

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR20-08

Title

Civil Practice and Procedure: Sealing
Previously Filed Papers Under Code of Civil
Procedure Section 367.3

Action Requested

Review and submit comments by June 9,
2020

Proposed Effective Date

January 1, 2021

Proposed Rules, Forms, Standards, or Statutes

Adopt forms SH-020, SH-022, SH-030, and
SH-032; approve forms SH-020-INFO,
SH-025, and SH-035

Contact

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Proposed by

Civil and Small Claims Advisory Committee
Hon. Ann I. Jones, Chair

Executive Summary and Origin

Assembly Bill 800 provides that a party who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the party and any other identifying characteristics are to be kept confidential by the court and other parties in the case. The Civil and Small Claims Advisory Committee proposes new forms to be used by pseudonymous parties to (1) move the court to seal previously filed documents that disclose that party's name or other identifying characteristics; (2) apply to the court ex parte to hear such a motion on shortened time; and (3) provide comprehensive instructions to self-represented litigants as to how to complete, file, and serve these forms.

Background

The Safe at Home address confidentiality program administered by the Secretary of State is intended to protect the privacy and safety of individuals who have been subjected to domestic violence, sexual assault, stalking, human trafficking, or elder or dependent abuse. (Gov. Code, § 6205.) It permits victims to maintain a confidential mailing address in order to shield their location from abusers. AB 800¹ added section 367.3 to the Code of Civil Procedure, effective

¹ A copy of AB 800 (Stats. 2019, ch. 439) is available online at
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB800.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

January 1, 2020, providing that a party who is an active participant in the Safe at Home address confidentiality program (defined in the bill as a “protected person”) may appear in a civil action under a pseudonym (Jane Doe, John Doe, or Doe) and may exclude or redact from all documents filed in court any identifying characteristics, including name, addresses (physical or online), age, or marital status. (Code Civ. Proc., § 367.3(a).)

Under the new law, a protected person who decides to appear pseudonymously must file with the court and serve on all other parties a “confidential information form” specifying the protected person’s true name and identifying characteristics that have been excluded or redacted from a document filed in court and using the protected person’s pseudonym. The court and the other parties must thereafter keep this information confidential by redacting or omitting it from documents filed in the case and using the protected person’s pseudonym. (Code Civ. Proc., § 367.3(b)(1)–(2).) The Judicial Council is required to adopt rules and forms, as appropriate, to implement the new statute. (Code Civ. Proc., § 367.3(e).) The committee therefore circulated for public comment from December 13, 2019, through February 11, 2020, proposed *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001). The committee anticipates that the council will adopt a version of that form, effective September 1, 2020.

The *Confidential Information Form* does not provide confidentiality for documents that have already been filed in court. Specifically, a protected person who wishes to appear pseudonymously in a civil matter that has already begun faces a potential problem that a similarly situated plaintiff² does not. Before the defendant or other party in a civil action has appeared or has had any opportunity to advise the court of the party’s desire to proceed pseudonymously under the new law, the plaintiff will likely have publicly disclosed the defendant’s (or other party’s) identifying information in a complaint, petition, or other paper filed in court. With the current proposal, the committee seeks to address the potential need to seal previously filed documents that disclose a protected person’s identifying characteristics.

Code of Civil Procedure section 367.3, does not address the potential need for a protected person to request confidentiality for documents previously filed by another party. The new law, however, expressly provides that any protected person may file a motion to seal all or part of a record in accordance with rules 2.550 and 2.551 of the California Rules of Court. (Code Civ. Proc., § 367.3(b)(4).) The committee has concluded that the provision authorizing the court to seal records may be used to retroactively seal the name and identifying characteristics of a protected party that have been included in court files accessible to the public.

The Proposal

The Civil and Small Claims Advisory Committee is proposing seven new forms that would enable a defendant or any other party who is an active participant in the Safe at Home program to (1) move the court to seal previously filed court records that disclose the true name and/or other

² Throughout this document, references to “plaintiff” include petitioners, and references to “defendants” include respondents and objectors.

identifying characteristics of a protected person and (2) seek shortened time for a hearing on such a motion.

