

Rules 3.670 and 5.324 of the California Rules of Court are amended effective July 1, 2011, to read:

1 **Rule 3.670. Telephone appearance**

2
3 **(a)–(h) * * ***

4
5 **(i) ~~Private vendor; charges for service~~ Provision of telephone appearance services**

6
7 A court may provide ~~teleconferencing for court~~ for telephone appearances by
8 entering into a contract with a private vendor. The contract may provide that the
9 vendor may charge the party appearing by telephone a reasonable fee, specified in
10 the contract, for its services. only through one or more of the following methods:

- 11
- 12 (1) An agreement with one or more vendors under a statewide master agreement
13 or agreements.
 - 14
 - 15 (2) An agreement between a court and a vendor that was entered into before July
16 1, 2011, and that has not expired. If a contract is subject to cancellation by a
17 court after July 1, 2011, that court must exercise its option to cancel the
18 contract as soon after July 1, 2011 as is legally possible to do so.
 - 19
 - 20 (3) The direct provision by the court of telephone appearance services. If a court
21 directly provides telephone services, it must collect the telephone appearance
22 fees specified in (j), except as provided in (k) and (l). A judge may, at his or
23 her discretion, waive telephone appearance fees for parties appearing directly
24 by telephone in that judge's courtroom.

25
26 *(Subd (i) amended effective July 1, 2011; adopted as subd (f) effective July 1, 1998;*
27 *previously amended effective January 1, 2003; previously relettered as subd (i) effective*
28 *January 1, 2008.)*

29
30 **(j) Telephone appearance fee amounts; time for making requests**

31
32 The telephone appearance fees specified in this subdivision are the statewide,
33 uniform fees to be paid by parties to a vendor or court for providing telephone
34 appearance services. These fees supersede any fees paid by parties to vendors or
35 courts under agreements or procedures existing before July 1, 2011. Except as
36 provided under (k) and (l), the fees to be paid to appear by telephone are as follows:

- 37
- 38 (1) The fee to appear by telephone, made by a timely request to a vendor or court
39 providing telephone appearance services, is \$78 for each appearance.
 - 40
 - 41 (2) An additional late request fee of \$30 is to be charged for an appearance by
42 telephone if the request to the vendor or the court providing telephone

1 appearance services is not made at least three days before the scheduled
2 appearance, except when:

3
4 (A) There is an ex parte or other hearing or conference set on shortened
5 time for which three days' notice would not be feasible or practical;

6
7 (B) The court, on its own motion, sets a hearing or conference on shortened
8 time;

9
10 (C) The matter has a tentative ruling posted within the three-day period; or

11
12 (D) The request to appear by telephone is made by a party that received
13 notice of another party's intent to appear and afterward decides also to
14 appear by telephone under (g)(2). The request of a party seeking to
15 appear under (g)(2) is timely if the request is made to the vendor or the
16 court providing the service by noon on the court day before the hearing
17 or conference.

18
19 (3) A fee of \$5 is to be charged instead of the fees under (1) and (2) if a party
20 cancels a telephone appearance request and no telephone appearance is made.
21 A hearing or appearance that is taken off calendar or continued by the court is
22 not a cancelation under this rule. If the hearing or appearance is taken off
23 calendar by the court, there is no charge for the telephone appearance. If the
24 hearing or appearance is continued by the court, the appearance fee must be
25 refunded to the requesting party or, if the party agrees, be applied to the new
26 hearing or appearance date.

27
28 *(Subd (j) adopted effective July 1, 2011.)*

29
30 **(k) Fee waivers**

31
32 (1) Effect of fee waiver

33
34 A party that has received a fee waiver must not be charged the fees for
35 telephone appearances provided under (j), subject to the provisions of Code
36 of Civil Procedure section 367.6(b).

37
38 (2) Responsibility of requesting party

39
40 To obtain telephone services without payment of a telephone appearance fee
41 from a vendor or a court that provides telephone appearance services, a party
42 must advise the vendor or the court that he or she has received a fee waiver

1 from the court. If a vendor requests, the party must transmit a copy of the
2 order granting the fee waiver to the vendor.

3
4 (3) Lien on judgment

5
6 If a party based on a fee waiver receives telephone appearance services under
7 this rule without payment of a fee, the vendor or court that provides the
8 telephone appearance services has a lien on any judgment, including a
9 judgment for costs, that the party may receive, in the amount of the fee that
10 the party would have paid for the telephone appearance. There is no charge
11 for filing the lien.

