

SUMMARY OF JULY 2022 LOCAL RULES REVISIONS

7.02.00 REMOTE APPEARANCES

Pursuant to Code of Civil Procedure section 367.75 and California Rules of Court (“CRC”), rule 3.672, remote appearances may be authorized at the discretion of the court. This rule applies to all civil cases.

A “civil case” is as defined in CRC, rule 1.6(3), and includes all cases except criminal cases and petitions for habeas corpus, other than petitions for habeas corpus under the Lanterman-Petris-Short Act (Welf. & Inst. Code section 5000, et seq.), which are governed by this rule.

“Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone, including a computer, tablet, telephone, cellphone, or other electronic or communications device.

A. COURT DISCRETION TO REQUIRE IN-PERSON APPEARANCE

- (1) Except as otherwise required by law, the court may require a party or witness to appear in person at a proceeding in any of the following circumstances:
 - (a) If the court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case.
 - (b) If the court does not have the technology to conduct the proceeding remotely, or if the quality of the technology prevents the effective management or resolution of the proceeding.
 - (c) Although the court has the requisite technology, the quality of the technology or audibility at the proceeding inhibits the court reporter’s ability to accurately prepare a transcript of the proceeding, or prevents an attorney from being able to provide effective representation to a client, or inhibits a court interpreter’s ability to provide language access to a court user or authorized individual.
 - (d) If, at any time during a remote proceeding, the court determines that an in-person appearance is necessary, the court may continue the matter and require such an appearance. Such determination may be based on the factors listed in Code of Civil Procedure section 367.75(b).
- (2) Notwithstanding subdivision (A)(1)(a), an expert witness may appear remotely absent good cause to compel in-person testimony.

B. REMOTE PROCEEDINGS OTHER THAN AN EVIDENTIARY HEARING OR TRIAL

- (1) Required Notice and Notice Process

- (a) For matters set with at least three (3) court days' notice, the requesting party must file and serve Notice of Remote Appearance (Judicial Council form RA-010) at least two (2) court days prior to the hearing date of the proceeding. Notice to the other parties may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least two (2) court days before the proceeding. This notice process does not apply to Case Management Conferences ("CMC") or Ex Parte proceedings.
- (b) For matters set with less than three (3) court days' notice, including Ex Parte applications, the requesting party must file and serve form RA-010 no later than 2:00 p.m. on the court day before the proceeding. Notice to the other parties may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received no later than 2:00 p.m. on the court day before the proceeding.
- (c) CMCs are currently conducted remotely only via VCourt. The parties are not required to file a notice to appear remotely prior to a CMC. This rule does not limit the right of a party to appear in person at a CMC.
- (d) If the requesting party intends to appear remotely throughout the case, the requesting party only needs to file form RA-010 once (check item 2a). However, 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.

C. REMOTE PROCEEDINGS FOR AN EVIDENTIARY HEARING OR TRIAL

An "evidentiary hearing or trial" is any proceeding at which oral testimony may be provided, including small claims, unlawful detainers, civil harassment restraining order hearings, domestic violence restraining order hearings, and gun violence restraining order hearings. (CRC, rule 3.672(c)(2).)

(1) Required Notice and Notice Process

- (a) For matters set with at least 15 court days' notice, the requesting party must file and serve Notice of Remote Appearance (Judicial Council form RA-010). Notice to the other parties may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least 10 court days before the proceeding.
- (b) For matters set with less than 15 court days' notice, the requesting party must file and serve Notice of Remote Appearance (Judicial Council form RA-010). Notice to the other parties may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least two (2) court days before the proceeding.
- (c) In response to receiving from a party or witness a notice of a remote proceeding

for an evidentiary hearing or trial, other parties in the action may oppose the remote appearance by serving and filing Opposition to Remote Proceeding at Evidentiary Hearing or Trial (Judicial Council form RA-015). The opposition must be accompanied by a proposed order. The party opposing the remote appearance may use Order Regarding Remote Appearance (Judicial Council form RA-020). The opposition must be filed and served on all parties or other persons entitled to receive notice of the proceedings at least five (5) court days prior to the hearing or trial date, unless the hearing is set with less than 15 days' notice, in which case the opposition must be filed and served by 12:00 p.m. on the court day preceding the hearing or trial.