The committee anticipates that many of those likely to take advantage of the pseudonymous filing provisions of the Safe at Home program under Code of Civil Procedure section 367.3 will be self-represented litigants. In the committee's view, without forms and instructions, these parties would likely find it confusing and difficult to avail themselves of the protections of the Safe at Home program. In response to a question in the invitation to comment circulated for proposed *Confidential Information Form*, the committee received comments suggesting that the Judicial Council should approve forms for both (1) a motion to retroactively seal previously filed documents that disclose identifying characteristics and (2) an ex parte application to shorten time to hear the retroactive sealing motion. The committee believes that such forms will facilitate a protected person's effort to obtain the protections of Code of Civil Procedure section 367.3 by asking the court, on shortened time, to remove that person's name and other identifying characteristics from the public record.

The committee proposes two sets of new forms and a related instructional form, as follows:

- Forms to move the court to retroactively seal previously filed documents:
 - *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020)
 - *Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-022)
 - *Order on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-025)
- Forms to apply to the court for shortened time for a hearing on the retroactive sealing motion:
 - *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-030)
 - *Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-022)
 - *Order on Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-035).
- Instructions on the retroactive sealing motion and the ex parte application to shorten time (*Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020-INFO))

Because the protection of the new law may be invoked in all civil cases, the committee intends that a protected party in any type of civil case be able to use the proposed forms. For this reason, the forms list the types of parties as “plaintiff/petitioner” and “defendant/respondent/objector” in the captions and in items asking for a party’s identity.³

The forms are discussed below.

Motion forms to retroactively seal previously filed documents (SH-020, SH-022, SH-025)

A protected party’s filing of the proposed *Confidential Information Form* alone will not shield a protected person from disclosure of identifying information in *previously filed* documents. Code of Civil Procedure section 367.3 expressly authorizes a protected person to file a motion to seal all or part of a record already in the public file (see Code Civ. Proc., § 367.3(b)(4)). The proposed motion forms are intended to facilitate a protected person’s motion to retroactively seal documents.

A protected person in a civil matter—typically (but not always) a defendant—would serve and file the proposed new motion form and related papers⁴ to ask the court to seal, and to maintain as confidential, previously filed documents that disclose the protected person’s true name and identifying characteristics. Such documents might include a complaint or petition, a summons, a civil cover sheet, a proof of service, etc. The documents to be retroactively sealed would be listed on the motion form (which includes a checklist of the most likely types).

The protected person would also prepare, serve, and lodge with the court redacted versions of the previously filed documents that the party is requesting be sealed. If the motion to retroactively seal is granted, the court clerk could then substitute the redacted versions for the originals of those documents in the public file and place those original documents under seal.

Proposed forms are primarily for defendants but also for plaintiffs

Although the new forms—the motion form (form SH-020) and the supporting declaration form (form SH-022)—would likely be used primarily by defendants seeking to seal documents previously filed by plaintiffs/petitioners, plaintiffs/petitioners may also have occasion to move a court to seal previously filed documents. Such would be the case if, for example, plaintiffs/petitioners join the Safe at Home program and become protected persons only *after* filing a complaint or petition. The new forms accommodate the possibility that the party filing them may be a plaintiff, petitioner, or other party as well as a defendant or respondent.

³ The committee is seeking specific comments on whether the proposed forms should be revised so that a protected party in any type of civil case is aware that the party may use the forms.

⁴ The committee is proposing the motion and supporting declaration forms as mandatory forms to ensure that protected persons, many of whom may be self-represented, meet all the procedural requirements of a motion to seal under California Rules of Court, rules 2.550 and 2.551. The committee is seeking specific comments on whether these forms should be mandatory or optional.

Status as an active participant constitutes “specific facts” sufficient to support the motion
Rule 2.550 of the California Rules of Court requires that the court “specifically state the facts” that support its findings to place a document under seal. (Cal. Rules of Court, rule 2.550(e).) The committee concluded that the applicant’s status as an active participant in the Safe at Home program under Code of Civil Procedure section 367.3, itself, constitutes the “specific facts” supporting the motion necessary to retroactively seal documents.

