

AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on August 4, 2023, effective August 4, 2023

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11		

1
2 **Title 3. Civil Rules**
3

4 **Rule 3.670. Telephone appearance**
5

6 (a) ***
7

8 (b) **Application**
9

10 Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to July
11 1, 2023 January 1, 2026, during which time the provisions in rule 3.672 apply in
12 their place. This rule applies to all general civil cases as defined in rule 1.6 and to
13 unlawful detainer and probate proceedings.
14

15 *(Subd (b) amended effective August 4, 2023; previously repealed and adopted as subd (a)*
16 *effective July 1, 1998; previously relettered effective January 1, 2008; previously amended*
17 *effective January 1, 1999, January 1, 2001, January 1, 2003, January 1, 2007, and*
18 *January 1, 2022.)*
19

20 (c)–(o) * * *
21
22

23 **Rule 3.672. Remote proceedings**
24

25 (a) **Purpose**
26

27 The intent of this rule is to promote greater consistency in the practices and
28 procedures relating to remote appearances and proceedings in civil cases subject to
29 Code of Civil Procedure section 367.75. To improve access to the courts and
30 reduce litigation costs, to the extent feasible courts should permit parties to appear
31 remotely at conferences, hearings, and proceedings in civil cases consistent with
32 Code of Civil Procedure section 367.75.
33

34 (b) **Application**
35

36 (1) This rule applies to all civil cases subject to Code of Civil Procedure section
37 367.75. Provisions that apply specifically to juvenile dependency proceedings
38 are set out in ~~subdivision~~ (i). This rule does not apply to proceedings in
39 matters subject to Code of Civil Procedure section 367.76 or Welfare and
40 Institutions Code section 679.5.
41

42 (2) Nothing in this rule limits a requirement or right established by statute or case
43 law to an appearance in one manner, either remote or in person, to the
44 exclusion of the other.
45

46 (3) Nothing in this rule modifies current rules, statutes, or case law regarding
47 confidentiality or access to confidential proceedings.

1
2 (Subd (b) amended effective August 4, 2023).

3
4 **(c) Definitions**

5
6 As used in this rule:

7
8 (1) “Civil case” is ~~as defined in rule 1.6(3), including all cases except criminal~~
9 ~~cases and petitions for habeas corpus, other than petitions for habeas corpus~~
10 ~~under Welfare and Institutions Code section 5000 et seq., which are governed~~
11 ~~by this rule~~ any case subject to Code of Civil Procedure section 367.75.

12
13 (2)–(8) * * *

14
15
16 **(d) Court discretion to require in-person appearance**

17
18 Notwithstanding the other provisions of this rule and except as otherwise required
19 by law, the court may require a party to appear in person at a proceeding subject to
20 this rule in any of the following circumstances:

- 21
22 (1) If the court determines on a hearing-by-hearing basis that an in-person
23 appearance would materially assist in the determination of the proceeding or
24 in the effective management or resolution of the case.
25
26 (2) If the court does not have the technology to conduct the proceeding remotely,
27 or if the quality of the technology prevents the effective management or
28 resolution of the proceeding.
29
30 (3) If, at any time during a remote proceeding, the court determines that an in-
31 person appearance is necessary, the court may continue the matter and
32 require such an appearance. Such determination may be based on the factors
33 listed in Code of Civil Procedure section 367.75(b).
34

35 (Subd (d) amended effective August 4, 2023.)

36
37 **(e) Local court rules for remote proceedings**

38
39 (1) Except for juvenile dependency cases, a court may by local rule prescribe
40 procedures for remote proceedings subject to this rule, so long as the
41 procedures are consistent with the requirements of Code of Civil Procedure
42 section 367.75, posted on the court’s website, and include the following
43 provisions:

- 44
45 (A) A requirement that notice of intent to appear remotely be given to the
46 court and to all parties or persons entitled to receive notice of the
47 proceedings;

1
2 (B) A clear description of the amount of notice required; and

3
4 (C) For evidentiary hearing and trials, an opportunity for parties to oppose
5 the remote proceedings.

6
7 (2)–(5) * * *

8
9 *(Subd (e) amended effective August 4, 2023.)*

10
11 **(f) Notice and waiver for duration of case**

12
13 (1) *Notice for remote appearances for duration of case*

14
15 At any time during a case subject to this rule, a party may provide notice to
16 the court and all other parties or persons who are entitled to receive notice of
17 the proceedings that the party intends to appear remotely for the duration of a
18 case. Such notice must be provided with at least as much advance notice as
19 required in (g), (h), or (i), or by local court rules or procedures.