(d) In determining whether to conduct an evidentiary hearing or trial, in whole or in part, through the use of remote technology over opposition, the court must consider the factors in Code of Civil Procedure section 367.75(b) and (f), and any limited access to technology or transportation asserted by a party. The court may not require a party to appear through remote technology for an evidentiary hearing or trial.

D. REMOTE PROCEEDINGS IN JUVENILE DEPENDENCY

(1) General Provisions

(a) This subdivision does not apply to juvenile justice proceedings.

(b) The definitions of CRC, rule 3.672(c) apply, except that, for purposes of this subdivision, a "party" is any of the following persons and that person's counsel:

(i) A child or nonminor dependent subject to the proceeding.

(ii) Any parent, Indian custodian, or guardian of a child subject to the proceeding.

(iii) The social worker who filed the petition to commence the juvenile dependency proceedings on behalf of the county child welfare department.

(iv) The tribe of an Indian child subject to the proceeding if the tribe has intervened.

(v) A de facto parent of a child subject to the proceeding to whom the court has granted party status.

(2) Conducting a Remote Proceeding

Any juvenile dependency proceeding may be conducted, in whole or in part, through the use of remote technology, as long as the following conditions are met:

- (a) Any party or person authorized to be present at the proceeding may request to appear remotely.
- (b) The court may not require any party to appear remotely.
- (c) All statutory confidentiality requirements applicable to a juvenile dependency proceeding held in person apply equally to a remote proceeding.

(3) Required Notice and Request Process

- (a) Any person entitled under CRC, rule 5.530(b) or authorized by court order to be present at a proceeding may request to appear remotely by filing and serving Request to Appear Remotely–Juvenile Dependency (Judicial Council form RA-025) with the court at least three (3) court days prior to the hearing date of the proceeding. Notice to the other parties may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least three (3) court days before the proceeding.
- (b) Any party may ask the court to compel the physical presence of a party or witness by filing the request in writing with the court and serving a copy of the request on each party by any means authorized by law reasonably calculated to ensure receipt no later than two (2) court days prior to the proceeding. The party opposing the remote appearance may use Request to Compel Physical Presence–Juvenile Dependency (Judicial Council form RA-030).

(4) Determination of Request

- (a) A witness must appear in person unless all parties to the proceeding have consented to the witness's remote appearance.
- (b) The court may require any person to appear in person if the court determines that:
 - (i) One or more of the factors listed in Code of Civil Procedure section 367.75(b) or (f) or in this rule, including the person's limited access to technology, requires the person's physical presence; or
 - (ii) The court cannot ensure that the person's remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding; or
 - (iii) A remote appearance by the person is likely to cause undue prejudice to a party.
- (c) The court must consider a person's ability to appear in person at a proceeding,

including any limits to the person's access to transportation, before ordering the person to appear in person.

E. WAIVER OF NOTICE

At any time during a case, all parties to an action may stipulate to waive notice of any other participant's remote appearance. This stipulation may be made orally during a proceeding or in writing filed with the court.

F. OTHER RULES REGARDING NOTICE

- (1) Any party may choose to appear in person, even if the party gave notice of the intent to appear remotely or was authorized to appear remotely.
- (2) Notwithstanding the other provisions of this rule, a party may ask the court for leave to appear remotely without the notice provided for under subdivisions B, C and D. The court may permit the party to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.

G. VENDORS OR PLATFORMS

A list of the vendors or platforms that must be used for remote appearances are located on the court's website at www.eldorado.courts.ca.gov/remote-appearances.

