

1
2 **Appendix I**
3 **Emergency Rules Related to COVID-19**

4
5 **Emergency rule 1. Unlawful detainers**

6
7 **(a) Application**

8
9 Notwithstanding any other law, including Code of Civil Procedure sections 1166,
10 1167, 1169, and 1170.5, this rule applies to all actions for unlawful detainer.

11
12 **(b) Issuance of summons**

13
14 A court may not issue a summons on a complaint for unlawful detainer unless the
15 court finds, in its discretion and on the record, that the action is necessary to protect
16 public health and safety.

17
18 **(c) Entry of default**

19
20 A court may not enter a default or a default judgment for restitution in an unlawful
21 detainer action for failure of defendant to appear unless the court finds both of the
22 following:

- 23
24 (1) The action is necessary to protect public health and safety; and
25
26 (2) The defendant has not appeared in the action within the time provided by
27 law, including by any applicable executive order.

28
29 **(d) Time for trial**

30
31 If a defendant has appeared in the action, the court may not set a trial date earlier
32 than 60 days after a request for trial is made unless the court finds that an earlier
33 trial date is necessary to protect public health and safety. Any trial set in an
34 unlawful detainer proceeding as of April 6, 2020 must be continued at least 60 days
35 from the initial date of trial.

36
37 **(e) Sunset of rule**

38
39 This rule will remain in effect through September 1, 2020, or until amended or
40 repealed by the Judicial Council. Notwithstanding Code of Civil Procedure section
41 1170.5 and this subdivision, any trial date set under (d) as of September 1, 2020,
42 will remain as set unless a court otherwise orders.

1 (Subd (e) amended effective August 13, 2020.)

2
3 *Emergency Rule 1 amended effective August 13, 2020.*

4
5 **Emergency rule 2. Judicial foreclosures—suspension of actions**

6
7 Notwithstanding any other law, this rule applies to any action for foreclosure on a
8 mortgage or deed of trust brought under chapter 1, title 10, of part 2 of the Code of Civil
9 Procedure, beginning at section 725a, including any action for a deficiency judgment, and
10 provides that, through September 1, 2020, or until this rule is amended or repealed by the
11 Judicial Council:

- 12
13 (1) All such actions are stayed, and the court may take no action and issue no
14 decisions or judgments unless the court finds that action is required to further the
15 public health and safety.
16
17 (2) The period for electing or exercising any rights under that chapter, including
18 exercising any right of redemption from a foreclosure sale or petitioning the court
19 in relation to such a right, is extended.
20

21 *Emergency Rule 2 amended effective August 13, 2020.*

22
23 **Advisory Committee Comment**

24
25 The provision for tolling any applicable statute of limitations, in prior subdivision (2), has been
26 removed as unnecessary because the tolling provisions in emergency rule 9 apply to actions
27 subject to this rule.
28
29

30 **Emergency rule 3. Use of technology for remote appearances**

31
32 **(a) Remote appearances**

33
34 Notwithstanding any other law, in order to protect the health and safety of the public,
35 including court users, both in custody and out of custody defendants, witnesses, court
36 personnel, judicial officers, and others, courts must conduct judicial proceedings and
37 court operations as follows:

- 38
39 (1) Courts may require that judicial proceedings and court operations be
40 conducted remotely.
41
42 (2) In criminal proceedings, courts must receive the consent of the defendant to
43 conduct the proceeding remotely and otherwise comply with emergency rule

1 5. Notwithstanding Penal Code sections 865 and 977 or any other law, the
2 court may conduct any criminal proceeding remotely. As used in this rule,
3 “consent of the defendant” means that the consent of the defendant is
4 required only for the waiver of the defendant’s appearance as provided in
5 emergency rule 5. For good cause shown, the court may require any witness
6 to personally appear in a particular proceeding.
7

- 8 (3) Conducting proceedings remotely includes, but is not limited to, the use of
9 video, audio, and telephonic means for remote appearances; the electronic
10 exchange and authentication of documentary evidence; e-filing and e-service;
11 the use of remote interpreting; and the use of remote reporting and electronic
12 recording to make the official record of an action or proceeding.
13

14 **(b) Sunset of rule**

15
16 This rule will remain in effect until 90 days after the Governor declares that the
17 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
18 repealed by the Judicial Council.
19
20

