b>		At an other that the	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such
23 24 25 26 27 28 29 30	<b>(f)</b>		At an other that the notice	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in
23 24 25 26 27 28 29 30 31	<b>(f)</b>		At an other that the notice	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such
23 24 25 26 27 28 29 30 31 32	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in (a), or (i), or by local court rules or procedures.
23 24 25 26 27 28 29 30 31 32 33	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in
23 24 25 26 27 28 29 30 31 32 33 34	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process
23 24 25 26 27 28 29 30 31 32 33 34 35	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by
23 24 25 26 27 28 29 30 31 32 33 34 35 36	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote  Appearance (form RA-010). If any party appears in the case after this
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote Appearance (form RA-010). If any party appears in the case after this notice has been given, form RA-010 must be served on that party.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote  Appearance (form RA-010). If any party appears in the case after this
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41	<b>(f)</b>		At an other that the notice (g), (h	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote Appearance (form RA-010). If any party appears in the case after this notice has been given, form RA-010 must be served on that party.  Service may be by any means authorized by law.
23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	<b>(f)</b>		At an other that the notice (g), (h)	y time during a case, a party may provide notice to the court and all parties or persons who are entitled to receive notice of the proceedings he party intends to appear remotely for the duration of a case. Such a must be provided with at least as much advance notice as required in a), or (i), or by local court rules or procedures.  Notice process  Notice must be given either orally during a court proceeding or by service on all other parties or persons who are entitled to receive notice of the proceedings and filing with the court a Notice of Remote Appearance (form RA-010). If any party appears in the case after this notice has been given, form RA-010 must be served on that party.

1				<u>This</u>	notice does not exempt a party from following a court's local
2				proc	edures, as posted on its website, for providing notice of intent to
3				appe	ar remotely at a particular proceeding, if the court has such a
4				proc	edure.
5				-	
6		<u>(2)</u>	Waiv	er of	<i>Notice</i>
7					
8			At aı	ny tim	e during a case, all parties to an action may stipulate to waive
9			notic	e of a	ny other participants' remote appearance. This stipulation may be
10			made	e orall	y during a court proceeding or in writing filed with the court.
11					
12 13	<u>(g)</u>	Rem	ote pi	roceed	lings other than an evidentiary hearing or trial
14		<u>(1)</u>	Appl	icable	erule <u>s</u>
15		<del></del>			
16			This	subdi	vision applies to any proceeding other than an evidentiary hearing
17			or tri	al, un	less one of the following applies:
18					
19			<u>(A)</u>	The	court has applicable local procedures or local rules under (e);
20 21			<u>(B)</u>	The	proceeding is a juvenile dependency proceeding governed by (i);
22 23 24 25			<u>(C)</u>	remo	person intending to appear remotely has provided a notice for ote appearances for the duration of the case or all parties have plated to a waiver of notice under (f);
26 27 28			<u>(D)</u>	The	court permits a party to appear remotely under (j)(2).
29 30		<u>(2)</u>	<u>Requ</u>	<u>iired r</u>	<u>notice</u>
31			<u>(A)</u>	<u>Hear</u>	ring with at least three court days' notice
32					
33				<u>(i)</u>	Notice to appear remotely
34					
35					A party choosing to appear remotely in a proceeding under this
36					subdivision for which a party gives or receives notice of the
37					proceeding at least three court days before the hearing date, must
38					provide notice of the party's intent to appear remotely at least
39					two court days before the proceeding.
40				···	N
41 42				<u>(ii)</u>	Notice process
/1 J					

