

AMENDMENT TO THE CALIFORNIA RULES OF COURT
 Adopted by the Judicial Council on September 21, 2018, effective January 1, 2019

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23		
24		

1 **Rule 1.51. California Law Enforcement Telecommunications System (CLETS)**
2 **information form**

3
4 **(a) Confidential CLETS Information form to be submitted to the court**

5
6 A person requesting protective orders under Code of Civil Procedure section 527.6,
7 527.8, or 527.85; Family Code section 6320, 6404, or 6454; Penal Code sections
8 18100–18205; or Welfare and Institutions Code section 213.5 or 15657.03 must
9 submit to the court with the request a completed *Confidential CLETS Information*
10 form.

11
12 *(Subd (a) amended effective January 1, 2019.)*

13
14 **(b)–(e) * * ***

15
16 *Rule 1.51 amended effective January 1, 2019; adopted effective January 1, 2011.*

17
18 **Rule 2.250. Construction and definitions**

19
20 **(a) * * ***

21
22 **(b) Definitions**

23
24 As used in this chapter, unless the context otherwise requires:

- 25
26 (1) A “document” is a pleading, ~~a paper,~~ a declaration, an exhibit, or another
27 filing writing submitted by a party or other person, or by an agent of a party
28 or other person on the party’s or other person’s behalf. A document is also a
29 notice, order, judgment, or other issuance by the court. A document may be
30 in paper or electronic form.
- 31
32 (2) “Electronic service” has the same meaning as defined in Code of Civil
33 Procedure section 1010.6 is service of a document on a party or other person
34 by either electronic transmission or electronic notification. Electronic service
35 may be performed directly by a party or other person, by an agent of a party
36 or other person, including the party’s or other person’s attorney, through an
37 electronic filing service provider, or by a court.
- 38
39 (3) “Electronic transmission” has the same meaning as defined in Code of Civil
40 Procedure section 1010.6 means the transmission of a document by electronic
41 means to the electronic service address at or through which a party or other
42 person has authorized electronic service.
- 43

1 (4) “Electronic notification” has the same meaning as defined in Code of Civil
2 Procedure section 1010.6 means the notification of a party or other person
3 that a document is served by sending an electronic message to the electronic
4 service address at or through which the party or other person has authorized
5 electronic service, specifying the exact name of the document served and
6 providing a hyperlink at which the served document can be viewed and
7 downloaded.

8
9 (5)–(8) * * *

10
11 (9) An “electronic filing manager” is a service that acts as an intermediary
12 between a court and various electronic filing service provider solutions
13 certified for filing into California courts.

14
15 (10) “Self-represented” means a party or other person who is unrepresented in an
16 action by an attorney and does not include an attorney appearing in an action
17 who represents himself or herself.

18
19 *(Subd (b) amended effective January 1, 2019; adopted as unlettered subd effective January*
20 *1, 2003; previously amended and lettered effective January 1, 2011; previously amended*
21 *effective July 1, 2013, and January 1, 2018.)*

22
23 *Rule 2.250 amended effective January 1, 2019; adopted as rule 2050 effective January 1, 2003;*
24 *previously amended and renumbered effective January 1, 2007; previously amended effective*
25 *January 1, 2006, January 1, 2008, January 1, 2011, July 1, 2013, and January 1, 2018.*

26
27 **Rule 2.251. Electronic service**

28
29 (a) * * *

30
31 (b) **Electronic service by express consent ~~of the parties~~**

32
33 (1) ~~Electronic service may be established by consent.~~ A party or other person
34 indicates that the party or other person agrees to accept electronic service by:

35
36 (A) Serving a notice on all parties and other persons that the party or other
37 person accepts electronic service and filing the notice with the court.
38 The notice must include the electronic service address at which the
39 party or other person agrees to accept service; or

40
41 (B) ~~Electronically filing any document with the court. The act of electronic~~
42 ~~filing is evidence that the party or other person agrees to accept service~~
43 ~~at the electronic service address the party or other person has furnished~~

1 to the court under rule 2.256(a)(4). This subparagraph (B) does not
2 apply to self-represented parties or other self-represented persons; they
3 must affirmatively consent to electronic service under
4 subparagraph(A). Manifesting affirmative consent through electronic
5 means with the court or the court's electronic filing service provider,
6 and concurrently providing the party's electronic service address with
7 that consent for the purpose of receiving electronic service.
8

9 (C) A party or other person may manifest affirmative consent under (B) by:

10
11 (i) Agreeing to the terms of service agreement with an electronic
12 filing service provider, which clearly states that agreement
13 constitutes consent to receive electronic service electronically;
14 or

15
16 (ii) Filing Consent to Electronic Service and Notice of Electronic
17 Service Address (form EFS-005-CV).
18

19 (2) A party or other person that has consented to electronic service under (1) and
20 has used an electronic filing service provider to serve and file documents in a
21 case consents to service on that electronic filing service provider as the
22 designated agent for service for the party or other person in the case, until
23 such time as the party or other person designates a different agent for service.
24

25 *(Subd (b) amended effective January 1, 2019; adopted as part of subd (a); previously*
26 *amended and relettered effective July 1, 2013; previously amended effective January 1,*
27 *2007, January 1, 2008, January 1, 2011, and January 1, 2018.)*
28

29 (c)–(k) * * *

30
31 *Rule 2.251 amended effective January 1, 2019; adopted as rule 2060 effective January 1, 2003;*
32 *previously amended and renumbered as rule 2.260 effective January 1, 2007, and as rule 2.251*
33 *effective January 1, 2011; previously amended effective January 1, 2008, January 1, 2009, July 1,*
34 *2009, January 1, 2010, July 1, 2013, January 1, 2016, January 1, 2017, and January 1, 2018.*
35

36 **Rule 2.255. Contracts with electronic filing service providers and electronic filing**
37 **managers**
38

39 (a) **Right to contract**
40

41 (1) A court may contract with one or more electronic filing service providers to
42 furnish and maintain an electronic filing system for the court.
43

1 (2) If the court contracts with an electronic filing service provider, it may require
2 electronic filers to transmit the documents to the provider.

3
4 (3) A court may contract with one or more electronic filing managers to act as an
5 intermediary between the court and electronic filing service providers.

6
7 ~~(3)~~(4) If the court contracts with an electronic service provider or the court has an
8 in-house system, the provider or system must accept filing from other
9 electronic filing service providers to the extent the provider or system is
10 compatible with them.

11
12 *(Subd (a) amended effective January 1, 2019; previously amended effective January 1,*
13 *2007, and January 1, 2011.)*

14
15 **(b) Provisions of contract**

16
17 (1) The court's contract with an electronic filing service provider may:

18
19 (A) Allow the provider to charge electronic filers a reasonable fee in
20 addition to the court's filing fee;

21
22 (B) Allow the provider to make other reasonable requirements for use of
23 the electronic filing system.

24
25 (2) The court's contract with an electronic filing service provider must comply
26 with the requirements of Code of Civil Procedure section 1010.6.

27
28 (3) The court's contract with an electronic filing manager must comply with the
29 requirements of Code of Civil Procedure section 1010.6.

30
31 *(Subd (b) amended effective January 1, 2019; previously amended effective January 1,*
32 *2018.)*

33
34 **(c) Transmission of filing to court**

35
36 (1) An electronic filing service provider must promptly transmit any electronic
37 filing and any applicable filing fee to the court directly or through the court's
38 electronic filing manager.

39
40 (2) An electronic filing manager must promptly transmit an electronic filing and
41 any applicable filing fee to the court.

42

1 (Subd (c) amended effective January 1, 2019; previously amended effective January 1,
2 2011.)

3
4 (d) * * *

5
6 (e) **Ownership of information**

7
8 All contracts between the court and electronic filing service providers or the court
9 and electronic filing managers must acknowledge that the court is the owner of the
10 contents of the filing system and has the exclusive right to control the system's use.

11
12 (Subd (e) amended effective January 1, 2019; previously amended effective January 1,
13 2007.)

14
15 (f) **Establishing a filer account with an electronic filing service provider**

16
17 (1) An electronic filing service provider may not require a filer to provide a
18 credit card, debit card, or bank account information to create an account with
19 the electronic filing service provider.

20
21 (2) This provision applies only to the creation of an account and not to the use of
22 an electronic filing service provider's services. An electronic filing service
23 provider may require a filer to provide a credit card, debit card, or bank
24 account information before rendering services unless the services are within
25 the scope of a fee waiver granted by the court to the filer.

26
27 (Subd (f) adopted effective January 1, 2019.)

28
29 Rule 2.255 amended effective January 1, 2019; adopted as rule 2055 effective January 1, 2003;
30 previously amended and renumbered effective January 1, 2007; previously amended effective
31 January 1, 2011, and January 1, 2018.

32
33 **Rule 2.257. Requirements for signatures on documents**

34
35 (a) **Electronic signature**

36
37 An electronic signature is an electronic sound, symbol, or process attached to or
38 logically associated with an electronic record and executed or adopted by a person
39 with the intent to sign a document or record created, generated, sent,
40 communicated, received, or stored by electronic means.

41
42 (Subd (a) adopted effective January 1, 2019.)