H. REMOTE APPEARANCE FEES

- (1) Fees for each telephonic appearance in civil cases are charged pursuant to CRC, rule 3.670(k). Fees for each videoconference appearance will be charged pursuant to CRC, rule 3.72, and Government Code section 70630, and will not exceed the total fee charged for telephonic appearances.
- (2) Parties who, by statute, are not charged filing fees or fees for court services may not be charged a remote appearance fee under Government Code section 70630. (CRC, rule 3.672(k)(1).)
- (3) Parties with a fee waiver shall not be charged fees for remote appearances. To obtain remote appearance services without payment of a fee, the party must advise the vendor or the court that they have received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

(Revised July 1, 2022)

~~7.02.00 TELECONFERENCING AND VIDEOCONFERENCING~~

~~A. TELECONFERENCING. Pursuant to California Rules of Court, rule 3.670 and rule 5.9, telephonic appearances may be authorized at the discretion of the court. Any party wishing to appear telephonically for hearings, conferences, or proceedings listed as requiring a personal appearance in rule 3.670(e) or rule 5.9(e) must obtain prior approval from the~~

~~judicial officer.~~

~~Parties must file Local Form M-52 (Request for Telephonic Appearance) at least twelve (12) court days before the hearing if the hearing, conference, or proceeding requires a personal appearance and judicial approval.~~

~~If judicial approval has been previously granted for a hearing that is continued by the court, or if approval for a telephonic appearance is granted by a judicial officer on the record and both parties are present in court, no further notice is required and Local Form M-52 does not need to be filed.~~

~~Telephonic appearances must be scheduled through the court's telephonic appearance reservation website, which can be accessed through the court's website (www.eldorado.courts.ca.gov). There shall be a charge for each telephonic appearance, pursuant to California Rules of Court, rule 3.670. There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card through the court's telephonic appearance reservation website.~~

~~B. VIDEOCONFERENCING. Unless otherwise prohibited by law, parties may appear or present testimony by videoconference. The requesting party must file and serve Local Form M-51 (Application for Videoconference Appearance and Order) at least ten (10) days prior to the date the matter is initially set for hearing or trial. Any objections to the application must be filed and served no later than five (5) days after service of the application. Thereafter, the court will rule on the application or set the matter for hearing on the application.~~

~~If judicial approval has been previously granted for a hearing that is continued by the court, or if approval for a videoconference appearance is granted by a judicial officer on the record and both parties are present in court, no further notice is required and Local Form M-51 does not need to be filed.~~

~~The application form is available at the court's website or in the clerk's office. Videoconferencing fees will be paid by the requesting party.
(Revised January 1, 2022)~~

7.10.05 TENTATIVE RULING SYSTEM FOR WESTERN SLOPE AND SOUTH LAKE TAHOE

... [¶] ...

B. TENTATIVE RULING PROCEDURE

... [¶] ...

(4) Appearances

... [¶] ...

- b. Unless otherwise indicated in the tentative ruling, appearances for oral argument may be made either in person or remotely in accordance with Local Rule 7.02.00 ~~telephonically~~.

... [¶] ...

(Revised ~~July~~January 1, 2022)

8.00.02 APPLICATION OF RULES

Except as inconsistent with the family law rules, family law matters shall be subject to the rules governing civil cases generally, including but not limited to the California Rules of Court, ~~and the California~~ Code of Civil Procedure, and the Local Rules of the El Dorado County Superior Court, rules 7.00.00, et seq., concerning civil proceedings.

(Revised ~~July~~January 1, 2022~~12~~)

8.06.05 REMOTE APPEARANCES

Remote appearances may be authorized at the discretion of the court in accordance with Local Rule 7.02.00.

(Effective July 1, 2022)

8.10.08 SUPERVISED VISITATION PROVIDERS

A. APPLICABLE RULES. Standards and procedures for both professional and nonprofessional visitation providers are governed by the Family Code sections 3200 and 3200.5 and the California Rules of Court, Standards of Judicial Administration, Standard 5.20.

B. LIST OF PROFESSIONAL VISITATION PROVIDERS. The Custody and Parenting Resource List (Local Form F-101) lists professional visitation providers and is available through the court's website at www.eldorado.courts.ca.gov. The listed individuals/entities have identified themselves as professional supervised visitation providers and have submitted to the court a supervised visitation provider declaration and proof of the required training. Each provider's declaration and proof of required training will be on file and maintained by court administration.