20
21 (A)–(B) * * *

22
23 (2) * * *

24
25 *(Subd (f) amended effective August 4, 2023.)*

26
27 **(g) Remote proceedings other than an evidentiary hearing or trial**

28
29 (1) *Applicable rules*

30
31 This subdivision applies to any proceeding subject to this rule other than an
32 evidentiary hearing or trial, unless one of the following applies:

33
34 (A) The court has applicable local procedures or local rules under (e);

35
36 (B) The proceeding is a juvenile dependency proceeding governed by (i);

37
38 (C) The person intending to appear remotely has provided a notice for
39 remote appearances for the duration of the case or all parties have
40 stipulated to a waiver of notice under (f);

41
42 (D) The court permits a party to appear remotely under (j)(2).

43
44 (2) * * *

45
46 *(Subd (g) amended effective August 4, 2023.)*

47

1
2 **(h) Remote proceedings for an evidentiary hearing or trial**

3
4 (1) *Court notice of remote proceeding*

5
6 A court intending to conduct an evidentiary hearing or trial remotely in a case
7 subject to this rule must provide notice by one of the following means:

- 8
9 (A) By providing notice to all parties who have appeared in the action or
10 who are entitled to receive notice of the proceedings, at least 10 court
11 days before the hearing or trial date, unless the hearing or trial is on less
12 than 10 court days' notice, in which case at least two court days' notice
13 of remote proceedings is required; or
14
15 (B) By local rule providing that certain evidentiary hearings or trials are to
16 be held remotely, so long as the court procedure includes a process for
17 self-represented parties to agree to their remote appearance and for
18 parties to show why remote appearances or testimony should not be
19 allowed.
20

21 (2) *Party notice of remote proceeding*

22
23 (A) *Applicable rules*

24
25 This subdivision applies to all evidentiary hearings and trials in a case
26 subject to this rule unless one of the following applies:

- 27
28 (i) The court has applicable local procedures or local rules under (e);
29
30 (ii) The proceeding is a juvenile dependency proceeding governed by
31 (i);
32
33 (iii) The person intending to appear remotely has provided a notice
34 for remote appearances for the duration of the case or all parties
35 have stipulated to a waiver of notice under (f);
36
37 (iv) The court permits a party to appear remotely under (j)(2).
38

39 (B)–(D) * * *

40
41 (3) *Opposition to remote proceedings*

42
43 (A) *Filing and serving opposition*

44
45 In response to notice of a remote proceeding for an evidentiary hearing
46 or trial in a case subject to this rule, whether set by local rule or

1 otherwise noticed under (h)(1) or (2), or to obtain a court order for in-
2 person appearance, a party may make a showing to the court as to why
3 a remote appearance or remote testimony should not be allowed, by
4 serving and filing an *Opposition to Remote Proceedings at Evidentiary*
5 *Hearing or Trial* (form RA-015) by:
6

- 7 (i) At least five court days before the proceeding if for an
8 evidentiary hearing or trial for which a party gives or receives at
9 least 15 court days' notice; or
10
11 (ii) At least noon the court day before the proceeding if for an
12 evidentiary hearing or trial for which a party gives or receives
13 less than 15 court days' notice.
14
15 (iii) If required by local rule, a party must ensure a copy of any
16 opposition is received in the department in which the proceeding
17 is to be held.
18

19 (B) * * *

20
21
22 *(Subd (h) was amended effective August 4, 2023.)*
23

24 **(i) Remote proceedings in juvenile dependency**

25
26 (1) *General provisions*

27
28 (A) This subdivision applies to any juvenile dependency proceeding. A
29 court may adopt local rules as provided in (e) to prescribe procedures
30 for remote juvenile dependency proceedings.
31

32 (B) * * *

33
34 (C) This subdivision does not apply to a juvenile justice proceeding. The
35 provisions in ~~(a)–(h) and (j)–(m)~~ Welfare and Institutions Code section
36 679.5 and any rules implementing that statute govern a remote
37 appearance in a juvenile justice proceeding.
38

39 (2)–(5) * * *

40
41 *(Subd (i) amended effective August 4, 2023.)*
42

43 **(j)–(m) * * ***

44
45 *Rule 3.672 amended effective August 4, 2023; adopted effective January 1, 2022.*
46

1 Title 5. Family and Juvenile Rules

2
3 Rule 5.9. Appearance by telephone

4
5 (a) Application

6
7 Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to
8 ~~July 1, 2023~~ January 1, 2026. During that time, the provisions in rule 3.672 apply
9 in their place. This rule applies to all family law cases, except for actions for child
10 support involving a local child support agency and cases governed by the Indian
11 Child Welfare Act. Rule 5.324 governs telephone appearances in governmental
12 child support cases. ~~Rule 5.482(g)~~ Welfare and Institutions Code section 224.2(k)
13 governs telephone appearances in cases ~~governed by~~ under the Indian Child
14 Welfare Act.

