



Judicial Council of California

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INVITATION TO COMMENT

SP26-07

Remote Proceedings: Implementation of Senate Bill 174 (DRAFT)

Invitation to Comment Details

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rules 3.670, 3.672, 5.9, 5.324, 5.531, and 5.900; revise form RA-020

Proposed by

Civil and Small Claims Advisory Committee
Hon. Samantha P. Jessner, Chair

Action Requested

Review and submit comments by September 23, 2026, to invitations@jud.ca.gov

Proposed Effective Date

January 1, 2027

Contact

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 It is circulated for comment purposes only.)

Executive Summary and Origin

Effective June 29, 2026, Senate Bill 174 (Stats. 2026, ch. 29) makes several amendments to Code of Civil Procedure section 367.75, which governs remote appearances in civil proceedings. Those amendments include extending the statute's sunset date and requiring courts that order an in-person appearance to provide a reason for doing so. To implement SB 174, the Civil and Small Claims Advisory Committee proposes amending six rules and revising one form.

Background

Code of Civil Procedure section 367.75 authorizes courts to conduct proceedings in all civil matters using remote technology. Subdivision (b) lists the conditions under which courts may require parties and witnesses to appear in person at a proceeding. Section 367.75 was originally set to sunset on July 1, 2023, but the sunset date has been extended several times.

Effective June 29, 2026, Senate Bill 174 (Link A) extends the sunset date of section 367.75 and several related statutes to January 1, 2032; amends subdivision (a)(1) of section 367.75 to clarify that a party's witness may appear remotely if the party provides notice; and amends subdivision (b)(3) to establish a different standard for one condition under which a court is authorized to require in-person appearance, require courts to provide a reason for requiring an in-person appearance, and require the Judicial Council to develop a form courts can use for that purpose.

The Proposal

To implement SB 174, the Civil and Small Claims Advisory Committee proposes amending rule 3.672 and revising form RA-020 to reflect the changes to subdivisions (a)(1) and (b)(3) of section 367.75. The committee also proposes amending several telephone appearance rules to extend their suspension through January 1, 2032.

Rule 3.672

The committee proposes amending rule 3.672(d)(1) to state that subdivision (d) applies to parties' witnesses and clarify that the circumstances listed in subdivision (d) are taken from section 367.75(b). The committee proposes the latter amendment because it may not be obvious to courts and litigants that there is a statutory basis for the list of circumstances in subdivision (d)(1)(B) or that the list in the rule paraphrases and combines several of the items listed in the statute.

The committee proposes reorganizing subdivision (d) by renumbering existing subdivisions (d)(1) and (d)(2) as (d)(1)(A) and (d)(1)(B). The committee proposes amending subdivision (d)(1)(A) to use the language in amended section 367.75(b)(3), which allows a court to require in-person attendance if the court determines that in-person appearance is "necessary" and remote attendance would "materially impair" resolution of the matter. The committee also proposes adding a new subdivision (d)(2), which states that if the court requires a party or witness to appear in person, the court must state the reason on the record, in a minute order, on form RA-020, or on a local court form.

The committee proposes deleting subdivision (d)(3), which allows the court to continue a hearing if it determines that an in-person appearance is necessary and explains that such a determination must be made under section 367.75(b). Subdivision (d)(3) is duplicative because it requires a determination that an in-person appearance "is necessary," and such a determination is now covered by subdivision (d)(1)(A). The remainder of subdivision (d)(3), regarding the court's ability to continue the hearing, is an unnecessary reiteration of authority the court already possesses, especially because the rule and statute do not otherwise limit the court's ability to schedule hearings.

The committee proposes revising subdivisions (g), (h), and (j), which set deadlines and other requirements regarding notice of intent to appear remotely, to reflect that section 367.75(a)(1)

now includes parties' witnesses. For example, the committee proposes amending subdivision (g)(2)(A)(i) as follows:

~~A party choosing~~ If a party or its witness intends to appear remotely in a proceeding under this subdivision for which a party gives or receives notice of the proceeding at least three court days before the hearing date, the party must provide notice of the party's or witness's intent to appear remotely at least two court days before the proceeding.

Form RA-020

The committee proposes revising *Order Regarding Remote Appearance* (form RA-020) to add item 2b, in which the court provides the reasons it is requiring an in-person appearance. The options listed in item 2b are identical to those listed in section 367.75(b). Item 2b(3), which corresponds to section 367.75(b)(3), allows the court to identify any case-specific factors and circumstances that might require an in-person appearance.

Amendments to Telephone Appearance Rules

The committee proposes amending rules 3.670, 5.9, 5.324, 5.531, and 5.900, which govern telephone appearances in civil, family law, and juvenile proceedings, to extend their suspension dates to January 1, 2032, to match the new sunset date of section 367.75.