43

1 **(a)(b) Documents signed under penalty of perjury**

2
3 When a document to be filed electronically provides for a signature under penalty
4 of perjury of any person, the document is deemed to have been signed by that
5 person if filed electronically provided that either of the following conditions is
6 satisfied:

- 7
- 8 (1) The declarant has signed the document using an electronic signature a
9 computer or other technology, in accordance with procedures, standards, and
10 guidelines established by the Judicial Council and declares under penalty of
11 perjury under the laws of the state of California that the information
12 submitted is true and correct; or
- 13
- 14 (2) The declarant, before filing, has physically signed a printed form of the
15 document. By electronically filing the document, the electronic filer certifies
16 that the original, signed document is available for inspection and copying at
17 the request of the court or any other party. In the event this second method of
18 submitting documents electronically under penalty of perjury is used, the
19 following conditions apply:
- 20
- 21 (A) At any time after the electronic version of the document is filed, any
22 party may serve a demand for production of the original signed
23 document. The demand must be served on all other parties but need not
24 be filed with the court.
- 25
- 26 (B) Within five days of service of the demand under (A), the party or other
27 person on whom the demand is made must make the original signed
28 document available for inspection and copying by all other parties.
- 29
- 30 (C) At any time after the electronic version of the document is filed, the
31 court may order the filing party or other person to produce the original
32 signed document in court for inspection and copying by the court. The
33 order must specify the date, time, and place for the production and must
34 be served on all parties.
- 35
- 36 (D) Notwithstanding (A)–(C), local child support agencies may maintain
37 original, signed pleadings by way of an electronic copy in the statewide
38 automated child support system and must maintain them only for the
39 period of time stated in Government Code section 68152(a). If the local
40 child support agency maintains an electronic copy of the original,
41 signed pleading in the statewide automated child support system, it may
42 destroy the paper original.
- 43

1 (Subd (b) relettered and amended effective January 1, 2019; adopted as subd (a);
2 previously amended effective January 1, 2007, July 1, 2016, and January 1, 2018.)

3
4 ~~(b)~~(c) * * *

5
6 (Subd (c) relettered effective January 1, 2019; adopted as subd (b); previously amended
7 effective January 1, 2007.)

8
9 ~~(e)~~(d) * * *

10
11 (Subd (d) relettered effective January 1, 2019; adopted as subd (c); previously amended
12 effective January 1, 2007, and January 1, 2018.)

13
14 ~~(d)~~(e) * * *

15
16 (Subd (e) relettered effective January 1, 2019; adopted as subd (d).)

17
18 ~~(e)~~(f) * * *

19
20 (Subd (f) relettered effective January 1, 2019; adopted as subd (e) effective January 1,
21 2008.)

22
23 Rule 2.257 amended effective January 1, 2019; adopted as rule 2057 effective January 1, 2003;
24 previously amended and renumbered effective January 1, 2007; previously amended effective
25 January 1, 2008, July 1, 2016, and January 1, 2018.

26
27 **~~Advisory Committee Comment~~**

28
29 ~~Subdivision (a)(1). The standards and guidelines for electronic signatures that satisfy the~~
30 ~~requirements for an electronic signature under penalty of perjury are contained in the Trial Court~~
31 ~~Records Manual.~~

32
33
34 **Chapter 2. ~~Public Access to Electronic Trial Court Records~~**

35
36 **Article 1. General Provisions**

37
38 **Rule 2.500. Statement of purpose**

39
40 **(a) Intent**

41
42 The rules in this chapter are intended to provide the public, parties, parties'
43 attorneys, legal organizations, court-appointed persons, and government entities

1 with reasonable access to trial court records that are maintained in electronic form,
2 while protecting privacy interests.

3
4 *(Subd (a) amended effective January 1, 2019.)*

5
6 **(b) Benefits of electronic access**

7
8 Improved technologies provide courts with many alternatives to the historical
9 paper-based record receipt and retention process, including the creation and use of
10 court records maintained in electronic form. Providing ~~public~~ access to trial court
11 records that are maintained in electronic form may save the courts, ~~and the public,~~
12 parties, parties' attorneys, legal organizations, court-appointed persons, and
13 government entities time, money, and effort and encourage courts to be more
14 efficient in their operations. Improved access to trial court records may also foster
15 in the public a more comprehensive understanding of the trial court system.

16
17 *(Subd (b) amended effective January 1, 2019.)*

18
19 **(c) No creation of rights**

20
21 The rules in this chapter are not intended to give the public, parties, parties'
22 attorneys, legal organizations, court-appointed persons, and government entities a
23 right of access to any record that they are not otherwise legally entitled to access.
24 ~~The rules do not create any right of access to records that are sealed by court order~~
25 ~~or confidential as a matter of law.~~

26
27 *(Subd (c) amended effective January 1, 2019; previously amended effective January 1,*
28 *2007.)*

29
30 *Rule 2.500 amended effective January 1, 2019; adopted as rule 2070 effective July 1, 2002;*
31 *previously amended and renumbered effective January 1, 2007.*

32
33
34 **Advisory Committee Comment**

35
36 The rules in this chapter acknowledge the benefits that electronic ~~court~~ records provide but
37 attempt to limit the potential for unjustified intrusions into the privacy of individuals involved in
38 litigation that can occur as a result of remote access to electronic ~~court~~ records. The proposed
39 rules take into account the limited resources currently available in the trial courts. It is
40 contemplated that the rules may be modified to provide greater electronic access as ~~the~~ courts'
41 technical capabilities improve and ~~with the~~ knowledge is gained from the experience of ~~the courts~~
42 ~~in~~ providing electronic access under these rules.

43

1
2 **Rule 2.501. Application, ~~and scope,~~ and information to the public**

3
4 **(a) Application and scope**

5
6 The rules in this chapter apply only to trial court records as defined in rule
7 2.502(3). They do not apply to statutorily mandated reporting between or within
8 government entities, or any other documents or materials that are not court records.

9
10 *(Subd (a) amended effective January 1, 2019; adopted as subd (b) effective July 1, 2002;*
11 *amended and relettered effective January 1, 2007.)*

12
13 **(b) ~~Access by parties and attorneys~~ Information to the public**

14
15 ~~The rules in this chapter apply only to access to court records by the public. They~~
16 ~~do not limit access to court records by a party to an action or proceeding, by the~~
17 ~~attorney of a party, or by other persons or entities that are entitled to access by~~
18 ~~statute or rule.~~

19
20 The website for each trial court must include a link to information that will inform
21 the public of who may access their electronic records under the rules in this chapter
22 and under what conditions they may do so. This information will be posted publicly
23 on the California Courts website at www.courts.ca.gov. Each trial court may post
24 additional information, in plain language, as necessary to inform the public about
25 the level of access that the particular trial court is providing.

26
27 *(Subd (b) amended effective January 1, 2019; adopted as subd (c) effective July 1, 2002;*
28 *amended and relettered effective January 1, 2007.)*

29
30 *Rule 2.501 amended effective January 1, 2019; adopted as rule 2017 effective July 1, 2002;*
31 *amended and renumbered effective January 1, 2007.*

32
33 **Advisory Committee Comment**

34
35 The rules on remote access do not apply beyond court records to other types of documents,
36 information, or data. Rule 2.502 defines a court record as “any document, paper, or exhibit filed
37 in an action or proceeding; any order or judgment of the court; and any item listed in Government
38 Code section 68151(a)—excluding any reporter’s transcript for which the reporter is entitled to
39 receive a fee for any copy—that is maintained by the court in the ordinary course of the judicial
40 process. The term does not include the personal notes or preliminary memoranda of judges or
41 other judicial branch personnel, statutorily mandated reporting between government entities,
42 judicial administrative records, court case information, or compilations of data drawn from court
43 records where the compilations are not themselves contained in a court record.” (Cal. Rules of

1 Court, rule 2.502(3).) Thus, courts generate and maintain many types of information that are not
2 court records and to which access may be restricted by law. Such information is not remotely
3 accessible as court records, even to parties and their attorneys. If parties and their attorneys are
4 entitled to access to any such additional information, separate and independent grounds for that
5 access must exist.

6 7 **Rule 2.502. Definitions**

8
9 As used in this chapter, the following definitions apply:

10
11 (1) “Authorized person” means a person authorized by a legal organization, qualified
12 legal services project, or government entity to access electronic records.

13
14 (2) “Brief legal services” means legal assistance provided without, or before, becoming
15 a party’s attorney. It includes giving advice, having a consultation, performing
16 research, investigating case facts, drafting documents, and making limited third
17 party contacts on behalf of a client.

18
19 ~~(1)(3)~~ “Court record” is any document, paper, or exhibit filed by the parties to in an action
20 or proceeding; any order or judgment of the court; and any item listed in
21 Government Code section 68151(a),—excluding any reporter’s transcript for which
22 the reporter is entitled to receive a fee for any copy—that is maintained by the court
23 in the ordinary course of the judicial process. The term does not include the
24 personal notes or preliminary memoranda of judges or other judicial branch
25 personnel, statutorily mandated reporting between or within government entities,
26 judicial administrative records, court case information, or compilations of data
27 drawn from court records where the compilations are not themselves contained in a
28 court record.

29
30 (4) “Court case information” refers to data that is stored in a court’s case management
31 system or case histories. This data supports the court’s management or tracking of
32 the action and is not part of the official court record for the case or cases.

33
34 ~~(4)(5)~~ “Electronic access” means ~~computer~~ access by electronic means to court records
35 available to the public through both public terminals at the courthouse and
36 remotely, unless otherwise specified in the rules in this chapter.

37
38 ~~(2)(6)~~ “Electronic record” is a ~~computerized~~ court record, ~~regardless of the manner in~~
39 which it has been computerized that requires the use of an electronic device to
40 access. The term includes both a ~~document~~ record that has been filed electronically
41 and an electronic copy or version of a record that was filed in paper form. The term
42 does not include a court record that is maintained only on microfiche, paper, or any
43 other medium that can be read without the use of an electronic device.