21 **Emergency rule 4. Emergency Bail Schedule [Repealed]**

22 *Emergency rule 4 repealed effective June 20, 2020.*
23
24

25 **Emergency rule 5. Personal appearance waivers of defendants during health**
26 **emergency**

27
28 **(a) Application**

29
30 Notwithstanding any other law, including Penal Code sections 865 and 977, this
31 rule applies to all criminal proceedings except cases alleging murder with special
32 circumstances and cases in which the defendant is currently incarcerated in state
33 prison, as governed by Penal Code section 977.2.
34

35 **(b) Types of personal appearance waivers**

- 36
37 (1) With the consent of the defendant, the court must allow a defendant to waive
38 his or her personal appearance and to appear remotely, either through video
39 or telephonic appearance, when the technology is available.
40
41 (2) With the consent of the defendant, the court must allow a defendant to waive
42 his or her appearance and permit counsel to appear on his or her behalf. The

1 court must accept a defendant's waiver of appearance or personal appearance
2 when:

3
4 (A) Counsel for the defendant makes an on the record oral representation
5 that counsel has fully discussed the waiver and its implications with the
6 defendant and the defendant has authorized counsel to proceed as
7 counsel represents to the court;

8
9 (B) Electronic communication from the defendant as confirmed by
10 defendant's counsel; or

11
12 (C) Any other means that ensures the validity of the defendant's waiver.
13

14 **(c) Consent by the defendant**

15
16 (1) For purposes of arraignment and entry of a not guilty plea, consent means a
17 knowing, intelligent, and voluntary waiver of the right to appear personally in
18 court. Counsel for the defendant must state on the record at each applicable
19 hearing that counsel is proceeding with the defendant's consent.
20

21 (2) For purposes of waiving time for a preliminary hearing, consent also means a
22 knowing, intelligent, and voluntary waiver of the right to hold a preliminary
23 hearing within required time limits specified either in Penal Code section
24 859b or under emergency orders issued by the Chief Justice and Chair of the
25 Judicial Council.
26

27 (3) The court must accept defense counsel's representation that the defendant
28 understands and agrees with waiving any right to appear unless the court has
29 specific concerns in a particular matter about the validity of the waiver.
30

31 **(d) Appearance through counsel**

32
33 (1) When counsel appears on behalf of a defendant, courts must allow counsel to
34 do any of the following:
35

36 (A) Waive reading and advisement of rights for arraignment.
37

38 (B) Enter a plea of not guilty.
39

40 (C) Waive time for the preliminary hearing.
41

42 (2) For appearances by counsel, including where the defendant is either
43 appearing remotely or has waived his or her appearance and or counsel is

1 appearing by remote access, counsel must confirm to the court at each
2 hearing that the appearance by counsel is made with the consent of the
3 defendant.

4
5 **(e) Conduct of remote hearings**

6
7 (1) With the defendant’s consent, a defendant may appear remotely for any
8 pretrial criminal proceeding.

9
10 (2) Where a defendant appears remotely, counsel may not be required to be
11 personally present with the defendant for any portion of the criminal
12 proceeding provided that the audio and/or video conferencing system or other
13 technology allows for private communication between the defendant and his
14 or her counsel. Any private communication is confidential and privileged
15 under Evidence Code section 952.

16
17 **(f) Sunset of rule**

18
19 This rule will remain in effect until 90 days after the Governor declares that the
20 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
21 repealed by the Judicial Council.

22
23
24 **Emergency rule 6. Emergency orders: juvenile dependency proceedings**

25
26 **(a) Application**

27
28 This rule applies to all juvenile dependency proceedings filed or pending until the
29 state of emergency related to the COVID-19 pandemic is lifted.

30
31 **(b) Essential hearings and orders**

32
33 The following matters should be prioritized in accordance with existing statutory
34 time requirements.

35
36 (1) Protective custody warrants filed under Welfare and Institutions Code section
37 340.

38
39 (2) Detention hearings under Welfare and Institutions Code section 319. The
40 court is required to determine if it is contrary to the child’s welfare to remain
41 with the parent, whether reasonable efforts were made to prevent removal,
42 and whether to vest the placing agency with temporary placement and care.