1			<u>Noti</u>	ce to the court must be given by filing a Notice of Remote
2			<u> Арре</u>	earance (form RA-010). Notice to the other parties may be
3			prov	ided in writing, electronically, or orally in a way reasonably
4			calcu	ulated to ensure notice is received no later than two court
5			days	before the proceeding.
6			-	
7	<u>(B)</u>	Hea	ring w	ith less than three court days' notice
8				·
9		<u>(i)</u>	<u>Noti</u>	ce by moving party
10				
11			<u>a.</u>	Notice to appear remotely
				<del></del>
12 13				A moving party or applicant choosing to appear remotely in
14				a proceeding under this subdivision for which a party gives
15				or receives notice of less than three court days must provide
16				notice of the party's intent to appear remotely at the same
17				time as providing notice of the application or other moving
18				papers.
19				<u>p-p-12-1</u>
20			<u>b.</u>	Notice process
			<u> </u>	<u>Tronce process</u>
21 22 23 24 25 26				Notice to the court must be given by filing a <i>Notice of</i>
23				Remote Appearance (form RA-010). Notice to the other
24				parties may be provided in writing, electronically, or orally
25				in a way reasonably calculated to ensure notice is received
26				with notice of the moving papers.
27				with hotice of the moving papers.
28		<u>(ii)</u>	Noti	ce by other parties
29 29		(11)	11011	ce by other parties
30			0	Notice to appear remotely
31			<u>a.</u>	Notice to appear remotety
32				Any party choosing to appear remotely at a hearing
33				governed by (B), other than an applicant or moving party,
34				must provide notice of their intent to appear remotely to the
35				**
36				court and all other parties that have appeared in the action, no later than 2:00 p.m. on the court day before the
37				- · · · · · · · · · · · · · · · · · · ·
38				proceeding.
			1.	Wation manage
39 40			<u>b.</u>	Notice process
40 4.1				
41 12				The notice to the court may be given orally or in writing by
42 42				filing Notice of Remote Appearance (form RA-010). Notice
43				to the other parties may be in writing, electronically, or

1				orally in a way reasonably calculated to ensure notice is
2				received no later than 2:00 p.m. on the court day before the
3				proceeding.
4				
5			<u>(C)</u>	Proof of notice
6				
7				A party may use <i>Notice of Remote Appearance</i> (form RA-010) to
8				provide proof to the court that notice to other parties was given.
9				
10			(D)	Delivery to courtroom
11				
12				If required by local rule, a party must ensure a copy of any written
13				notice filed under (A) or (B) is received in the department in which the
14				proceeding is to be held.
15				<del></del>
16	<u>(h)</u>	Rem	ote pi	roceedings for an evidentiary hearing or trial
17	<u></u>			<u> </u>
18		(1)	Cour	rt notice of remote proceeding
19		<del>~~</del>		<del></del>
20			A co	urt intending to conduct an evidentiary hearing or trial remotely must
21				ide notice by one of the following means:
22			•	
22 23 24 25			(A)	By providing notice to all parties who have appeared in the action or
24			<del>~ /</del>	who are entitled to receive notice of the proceedings, at least 10 court
25				days before the hearing or trial date, unless the hearing or trial is on less
26				than 10 court days' notice, in which case at least two court days' notice
26 27				of remote proceedings is required; or
28				<u>orranioso processange se respinose, or</u>
29			(B)	By local rule providing that certain evidentiary hearings or trials are to
30			(2)	be held remotely, so long as the court procedure includes a process for
31				self-represented parties to agree to their remote appearance and for
32				parties to show why remote appearances or testimony should not be
33				allowed.
34				unowed.
35		<u>(2)</u>	Part	y notice of remote proceeding
36		<u>(2)</u>	<u>1 art</u>	v notice of remote proceeding
37			(A)	Applicable rules
38			<u>(* 1)</u>	appressore ( wes
39				This subdivision applies to all evidentiary hearings and trials unless one
40				of the following applies:
41				of the following applies.
42				(i) The court has applicable local procedures or local rules under (e);
43				1110 court has approadle focus procedures of focus rates under (c),