1
2 (7) “Government entity” means a legal entity organized to carry on some function of
3 the State of California or a political subdivision of the State of California.
4 Government entity also means a federally recognized Indian tribe or a reservation,
5 department, subdivision, or court of a federally recognized Indian tribe.

6
7 (8) “Legal organization” means a licensed attorney or group of attorneys, nonprofit
8 legal aid organization, government legal office, in-house legal office of a
9 nongovernmental organization, or legal program organized to provide for indigent
10 criminal, civil, or juvenile law representation.

11
12 (9) “Party” means a plaintiff, defendant, cross-complainant, cross-defendant,
13 petitioner, respondent, intervenor, objector, or anyone expressly defined by statute
14 as a party in a court case.

15
16 (10) “Person” means a natural human being.

17
18 ~~(3)~~(11) “The public” means an individual a person, a group, or an entity, including print
19 or electronic media, or the representative of an individual, a group, or an entity
20 regardless of any legal or other interest in a particular court record.

21
22 (12) “Qualified legal services project” has the same meaning under the rules of this
23 chapter as in Business and Professions Code section 6213(a).

24
25 (13) “Remote access” means electronic access from a location other than a public
26 terminal at the courthouse.

27
28 (14) “User” means an individual person, a group, or an entity that accesses electronic
29 records.

30
31 *Rule 2.502 amended and renumbered effective January 1, 2019; adopted as rule 2072 effective*
32 *July 1, 2002; previously amended and renumbered effective January 1, 2007.*

33 34 **Article 2. Public Access**

35 36 **Rule 2.503. ~~Public access~~ Application and scope**

37 38 **(a) General right of access by the public**

39
40 (1) All electronic records must be made reasonably available to the public in
41 some form, whether in electronic or in paper form, except those that are
42 sealed by court order or made confidential by law.
43

1 (2) The rules in this article apply only to access to electronic records by the
2 public.

3
4 **(b) Electronic access required to extent feasible**

5
6 A court that maintains the following records in electronic form must provide
7 electronic access to them, both remotely and at the courthouse, to the extent it is
8 feasible to do so:

9
10 (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and
11 indexes in all cases; and

12
13 (2) All court records in civil cases, except those listed in (c)(1)–(9)(11).

14
15 **(c) Courthouse electronic access only**

16
17 A court that maintains the following records in electronic form must provide
18 electronic access to them at the courthouse, to the extent it is feasible to do so, but
19 may not provide public remote ~~electronic~~ access to these records ~~only to the records~~
20 governed by (b):

21
22 (1) Records in a proceeding under the Family Code, including proceedings for
23 dissolution, legal separation, and nullity of marriage; child and spousal
24 support proceedings; child custody proceedings; and domestic violence
25 prevention proceedings;

26
27 (2) Records in a juvenile court proceeding;

28
29 (3) Records in a guardianship or conservatorship proceeding;

30
31 (4) Records in a mental health proceeding;

32
33 (5) Records in a criminal proceeding;

34
35 (6) Records in proceedings to compromise the claims of a minor or a person with
36 a disability;

37
38 (7)(6) Records in a civil harassment proceeding under Code of Civil Procedure
39 section 527.6;

40
41 (8)(7) Records in a workplace violence prevention proceeding under Code of Civil
42 Procedure section 527.8;

43

1 ~~(9)~~(8)Records in a private postsecondary school violence prevention proceeding
2 under Code of Civil Procedure section 527.85;

3
4 ~~(10)~~(9)Records in an elder or dependent adult abuse prevention proceeding under
5 Welfare and Institutions Code section 15657.03; and

6
7 ~~(10) Records in proceedings to compromise the claims of a minor or a person with~~
8 ~~a disability.~~

9
10 (11) Records in a gun violence prevention proceeding under Penal Code sections
11 18100–18205.

12
13 (d) * * *

14
15 (e) **Remote ~~electronic~~ access allowed in extraordinary criminal cases**

16
17 Notwithstanding (c)(5), the presiding judge of the court, or a judge assigned by the
18 presiding judge, may exercise discretion, subject to (e)(1), to permit remote
19 ~~electronic~~ access by the public to all or a portion of the public court records in an
20 individual criminal case if (1) the number of requests for access to documents in
21 the case is extraordinarily high and (2) responding to those requests would
22 significantly burden the operations of the court. An individualized determination
23 must be made in each case in which such remote ~~electronic~~ access is provided.

24
25 (1) In exercising discretion under (e), the judge should consider the relevant
26 factors, such as:

27
28 (A) * * *

29
30 (B) The benefits to and burdens on the parties in allowing remote ~~electronic~~
31 access, including possible impacts on jury selection; and

32
33 (C) * * *

34
35 (2) The court should, to the extent feasible, redact the following information
36 from records to which it allows remote access under (e): driver license
37 numbers; dates of birth; social security numbers; Criminal Identification and
38 Information and National Crime Information numbers; addresses and phone
39 numbers of parties, victims, witnesses, and court personnel; medical or
40 psychiatric information; financial information; account numbers; and other
41 personal identifying information. The court may order any party who files a
42 document containing such information to provide the court with both an
43 original unredacted version of the document for filing in the court file and a

1 redacted version of the document for remote ~~electronic~~ access. No juror
2 names or other juror identifying information may be provided by remote
3 ~~electronic~~ access. This subdivision does not apply to any document in the
4 original court file; it applies only to documents that are available by remote
5 ~~electronic~~ access.

6
7 (3) Five days' notice must be provided to the parties and the public before the
8 court makes a determination to provide remote ~~electronic~~ access under this
9 rule. Notice to the public may be accomplished by posting notice on the
10 court's ~~Web site~~ website. Any person may file comments with the court for
11 consideration, but no hearing is required.

12
13 (4) The court's order permitting remote ~~electronic~~ access must specify which
14 court records will be available by remote ~~electronic~~ access and what
15 categories of information are to be redacted. The court is not required to
16 make findings of fact. The court's order must be posted on the court's ~~Web~~
17 ~~site~~ website and a copy sent to the Judicial Council.

18
19 (f)–(i) * * *

20 21 **Advisory Committee Comment**

22
23 The rule allows a level of access by the public to all electronic records that is at least equivalent
24 to the access that is available for paper records and, for some types of records, is much greater. At
25 the same time, it seeks to protect legitimate privacy concerns.

26
27 **Subdivision (c).** This subdivision excludes certain records (those other than the register, calendar,
28 and indexes) in specified types of cases (notably criminal, juvenile, and family court matters)
29 from public remote ~~electronic~~ access. The committee recognized that while these case records are
30 public records and should remain available at the courthouse, either in paper or electronic form,
31 they often contain sensitive personal information. The court should not publish that information
32 over the Internet. However, the committee also recognized that the use of the Internet may be
33 appropriate in certain criminal cases of extraordinary public interest where information regarding
34 a case will be widely disseminated through the media. In such cases, posting of selected
35 nonconfidential court records, redacted where necessary to protect the privacy of the participants,
36 may provide more timely and accurate information regarding the court proceedings, and may
37 relieve substantial burdens on court staff in responding to individual requests for documents and
38 information. Thus, under subdivision (e), if the presiding judge makes individualized
39 determinations in a specific case, certain records in criminal cases may be made available over
40 the Internet.

41
42 **Subdivisions (f) and (g).** These subdivisions limit electronic access to records (other than the
43 register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those

1 records. These limitations are based on the qualitative difference between obtaining information
2 from a specific case file and obtaining bulk information that may be manipulated to compile
3 personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of
4 aggregate information may be exploited for commercial or other purposes unrelated to the
5 operations of the courts, at the expense of privacy rights of individuals.

6
7 Courts must send a copy of the order permitting remote ~~electronic~~ access in extraordinary
8 criminal cases to: Criminal Justice Services, Judicial Council of California, 455 Golden Gate
9 Avenue, San Francisco, CA 94102-3688.

10
11
12 **Rules 2.504–2.507 * * ***

13
14 **Article 3. Remote Access by a Party, Party’s Designee, Party’s Attorney,**
15 **Court-Appointed Person, or Authorized Person Working in a Legal**
16 **Organization or Qualified Legal Services Project**

17
18 **Rule 2.515. Application and scope**

19
20 **(a) No limitation on access to electronic records available under article 2**

21
22 The rules in this article do not limit remote access to electronic records available
23 under article 2. These rules govern access to electronic records where remote
24 access by the public is not allowed.

25
26 **(b) Who may access**

27
28 The rules in this article apply to remote access to electronic records by:

- 29
30 (1) A person who is a party;
31
32 (2) A designee of a person who is a party;
33
34 (3) A party’s attorney;
35
36 (4) An authorized person working in the same legal organization as a party’s
37 attorney;
38
39 (5) An authorized person working in a qualified legal services project providing
40 brief legal services; and
41
42 (6) A court-appointed person.
43

1 *Rule 2.515 adopted effective January 1, 2019.*

2
3 **Advisory Committee Comment**

4
5 Article 2 allows remote access in most civil cases, and the rules in article 3 are not intended to
6 limit that access. Rather, the article 3 rules allow broader remote access—by parties, parties’
7 designees, parties’ attorneys, authorized persons working in legal organizations, authorized
8 persons working in a qualified legal services project providing brief services, and court-appointed
9 persons—to those electronic records where remote access by the public is not allowed.