- 1 (3) Psychotropic medication applications.
2
3 (4) Emergency medical requests.
4
5 (5) A petition for reentry of a nonminor dependent.
6
7 (6) Welfare and Institutions Code section 388 petitions that require an immediate
8 response based on the health and safety of the child, which should be
9 reviewed for a prima facie showing of change of circumstances sufficient to
10 grant the petition or to set a hearing. The court may extend the final ruling on
11 the petition beyond 30 days.
12

13 **(c) Foster care hearings and continuances during the state of emergency**
14

- 15 (1) A court may hold any proceeding under this rule via remote technology
16 consistent with rule 5.531 and emergency rule 3.
17
18 (2) At the beginning of any hearing at which one or more participants appears
19 remotely, the court must admonish all the participants that the proceeding is
20 confidential and of the possible sanctions for violating confidentiality.
21
22 (3) The child welfare agency is responsible for notice of remote hearings unless
23 other arrangements have been made with counsel for parents and children.
24 Notice is required for all parties and may include notice by telephone or other
25 electronic means. The notice must also include instructions on how to
26 participate in the court hearing remotely.
27
28 (4) Court reports
29
30 (A) Attorneys for parents and children must accept service of the court
31 report electronically.
32
33 (B) The child welfare agency must ensure that the parent and the child
34 receive a copy of the court report on time.
35
36 (C) If a parent or child cannot receive the report electronically, the child
37 welfare agency must deliver a hard copy of the report to the parent and
38 the child on time.
39
40 (5) Nothing in this subdivision prohibits the court from making statutorily
41 required findings and orders, by minute order only and without a court
42 reporter, by accepting written stipulations from counsel when appearances

1 are waived if the stipulations are confirmed on the applicable Judicial
2 Council forms or equivalent local court forms.

3
4 (6) If a court hearing cannot occur either in the courthouse or remotely, the
5 hearing may be continued up to 60 days, except as otherwise specified.

6
7 (A) A dispositional hearing under Welfare and Institutions Code section
8 360 should not be continued more than 6 months after the detention
9 hearing without review of the child’s circumstances. In determining
10 exceptional circumstances that justify holding the dispositional hearing
11 more than 6 months after the child was taken into protective custody,
12 the impact of the state of emergency related to the COVID-19
13 pandemic must be considered.

14
15 i. If the dispositional hearing is continued more than 6 months after
16 the start date of protective custody, a review of the child must be
17 held at the 6-month date. At the review, the court must determine
18 the continued necessity for and appropriateness of the placement;
19 the extent of compliance with the case plan or available services
20 that have been offered; the extent of progress which has been
21 made toward alleviating or mitigating the causes necessitating
22 placement; and the projected likely date by which the child may
23 return home or placed permanently.

24
25 ii. The court may continue the matter for a full hearing on all
26 dispositional findings and orders.

27
28 (B) A judicial determination of reasonable efforts must be made within 12
29 months of the date a child enters foster care to maintain a child’s
30 federal title IV-E availability. If a permanency hearing is continued
31 beyond the 12-month date, the court must review the case to determine
32 if the agency has made reasonable efforts to return the child home or
33 arrange for the child to be placed permanently. This finding can be
34 made without prejudice and may be reconsidered at a full hearing.

35
36 (7) During the state of emergency related to the COVID-19 pandemic, previously
37 authorized visitation must continue, but the child welfare agency is to
38 determine the manner of visitation to ensure that the needs of the family are
39 met. If the child welfare agency changes the manner of visitation for a child
40 and a parent or legal guardian in reunification, or for the child and a
41 sibling(s), or a hearing is pending under Welfare and Institutions Code
42 section 366.26, the child welfare agency must notify the attorneys for the
43 children and parents within 5 court days of the change. All changes in

1 manner of visitation during this time period must be made on a case by case
2 basis, balance the public health directives and best interest of the child, and
3 take into consideration whether in-person visitation may continue to be held
4 safely. Family time is important for child and parent well-being, as well as
5 for efforts toward reunification. Family time is especially important during
6 times of crisis. Visitation may only be suspended if a detriment finding is
7 made in a particular case based on the facts unique to that case. A detriment
8 finding must not be based solely on the existence of the impact of the state of
9 emergency related to the COVID-19 pandemic or related public health
10 directives.

11
12 (A) The attorney for the child or parent may ask the juvenile court to
13 review the change in manner of visitation. The child or parent has the
14 burden of showing that the change is not in the best interest of the child
15 or is not based on current public health directives.