C. PROFESSIONAL PROVIDERS NOT AFFILIATED WITH COURT. The professional visitation providers are not affiliated with the court and each visitation provider is independently responsible for compliance with any and all applicable legal requirements. The court does not endorse, evaluate, supervise, or otherwise monitor the visitation providers.

D. PARTIES' OBLIGATION. It is the obligation of each party to investigate and know that a professional or non-professional visitation provider meets the statutory qualifications, training and continuing education requirements.

E. DECLARATION OF QUALIFICATIONS. All professional and nonprofessional supervised visitation providers must file with the court the Declaration of Supervised Visitation

Provider (Professional) [Judicial Council form FL-324(P)] or Declaration of Supervised Visitation Provider (NonProfessional) [Judicial Council form FL-324(NP)], or a declaration containing the same qualifications information, before the first supervised visit. In addition, each time a professional provider submits a report to the court, the professional provider must also file and serve on all parties, their attorneys, and the attorney for the child a new and current declaration.

F. CURRENT DECLARATION OF VISITATION PROVIDER. “Current” means the Declaration of Supervised Visitation Provider (form FL-324(P) or FL-324(NP)) has been completed and signed within 10 days prior to filing the form with the court. In the event any information contained in the declaration has changed, an updated version must be filed and served by the provider on all parties, their attorneys, and the child’s attorney within five (5) days of the change in information.

G. INELIGIBILITY OF VISITATION PROVIDER. In the event a visitation provider becomes ineligible to provide services for any reason (including, but not limited to, failure to meet the qualifications and training set forth in California Rules of Court, Standards of Judicial Administration, Standard 5.20, or Family Code section 3200.5) the provider must immediately contact all parties, their attorneys, and the child’s attorney, and must state, in writing, the reasons the provider is no longer eligible. Within five (5) days of receipt of the provider’s written notice of ineligibility, the parties must file with the court a declaration containing all pertinent information related to the provider’s ineligibility.

(Effective July 1, 2022)

10.00.06 REMOTE APPEARANCES~~RESERVED FOR FUTURE USE~~

Remote appearances may be authorized at the discretion of the court in accordance with Local Rule 7.02.00.

(Revised July~~anuary~~ 1, 2022~~16~~)

11.00.15 DETENTION HEARINGS IN SECTION 300 MATTERS

... [¶] ...

B. Prior to the detention hearing, all parties and counsel shall comply with the following time frame:

(2) County counsel shall be available remotely~~by telephone~~ or, at County counsel’s~~his or her~~ option, personally present to meet with the other attorneys at the designated court appearance time.

... [¶] ...

(Revised July 1, 2022~~12~~)

11.00.20 ~~REMOTE APPEARANCES PROTOCOL FOR TELEPHONIC APPEARANCES [CRC 5.531]~~

~~Remote appearances in juvenile 300 proceedings may be authorized at the discretion of the court in accordance with California Rules of Court (“CRC”), rule 3.672 and Local Rule 7.02.00(D). Subdivision D of Local Rule 7.02.00 does not apply to juvenile justice proceedings. The provisions of CRC, rule 3.672, subdivisions (a)–(h) and (j)–(m) govern a remote appearance in a juvenile justice proceeding. (CRC, rule 3.672(i)(1)(C).)~~

~~A. Minors and non-minor dependents may appear telephonically with 24 hours’ notice given by their counsel to all parties and the court.~~

~~B. A parent who is unable to appear in court for a previously scheduled hearing may request to appear telephonically with 48 hours’ notice to all counsel and the court. Counsel for the parent may submit a request to the court by completing Local Forms J 1 (Declaration Regarding Notice of Application for Telephonic Appearance) and J 2 (Order Re: Telephonic Appearance), which are available on the court’s website at <http://www.eldorado.courts.ca.gov/forms-filing/local-forms>. The court will endeavor to approve or reject counsel’s request in advance of the hearing. In the event of an emergency, counsel may request a telephone appearance in person at the court hearing.~~

~~C. Domestic telephone appearances will be initiated by the courtroom clerk on the courtroom’s speaker phone. International telephone appearances must be arranged for and initiated by counsel.~~

(Revised ~~July~~ January 1, 2022)