10
11 Under the rules in article 3, a party, a party’s attorney, an authorized person working in the same
12 legal organization as a party’s attorney, or a person appointed by the court in the proceeding
13 basically has the same level of access to electronic records remotely that he or she would have if
14 he or she were to seek to inspect the records in person at the courthouse. Thus, if he or she is
15 legally entitled to inspect certain records at the courthouse, that person could view the same
16 records remotely; on the other hand, if he or she is restricted from inspecting certain court records
17 at the courthouse (e.g., because the records are confidential or sealed), that person would not be
18 permitted to view the records remotely. In some types of cases, such as unlimited civil cases, the
19 access available to parties and their attorneys is generally similar to the public’s but in other types
20 of cases, such as juvenile cases, it is much more extensive (see Cal. Rules of Court, rule 5.552).

21
22 For authorized persons working in a qualified legal services program, the rule contemplates
23 services offered in high-volume environments on an ad hoc basis. There are some limitations on
24 access under the rule for qualified legal services projects. When an attorney at a qualified legal
25 services project becomes a party’s attorney and offers services beyond the scope contemplated
26 under this rule, the access rules for a party’s attorney would apply.

27
28 **Rule 2.516. Remote access to extent feasible**

29
30 To the extent feasible, a court that maintains records in electronic form must provide
31 remote access to those records to the users described in rule 2.515, subject to the
32 conditions and limitations stated in this article and otherwise provided by law.

33
34 *Rule 2.516 adopted effective January 1, 2019.*

35
36 **Advisory Committee Comment**

37
38 This rule takes into account the limited resources currently available in some trial courts. Many
39 courts may not have the financial means, security resources, or technical capabilities necessary to
40 provide the full range of remote access to electronic records authorized by this article. When it is
41 more feasible and courts have had more experience with remote access, these rules may be
42 amended to further expand remote access.

43

1 This rule is not intended to prevent a court from moving forward with the limited remote access
2 options outlined in this rule as such access becomes feasible. For example, if it were only feasible
3 for a court to provide remote access to parties who are persons, it could proceed to provide
4 remote access to those users only.

5
6 **Rule 2.517. Remote access by a party**

7
8 **(a) Remote access generally permitted**

9
10 A person may have remote access to electronic records in actions or proceedings in which
11 that person is a party.

12
13 **(b) Level of remote access**

- 14
15 (1) In any action or proceeding, a party may be provided remote access to the
16 same electronic records that he or she would be legally entitled to inspect at
17 the courthouse.
18
19 (2) This rule does not limit remote access to electronic records available under
20 article 2.
21
22 (3) This rule applies only to electronic records. A person is not entitled under
23 these rules to remote access to documents, information, data, or other
24 materials created or maintained by the courts that are not electronic records.

25
26 *Rule 2.517 adopted effective January 1, 2019.*

27
28 **Advisory Committee Comment**

29
30 Because this rule permits remote access only by a party who is a person (defined under rule 2.501
31 as a natural human being), remote access would not apply to parties that are organizations, which
32 would need to gain remote access under the party's attorney rule or, for certain government
33 entities with respect to specified electronic records, the rules in article 4.

34
35 A party who is a person would need to have the legal capacity to agree to the terms and
36 conditions of a court's remote access user agreement before using a system of remote access. The
37 court could deny access or require additional information if the court knew the person seeking
38 access lacked legal capacity or appeared to lack capacity—for example, if identity verification
39 revealed the person seeking access was a minor.

40
41 **Rule 2.518. Remote access by a party's designee**

42

1 **(a) Remote access generally permitted**

2
3 A person who is a party in an action or proceeding may designate other persons to
4 have remote access to electronic records in that action or proceeding.
5

6 **(b) Level of remote access**

7
8 (1) Except for criminal electronic records, juvenile justice electronic records, and
9 child welfare electronic records, a party's designee may have the same access
10 to a party's electronic records that a member of the public would be entitled
11 to if he or she were to inspect the party's court records at the courthouse. A
12 party's designee is not permitted remote access to criminal electronic records,
13 juvenile justice electronic records, and child welfare electronic records.
14

15 (2) A party may limit the access to be afforded a designee to specific cases.
16

17 (3) A party may limit the access to be afforded a designee to a specific period of
18 time.
19

20 (4) A party may modify or revoke a designee's level of access at any time.
21

22 **(c) Terms of access**

23
24 (1) A party's designee may access electronic records only for the purpose of
25 assisting the party or the party's attorney in the action or proceeding.
26

27 (2) Any distribution for sale of electronic records obtained remotely under the
28 rules in this article is strictly prohibited.
29

30 (3) All laws governing confidentiality and disclosure of court records apply to
31 the records obtained under this article.
32

33 (4) Party designees must comply with any other terms of remote access required
34 by the court.
35

36 (5) Failure to comply with these rules may result in the imposition of sanctions,
37 including termination of access.
38

39 **Advisory Committee Comment**

40
41 A party must be a natural human being with the legal capacity to agree to the terms and
42 conditions of a user agreement with the court to authorize designees for remote access. Under rule
43 2.501, for purposes of the rules, "person" refers to natural human beings. Accordingly, the party's

1 designee rule would not apply to parties that are organizations, which would need to gain remote
2 access under the party's attorney rule or, for certain government entities with respect to specified
3 electronic records, under the rules in article 4.

4
5 *Rule 2.518 adopted effective January 1, 2019.*

6
7 **Rule 2.519. Remote access by a party's attorney**

8
9 **(a) Remote access generally permitted**

10
11 (1) A party's attorney may have remote access to electronic records in the party's
12 actions or proceedings under this rule or under rule 2.518. If a party's
13 attorney gains remote access under rule 2.518, the requirements of rule 2.519
14 do not apply.

15
16 (2) If a court notifies an attorney of the court's intention to appoint the attorney
17 to represent a party in a criminal, juvenile justice, child welfare, family law,
18 or probate proceeding, the court may grant remote access to that attorney
19 before an order of appointment is issued by the court.

20
21 **(b) Level of remote access**

22
23 A party's attorney may be provided remote access to the same electronic records in
24 the party's actions or proceedings that the party's attorney would be legally entitled
25 to view at the courthouse.

26
27 **(c) Terms of remote access applicable to an attorney who is not the attorney of**
28 **record**

29
30 An attorney who represents a party, but who is not the party's attorney of record in
31 the party's actions or proceedings, may remotely access the party's electronic
32 records, provided that the attorney:

33
34 (1) Obtains the party's consent to remotely access the party's electronic records;
35 and

36
37 (2) Represents to the court in the remote access system that he or she has
38 obtained the party's consent to remotely access the party's electronic records.

39
40 **(d) Terms of remote access applicable to all attorneys**

41
42 (1) A party's attorney may remotely access the electronic records only for the
43 purpose of assisting the party with the party's court matter.

1
2 (2) A party’s attorney may not distribute for sale any electronic records obtained
3 remotely under the rules in this article. Such sale is strictly prohibited.

4
5 (3) A party’s attorney must comply with any other terms of remote access
6 required by the court.

7
8 (4) Failure to comply with these rules may result in the imposition of sanctions,
9 including termination of access.

10
11 **Advisory Committee Comment**

12
13 **Subdivision (c).** An attorney of record will be known to the court for purposes of remote access.
14 However, a person may engage an attorney other than the attorney of record for assistance in an
15 action or proceeding in which the person is a party. For example, a party may engage an attorney
16 to (1) prepare legal documents but not appear in the party’s action (e.g., provide limited-scope
17 representation); (2) assist the party with dismissal or sealing of a criminal record when the
18 attorney did not represent the party in the criminal proceeding; or (3) represent the party in an
19 appellate matter when the attorney did not represent the party in the trial court. Subdivision (c)
20 provides a mechanism for an attorney not of record to be known to the court for purposes of
21 remote access.

22
23 Because the level of remote access is limited to the same court records that an attorney would be
24 entitled to access if he or she were to appear at the courthouse, an attorney providing undisclosed
25 representation would only be able to remotely access electronic records that the public could
26 access at the courthouse. The rule essentially removes the step of the attorney having to go to the
27 courthouse.

28
29 *Rule 2.519 adopted effective January 1, 2019.*

30
31 **Rule 2.520. Remote access by persons working in the same legal organization as a**
32 **party’s attorney**

33
34 **(a) Application and scope**

35
36 (1) This rule applies when a party’s attorney is assisted by others working in the
37 same legal organization.

38
39 (2) “Working in the same legal organization” under this rule includes partners,
40 associates, employees, volunteers, and contractors.