Because section 367.75 does not distinguish between types of remote technology platforms, such as telephonic (audio alone) or videoconference (both audio and video, or either), when the Judicial Council adopted rule 3.672, the council also suspended the telephone appearance rules to the extent those rules limit remote hearings and provide specific rules regarding notice of such hearings, noting that those provisions have been superseded by rule 3.672. The council has extended the suspension dates in these rules several times, most recently in late 2025, to match the sunset date in section 367.75 as the Legislature has extended it.¹

Alternatives Considered

The committee did not consider the alternative of taking no action because the rules in this proposal will not correctly reflect the law unless amended, and because SB 174 requires the Judicial Council to create a form judicial officers can use to state their reason for requiring an in-person appearance.

Fiscal and Operational Impacts

The proposal is expected to result in one-time implementation costs to the courts, including the costs of reprogramming case management systems and training staff to process the revised form. Judicial officers and court staff will require training on the changes in law made by SB 174.

¹ Judicial Council of Cal., Staff Rep., *Civil Practice and Procedure: Rules Regarding Telephonic Appearances* (Sept. 18, 2025).

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?

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

- Would the proposal provide cost savings? If so, please quantify.
- 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 one month 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. California Rules of Court, rules 3.670, 3.672, 5.9, 5.324, 5.531, and 5.900, at pages 5–10
2. Form RA-020, at pages 11–12
3. Link A: [Senate Bill 174](#) (Stats. 2026, ch. 29)

Rules 3.670, 3.672, 5.9, 5.324, 5.531, and 5.900 of the California Rules of Court would be amended, effective January 1, 2027, to read:

Title 3. Civil Rules

Rule 3.670. Telephone appearance

(a) * * *

(b) Application

Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to January 1, ~~2027~~ 2032, during which time the provisions in rule 3.672 apply in their place. This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

(c)–(o) * * *

Rule 3.672. Remote proceedings

(a)–(b) * * *

(c) Definitions

As used in this rule:

(1)–(3) * * *

(4) “Party” is, except in (i), as defined in rule 1.6(15), meaning any person appearing in an action and that person’s counsel, as well as any nonparty who is subject to discovery in the action.

(5)–(8) * * *

(d) Court discretion to require in-person appearance

(1) Notwithstanding the other provisions of this rule and except as otherwise required by law, the court may require a party or witness to appear in person at a proceeding subject to this rule in any of the ~~following~~ circumstances listed in Code of Civil Procedure section 367.75(b), which include:

~~**(1)(A)**~~ If the court determines on a hearing-by-hearing basis that an in-person appearance ~~would materially assist in~~ is necessary to the determination of the proceeding or ~~in the effective management of~~

~~resolution of the case~~ that remote attendance would materially impair the resolution of the proceeding.

~~(2)(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.

(2) If the court requires a party or witness to appear in person, the court must state the reason on the record, in a minute order, on *Order Regarding Remote Appearance* (form RA-020) or a local court form.

~~(3) 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).~~

~~(e)-(f)~~ * * *

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

(1) * * *

(2) *Required notice*

(A) *Hearing with at least three court days' notice*

(i) *Notice to appear remotely*

~~A party choosing~~ If a party or its witness intends to appear remotely in a proceeding under this subdivision for which a party gives or receives notice of the proceeding at least three court days before the hearing date, the party must provide notice of the party's or witness's intent to appear remotely at least two court days before the proceeding.

(ii) *Notice process*

Notice to the court must be given by filing a *Notice of Remote Appearance* (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 no later than two court days before the proceeding.

(B) *Hearing with less than three court days' notice*

(i) *Notice by moving party*

a. *Notice to appear remotely*

If a moving party or applicant or the witness of a moving party or witness choosing intends to appear remotely in a proceeding under this subdivision for which a party gives or receives notice of less than three court days, the moving party or applicant must provide notice of the party's or witness's intent to appear remotely at the same time as providing notice of the application or other moving papers.

b. *Notice process*

Notice to the court must be given by filing a *Notice of Remote Appearance* (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 with notice of the moving papers.

(ii) *Notice by other parties*

a. *Notice to appear remotely*

~~Any party choosing~~ If a party is not the applicant or moving party and the party or its witness intends to appear remotely at a hearing governed by (B), other than an applicant or moving party, the party must provide notice of their the party's or witness's intent to appear remotely to the court and all other parties that have appeared in the action, no later than 2:00 p.m. on the court day before the proceeding.

b. *Notice process*

The notice to the court may be given orally or in writing by filing *Notice of Remote Appearance* (form RA-010). Notice to the other parties may be 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)–(D) * * *

(h) Remote proceedings for an evidentiary hearing or trial

(1) * * *

(2) *Party notice of remote proceeding*

(A) * * *

(B) *Motion*

The notice described in this subdivision serves as the motion by a party under Code of Civil Procedure section 367.75(d).

(C) *Hearings or trials with at least 15 court days' notice and small claims trials*

(i) *Time of notice*

~~A party choosing~~ If a party or its witness intends to appear remotely at a small claims trial or an evidentiary hearing or trial for which a party gives or receives notice of the proceeding at least 15 court days before the hearing or trial date, the party must provide notice of the party's or witness's intent to appear remotely at least 10 court days before the hearing or trial.