The new forms allow for a request to change the public register of actions to replace true name with pseudonym

The new motion form (form SH-020) and corresponding order form (form SH-025) both prompt the moving party and the court, respectively, to request or order that the public register of actions be changed to replace the pseudonymous party’s true name with a pseudonym. The order form further prompts the court to indicate that previously filed documents have retroactively been placed under seal.

Ex parte application forms to shorten time to hear motion to retroactively place documents under seal (SH-030, SH-032, SH-035)

Unless the moving party applies for an ex parte order shortening time to hear the motion to retroactively place documents under seal, the hearing on the sealing request could take place months after the motion to seal is filed. During that period, the protected person’s identifying characteristics would be a matter of public record.

The committee proposes forms that would facilitate a protected person’s request to shorten time on the hearing for the sealing motion. These ex parte application forms track California Rules of Court, rules 3.1203–3.1207 (rules governing ex parte applications). The court’s ex parte order (assuming it is granted and an expedited hearing is set) could serve as notice of the hearing on the retroactive sealing motion (form SH-020). The applicant would need only to arrange to have the ex parte order served on the other parties.⁵

Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home) (form SH-020-INFO)

The instructions provide detailed guidance on how a protected person should complete, serve, and file both an ex parte application shortening time and the underlying motion to seal previously filed documents. The instructions are stated in plain terms so that a self-represented litigant can understand them. A separate sheet of instructions is particularly warranted given that a protected person will need to file two separate sets of forms with the court (the ex parte application forms and the retroactive sealing motion forms).

⁵ As with the motion forms, the committee is proposing that the ex parte application forms be adopted as mandatory forms, to ensure that the parties comply with the detailed requirements for ex parte applications stated in California Rules of Court, rules 3.1203–3.1207. The committee is seeking specific comments on whether the forms should be mandatory or optional.

Alternatives Considered

The committee considered but rejected not offering ex parte forms to shorten time. Without such forms, the applicant would have to be instructed on the complexities of how to file an ex parte application to shorten time under the detailed provisions of rules 3.1203–3.1207 of the California Rules of Court. Forms dedicated to this purpose would simplify matters for self-represented applicants in particular, and, presumably, also for courts.

Fiscal and Operational Impacts

Because of the Legislature’s enactment of the new statute, clerks, judicial officers, and court legal services and self-help offices will require training on the new pseudonymous filing process permitted for participants in the Safe at Home program, and on the level of confidentiality to be accorded to certain information relating to such parties. New training materials and internal procedures will need to be developed. As a result of the new law, courts may have to change computerized case management systems to allow for changing the name of the case in the public register of actions if a party invokes these new provisions after a case has been initiated. This proposal for new forms is intended to assist parties and courts in complying with the new procedures required by statute. Training will also be needed on the use of the forms, particularly if they are adopted as mandatory.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Would the proposed forms—and particularly the forms’ captions—work satisfactorily in probate and family law cases in which a protected person files under Code of Civil Procedure section 367.3? If not, how should they be revised?
- The forms (other than the order forms) are proposed as mandatory forms. Should they be optional instead and, if so, why?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Forms SH-020, SH-020-INFO, SH-022, SH-025, SH-030, SH-032, and SH-035, at pages 8–23.
2. Link A: Assem. Bill 800,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB800.

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>E-MAIL ADDRESS: _____</p> <p>ATTORNEY FOR <i>(name)</i>: _____</p> <hr/> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p> <hr/> <p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p> <hr/> <p style="text-align: center;">MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>03-16-2020</p> <p>Not approved by the Judicial Council</p> <p>CASE NUMBER: _____</p>
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Before completing this form, read instructions for how to apply to the court to place documents under seal (make them confidential) if you are under the Safe at Home address confidentiality program; the instructions are found on the information sheet entitled Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home) (form SH-020-INFO). A Confidential Information Form (form SH-001) must be filed with this form.

1. The person filing this motion (*Doe name*): _____ (pseudonymous party) is an active participant in the Secretary of State's address confidentiality program (Safe at Home) and is a (*check one*):
 - a. Plaintiff/Petitioner
 - b. Defendant/Respondent/Objector
 - c. Other (*specify*): _____

in this action.