41

1 (3) This rule does not apply when a person working in the same legal
2 organization as a party's attorney gains remote access to records as a party's
3 designee under rule 2.518.
4

5 **(b) Designation and certification**
6

7 (1) A party's attorney may designate that other persons working in the same
8 legal organization as the party's attorney have remote access.
9

10 (2) A party's attorney must certify that the other persons authorized for remote
11 access are working in the same legal organization as the party's attorney and
12 are assisting the party's attorney in the action or proceeding.
13

14 **(c) Level of remote access**
15

16 (1) Persons designated by a party's attorney under (b) must be provided access to
17 the same electronic records as the party.
18

19 (2) Notwithstanding (b), when a court designates a legal organization to
20 represent parties in criminal, juvenile, family, or probate proceedings, the
21 court may grant remote access to a person working in the organization who
22 assigns cases to attorneys working in that legal organization.
23

24 **(d) Terms of remote access**
25

26 (1) Persons working in a legal organization may remotely access electronic
27 records only for purposes of assigning or assisting a party's attorney.
28

29 (2) Any distribution for sale of electronic records obtained remotely under the
30 rules in this article is strictly prohibited.
31

32 (3) All laws governing confidentiality and disclosure of court records apply to
33 the records obtained under this article.
34

35 (4) Persons working in a legal organization must comply with any other terms of
36 remote access required by the court.
37

38 (5) Failure to comply with these rules may result in the imposition of sanctions,
39 including termination of access.
40

41 *Rule 2.520 adopted effective January 1, 2019.*
42

43 **Advisory Committee Comment**

1
2 Subdivision (b). The designation and certification outlined in this subdivision need only be done
3 once and can be done at the time the attorney establishes his or her remote access account with
4 the court.
5
6

7 **Rule 2.521. Remote access by a court-appointed person**
8

9 **(a) Remote access generally permitted**
10

- 11 (1) A court may grant a court-appointed person remote access to electronic
12 records in any action or proceeding in which the person has been appointed
13 by the court.
14
15 (2) Court-appointed persons include an attorney appointed to represent a minor
16 child under Family Code section 3150; a Court Appointed Special Advocate
17 volunteer in a juvenile proceeding; an attorney appointed under Probate Code
18 section 1470, 1471, or 1474; an investigator appointed under Probate Code
19 section 1454; a probate referee designated under Probate Code section 8920;
20 a fiduciary, as defined in Probate Code section 39; an attorney appointed
21 under Welfare and Institutions Code section 5365; or a guardian ad litem
22 appointed under Code of Civil Procedure section 372 or Probate Code section
23 1003.
24

25 **(b) Level of remote access**
26

27 A court-appointed person may be provided with the same level of remote access to
28 electronic records as the court-appointed person would be legally entitled to if he or
29 she were to appear at the courthouse to inspect the court records.
30

31 **(c) Terms of remote access**
32

- 33 (1) A court-appointed person may remotely access electronic records only for
34 purposes of fulfilling the responsibilities for which he or she was appointed.
35
36 (2) Any distribution for sale of electronic records obtained remotely under the
37 rules in this article is strictly prohibited.
38
39 (3) All laws governing confidentiality and disclosure of court records apply to
40 the records obtained under this article.
41
42 (4) A court-appointed person must comply with any other terms of remote access
43 required by the court.

- 1
2 (5) Failure to comply with these rules may result in the imposition of sanctions,
3 including termination of access.
4

5 *Rule 2.521 adopted effective January 1, 2019.*
6

7 **Rule 2.522. Remote access by persons working in a qualified legal services project**
8 **providing brief legal services**
9

10 **(a) Application and scope**
11

- 12 (1) This rule applies to qualified legal services projects as defined in Business
13 and Professions Code section 6213(a).
14
15 (2) “Working in a qualified legal services project” under this rule includes
16 attorneys, employees, and volunteers.
17
18 (3) This rule does not apply to a person working in or otherwise associated with
19 a qualified legal services project who gains remote access to court records as
20 a party’s designee under rule 2.518.
21

22 **(b) Designation and certification**
23

- 24 (1) A qualified legal services project may designate persons working in the
25 qualified legal services project who provide brief legal services, as defined in
26 rule 2.501, to have remote access.
27
28 (2) The qualified legal services project must certify that the authorized persons
29 work in their organization.
30

31 **(c) Level of remote access**
32

33 Authorized persons may be provided remote access to the same electronic records
34 that the authorized person would be legally entitled to inspect at the courthouse.
35

36 **(d) Terms of remote access**
37

- 38 (1) Qualified legal services projects must obtain the party’s consent to remotely
39 access the party’s electronic records.
40
41 (2) Authorized persons must represent to the court in the remote access system
42 that the qualified legal services project has obtained the party’s consent to
43 remotely access the party’s electronic records.

- 1
2 (3) Qualified legal services projects providing services under this rule may
3 remotely access electronic records only to provide brief legal services.
4
5 (4) Any distribution for sale of electronic records obtained under the rules in this
6 article is strictly prohibited.
7
8 (5) All laws governing confidentiality and disclosure of court records apply to
9 electronic records obtained under this article.
10
11 (6) Qualified legal services projects must comply with any other terms of remote
12 access required by the court.
13
14 (7) Failure to comply with these rules may result in the imposition of sanctions,
15 including termination of access.
16

17 *Rule 2.522 adopted effective January 1, 2019.*
18

19 **Advisory Committee Comment**
20

21 The rule does not prescribe any particular method for capturing the designation and certification
22 of persons working in a qualified legal services project. Courts and qualified legal services
23 projects have flexibility to determine what method would work for both entities. For example, the
24 information could be captured in a remote access system if an organizational-level account could
25 be established, or the information could be captured in a written agreement between the court and
26 the qualified legal services project.
27

28 The rule does not prescribe any particular method for a qualified legal services project to
29 document the consent it obtained to access a person's electronic records. Qualified legal services
30 projects have flexibility to adapt the requirement to their regular processes for making records.
31 For example, the qualified legal services project could obtain a signed consent form for its
32 records or could obtain consent over the phone and make an entry to that effect in its records, or
33 the court and the qualified legal services project could enter into an agreement to describe how
34 consent will be obtained and recorded.
35

36 **Rule 2.523. Identity verification, identity management, and user access**
37

38 **(a) Identity verification required**
39

40 Except for remote access provided to a party's designee under rule 2.518, before
41 allowing a person who is eligible under the rules in article 3 to have remote access
42 to electronic records, a court must verify the identity of the person seeking access.
43

1 **(b) Responsibilities of the court**

2
3 A court that allows persons eligible under the rules in article 3 to have remote
4 access to electronic records must have an identity verification method that verifies
5 the identity of, and provides a unique credential to, each person who is permitted
6 remote access to the electronic records. The court may authorize remote access by a
7 person only if that person’s identity has been verified, the person accesses records
8 using the credential provided to that individual, and the person complies with the
9 terms and conditions of access, as prescribed by the court.

10
11 **(c) Responsibilities of persons accessing records**

12
13 A person eligible to be given remote access to electronic records under the rules in
14 article 3 may be given such access only if that person:

- 15
16 (1) Provides the court with all information it directs in order to identify the
17 person to be a user;
18
19 (2) Consents to all conditions for remote access required under article 3 and by
20 the court; and
21
22 (3) Is authorized by the court to have remote access to electronic records.

23
24 **(d) Responsibilities of the legal organizations or qualified legal services projects**

- 25
26 (1) If a person is accessing electronic records on behalf of a legal organization or
27 qualified legal services project, the organization or project must approve
28 granting access to that person, verify the person’s identity, and provide the
29 court with all the information it directs in order to authorize that person to
30 have access to electronic records.
31
32 (2) If a person accessing electronic records on behalf of a legal organization or
33 qualified legal services project leaves his or her position or for any other
34 reason is no longer entitled to access, the organization or project must
35 immediately notify the court so that it can terminate the person’s access.

36
37 **(e) Vendor contracts, statewide master agreements, and identity and access**
38 **management systems**

39
40 A court may enter into a contract with a vendor to provide identity verification,
41 identity management, or user access services. Alternatively, courts may use a
42 statewide identity verification, identity management, or access management
43 system, if available, or a statewide master agreement for such systems, if available.

1
2 *Rule 2.523 adopted effective January 1, 2019.*

3
4 **Advisory Committee Comment**

5
6 **Subdivisions (a) and (d).** A court may verify user identities under (a) by obtaining a
7 representation from a legal organization or qualified legal services project that the legal
8 organization or qualified legal services project has verified the user identities under (d). No
9 additional verification steps are required on the part of the court.

10
11
12 **Rule 2.524. Security of confidential information**

13
14 **(a) Secure access and encryption required**

15
16 If any information in an electronic record that is confidential by law or sealed by
17 court order may lawfully be provided remotely to a person or organization
18 described in rule 2.515, any remote access to the confidential information must be
19 provided through a secure platform and any electronic transmission of the
20 information must be encrypted.

21
22 **(b) Vendor contracts and statewide master agreements**

23
24 A court may enter into a contract with a vendor to provide secure access and
25 encryption services. Alternatively, if a statewide master agreement is available for
26 secure access and encryption services, courts may use that master agreement.

27
28 *Rule 2.524 adopted effective January 1, 2019.*

29
30 **Advisory Committee Comment**

31
32 This rule describes security and encryption requirements; levels of access are provided for in
33 rules 2.517–2.522.

34
35 **Rule 2.525. Searches; unauthorized access**

36
37 **(a) Searches by case number or caption**

38
39 A user authorized under this article to remotely access a party's electronic records
40 may search for the records by case number or case caption.

41
42 **(b) Access level**

43

1 A court providing remote access to electronic records under this article must ensure
2 that authorized users are able to access the electronic records only at the access
3 levels provided in this article.

4
5 **(c) Unauthorized access**

6
7 If a user gains access to an electronic record that he or she is not authorized to
8 access under this article, the user must:

- 9
10 (1) Report the unauthorized access to the court as directed by the court for that
11 purpose;
12
13 (2) Destroy all copies, in any form, of the record; and
14
15 (3) Delete from his or her web browser history all information that identifies the
16 record.

17
18 *Rule 2.525 adopted effective January 1, 2019.*

19
20 **Rule 2.526. Audit trails**

21
22 **(a) Ability to generate audit trails**

23
24 The court should have the ability to generate an audit trail that contains one or more
25 of the following elements: what electronic record was remotely accessed, when it
26 was remotely accessed, who remotely accessed it, and under whose authority the
27 user gained access.