16
17 (B) A request for the court to review the change in visitation during this
18 time period must be made within 14 court days of the change. In
19 reviewing the change in visitation, the court should take into
20 consideration the factors in (c)(7).

21
22 **(d) Sunset of rule**

23
24 This rule will remain in effect until 90 days after the Governor declares that the
25 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
26 repealed by the Judicial Council.

27
28 **Advisory Committee Comment**

29
30 When courts are unable to hold regular proceedings because of an emergency that has resulted in
31 an order as authorized under Government Code section 68115, federal timelines do not stop.
32 Circumstances may arise where reunification services to the parent, including visitation, may not
33 occur or be provided. The court must consider the circumstances of the emergency when deciding
34 whether to extend or terminate reunification services and whether services were reasonable given
35 the state of the emergency. (Citations: 42 U.S.C. § 672(a)(1)–(2), (5); 45 CFR § 1355.20; 45 CFR
36 § 1356.21 (b) – (d); 45 C.F.R. § 1356.71(d)(1)(iii); Child Welfare Policy Manual, 8.3A.9 Title
37 IV-E, Foster Care Maintenance Payments Program, Reasonable efforts, Question 2
38 (www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=92)); Letter dated March 27, 2020, from Jerry Milner, Associate Commissioner, Children’s
39 Bureau, Administration for Children and Families, U.S. Department of Health and Human
40 Services.)
41
42
43

1 **Emergency rule 7. Emergency orders: juvenile delinquency proceedings**

2
3 **(a) Application**

4
5 This rule applies to all proceedings in which a petition has been filed under Welfare
6 and Institutions Code section 602 in which a hearing would be statutorily required
7 during the state of emergency related to the COVID-19 pandemic.
8

9 **(b) Juvenile delinquency hearings and orders during the state of emergency**

10
11 (1) A hearing on a petition for a child who is in custody under Welfare and
12 Institutions Code section 632 or 636 must be held within the statutory
13 timeframes as modified by an order of the court authorized by Government
14 Code section 68115. The court must determine if it is contrary to the welfare
15 of the child to remain in the home, whether reasonable services to prevent
16 removal occurred, and whether to place temporary placement with the
17 probation agency if the court will be keeping the child detained and out of the
18 home.
19

20 (2) If a child is detained in custody and an in-person appearance is not feasible
21 due to the state of emergency, courts must make reasonable efforts to hold
22 any statutorily required hearing for that case via remote appearance within
23 the required statutory time frame and as modified by an order of the court
24 authorized under Government Code section 68115 for that proceeding. If a
25 remote proceeding is not a feasible option for such a case during the state of
26 emergency, the court may continue the case as provided in (d) for the
27 minimum period of time necessary to hold the proceedings.
28

29 (3) Without regard to the custodial status of the child, the following hearings
30 should be prioritized during the state of emergency related to the COVID-19
31 pandemic:
32

33 (A) Psychotropic medication applications.

34 (B) All emergency medical requests.

35 (C) A petition for reentry of a nonminor dependent.

36 (D) A hearing on any request for a warrant for a child.

37 (E) A probable cause determination for a child who has been detained but
38 has not had a detention hearing within the statutory time limits.
39
40
41
42
43

1 (4) Notwithstanding any other law, and except as described in (5), during the
2 state of emergency related to the COVID-19 pandemic, the court may
3 continue for good cause any hearing for a child not detained in custody who
4 is subject to its juvenile delinquency jurisdiction until a date after the state of
5 emergency has been lifted considering the priority for continued hearings in
6 (d).
7

8 (5) For children placed in foster care under probation supervision, a judicial
9 determination of reasonable efforts must be made within 12 months of the
10 date the child enters foster care to maintain a child's federal title IV-E
11 availability. If a permanency hearing is continued beyond the 12-month date,
12 the court must nevertheless hold a review to determine if the agency has
13 made reasonable efforts to return the child home or place the child
14 permanently. This finding can be made without prejudice and may be
15 reconsidered at a full hearing.
16

17 **(c) Proceedings with remote appearances during the state of emergency.**
18

19 (1) A court may hold any proceeding under this rule via remote technology
20 consistent with rule 5.531 and emergency rule 3.
21

22 (2) At the beginning of any hearing conducted with one or more participants
23 appearing remotely, the court must admonish all the participants that the
24 proceeding is confidential and of the possible sanctions for violating
25 confidentiality.
26