2. Pseudonymous party requests that the court place under seal (make confidential) the following documents that were previously filed in this action (*check all that apply*):
 - a. Complaint
 - b. Petition
 - c. Summons
 - d. Proof of Service
 - e. Civil Cover Sheet
 - f. Notice
 - g. Order
 - h. Other (*specify*): _____

3. The purpose of this motion is to ask the court to maintain the confidentiality of the pseudonymous party's name and identifying characteristics on documents that have already been filed in the court, as provided by Code of Civil Procedure section 367.3.

4. The facts that support this motion to place the documents checked above under seal are stated in the *Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-022), filed with this document.

(Use Doe name where appropriate)

CASE NUMBER:

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

- 5. Pseudonymous party has prepared a redacted version (a version with true names and identifying characteristics blacked out) of each of the documents checked above and is lodging it with the court. The information redacted from these documents is limited to the pseudonymous party's true name and identifying characteristics as defined in Code of Civil Procedure section 367.3(a).
- 6. The pseudonymous party requests that the court change the public register of actions to replace pseudonymous party's true name with pseudonym *(check all that apply)*:
 - a. John Doe
 - b. Jane Doe
 - c. Doe
 - d. If more than one party is using a Doe name, designation of the Doe in question (for example, Doe A or Doe B, etc.):
- 7. Pseudonymous party requests that the redacted versions of the documents identified above be placed in the public court file in place of the original documents that pseudonymous party is asking the court to place under seal.

Date:

(TYPE OR PRINT NAME)
(Party without attorney should use Doe name)



(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
(Pseudonymous party should sign with Doe name)

**INSTRUCTIONS FOR MOTION TO PLACE DOCUMENTS UNDER SEAL
UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)**

(**Note:** This form may be used only in cases in which one or more parties are enrolled in the Safe at Home program and using a pseudonym under Code of Civil Procedure section 367.3.)

1. **Applicable Law.** The Safe At Home program is an address confidentiality program run by the Secretary of State. Active participants in that program who are parties in a civil court proceeding (a civil court case) may use a pseudonym (Jane Doe, John Doe, or Doe) in place of the party's true name in the civil court proceeding. Pseudonymous parties (parties using a Doe name in a civil court proceeding) may exclude or redact (black out) their true names and identifying characteristics (defined below) from documents they file in court, as provided in Code of Civil Procedure section 367.3 by using the *Confidential Information Form* (SH-001) to provide the information to the court confidentially.
2. **Purpose of Motion to Seal.** The purpose of the *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020) is to enable a person who is an active participant in the Safe at Home address confidentiality program and who wishes to appear under a pseudonym (a Doe name) in a civil court case, but whose name is already in the case files, to have the person's name and identifying characteristics removed from the public record by sealing documents that have already been filed in that case. If the court grants the motion, documents that were previously filed with the court and that disclose the Safe at Home participant's name and identifying characteristics will be replaced by versions of those documents with that information redacted (blacked out).

Important: Form SH-020 and related papers are not to be used when a party is filing the party's own documents, because the party can redact name and other information from the documents to be included in the public file and use a *Confidential Information Form* (form SH-001) to provide the information in confidence to the court and keep it out of the public files. If at the time the pseudonymous party is filing documents, the party wants to have such documents sealed as well (as permitted under the statute), the party must follow the procedures stated in California Rules of Court, rules 2.550 and 2.551. Form SH-020 and related papers are to be used only when a pseudonymous party wants the court to seal documents that were *previously* filed.

3. **What Documents Should Be Sealed.** Documents that may have already been filed in court and that are likely to disclose the pseudonymous party's name and identifying characteristics may include any or all of the following:
 - Complaint or petition
 - Summons
 - Civil cover sheet
 - Order or notice from the court
 - Proof of service

"Identifying characteristics" that the party using the pseudonym may keep confidential include, but are not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to another party, race or ethnic background, telephone number, email address, social media profiles, online identifiers, contact information, or any other information, including images of the party using a pseudonym, from which that party's identity can be discerned. (Code Civ. Proc., § 367.3(a)(1).) (See Code Civ. Proc., § 367.3(a)(2) for a list of "online identifiers.")