28
29 **(b) Limited audit trails available to authorized users**

- 30
31 (1) A court providing remote access to electronic records under this article
32 should make limited audit trails available to authorized users under this
33 article.
34
35 (2) A limited audit trail should identify the user who remotely accessed
36 electronic records in a particular case, but must not identify which specific
37 electronic records were accessed.

38
39 *Rule 2.526 adopted effective January 1, 2019.*

40
41 **Advisory Committee Comment**

1
2 The audit trail is a tool to assist the courts and users in identifying and investigating any potential
3 issues or misuse of remote access. The user’s view of the audit trail is limited to protect sensitive
4 information.

5
6 To facilitate the use of existing remote access systems, rule 2.526 is currently not mandatory, but
7 may be amended to be mandatory in the future.

8
9
10 **Rule 2.527. Additional conditions of access**

11
12 To the extent consistent with these rules and other applicable law, a court must impose
13 reasonable conditions on remote access to preserve the integrity of its records, prevent the
14 unauthorized use of information, and limit possible legal liability. The court may choose
15 to require each user to submit a signed, written agreement enumerating those conditions
16 before it permits that user to remotely access electronic records. The agreements may
17 define the terms of access, provide for compliance audits, specify the scope of liability,
18 and provide for sanctions for misuse up to and including termination of remote access.

19
20 *Rule 2.527 adopted effective January 1, 2019.*

21
22 **Rule 2.528. Termination of remote access**

23
24 **(a) Remote access is a privilege**

25
26 Remote access to electronic records under this article is a privilege and not a right.

27
28 **(b) Termination by court**

29
30 A court that provides remote access may, at any time and for any reason, terminate
31 the permission granted to any person eligible under the rules in article 3 to remotely
32 access electronic records.

33
34 *Rule 2.528 adopted effective January 1, 2019.*

35
36 **Article 4. Remote Access by Government Entities**

37
38 **Rule 2.540. Application and scope**

39
40 **(a) Applicability to government entities**

41
42 The rules in this article provide for remote access to electronic records by
43 government entities described in (b). The access allowed under these rules is in

1 addition to any access these entities or authorized persons working for such entities
2 may have under the rules in articles 2 and 3.

3
4 **(b) Level of remote access**

5
6 (1) A court may provide authorized persons from government entities with
7 remote access to electronic records as follows:

8
9 (A) Office of the Attorney General: criminal electronic records and juvenile
10 justice electronic records.

11
12 (B) California Department of Child Support Services: family electronic
13 records, child welfare electronic records, and parentage electronic
14 records.

15
16 (C) Office of a district attorney: criminal electronic records and juvenile
17 justice electronic records.

18
19 (D) Office of a public defender: criminal electronic records and juvenile
20 justice electronic records.

21
22 (E) Office of a county counsel: criminal electronic records, mental health
23 electronic records, child welfare electronic records, and probate
24 electronic records.

25
26 (F) Office of a city attorney: criminal electronic records, juvenile justice
27 electronic records, and child welfare electronic records.

28
29 (G) County department of probation: criminal electronic records, juvenile
30 justice electronic records, and child welfare electronic records.

31
32 (H) County sheriff's department: criminal electronic records and juvenile
33 justice electronic records.

34
35 (I) Local police department: criminal electronic records and juvenile
36 justice electronic records.

37
38 (J) Local child support agency: family electronic records, child welfare
39 electronic records, and parentage electronic records.

40
41 (K) County child welfare agency: child welfare electronic records.
42

1 (L) County public guardian: criminal electronic records, mental health
2 electronic records, and probate electronic records.

3
4 (M) County agency designated by the board of supervisors to provide
5 conservatorship investigation under chapter 3 of the Lanterman-Petris-
6 Short Act (Welf. & Inst. Code, §§ 5350–5372): criminal electronic
7 records, mental health electronic records, and probate electronic
8 records.

9
10 (N) Federally recognized Indian tribe (including any reservation,
11 department, subdivision, or court of the tribe) with concurrent
12 jurisdiction: child welfare electronic records, family electronic records,
13 juvenile justice electronic records, and probate electronic records.

14
15 (O) For good cause, a court may grant remote access to electronic records
16 in particular case types to government entities beyond those listed in
17 (b)(1)(A)–(N). For purposes of this rule, “good cause” means that the
18 government entity requires access to the electronic records in order to
19 adequately perform its statutory duties or fulfill its responsibilities in
20 litigation.

21
22 (P) All other remote access for government entities is governed by articles
23 2 and 3.

24
25 (2) Subject to (b)(1), the court may provide a government entity with the same
26 level of remote access to electronic records as the government entity would
27 be legally entitled to if a person working for the government entity were to
28 appear at the courthouse to inspect court records in that case type. If a court
29 record is confidential by law or sealed by court order and a person working
30 for the government entity would not be legally entitled to inspect the court
31 record at the courthouse, the court may not provide the government entity
32 with remote access to the confidential or sealed electronic record.

33
34 (3) This rule applies only to electronic records. A government entity is not
35 entitled under these rules to remote access to any documents, information,
36 data, or other types of materials created or maintained by the courts that are
37 not electronic records.

38
39 **(c) Terms of remote access**

40
41 (1) Government entities may remotely access electronic records only to perform
42 official duties and for legitimate governmental purposes.

43

1 (2) Any distribution for sale of electronic records obtained remotely under the
2 rules in this article is strictly prohibited.

3
4 (3) All laws governing confidentiality and disclosure of court records apply to
5 electronic records obtained under this article.

6
7 (4) Government entities must comply with any other terms of remote access
8 required by the court.

9
10 (5) Failure to comply with these requirements may result in the imposition of
11 sanctions, including termination of access.

12
13 *Rule 2.540 adopted effective January 1, 2019.*

14
15 **Advisory Committee Comment**

16
17 The rule does not restrict courts to providing remote access only to local government entities in
18 the same county in which the court is situated. For example, a court in one county could allow
19 remote access to electronic records by a local child support agency in a different county.

20
21 **Subdivision (b)(3).** As to the applicability of the rules on remote access only to electronic
22 records, see the advisory committee comment to rule 2.501.

23
24
25 **Rule 2.541. Identity verification, identity management, and user access**

26
27 **(a) Identity verification required**

28
29 Before allowing a person or entity eligible under the rules in article 4 to have
30 remote access to electronic records, a court must verify the identity of the person
31 seeking access.

32
33 **(b) Responsibilities of the courts**

34
35 A court that allows persons eligible under the rules in article 4 to have remote
36 access to electronic records must have an identity verification method that verifies
37 the identity of, and provides a unique credential to, each person who is permitted
38 remote access to the electronic records. The court may authorize remote access by a
39 person only if that person's identity has been verified, the person accesses records
40 using the name and password provided to that individual, and the person complies
41 with the terms and conditions of access, as prescribed by the court.
42

1 **(c) Responsibilities of persons accessing records**

2
3 A person eligible to remotely access electronic records under the rules in article 4
4 may be given such access only if that person:

- 5
6 (1) Provides the court with all of the information it needs to identify the person
7 to be a user;
8
9 (2) Consents to all conditions for remote access required by article 4 and the
10 court; and
11
12 (3) Is authorized by the court to have remote access to electronic records.

13
14 **(d) Responsibilities of government entities**

- 15
16 (1) If a person is accessing electronic records on behalf of a government entity,
17 the government entity must approve granting access to that person, verify the
18 person's identity, and provide the court with all the information it needs to
19 authorize that person to have access to electronic records.
20
21 (2) If a person accessing electronic records on behalf of a government entity
22 leaves his or her position or for any other reason is no longer entitled to
23 access, the government entity must immediately notify the court so that the
24 court can terminate the person's access.

25
26 **(e) Vendor contracts, statewide master agreements, and identity and access**
27 **management systems**

28
29 A court may enter into a contract with a vendor to provide identity verification,
30 identity management, or user access services. Alternatively, courts may use a
31 statewide identity verification, identity management, or access management
32 system, if available, or a statewide master agreement for such systems, if available.
33

34 *Rule 2.541 adopted effective January 1, 2019.*

35
36 **Rule 2.542. Security of confidential information**

37
38 **(a) Secure access and encryption required**

39
40 If any information in an electronic record that is confidential by law or sealed by
41 court order may lawfully be provided remotely to a government entity, any remote
42 access to the confidential information must be provided through a secure platform,
43 and any electronic transmission of the information must be encrypted.

1
2 **(b) Vendor contracts and statewide master agreements**

3
4 A court may enter into a contract with a vendor to provide secure access and
5 encryption services. Alternatively, if a statewide master agreement is available for
6 secure access and encryption services, courts may use that master agreement.

7
8 *Rule 2.542 adopted effective January 1, 2019.*

9
10 **Rule 2.543. Audit trails**

11
12 **(a) Ability to generate audit trails**

13
14 The court should have the ability to generate an audit trail that contains one or more
15 of the following elements: what electronic record was remotely accessed, when it
16 was accessed, who accessed it, and under whose authority the user gained access.

17
18 **(b) Audit trails available to government entity**

19
20 (1) A court providing remote access to electronic records under this article
21 should make limited audit trails available to authorized users of the
22 government entity.

23
24 (2) A limited audit trail should identify the user who remotely accessed
25 electronic records in a particular case, but must not identify which specific
26 electronic records were accessed.

27
28 *Rule 2.543 adopted effective January 1, 2019.*

29
30 **Advisory Committee Comment**

31
32 The audit trail is a tool to assist the courts and users in identifying and investigating any potential
33 issues or misuse of remote access. The user's view of the audit trail is limited to protect sensitive
34 information.