27 (3) The court is responsible for giving notice of remote hearings, except for
28 notice to a victim, which is the responsibility of the prosecuting attorney or
29 the probation department. Notice is required for all parties and may include
30 notice by telephone or other electronic means. The notice must also include
31 instructions on how to participate in the hearing remotely.
32

33 (4) During the state of emergency, the court has broad discretion to take evidence
34 in the manner most compatible with the remote hearing process, including
35 but not limited to taking testimony by written declaration. If counsel for a
36 child or the prosecuting attorney objects to the court's evidentiary
37 procedures, that is a basis for issuing a continuance under (d).
38

39 **(d) Continuances of hearings during the state of emergency.**
40

41 Notwithstanding any other law, the court may for good cause continue any hearing
42 other than a detention hearing for a child who is detained in custody. In making this
43 determination, the court must consider the custody status of the child, whether there

1 are evidentiary issues that are contested, and, if so, the ability for those issues to be
2 fairly contested via a remote proceeding.

3
4 **(e) Extension of time limits under Welfare and Institutions Code section 709**

5
6 In any case in which a child has been found incompetent under Welfare and
7 Institutions Code section 709 and that child is eligible for remediation services or
8 has been found to require secure detention, any time limits imposed by section 709
9 for provision of services or for secure detention are tolled for the period of the state
10 of emergency if the court finds that remediation services could not be provided
11 because of the state of emergency.

12
13 **(f) Sunset of rule**

14
15 This rule will remain in effect until 90 days after the Governor declares that the
16 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
17 repealed by the Judicial Council.

18
19 **Advisory Committee Comment**

20
21 This emergency rule is being adopted in part to ensure that detention hearings for
22 juveniles in delinquency court must be held in a timely manner to ensure that no child is
23 detained who does not need to be detained to protect the child or the community. The
24 statutory scheme for juveniles who come under the jurisdiction of the delinquency court
25 is focused on the rehabilitation of the child and thus makes detention of a child the
26 exceptional practice, rather than the rule. Juvenile courts are able to use their broad
27 discretion under current law to release detained juveniles to protect the health of those
28 juveniles and the health and safety of the others in detention during the current state of
29 emergency related to the COVID-19 pandemic.

30
31
32 **Emergency rule 8. Emergency orders: temporary restraining or protective orders**

33
34 **(a) Application**

35
36 Notwithstanding any other law, this rule applies to any emergency protective order,
37 temporary restraining order, or criminal protective order that was requested, issued,
38 or set to expire during the state of emergency related to the COVID-19 pandemic.
39 This includes requests and orders issued under Family Code sections 6250 or 6300,
40 Code of Civil Procedure sections 527.6 , 527.8, or 527.85, Penal Code sections
41 136.2, 18125 or 18150, or Welfare and Institutions Code sections 213.5, 304,
42 362.4, or 15657.03, and including any of the foregoing orders issued in connection
43 with an order for modification of a custody or visitation order issued pursuant to a

1 dissolution, legal separation, nullity, or parentage proceeding under Family Code
2 section 6221.

3
4 **(b) Duration of orders**

5
6 (1) Any emergency protective order made under Family Code section 6250 that
7 is issued during the state of emergency must remain in effect for up to 30
8 days from the date of issuance.

9
10 (2) Any temporary restraining order or gun violence emergency protective order
11 issued or set to expire during the state of emergency related to the COVID-19
12 pandemic must remain in effect for a period of time that the court determines
13 is sufficient to allow for a hearing on the long-term order to occur, for up to
14 90 days.

15
16 (3) Any criminal protective order, subject to this rule, set to expire during the
17 state of emergency, must be automatically extended for a period of 90 days,
18 or until the matter can be heard, whichever occurs first.

19
20 (4) Upon the filing of a request to renew a restraining order after hearing that is
21 set to expire during the state of emergency related to the COVID-19
22 pandemic, the current restraining order after hearing must remain in effect
23 until a hearing on the renewal can occur, for up to 90 days from the date of
24 expiration.

25
26 *(Subd (b) amended effective April 20, 2020.)*

27
28 **(c) Ex parte requests and requests to renew restraining orders**

29
30 (1) Courts must provide a means for the filing of ex parte requests for temporary
31 restraining orders and requests to renew restraining orders. Courts may do so
32 by providing a physical location, drop box, or, if feasible, through electronic
33 means.