1		<u>(ii)</u>	The proceeding is a juvenile dependency proceeding governed by
2			<u>(i);</u>
3			
4		(iii)	The person intending to appear remotely has provided a notice
5			for remote appearances for the duration of the case or all parties
6			have stipulated to a waiver of notice under (f);
7			
8		(iv)	The court permits a party to appear remotely under (j)(2).
9			
10	<u>(B)</u>	<u>Moti</u>	i <u>on</u>
11			
12		The	notice described in this subdivision serves as the motion by a party
13		unde	er Code of Civil Procedure section 367.75(d).
14			
15	<u>(C)</u>	Hear	rings or trials with at least 15 court days' notice and small claims
16	<del>-, ,</del>	trials	S
17			
18		<u>(i)</u>	Time of notice
19		<del></del>	
20			A party choosing to appear remotely at a small claims trial or an
21			evidentiary hearing or trial for which a party gives or receives
22			notice of the proceeding at least 15 court days before the hearing
23			or trial date must provide notice of the party's intent to appear
24			remotely at least 10 court days before the hearing or trial.
25			<del></del>
26		<u>(ii)</u>	Notice process
27		<u>(/</u>	1.0000 p. 00000
28			Notice to the court must be given by filing a <i>Notice of Remote</i>
29			Appearance (form RA-010). Notice to the other parties may be in
30			writing, electronically, or orally in a way reasonably calculated to
31			ensure notice is received at least 10 court days before the
32			proceeding. A party may use <i>Notice of Remote Appearance</i> (form
33			RA-010) to provide proof to the court that notice to other parties
34			was given.
35			<del>1,400 <u>B</u>.1,411.</del>
36	(D)	Hear	rings or trials held on less than 15 court days' notice
37	<u>(12)</u>	11000	mgs of whom the convess man 12 court days notice
38		A na	arty choosing to appear remotely in an evidentiary hearing or trial
39			which a party gives or receives notice of the proceeding less than 15
40			t days before the hearing or trial date, including hearings on
41			aining orders or protective orders, must provide notice of the
42			y's intent to appear remotely in one of the following ways:
43		party	a mile to appear remotely in one of the following ways.

1				<u>(i)</u>	As provided in $(g)(2)(B)$ ; or
2					
3				<u>(ii)</u>	By filing a Notice of Remote Appearance (form RA-010) and
4					providing notice to the other parties in writing, electronically, or
5					orally in a way reasonably calculated to ensure notice is received
6					at least five court days before the proceeding.
7					
8		<u>(3)</u>	<u>Opp</u>	osition	<u>to remote proceedings</u>
9					
10			<u>(A)</u>	<u>Filin</u>	g and serving opposition
11					
12				In re	sponse to notice of a remote proceeding for an evidentiary hearing
13				or tri	al, whether set by local rule or otherwise noticed under (h)(1) or
14				(2), 0	or to obtain a court order for in-person appearance, a party may
15				make	e a showing to the court as to why a remote appearance or remote
16				testin	mony should not be allowed, by serving and filing an Opposition to
17				Rem	ote Proceedings at Evidentiary Hearing or Trial (form RA-015)
18				by:	, , ,
19					
20				<u>(i)</u>	At least five court days before the proceeding if for an
21				<del></del>	evidentiary hearing or trial for which a party gives or receives at
22					least 15 court days' notice; or
23					<del></del>
24				<u>(ii)</u>	At least noon the court day before the proceeding if for an
25				<del></del>	evidentiary hearing or trial for which a party gives or receives
26					less than 15 court days' notice.
27					<u> </u>
28				<u>(iii)</u>	If required by local rule, a party must ensure a copy of any
29				<del></del>	opposition is received in the department in which the proceeding
30					is to be held.
31					
32			(B)	Соиг	rt determination on opposition
33			<del>\/</del>		· · · · · · · · · · · · · · · · · · ·
34				In de	etermining whether to conduct an evidentiary hearing or trial in
35					le or in part through the use of remote technology over opposition,
36					ourt must consider the factors in section 367.75(b) and (f), and any
37					ed access to technology or transportation asserted by a party. The
38					t may not require a party to appear through remote technology.
39					11 5
40	<u>(i)</u>	Ren	iote n	roceed	lings in juvenile dependency
41	<u> </u>				
42		<u>(1)</u>	Gen	eral pr	ovisions
43		<del>/</del>		I -	<del></del>