35
36 To facilitate the use of existing remote access systems, rule 2.526 is currently not mandatory, but
37 may be amended to be mandatory in the future.

38
39
40 **Rule 2.544. Additional conditions of access**

41
42 To the extent consistent with these rules and other applicable law, a court must impose
43 reasonable conditions on remote access to preserve the integrity of its records, prevent the

1 unauthorized use of information, and limit possible legal liability. The court may choose
2 to require each user to submit a signed, written agreement enumerating those conditions
3 before it permits that user to access electronic records remotely. The agreements may
4 define the terms of access, provide for compliance audits, specify the scope of liability,
5 and provide for sanctions for misuse up to and including termination of remote access.
6

7 *Rule 2.544 adopted effective January 1, 2019.*
8

9 **Rule 2.545. Termination of remote access**

10
11 **(a) Remote access is a privilege**

12
13 Remote access to electronic records under this article is a privilege and not a right.
14

15 **(b) Termination by court**

16
17 A court that provides remote access may, at any time and for any reason, terminate
18 the permission granted to any person or entity eligible under the rules in article 4 to
19 remotely access electronic records
20

21 *Rule 2.545 adopted effective January 1, 2019.*
22

23 **Rule 2.1009. Permanent medical excuse from jury service**

24
25 **(a) Definitions**

26
27 As used in this rule:
28

- 29 (1) “Applicant” means a “person with a disability” or their authorized
30 representative.
31
32 (2) “Authorized representative” means a conservator, agent under a power of
33 attorney (attorney-in-fact), or any other individual designated by the person
34 with a disability.
35
36 (3) “Capable of performing jury service” means a person can pay attention to
37 evidence, testimony, and other court proceedings for up to six hours per day,
38 with a lunch break and short breaks in the morning and afternoon, with or
39 without disability-related accommodations, including auxiliary aids and
40 services.
41
42 (4) “Health care provider” means a doctor of medicine or osteopathy, podiatrist,
43 dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner,

1 nurse-midwife, clinical social worker, therapist, physician’s assistant,
2 Christian Science Practitioner, or any other medical provider, facility, or
3 organization that is authorized and performing within the scope of the
4 practice of their profession in accordance with state or federal law and
5 regulations.

6
7 (5) “Permanent medical excuse” means a release from jury service granted by the
8 jury commissioner to a person with a disability whose condition is unlikely to
9 resolve and who, with or without disability-related accommodations,
10 including auxiliary aids or services, is not capable of performing jury service.

11
12 (6) “Person with a disability” means an individual covered by Civil Code section
13 51 et seq., the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101 et
14 seq.), or other applicable state and federal laws. This definition includes a
15 person who has a physical or mental medical condition that limits one or
16 more of the major life activities, has a record of such a condition, or is
17 regarded as having such a condition.

18
19 **(b) Policy**

20
21 (1) This rule is intended to allow a person with a disability whose condition is
22 unlikely to resolve and who is unable for the foreseeable future to serve as a
23 juror to seek a permanent medical excuse from jury service. This rule does
24 not impose limitations on or invalidate the remedies, rights, and procedures
25 accorded to persons with disabilities under state or federal law.

26
27 (2) It is the policy of the courts of this state to ensure that persons with
28 disabilities have equal and full access to the judicial system, including the
29 opportunity to serve as jurors. No eligible jurors who can perform jury
30 service, with or without disability-related accommodations, including
31 auxiliary aids or services, may be excused from jury service due solely to
32 their disability.

33
34 **(c) Process for requesting permanent medical excuse**

35
36 The process for requesting a permanent medical excuse from jury service is as
37 follows:

38
39 (1) An applicant must submit to the jury commissioner a written request for
40 permanent medical excuse with a supporting letter, memo, or note from a
41 treating health care provider. The supporting letter, memo, or note must be on
42 the treating health care provider’s letterhead, state that the person has a

1 permanent disability that makes the person incapable of performing jury
2 service, and be signed by the provider.

3
4 (2) The applicant must submit the request and supporting letter, memo, or note to
5 the jury commissioner on or before the date the person is required to appear
6 for jury service.

7
8 (3) In the case of an incomplete application, the jury commissioner may require
9 the applicant to furnish additional information in support of the request for
10 permanent medical excuse.

11
12 (4) The jury commissioner must keep confidential all information concerning the
13 request for permanent medical excuse, including any accompanying request
14 for disability-related accommodation, including auxiliary aids or services,
15 unless the applicant waives confidentiality in writing or the law requires
16 disclosure. The applicant's identity and confidential information may not be
17 disclosed to the public but may be disclosed to court officials and personnel
18 involved in the permanent medical excuse process. Confidential information
19 includes all medical information pertaining to the applicant, and all oral or
20 written communication from the applicant concerning the request for
21 permanent medical excuse.

22
23 **(d) Response to request**

24
25 The jury commissioner must respond to a request for a permanent medical excuse
26 from jury service as follows:

27
28 (1) The jury commissioner must promptly inform the applicant in writing of the
29 determination to grant or deny a permanent medical excuse request.

30
31 (2) If the request is granted, the jury commissioner must remove the person from
32 the rolls of potential jurors as soon as it is practicable to do so.

33
34 (3) If the request is denied, the jury commissioner must provide the applicant a
35 written response with the reason for the denial.

36
37 **(e) Denial of request**

38
39 Only when the jury commissioner determines the applicant failed to satisfy the
40 requirements of this rule may the jury commissioner deny the permanent medical
41 excuse request.

42

1 **(f) Right to reapply**

2
3 A person whose request for permanent medical excuse is denied may reapply at any
4 time after receipt of the jury commissioner’s denial by following the process in (c).

5
6 **(g) Reinstatement**

7
8 A person who has received a permanent medical excuse from jury service under
9 this rule may be reinstated to the rolls of potential jurors at any time by filing a
10 signed, written request with the jury commissioner that the permanent medical
11 excuse be withdrawn.

12
13 *Rule 2.1009 adopted effective January 1, 2019.*

14
15 **Article 4. Protective Orders**

16
17 **Rule 3.1160 ~~3.1152~~. Requests for protective orders to prevent civil harassment,**
18 **workplace violence, private postsecondary school violence, and elder or**
19 **dependent adult abuse**

20
21 **(a)–(e) * * ***

22
23 *Rule 3.1160 renumbered effective January 1, 2019; adopted as rule 363 effective January 1,*
24 *1984; previously amended effective January 1, 1993, July 1, 1995, January 1, 2000, January 1,*
25 *2002, and January 1, 2012; previously amended and renumbered as rule 3.1152 effective*
26 *January 1, 2007.*

27
28 **Rule 3.1161. Request to make minor’s information confidential in civil harassment**
29 **protective order proceedings**

30
31 **(a) Application of rule**

32
33 This rule applies to requests and orders made under Code of Civil Procedure
34 section 527.6(v) to keep a minor’s information confidential in a civil harassment
35 protective order proceeding.

36
37 Wherever used in this rule, “legal guardian” means either parent if both parents
38 have legal custody, or the parent or person having legal custody, or the guardian, of
39 a minor.

40
41 **(b) Information that may be made confidential**

42
43 The information that may be made confidential includes:

1
2
3
4
5
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42

- (1) The minor’s name;
- (2) The minor’s address;
- (3) The circumstances surrounding the protective order with respect to the minor. These include the allegations in the *Request for Civil Harassment Retraining Orders* (form CH-100) that involve conduct directed, in whole or in part, toward the minor; and
- (4) Any other information that the minor or legal guardian believes should be confidential.

(c) Requests for confidentiality

- (1) *Person making request*
A request for confidentiality may be made by a minor or legal guardian.
- (2) *Number of minors*
A request for confidentiality by a legal guardian may be made for more than one minor. “Minor,” as used in this rule, refers to all minors for whom a request for confidentiality is made.

(d) Procedures for making request

- (1) *Timing of requests*
A request for confidentiality may be made at any time during the case.
- (2) *Submission of request*
The person submitting a request must complete and file *Request to Keep Minor’s Information Confidential* (form CH-160), a confidential form.
- (3) *Ruling on request*
 - (A) *Ruling on request without notice*
The court must determine whether to grant a request for confidentiality without requiring that any notice of the request be given to the other

1 party, or both parties if the minor is not a party in the proceeding. No
2 adversarial hearing is to be held.

3
4 (B) Request for confidentiality submitted at the same time as a request for
5 restraining orders

6
7 If a request for confidentiality is submitted at the same time as a request
8 for restraining orders, the court must consider both requests consistent
9 with Code of Civil Procedure section 527.6(e) and must consider and
10 rule on the request for confidentiality before the request for restraining
11 order is filed.

12
13 Documents submitted with the restraining order request must not be
14 filed until after the court has ruled on the request for confidentiality and
15 must be consistent with (C) below.

16
17 (C) Withdrawal of request for restraining order

18
19 If a request for confidentiality under (B) made by the person asking for
20 the restraining order is denied and the requester seeks to withdraw the
21 request for restraining orders, all of the following apply:

22
23 (i) The court must not file the request for restraining order and the
24 accompanying proposed order forms and must return the
25 documents to the requester personally, destroy the documents,
26 or delete the documents from any electronic files;

27
28 (ii) The order denying confidentiality must be filed and maintained
29 in a public file; and

30
31 (iii) The request for confidentiality must be filed and maintained in a
32 confidential file.