34
35 (2) Any ex parte request and request to renew restraining orders may be filed
36 using an electronic signature by a party or a party's attorney.

37
38 *(Subd (c) amended effective April 20, 2020.)*

39
40 **(d) Service of Orders**

41
42 If a respondent appears at a hearing by video, audio, or telephonically, and the
43 court grants an order, in whole or in part, no further service is required upon the

1 respondent for enforcement of the order, provided that the court follows the
2 requirements of Family Code section 6384.

3
4 **(e) Entry of orders into California Law Enforcement Telecommunications System**

5
6 Any orders issued by a court modifying the duration or expiration date of orders
7 subject to this rule, must be transmitted to the Department of Justice through the
8 California Law Enforcement Telecommunications System (CLETS), as provided in
9 Family Code section 6380, without regard to whether they are issued on Judicial
10 Council forms, or in another format during the state of emergency.

11
12 *Emergency Rule 8 amended effective April 20, 2020.*

13
14
15 **Emergency rule 9. Tolling statutes of limitations for civil causes of action**

16
17 **(a) Tolling statutes of limitations over 180 days**

18
19 Notwithstanding any other law, the statutes of limitations and repose for civil
20 causes of action that exceed 180 days are tolled from April 6, 2020, until October
21 1, 2020.

22
23 *(Subd (a) amended effective May 29, 2020.)*

24
25 **(b) Tolling statutes of limitations of 180 days or less**

26
27 Notwithstanding any other law, the statutes of limitations and repose for civil
28 causes of action that are 180 days or less are tolled from April 6, 2020, until August
29 3, 2020.

30
31 *(Subd (b) amended effective May 29, 2020.)*

32
33 *Emergency Rule 9 amended effective May 29, 2020.*

34
35 **Advisory Committee Comment**

36
37 Emergency rule 9 is intended to apply broadly to toll any statute of limitations on the filing of a
38 pleading in court asserting a civil cause of action. The term “civil causes of action” includes
39 special proceedings. (See Code Civ. Proc., §§ 312, 363 [“action,” as used in title 2 of the code (Of
40 the Time of Commencing Civil Actions), is construed “as including a special proceeding of a
41 civil nature”]; special proceedings of a civil nature include all proceedings in title 3 of the code,
42 including mandamus actions under §§ 1085, 1088.5, and 1094.5—all the types of petitions for
43 writ made for California Environmental Quality Act (CEQA) and land use challenges]; see also

1 Pub. Resources Code, § 21167(a)–(e) [setting limitations periods for civil “action[s]” under
2 CEQA.]

3
4 The rule also applies to statutes of limitations on filing of causes of action in court found in codes
5 other than the Code of Civil Procedure, including the limitations on causes of action found in, for
6 example, the Family Code and Probate Code.

7
8
9 **Emergency rule 10. Extensions of time in which to bring a civil action to trial**

10
11 **(a) Extension of five years in which to bring a civil action to trial**

12
13 Notwithstanding any other law, including Code of Civil Procedure section 583.310,
14 for all civil actions filed on or before April 6, 2020, the time in which to bring the
15 action to trial is extended by six months for a total time of five years and six
16 months.

17
18 **(b) Extension of three years in which to bring a new trial**

19
20 Notwithstanding any other law, including Code of Civil Procedure section 583.320,
21 for all civil actions filed on or before April 6, 2020, if a new trial is granted in the
22 action, the three years provided in section 583.320 in which the action must again
23 be brought to trial is extended by six months for a total time of three years and six
24 months. Nothing in this subdivision requires that an action must again be brought
25 to trial before expiration of the time prescribed in (a).

26
27
28 **~~Emergency rule 11. Depositions through remote electronic means~~**

29
30 **~~(a) Deponents appearing remotely~~**

31
32 ~~Notwithstanding any other law, including Code of Civil Procedure section~~
33 ~~2025.310(a) and (b), and rule 3.1010(c) and (d), a party or nonparty deponent, at~~
34 ~~their election or the election of the deposing party, is not required to be present~~
35 ~~with the deposition officer at the time of the deposition.~~

36
37 **~~(b) Sunset of rule~~**

38
39 ~~This rule will remain in effect until 90 days after the Governor declares that the~~
40 ~~state of emergency related to the COVID-19 pandemic is lifted, or until amended or~~
41 ~~repealed by the Judicial Council.~~