1 2		<u>(A)</u>		subdivision applies to any juvenile dependency proceeding. A may adopt local rules as provided in (e) to prescribe procedures
3 4			ior re	emote juvenile dependency proceedings.
5		<u>(B)</u>	The	definitions in (c) apply, except that, for purposes of this
6		<del></del>		ivision, a "party" is any of the following persons and that person's
7			coun	* * * * * * * * * * * * * * * * * * *
8			coun	<del>501.</del>
9			<u>(i)</u>	A child or nonminor dependent subject to the proceeding;
10			<u>\=</u> ,	<u></u>
11			(ii)	Any parent, Indian custodian, or guardian of a child subject to the
12			<u>(11)</u>	proceeding;
13				proceeding,
13			(:::)	The social worker who filed the petition to commence the
15			<u>(iii)</u>	juvenile dependency proceedings on behalf of the county child
				• • • • • • • • • • • • • • • • • • • •
16				welfare department;
17			<i>(</i> • )	
18			<u>(iv)</u>	The tribe of an Indian child subject to the proceeding if the tribe
19				has intervened; and
20				
21			<u>(v)</u>	A de facto parent of a child subject to the proceeding to whom
22				the court has granted party status.
23				
24		(C)	This	subdivision does not apply to a juvenile justice proceeding. The
25			prov	isions in (a)–(h) and (j)–(m) govern a remote appearance in a
26			juvei	nile justice proceeding.
27			•	<del></del>
28	<u>(2)</u>	Conc	ductin	g a remote proceeding
29	<del>* / /</del>		•	<u>,</u>
30		Anv	inveni	ile dependency proceeding may be conducted as a remote
31		•	-	s, as long as the following conditions are met:
32		ргос	ccamg	, as long as the following conditions are men
33		(A)	The	court provides an opportunity for any person authorized to be
34		<u>(A)</u>		ent to request to appear remotely;
			prese	ent to request to appear remotery,
35		(D)	A 11	
36		<u>(B)</u>		tatutory confidentiality requirements applicable to a juvenile
37				ndency proceeding held in person apply equally to a remote
38			proce	eeding.
39				
40		<u>(C)</u>	The o	court does not require any party to appear remotely.
41				
42	<u>(3)</u>	<u>Opti</u>	on to c	appear remotely
43				

1		<u>(A)</u>		proceeding is conducted as a remote proceeding, any person
2				led to be present under rule 5.530(b) may appear remotely without
3			<u>subn</u>	nitting a request.
4				
5		<u>(B)</u>		ept as provided in (ii), any person entitled under rule 5.530(b) or
6				orized by court order to be present at a proceeding may request to
7				ar remotely using any means, oral or written, that is reasonably
8				lated to ensure receipt by the court no later than the time the case
9			is cal	lled for hearing.
10				
11			<u>(i)</u>	If the request is in writing, Request to Appear Remotely—
12				Juvenile Dependency (form RA-025) may be used.
13 14				
14			(ii)	A request for a remote appearance by a witness must be made in
15				writing by counsel for the party calling the witness or, if the party
16				does not have counsel, by the party, by filing the request with the
17				court and serving a copy of the request on counsel for all other
18				parties or, if a party does not have counsel, on the party, by any
19				means authorized by law reasonably calculated to ensure receipt
20				no later than close of business three court days before the
21				proceeding.
22				
22 23	<u>(4)</u>	<u>Requ</u>	est to	compel physical presence
24 25				
25		<u>Any</u>	party:	may ask the court to compel the physical presence of a witness or a
26		party	by fil	ling the request in writing with the court and serving a copy of the
27		reque	est on	counsel for each party by any means authorized by law reasonably
28		calcu	ılated	to ensure receipt no later than close of business two court days
29		befor	re the	proceeding. Request to Compel Physical Presence—Juvenile
30		<u>Depe</u>	endenc	cy (form RA-030) may be used for this purpose.
31				
32	<u>(5)</u>	<u>Dete</u>	rmina	tion of request
33				
34		(A)	The	court must require a witness to appear in person unless all parties
35			to the	e proceeding have consented to the witness's remote appearance.
36				
37		(B)	The	court may require any person to appear in person if the court
38		<del></del>		rmines that:
39				
40			<u>(i)</u>	One or more of the factors listed in Code of Civil Procedure
41			<del></del>	section 367.75(b) or (f) or in this rule, including the person's
42				limited access to technology, requires the person's physical
43				presence;