4. **How to Ask the Court to Seal the Documents.** To ask the court to seal the documents, the pseudonymous party needs to complete the following forms:
 - *Confidential Information Form* (form SH-001). The pseudonymous party will write on this form the party's true name and any identifying characteristics that the party is redacting (blacking out) on any of the other forms or documents to be filed because the party wishes to keep that information confidential.
 - *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020). The pseudonymous party should use the pseudonym (Doe name) and should not include any identifying characteristics on this form, including when identifying the plaintiff/petitioner or the defendant/respondent at the top of the form. The party should sign the form using the pseudonym.
 - *Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home)* (form SH-022). The pseudonymous party should use the pseudonym (Doe name) and should not include any identifying characteristics on this form, including when identifying the plaintiff/petitioner or the defendant/respondent at the top of the form. The party should sign the form using the pseudonym.
 - *Redacted versions of the documents.* The pseudonymous party must create copies of the documents the party wants the court to seal because they disclose identifying characteristics, including the party's true name. On these copies, the party must redact (black out) identifying characteristics, including the party's true name. If the court grants the motion to seal, the redacted versions of the documents submitted by the party will be substituted in the court's file for the original versions of those documents. The original versions of the documents that disclose the party's identifying characteristics will be placed in a confidential location not open to the public.

5. **How to Ask the Court to Seal the Documents as Soon as Possible.** To remove the name and identifying characteristics from the public record as quickly as possible, the pseudonymous party should ask the court to schedule a hearing sooner than is normally done. To do so, the party should file an *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-030) asking the court to set an early date for a hearing on the motion to place the documents under seal. Steps for filing the ex parte application to shorten time are as follows:
- The ex parte application to shorten time must be filed in the court where the case has been filed. The applicant can determine which court this is from the documents that have already been filed in the case.
 - The applicant must check with that court for local rules as to when and where the applicant must appear for the court to consider the ex parte application for an order shortening time.
 - The applicant must follow the rules relating to ex parte applications that are set out in California Rules of Court, rules 3.1203--3.1207. These rules describe the following requirements:
 - o **Notice of the ex parte application to shorten time.** The applicant must let the other party or parties in the civil court proceeding know that the applicant is filing an ex parte application to shorten time for a hearing on the *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020). Notice to the other party or parties may be given in person or by phone, fax, overnight mail, or email (if emailed notice is permitted in the case already). The other party or parties must be informed by 10 a.m. the day before the court is to consider the ex parte application to shorten time, unless there is a good reason such notice could not or should not be given.
 - o **Service of papers.** Copies of the ex parte application to shorten time and all related papers must be given to the other party or parties in the civil court proceeding as soon as reasonable, and before the ex parte court appearance, if possible.
 - o **Appearance at court.** The applicant must appear in court at the time and place that the applicant learned from the court's local rules is when and where the court hears ex parte applications.
6. **Forms to Complete for Ex Parte Application.** Before the time the court is scheduled to hear the ex parte application to shorten time, the pseudonymous party must complete and file the following forms with the court:
- *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-030).
 - *Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-032).

Wherever the forms ask for the pseudonymous party's name, the party should use the pseudonym (Doe name) and should not include any identifying characteristics---including the party's true name. If the pseudonymous party is not represented by an attorney, the party should sign the forms using the pseudonym.

7. **Filing With the Court.** The completed ex parte application forms should be filed with the court clerk. When filing the ex parte application forms, the applicant may (but is not required to) attach the completed forms requesting sealing of documents (listed in instruction 4) to the ex parte documents described in instruction 6. (The court will not file the forms requesting sealing until after the court has scheduled a hearing on the motion to seal (form SH-020).)

There will be a filing fee unless the party is eligible for a fee waiver. (If the party cannot afford the fee and has not already received a fee waiver, the party may file a *Request to Waive Court Fees* (form FW-001) with the other forms.)

The applicant should take the original of each of the forms to be filed to the court clerk, along with two extra copies of each form. The clerk will file the original forms and will stamp and give back the copies.