(ii) *Notice process*

Notice to the court must be given by filing a *Notice of Remote Appearance* (form RA-010). Notice to the other parties may be in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least 10 court days before the proceeding. A party may use *Notice of Remote Appearance* (form RA-010) to provide proof to the court that notice to other parties was given.

(D) *Hearings or trials held on less than 15 court days' notice*

~~A party choosing~~ If a party or its witness intends to appear remotely in an evidentiary hearing or trial for which a party gives or receives notice of the proceeding less than 15 court days before the hearing or trial date, including hearings on restraining orders or protective orders, the party must provide notice of the party's or witness's intent to appear remotely in one of the following ways:

(i) As provided in (g)(2)(B); or

(ii) By filing a *Notice of Remote Appearance* (form RA-010) and providing notice to the other parties in writing, electronically, or

orally in a way reasonably calculated to ensure notice is received at least five court days before the proceeding.

(3) * * *

(i) * * *

(j) Other rules regarding notice

- (1) Any party or witness, including a party that has given notice that ~~it~~ the party or its witness intends to appear remotely under (f)–(h) or a person authorized to appear remotely under (i), may choose to appear in person.
- (2) Notwithstanding the other provisions of this rule, a party may ask the court for leave to appear remotely, or for its witness to appear remotely, without the notice provided for under (f)–(h). The court may permit the party or its witness to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.

(k)–(m) * * *

Title 5. Family and Juvenile Rules

Rule 5.9. Appearance by telephone

(a) Application

Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to January 1, ~~2027~~ 2032. During that time, the provisions in rule 3.672 apply in their place. This rule applies to all family law cases, except for actions for child support involving a local child support agency and cases governed by the Indian Child Welfare Act. Rule 5.324 governs telephone appearances in governmental child support cases. Welfare and Institutions Code section 224.2(k) governs telephone appearances in cases under the Indian Child Welfare Act.

(b)–(d) * * *

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

(a) Purpose

This rule is suspended from January 1, 2022, to January 1, ~~2027~~ 2032. During that time, the provisions in rule 3.672 apply in its place.

(b)–(k) * * *

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

(a) Application

Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to January 1, ~~2027~~ 2032. During that time, the applicable provisions in rule 3.672 or Welfare and Institutions Code sections 224.2(k) or 679.5, and any rules implementing those statutes, govern remote appearances and proceedings in juvenile court. The standards in (b) apply to any appearance or participation in court by telephone, videoconference, or other digital or electronic means authorized by law.

(b)–(c) * * *

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

(a)–(d) * * * *

(e) Telephone appearance

Paragraph (1) below is suspended from January 1, 2022, to January 1, ~~2027~~ 2032. During that period, the juvenile dependency provisions in rule 3.672 apply in its place.

(1)–(3) * * *

(f) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:			
FIRM NAME:			
STREET ADDRESS:			
CITY:	STATE:	ZIP CODE:	
TELEPHONE NO.:		FAX NO.:	
EMAIL ADDRESS:			
ATTORNEY FOR <i>(name)</i> :			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF			
STREET ADDRESS:			
MAILING ADDRESS:			
CITY AND ZIP CODE:			
BRANCH NAME:			
PLAINTIFF:			
DEFENDANT:			
OTHER CASE NAME:			
ORDER REGARDING REMOTE APPEARANCE			CASE NUMBER:

The court makes the following orders regarding remote appearances:

1. This order applies to the proceeding described below, including on any later dates if the proceeding is continued:

Type of proceeding:

Set on (date): _____ at (time): _____ in (department): _____

2. ☐ Participant to appear in person.

- a. The following persons are required to appear or testify in person:

Name

Role in Case

- b. The participants listed in item 2a must appear in person because *(check all that apply)*:

- (1) ☐ the court does not have the technology necessary to conduct the proceeding remotely.
- (2) ☐ the quality of the technology or audibility would
 - (a) ☐ prevent the effective management or resolution of the proceeding.
 - (b) ☐ inhibit the court reporter's ability to accurately prepare a transcript of the proceeding.
 - (c) ☐ prevent an attorney from being able to provide effective representation to their client.
 - (d) ☐ inhibit a court interpreter's ability to provide language access to a court user or authorized individual.
- (3) ☐ an in-person appearance is necessary to the determination of the proceeding, or remote attendance would materially impair the resolution of the proceeding, for the following reasons (*specify*):

- ☐ Additional reasons for the court's order are given on Attachment 2.



PLAINTIFF: DEFENDANT:	CASE NUMBER:
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3. ☐ **Participant may appear through remote technology.**

- a. The following persons may appear or testify through remote technology, subject to any requirement in b:

Name

Role in Case

- b. If the following technology is not used, an in-person appearance is required. (
- See the court's website for specific information about the platforms used and how to appear remotely.*
-)

- i. ☐ videoconference only
- ii. ☐ audio only (including telephone)
- iii. ☐ videoconference or audio

4. ☐ **Other Orders**

Date: _____

Judicial Officer