1					
2				<u>(ii)</u>	The court cannot ensure that the person's remote appearance will
3					have the privacy and security necessary to preserve the
4					confidentiality of the proceeding; or
5					
6				<u>(iii)</u>	A remote appearance by the person is likely to cause undue
7					prejudice to a party.
8					
9			<u>(C)</u>	The	court must consider a person's ability to appear in person at a
10				proc	eeding, including any limits to the person's access to
11				trans	portation, before ordering the person to appear in person.
12					
13	<u>(i)</u>	<u>Oth</u>	<u>er rul</u>	es reg	arding notice
14					
15		<u>(1)</u>			including a party that has given notice that it intends to appear
16				•	nder (f)—(h) or a person authorized to appear remotely under (i),
17			may	choos	e to appear in person.
18		(2)			
19		<u>(2)</u>			anding the other provisions of this rule, a party may ask the court
20					o appear remotely without the notice provided for under (f)—(h).
21					may permit the party to appear remotely upon a finding of good
22					oreseen circumstances, or that the remote appearance would
23			pron	note ac	ecess to justice.
24	(1-)	D	4		<b>6</b>
25	<u>(k)</u>	Ken	iote a	opeara	ance fees
<ul><li>26</li><li>27</li></ul>		(1)	Dant		t ah awa a d fa as
28		<u>(1)</u>	<u>Pari</u>	ies noi	t charged fees
29			Dont	og vyh	o, by statute, are not charged filing fees or fees for court services
30					e charged a videoconference fee under Government Code section
31			7063		e charged a videoconference fee under Government Code section
32			7002	<u> </u>	
33		<u>(2)</u>	Part	ioc wii	th fee waiver
34		<u>(2)</u>	<u>1 uri</u>	ies wii	njee waiver
35			(A)	Whe	n a party has received a fee waiver, that party may not be charged
36			<u>(11)</u>		for remote appearances.
37				1005	tor remote appearances.
38			<u>(B)</u>	Το ο	btain remote appearance services without payment of a fee from a
39			<u>(D)</u>		or or a court that provides such services, a party must advise the
40					or or the court that they have received a fee waiver from the court.
41					vendor requests, the party must transmit a copy of the order
42					ting the fee waiver to the vendor.
43				D	

(C) If a party, based on a fee waiver, receives remote appearance services 1 2 under this rule without payment of a fee, the vendor or court that 3 provides the remote appearance services has a lien on any judgment, 4 including a judgment for costs, that the party may receive, in the 5 amount of the fee that the party would have paid for the remote 6 appearance. There is no charge for filing the lien. 7 8 Vendor or platform (l)9 10 A court, by local rule, may designate the vendors or platforms that must be used for 11 remote appearances or the location on its website where such information may be 12 found. 13 14 (m) Court information on remote appearances 15 The court must publish notice online providing parties with the information 16 17 necessary to appear remotely at proceedings in that court under this rule. The notice 18 should include information regarding in which departments, types of proceedings, 19 or types of cases the court has the technological capability to allow remote 20 appearances, and the vendors or platforms that must be used, including whether 21 there are limitations to using them concurrently. 22 23 Rule 3.672 adopted effective January 1, 2022. 24 25 **Advisory Committee Comment** 26 27 **Subdivision (h).** Nothing in this rule, including time frames provided in subdivision (h), is 28 intended to preclude a court or party from discussing the use of remote appearances and 29 testimony at any time during an action, including at case management conferences and status 30 conferences. 31 32 Subdivision (k). Statutes currently provide that courts are not to charge fees to certain types of 33 parties, such as governmental entities; representatives of tribes in cases covered by the Indian 34 Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to 35 prevent domestic violence. This rule would preclude courts from charging videoconference fees 36 to such parties as well. 37 38 39 40 Rule 5.9. Appearance by telephone 41 42 **Application** (a)

Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to July 1, 2023. During that time, the provisions in rule 3.672 apply in their place. This rule applies to all family law cases, except for actions for child support involving a local child support agency and cases governed by the Indian Child Welfare Act. Rule 5.324 governs telephone appearances in governmental child support cases. Rule 5.482(g) governs telephone appearances in cases governed by the Indian Child Welfare Act.