8. **What to Do After Court Makes an Order.** When the court decides on the applicant's ex parte application to shorten time for a hearing on the motion to place previously filed documents under seal (form SH-030 and related papers), the court will usually make a written order.
- *If the court's order sets a hearing date.* If the parties to the case are present at the ex parte application hearing, the order and copies of all the documents for the motion to place documents under seal (forms SH-020, SH-022, and SH-025) may be given to them at that time. If some or all parties are not present at the ex parte hearing, the applicant must arrange for another person to serve (deliver to) the absent parties a copy of the court's written order and the papers listed in instruction 4. The person serving the documents must be over 18 years old and cannot be a party to the court proceeding. The person serving the documents must fill out and sign a proof of service, which may be done using the form *Proof of Service---Civil* (form POS-040). The proof of service must be filed in court, typically by the applicant.
 - *If the court's order does not set a hearing date.* The court's order may not set a hearing date on the motion to seal documents (form SH-020 and related papers). If this is the case, the pseudonymous party will have to ask the court clerk's office for a date, time and location on the court's regular law and motion hearing calendar for a hearing on the motion to place documents under seal (form SH-020). The pseudonymous party will also need to prepare a notice of hearing in accordance with California Rules of Court, rule 3.1110, and arrange to have someone serve the notice of hearing on the other parties in the case, along with the other documents listed in instruction 4. Finally, the pseudonymous party will need to arrange for someone else to serve these documents on (deliver them to) the other parties. The person serving the documents must be over 18 years old and cannot be a party to the court proceeding. The person serving the documents must fill out and sign a proof of service, which may be done using the form *Proof of Service---Civil* (form POS-040). The proof of service must be filed in court, typically by the pseudonymous party.
 - On the date the court sets for the hearing on the motion to place documents under seal (form SH-020), the pseudonymous party should appear at the hearing either in person or by phone (if by phone, notice must be given in advance to the court and the other side).
 - Once the court makes an order on the motion to place documents under seal (form SH-025 or an order prepared by the court), the pseudonymous party should arrange for someone to serve the other parties with this order as soon as possible.
 - If the court determines that the pseudonymous party is not an active participant in the Safe at Home program and denies the motion to place documents under seal, then those documents and the name of the party who made the motion to place documents under seal will be available in the public record.

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>E-MAIL ADDRESS: _____</p> <p>ATTORNEY FOR <i>(name)</i>: _____</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>03-16-2020</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p>	
<p style="text-align: center;">DECLARATION IN SUPPORT OF MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>CASE NUMBER: _____</p>

This form must be filed any time a Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home) (form SH-020) is filed.

I declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would testify competently to those facts.
2. I am an active participant in the Secretary of State's confidential address program, Safe at Home.
3. I am seeking to have the court place under seal (make confidential) the documents identified on the *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (SH-020).
4. Facts showing that there is an overriding interest that overcomes the right of public access to the records in this proceeding and that this overriding interest supports placing the documents under seal in this proceeding are as follows (*specify*):
 - a. I am participating in the Safe at Home program in order to avoid:
 - Domestic violence.
 - Stalking.
 - Sexual assault.
 - Human trafficking.
 - b. Because of my participation, Code of Civil Procedure section 367.3 authorizes my name and identifying characteristics to be kept confidential in any civil action.
 - c. *Other (specify):*

Continued on Attachment 4 (*If you need more space, attach form MC-025.*)

(Use Doe name where appropriate) PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:	CASE NUMBER:
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5. Facts showing that there is a substantial probability that the overriding interest described in item 4 will be prejudiced (harmed or impaired) if the records in this proceeding are not sealed (made confidential) are *(specify)*:

Continued on Attachment 5. *(If you need more space, attach form MC-025.)*

- 6. The fact showing that an order sealing the records in this action is narrowly tailored to protect that overriding interest is that the versions of the documents that pseudonymous party has lodged (submitted) with the court redact (black out) only the pseudonymous party's identifying characteristics as provided under Code of Civil Procedure section 367.3.
- 7. The fact showing that there is no less restrictive means to protect that overriding interest than placing the record under seal is that the versions of the documents that the pseudonymous party has lodged (submitted) with the court do not redact (black out) any information other than the pseudonymous party's identifying characteristics as provided under Code of Civil Procedure section 367.3.