15
16 *(Subd (a) amended effective August 4, 2023; previously amended effective January 1,*
17 *2021, and January 1, 2022.)*

18
19 (b)–(d) * * *

20
21 *Rule 5.9 amended effective August 4, 2023; adopted effective January 1, 2013; previously*
22 *amended effective January 1, 2021, and January 1, 2022.*

23
24
25 Rule 5.324. Telephone appearance in title IV-D hearings and conferences

26
27 (a) Purpose

28
29 This rule is suspended from January 1, 2022, to ~~July 1, 2023~~ January 1, 2026.
30 During that time, the provisions in rule 3.672 apply in its place.

31
32 *(Subd (a) amended effective August 4, 2023; previously amended effective January 1,*
33 *2022.)*

34
35 (b)–(k) * * *

36
37 *Rule 5.324 amended effective August 4, 2023; adopted effective July 1, 2005; previously amended*
38 *effective January 1, 2007, January 1, 2008, July 1, 2008, July 1, 2011, January 1, 2014, January*
39 *1, 2017, and January 1, 2022.*

40
41
42 Rule 5.482. Proceedings after notice

43
44 (a)–(f) * * *

45
46 (g) Tribal appearance by telephone or other remote means

1 ~~(1)~~ In any proceedings governed by the Indian Child Welfare Act involving an
2 Indian child held between January 1, 2022, and June 30, 2023, the child's
3 tribe may must be allowed to appear remotely by remote means at any
4 proceeding as provided by the applicable provisions of rule 3.672, and during
5 that time, paragraph (2) is suspended in Welfare and Institutions Code section
6 224.2(k).

7
8 ~~(2)~~ In any proceeding governed by the Indian Child Welfare Act involving an
9 Indian child, the child's tribe may, on notification to the court, appear at any
10 hearing, including the detention hearing, by telephone or other computerized
11 remote means. The method of appearance may be determined by the court
12 consistent with court capacity and contractual obligations, and taking into
13 account the capacity of the tribe, as long as a method of effective remote
14 appearance and participation sufficient to allow the tribe to fully exercise its
15 rights is provided.

16
17 ~~(3)~~ No fee may be charged to a tribe for a telephonic or other remote appearance.

18
19 *(Subd (g) amended effective August 4, 2023; adopted effective January 1, 2021; previously*
20 *amended effective January 1, 2022.)*

21
22 *Rule 5.482 amended effective August 4, 2023; adopted effective January 1, 2008; previously*
23 *amended effective January 1, 2013, July 1, 2013, August 15, 2016, January 1, 2020, January 1,*
24 *2021, and January 1, 2022.*

25
26
27 **Rule 5.531. Appearance by telephone (§ 388; Pen. Code, § 2625)**

28
29 **(a) Application**

30
31 Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to ~~July 1,~~
32 ~~2023~~ January 1, 2026. During that time, the applicable provisions in rule 3.672 or
33 Welfare and Institutions Code sections 224.2(k) or 679.5, and any rules
34 implementing those statutes, govern remote appearances and proceedings in
35 juvenile court. The standards in (b) apply to any appearance or participation in
36 court by telephone, videoconference, or other digital or electronic means authorized
37 by law.

38
39 *(Subd (a) amended effective August 4, 2023; previously effective January 1, 2022.)*

40
41
42 **(b)-(c) * * ***

43
44 *Rule 5.531 amended effective August 4, 2023; adopted effective January 1, 2012; previously*
45 *amended effective January 1, 2021, and January 1, 2022.*

1 **Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303,**
2 **366, 366.3, 388, 391, 607(a))**

3
4 **(a)–(d) * * ***

5
6 **(e) Telephone appearance**

7
8 Paragraph (1) below is suspended from January 1, 2022, to ~~July 1, 2023~~ January 1,
9 2026. During that period, the juvenile dependency provisions in rule 3.672 apply in
10 its place.

11
12 (1) The person who is the subject of the hearing may appear, at his or her
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
18 **(2)–(3) * * ***

19
20 *(Subd (e) amended effective August 4, 2023; previously amended effective January 1,*
21 *2022.)*

22
23 **(f) * * ***

24
25 *Rule 5.900 amended effective August 4, 2023; adopted effective January 1, 2012; previously*
26 *amended effective January 1, 2014, and January 1, 2022.*