1 2

(Subd (a) amended effective January 1, 2022; previously amended effective January 1, 2021.)

(b)-(d) \* \* \*

Rule 5.9 amended effective January 1, 2022; adopted effective January 1, 2013; previously amended effective January 1, 2021

## Rule 5.324. Telephone appearance in title IV-D hearings and conferences

#### (a) Purpose

This rule is suspended from January 1, 2022, to July 1, 2023. During that time, the provisions in rule 3.672 apply in its place. This rule is intended to improve the administration of the high volume of title IV-D child support hearings and conferences. Participation by both parents is needed for fair and accurate child support orders. The opportunity to appear by telephone fosters parental participation.

(Subd (a) amended effective January 1, 2022.)

(b)-(k)\*\*\*

Rule 5.324 amended effective January 1, 2022; adopted effective July 1, 2005; previously amended effective January 1, 2007, January 1, 2008, July 1, 2008, July 1, 2011, January 1, 2014, and January 1, 2017.

## Rule 5.482. Proceedings after notice

(a)-(f) \* \* \*

(g) Tribal appearance by telephone or other remote means

- (1) In any proceeding governed by the Indian Child Welfare Act involving an Indian child held between January 1, 2022, and June 30, 2023, the child's tribe may appear by remote means at any proceeding as provided by the applicable provisions of rule 3.672, and during that time, paragraph (2) is suspended.
- (2) In any proceeding governed by the Indian Child Welfare Act involving an Indian child, the child's tribe may, on notification to the court, appear at any hearing, including the detention hearing, by telephone or other computerized remote means. The method of appearance may be determined by the court consistent with court capacity and contractual obligations, and taking into account the capacity of the tribe, as long as a method of effective remote appearance and participation sufficient to allow the tribe to fully exercise its rights is provided.
- (3) No fee may be charged to the <u>a</u>tribe for such a telephonic or other remote appearance.

(Subd (g) amended effective January 1, 2022; adopted effective January 1, 2021.)

Rule 5.482 amended effective January 1, 2022; adopted effective January 1, 2008; previously amended effective January 1, 2013, July 1, 2013, August 15, 2016, January 1, 2020, January 1, 2021.

## Rule 5.531. Appearance by telephone (§ 388; Pen. Code, § 2625)

#### (a) Application

Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to July 1, 2023. During that time, the applicable provisions in rule 3.672 govern remote appearances and proceedings in juvenile court. The standards in (b) apply to any appearance or participation in court by telephone, videoconference, or other digital or electronic means authorized by law.

(Subd (a) amended effective January 1, 2022.)

(b)-(c)\*\*\*

Rule 5.531 amended effective January 1, 2022; adopted effective January 1, 2012; previously amended effective January 1, 2021.

1 2 Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303, 3 366, 366.3, 388, 391, 607(a)) 4 5 (a)-(d) \* \* \* 6 7 (e) Telephone appearance 8 9 Paragraph (1) below is suspended from January 1, 2022, to July 1, 2023. During 10 that period, the juvenile dependency provisions in rule 3.672 apply in its place. 11 12 The person who is the subject of the hearing may appear, at his or her (1) 13 request, by telephone at a hearing to terminate juvenile court jurisdiction held 14 under rule 5.555, a status review hearing under rule 5.903, or a hearing on a 15 request to have juvenile court jurisdiction resumed held under rule 5.906. 16 Rule 5.531 applies to telephone appearances under this paragraph. 17 (2)–(3)\*\*\*18 19 20 (Subd (e) amended effective January 1, 2022.) 21 22 \* \* \* **(f)** 23 24 Rule 5.900 amended effective January 1, 2022; adopted effective January 1, 2012; previously 25 amended effective January 1, 2014.