The number of pages attached is:

(The Pseudonymous Party must sign here)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date:

 (TYPE OR PRINT DOE NAME)

 _____
 (SIGN DOE NAME)

<p><i>(Use Doe name where appropriate)</i></p> <p>ATTORNEY NAME: STATE BAR NUMBER: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR <i>(name)</i>:</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">03-16-2020</p> <p style="text-align: center;">Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:</p>	
<p style="text-align: center;">ORDER ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>CASE NUMBER:</p>

1. The motion was duly considered
- a. at the hearing on *(date)*: _____ in Department: _____ of the above-entitled court.
- b. without hearing.

THE COURT FINDS

2. a. As to whether the following factors apply to the documents for which placement under seal has been requested,
- (1) an overriding interest that overcomes the right of public access to the record does does not exist.
- (2) the overriding interest does does not support sealing the record.
- (3) a substantial probability does does not exist that the overriding interest will be prejudiced if the record is not sealed.
- (4) The proposed order to seal this record is is not narrowly tailored.
- (5) A less restrictive means to achieve the overriding interest does does not exist.
- b. Other findings *(if any)*:

THE COURT ORDERS

3. The motion to place documents under seal is **denied**.
4. The motion to place documents under seal is **granted**. The following documents must be placed under seal and kept confidential:
- a. Complaint
- b. Petition
- c. Summons
- d. Proof of Service
- e. Civil Cover Sheet
- f. Notice
- g. Order
- h. Other *(specify)*:

(Use Doe name where appropriate)

CASE NUMBER:

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

5. The register of actions shall shall not be revised as necessary to replace the pseudonymous party's true name with the pseudonym (the Doe name) *(check all that apply)*
- a. John Doe
 - b. Jane Doe
 - c. Doe
 - d. If more than one party is using a Doe name, designation of the Doe in question (for example, Doe A or Doe B, etc.) and to indicate that specified materials have been placed under seal.
6. Other findings *(if any)*:

Date: _____

JUDGE OF THE SUPERIOR COURT

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>E-MAIL ADDRESS: _____</p> <p>ATTORNEY FOR <i>(name)</i>: _____</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>03-16-2020</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p>	
<p>EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>CASE NUMBER: _____</p>

Read Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home) (SH-020-INFO) before filing this application. That instruction sheet describes the requirements for giving notice of this application.

1. The person filing this motion (*Doe name*): _____ (pseudonymous party) is an active participant in the Secretary of State's address confidentiality program (Safe at Home) and is a (*check one*):
 - a. Plaintiff/Petitioner
 - b. Defendant/Respondent/Objector
 - c. Other (*specify*): _____
 in this action.

2. Applicant requests a court order shortening time for a hearing on *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020) and related papers.


3. Applicant is an active participant in the Safe at Home address confidentiality program and is appearing in this case under a pseudonym (*Doe name*) under Code of Civil Procedure section 367.3.

4. Certain documents currently in the court's public file disclose the applicant's true name and/or other identifying characteristics of a protected person who has the right to keep this information confidential under Code of Civil Procedure section 367.3.

5. The applicant intends to file a *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020) in order to have the protected person's true name and/or other identifying characteristics removed from the public court file.

Date: _____

 (TYPE OR PRINT NAME)
(Party without attorney should use Doe name)



 (SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)
(Pseudonymous party should sign with Doe name)

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT/ESTATE OF:

CASE NUMBER:

Declaration by Pseudonymous Party

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date: _____

(TYPE OR PRINT DOE NAME)



SIGN DOE NAME

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>E-MAIL ADDRESS: _____</p> <p>ATTORNEY FOR <i>(name)</i>: _____</p> <hr/> <p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p> <hr/> <p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p> <hr/> <p style="text-align: center;">DECLARATION REGARDING NOTICE AND SERVICE OF EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>FOR COURT USE ONLY</p> <p>DRAFT</p> <p>03-16-2020</p> <p>Not approved by the Judicial Council</p> <p>CASE NUMBER: _____</p>
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This form must be filed any time an Ex Parte Application (form SH-030) is filed.