12
13 (Subd (k) adopted effective July 1, 2011.)

14
15 (l) **Title IV-D proceedings**

16
17 (1) Court-provided telephone appearance services

18
19 If a court provides telephone appearance services in a proceeding for child or
20 family support under Title IV-D of the Social Security Act brought by or
21 otherwise involving a local child support agency, the court must not charge a
22 fee for those services.

23
24 (2) Vendor-provided telephone appearance services

25
26 If a vendor provides for telephone appearance services in a proceeding for
27 child or family support under Title IV-D, the amount of the fee for a
28 telephone appearance under (j)(1) is \$58 instead of \$78. No portion of the fee
29 received by the vendor for a telephone appearance under this subdivision is to
30 be transmitted to the State Treasury under Government Code section 72011.

31
32 (3) Responsibility of requesting party

33
34 When a party in a Title IV-D proceeding requests telephone appearance
35 services from a court or a vendor, the party requesting the services must
36 advise the court or the vendor that the requester is a party in a proceeding for
37 child or family support under Title IV-D brought by or otherwise involving a
38 local child support agency.

39
40 (4) Fee waivers applicable

41
42 The fee waiver provisions in (k) apply to a request by a party in a Title IV-D
43 proceeding for telephone appearance services from a vendor.

1 (Subd (l) adopted effective July 1, 2011.)

2
3 ~~(j)~~(m) * * *

4
5 (Subd (m) relettered effective July 1, 2011; adopted as subd (f); previously relettered as
6 subd (c) effective January 1, 1989, and as subd (g) effective July 1, 1998; previously
7 amended effective January 1, 2003, and January 1, 2007; previously amended and
8 relettered as subd (j) effective January 1, 2008.)

9
10 ~~(k)~~(n) * * *

11
12 (Subd (n) relettered effective July 1, 2011; adopted as subd (h) effective July 1, 1998;
13 previously amended effective January 1, 2003; previously relettered as subd (k) effective
14 January 1, 2008.)

15
16 ~~(l)~~(o) **Conference call ~~provider~~ vendor or vendors**

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18 A court, by local rule, may designate ~~a particular~~ the conference call ~~provider~~
19 vendor or vendors that must be used for telephone appearances.

20
21 (Subd (o) amended and relettered effective July 1, 2011; adopted as subd (i) effective July
22 1, 1998; previously amended effective January 1, 1999, and January 1, 2003; previously
23 relettered as subd (l) effective January 1, 2008.)

24
25 ~~(m)~~(p) * * *

26
27 (Subd (p) relettered effective July 1, 2011; adopted as subd (j); previously amended
28 effective January 1, 2003, and January 1, 2007; previously amended and relettered as
29 subd (m) effective January 1, 2008.)

30
31 Rule 3.670 amended effective July 1, 2011; adopted as rule 298 effective March 1, 1988;
32 previously amended and renumbered effective January 1, 2007; previously amended effective
33 January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2002,
34 January 1, 2003, and January 1, 2008.

35
36 **Advisory Committee Comment**

37
38 This rule does not apply to criminal or juvenile matters, and it also does not apply to family law
39 matters, except in certain respects as provided in rule 5.324 relating to telephone appearances in
40 proceedings for child or family support under Title IV-D of the Social Security Act. (See Cal.
41 Rules of Court, rule 3.670(b) [rule applies to general civil cases and unlawful detainer and
42 probate proceedings]; rule 5.324(j) [subdivisions (i)–(p) of rule 3.670 apply to telephone
43 appearances in Title IV-D proceedings].)

1
2 Under subdivision (i)(3) of this rule and Government Code section 72010(c), even for
3 proceedings in which fees are authorized, the fees may be waived by a judicial officer, in his or
4 her discretion, for parties appearing directly by telephone in that judicial officer's courtroom.
5

6
7 **Rule 5.324. Telephone appearance in Title IV-D hearings and conferences**
8

9 **(a)–(i) * * ***

10
11 **(j) Vendors, procedure, audibility, reporting, and information**
12

13 ~~Subdivisions (i) through (m) of Rule 3.670(i)–(p) apply~~ies to telephone
14 appearances under this rule.
15

16 *(Subd (j) amended effective July 1, 2011; previously amended effective January 1, 2007,*
17 *and July 1, 2008.)*
18

19 **(k) * * ***
20

21 *Rule 5.324 amended effective July 1, 2011; adopted effective July 1, 2005; previously amended*
22 *effective January 1, 2007, January 1, 2008, and July 1, 2008.*
23