42
43 *Emergency Rule 11 repealed effective November 13, 2020.*

1
2
3 **Emergency rule 12. ~~Electronic service~~**

4
5 **(a) ~~Application~~**

6
7 (1) ~~Notwithstanding any other law, including Code of Civil Procedure section~~
8 ~~1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all~~
9 ~~general civil cases and proceedings under the Family and Probate Codes,~~
10 ~~unless a court orders otherwise.~~

11
12 (2) ~~Notwithstanding (1), the rule does not apply in cases where parties are~~
13 ~~already required by court order or local rule to provide or accept notices and~~
14 ~~documents by electronic service, and is not intended to prohibit electronic~~
15 ~~service in cases not addressed by this rule.~~

16
17 **(b) ~~Required electronic service~~**

18
19 (1) ~~A party represented by counsel, who has appeared in an action or proceeding,~~
20 ~~must accept electronic service of a notice or document that may be served by~~
21 ~~mail, express mail, overnight delivery, or facsimile transmission. Before first~~
22 ~~servicing a represented party electronically, the serving party must confirm by~~
23 ~~telephone or email the appropriate electronic service address for counsel~~
24 ~~being served.~~

25
26 (2) ~~A party represented by counsel must, upon the request of any party who has~~
27 ~~appeared in an action or proceeding and who provides an electronic service~~
28 ~~address and a copy of this rule, electronically serve the requesting party with~~
29 ~~any notice or document that may be served by mail, express mail, overnight~~
30 ~~delivery, or facsimile transmission.~~

31
32 **(c) ~~Permissive electronic service~~**

33
34 ~~Electronic service on a self-represented party is permitted only with consent of that~~
35 ~~party, confirmed in writing. The written consent to accept electronic service may be~~
36 ~~exchanged electronically.~~

37
38 **(d) ~~Time~~**

39
40 (1) ~~In general civil cases and proceedings under the Family Code, the provisions~~
41 ~~of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic~~
42 ~~service under this rule.~~

1 (2) ~~In proceedings under the Probate Code, the provisions of Probate Code~~
2 ~~section 1215(c)(2) apply to electronic service under this rule.~~

3
4 **(e) Confidential documents**

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6 ~~Confidential or sealed records electronically served must be served through~~
7 ~~encrypted methods to ensure that the documents are not improperly disclosed.~~

8
9 **(f) Sunset of rule**

10
11 ~~This rule will remain in effect until 90 days after the Governor declares that the~~
12 ~~state of emergency related to the COVID-19 pandemic is lifted, or until amended or~~
13 ~~repealed by the Judicial Council.~~

14
15 *Emergency Rule 12 repealed effective November 13, 2020.*

16
17
18 **Emergency rule 13. Effective date for requests to modify support**

19
20 **(a) Application**

21
22 Notwithstanding any other law, including Family Code sections 3591, 3603, 3653,
23 and 4333, this rule applies to all requests to modify or terminate child, spousal,
24 partner, or family support. For the purpose of this rule, “request” refers to *Request*
25 *for Order* (form FL-300), *Notice of Motion (Governmental)* (form FL-680), or
26 other moving papers requesting a modification of support.

27
28 **(b) Effective date of modification**

29
30 Except as provided in Family Code section 3653(b), an order modifying or
31 terminating a support order may be made effective as of the date the request and
32 supporting papers are mailed or otherwise served on the other party, or other
33 party’s attorney when permitted. Nothing in this rule restricts the court’s discretion
34 to order a later effective date.

35
36 **(c) Service of filed request**

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38 If the request and supporting papers that were served have not yet been filed with
39 the court, the moving party must also serve a copy of the request and supporting
40 papers after they have been filed with the court on the other party, or other party’s
41 attorney when permitted. If the moving party is the local child support agency and
42 the unfiled request already has a valid court date and time listed, then subsequent
43 service of the request is not required.

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(d) Court discretion

Nothing in this rule is meant to limit court discretion or to alter rule 5.92 or 5.260 regarding which moving papers are required to request a modification of support.

(e) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.

Emergency Rule 13 adopted effective April 20, 2020.

Appendix I amended effective November 13, 2020; adopted effective April 6, 2020; previously amended effective April 17, 2020, April 20, 2020, June 20, 2020, and August 13, 2020.