1. I am *(select all that apply)*: attorney for Plaintiff/Petitioner Defendant/Respondent/Objector
 Other *(specify)*: _____

2. I did did not give notice that papers will be submitted to the court on the date, time, and location below asking a judicial officer to shorten time for (expedite) a hearing on a *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020) (which is supported by applicant's *Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-022)).

a. Date: _____ Time: _____ Dept.:

b. Address of court: same as noted above other *(specify)*: _____

3. **NOTICE** *(If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)*

a. I gave notice as described in items (1) through (5):

(1) I gave notice to *(select all that apply)*:

- Plaintiff/Petitioner.
- Defendant/Respondent/Objector.
- Attorney for Plaintiff/Petitioner.
- Attorney for Defendant/Respondent/Objector.
- Other *(specify)*: _____

(Use Doe name where appropriate) PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:	CASE NUMBER:
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3. a. (2) I gave notice on (date): _____ at: a.m. p.m.
 personally at (location): _____, California.
 by telephone using telephone no.: _____
 by fax using fax no.: _____
 by voicemail using voicemail no.: _____
 by electronic means (if permitted) (specify electronic service address of person): _____
 by overnight mail or other overnight carrier (specify address of delivery): _____

(3) I gave notice (select one)
 by 10 a.m. the court day before this ex parte appearance.
 after 10 a.m. the court day before this ex parte appearance because of the following exceptional circumstances (specify): _____

(4) I notified the person in 3a(1) that an order shortening time is being requested for a hearing on the applicant's *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020).

(5) The person in 3a(1) responded as follows: _____

(6) I do do not believe that the person in 3a(1) will oppose the ex parte application.

b. **Request for waiver of notice.** I did not give notice about the ex parte application for order shortening time. I ask that the court waive notice to the other party for the following reasons (identify the exceptional circumstances): _____

Attachment 3b.

c. **Unable to provide notice.** I did not give notice about the ex parte application for order shortening time. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were (specify below): _____

Attachment 3c.

(Use Doe name where appropriate) PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:	CASE NUMBER:
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4. **SERVICE OF FORMS**

a. An unfiled copy of *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020) and related documents were served on

- Plaintiff/Petitioner
- Defendant/Respondent/Objector
- Attorney for Plaintiff/Petitioner
- Attorney for Defendant/Respondent/Objector
- Other (specify):

b. Documents were served on (date): _____ at: a.m. p.m.
 personally at (location): _____, California.
 by fax using fax no.: _____
 by electronic means (if permitted) (specify electronic service address of person): _____
 by overnight mail or other overnight carrier (specify address of delivery): _____

c. Documents were not served on the opposing party because of the circumstances specified in 3b 3c below:

(If the Pseudonymous Party is signing this form, sign here.)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date:

 (TYPE OR PRINT DOE NAME)

▶ _____
 (SIGN DOE NAME)

(If someone other than the Pseudonymous Party's attorney is signing this form, sign here.)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct.

Date:

 (TYPE OR PRINT NAME)

▶ _____
 (SIGNATURE OF DECLARANT)

<p><i>(Use Doe name where appropriate)</i></p> <p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR <i>(name)</i>:</p>	<p><i>FOR COURT USE ONLY</i></p> <p>DRAFT</p> <p>03-16-2020</p> <p>Not approved by the Judicial Council</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</p> <p>STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:</p>	
<p>ORDER ON EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER ADDRESS CONFIDENTIALITY PROGRAM (SAFE AT HOME)</p>	<p>CASE NUMBER:</p>

1. Applicant applied ex parte for an order shortening time for a hearing on *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (form SH-020).
2. The court, having reviewed the application, makes the following ruling.
3. **Application Denied.** The court denies the application.
 - a. The application is incomplete.
 - b. The application did not meet the requirements for providing notice or service of the application.
 - c. Other:
4. **Shortening Time.** The court finds that delay in ruling would result in prejudice to the applicant's rights under Code of Civil Procedure section 367.3. A hearing will be held on the application, as follows:
 - a. The hearing will be on the date, time, and location indicated below:

Date: _____ Time: _____ Dept.: _____ Room: _____
Address of court: same as noted above other *(specify)*:
 - b. Applicant must serve this order and the *Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (SH-020), and related papers, including the *Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)* (SH-022), on all other parties by *(date)*:
 - c. Any papers in opposition must be served on all other parties and filed by *(date)*:

<p><i>(Use Doe name where appropriate)</i> PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT/ESTATE OF:</p>	<p>CASE NUMBER:</p>
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5. **Other Rulings.**

Date: _____

JUDICIAL OFFICER