33
34 (4) Need for additional facts

35
36 If the court finds that the request for confidentiality is insufficiently specific
37 to meet the requirements under Code of Civil Procedure section 527.6(v)(2)
38 for granting the request, the court may take testimony from the minor, or
39 legal guardian, the person requesting a protective order, or other competent
40 witness, in a closed hearing in order to determine if there are additional facts
41 that would support granting the request.
42

1 **(e) Orders on request for confidentiality**

2
3 **(1) Rulings**

4
5 The court may grant the entire request, deny the entire request, or partially
6 grant the request for confidentiality.

7
8 **(2) Order granting request for confidentiality**

9
10 **(A) Applicability**

11
12 An order made under Code of Civil Procedure section 527.6(v) applies
13 in this case and in any other civil case to all registers of actions, indexes,
14 court calendars, pleadings, discovery documents, and other documents
15 filed or served in the action, and at hearings, trial, and other court
16 proceedings that are open to the public.

17
18 **(B) Minor's name**

19
20 If the court grants a request for confidentiality of the minor's name and:

21
22 **(i) If the minor is a party to the action, the court must use the initials**
23 **of the minor or other initials, at the discretion of the court. In**
24 **addition, the court must use only initials to identify both parties**
25 **to the action if using the other party's name would likely reveal**
26 **the identity of the minor.**

27
28 **(ii) If the minor is not a party to the action, the court must not include**
29 **any information that would likely reveal the identity of the minor,**
30 **including whether the minor lives with the person making the**
31 **request for confidentiality.**

32
33 **(C) Circumstances surrounding protective order (statements related to**
34 **minor)**

35
36 If the court grants a request for confidentiality, the order must
37 specifically identify the information about the minor in *Request for Civil*
38 *Harassment Restraining Orders* (form CH-100) and any other
39 applicable document that must be kept confidential. Information about
40 the minor ordered confidential by the court must not be made available
41 to the public.

42
43 **(D) Service**

1
2 The other party, or both parties if the person making the request for
3 confidentiality is not a party to the action, must be served with a copy of
4 the *Request to Keep Minor's Information Confidential* (form CH-160),
5 *Order on Request to Keep Minor's Information Confidential* (form CH-
6 165) and *Notice of Order Protecting Information of Minor* (form CH-
7 170), redacted if required under (f)(4).

8
9 (3) *Order denying request for confidentiality*

10
11 (A) The order denying confidentiality must be filed and maintained in a
12 public file. The request for confidentiality must be filed and maintained
13 in a confidential file.

14
15 (B) Notwithstanding denial of a request to keep the minor's address
16 confidential, the address may be confidential under other statutory
17 provisions.

18
19 (C) Service

20
21 (i) If a request for confidentiality is denied and the request for
22 restraining order has been withdrawn, and if no other action is
23 pending before the court in the case, then the *Request to Keep*
24 *Minor's Information Confidential* (form CH-160) and *Order on*
25 *Request to Keep Minor's Information Confidential* (form CH-
26 165) must not be served on the other party, or both parties if the
27 person making the request for confidentiality is not a party to
28 the action.

29
30 (ii) If a request for confidentiality is denied and the request for
31 restraining order has not been withdrawn, or if an action
32 between the same parties is pending before the court, then the
33 *Request to Keep Minor's Information Confidential* (form CH-
34 160) and *Order on Request to Keep Minor's Information*
35 *Confidential* (form CH-165) must be served on the other party,
36 or both parties if the person making the request for
37 confidentiality is not a party to the action.

38
39 (f) **Procedures to protect confidential information when request is granted**

40
41 (1) If a request for confidentiality is granted in whole or in part, the court, in its
42 discretion, and taking into consideration the factors stated in (g), must ensure

1 that the order granting confidentiality is maintained in the most effective
2 manner by:

3
4 (A) The judicial officer redacting all information to be kept confidential
5 from all applicable documents;

6
7 (B) Ordering the requesting party or the requesting party's attorney to
8 prepare a redacted copy of all applicable documents and submit all
9 redacted copies to the court for review and filing; or

10
11 (C) Ordering any other procedure that facilitates the prompt and accurate
12 preparation of a redacted copy of all applicable documents in
13 compliance with the court's order granting confidentiality, provided the
14 selected procedure is consistent with (g).

15
16 (2) The redacted copy or copies must be filed and maintained in a public file, and
17 the unredacted copy or copies must be filed and maintained in a confidential
18 file.

19
20 (3) Information that is made confidential from the public and the restrained
21 person must be filed in a confidential file accessible only to the minor or
22 minors who are subjects of the order of confidentiality, or the legal guardian
23 who requested confidentiality, law enforcement for enforcement purposes
24 only, and the court.

25
26 (4) Any information that is made confidential from the restrained person must be
27 redacted from the copy that will be served on the restrained person.

28
29 **(g) Factors in Selecting Redaction Procedures**

30
31 In determining the procedure to follow under (f), the court must consider the
32 following factors:

33
34 (1) Whether the requesting party is represented by an attorney;

35
36 (2) Whether the requesting party has immediate access to a self-help center or
37 other legal assistance;

38
39 (3) Whether the requesting party is capable of preparing redacted materials
40 without assistance;

41
42 (4) Whether the redactions to the applicable documents are simple or complex;
43 and

1
2 (5) When applicable, whether the selected procedure will ensure that the orders
3 on the request for restraining order and the request for confidentiality are
4 issued and redacted in an expeditious and timely manner.
5

6 **(h) Sharing of information about a protected minor**
7

8 (1) Sharing of information with the respondent
9

10 Information about a protected minor must be shared with the respondent only
11 as provided in Code of Civil Procedure section 527.6(v)(4)(B), limited to
12 information necessary to allow the respondent to respond to the request for
13 the protective order, and to comply with the confidentiality order and the
14 protective order.
15

16 (2) Sharing of information with law enforcement
17

18 Information about a protected minor must be shared with law enforcement
19 only as provided in Code of Civil Procedure section 527.6(v)(4)(A).
20

21 **(i) Protecting information in subsequent filings and other civil cases**
22

23 (1) Filings made after an order granting confidentiality
24

25 (A) A party seeking to file a document or form after an order for
26 confidentiality has been made must submit the *Cover Sheet for*
27 *Confidential Information* (form CH-175) attached to the front of the
28 document to be filed.
29

30 (B) Upon receipt of form CH-175 with attached documents, the court must:
31

32 (i) Order a procedure for redaction consistent with the procedures
33 stated in (f);
34

35 (ii) File the unredacted document in the confidential file pending
36 receipt of the redacted document if the redacted document is not
37 prepared on the same court day; and
38

39 (iii) File the redacted document in the public file after it has been
40 reviewed and approved by the court for accuracy.
41

42 (2) Other civil case
43

1 (A) Information subject to an order of confidentiality issued under Code of
2 Civil Procedure section 527.6(v) must be kept confidential in any other
3 civil case.

4
5 (B) The minor or person making the request for confidentiality and any
6 person who has been served with a notice of confidentiality must
7 submit a copy of the order of confidentiality (form CH-165) in any
8 other civil case involving the same parties.

9
10 *Rule 3.1161 adopted effective January 1, 2019.*

11
12 **Advisory Committee Comment**

13
14 **Subdivisions (a)–(e).** The process described in this rule need not be used for minors if the request
15 for confidentiality is merely to keep an address confidential and a petitioning minor has a mailing
16 address which need not be kept private that can be listed on the forms. The restraining order
17 forms do not require the address of a nonpetitioning minor.

18
19 This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is
20 made to seal a record. The standard as reflected in Code of Civil Procedure section 527.6(v)(2) is
21 based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The
22 standard recognizes the First Amendment right of access to documents used at trial or as a basis
23 of adjudication.

24
25
26
27
28
29
30 **Rule 3.2300. Review under Penal Code section 186.35 of law enforcement agency**
31 **denial of request to remove name from shared gang database**

32
33 **(a)–(c) * * ***

34
35 **(d) Petition**

36
37 **(1) Form**

38
39 (A) Except as provided in (i) and (ii), *Request Petition for Review of Denial*
40 *of Request to Remove Name From Gang Database* (form MC-1000)
41 must be used to seek review under Penal Code section 186.35 of a law
42 enforcement agency’s decision denying a request to remove a person’s
43 name from a shared gang database.

- 1
2 (i) A petition filed by an attorney need not be on form MC-1000.
3 For good cause the court may also accept a petition from a
4 nonattorney that is not on form MC-1000.
5
6 (ii) Any petition that is not on form MC-1000 must contain the
7 information specified in form MC-1000 and must bear the name
8 “Petition for Review of Denial of Request to Remove Name
9 From Gang Database.”

10
11 (B) The person seeking review must attach to the petition under (A) either:

- 12
13 (i) The law enforcement agency’s written verification, if one was
14 received, of its decision denying the person’s request under Penal
15 Code section 186.34 to remove his or her name—or, if the
16 request was filed by a parent or guardian on behalf of a child
17 under 18, the name of the child—from the shared gang database;
18 or
19
20 (ii) If the law enforcement agency did not provide written
21 verification responding to the person’s request under Penal Code
22 section 186.34 within 30 days of submission of the request, a
23 copy of the request and written documentation submitted to the
24 law enforcement agency contesting the designation.

25
26 (2)–(5) * * *

27
28 *(Subd (d) amended effective January 1, 2019; previously amended effective January 1,*
29 *2018.)*

30
31 **(e) Record**

32
33 (1) *Filing*

- 34
35 (A) The law enforcement agency must serve the record on the person filing
36 the petition and must file the record in the superior court in which the
37 petition was filed.
38
39 (B) The record must be served and filed within 15 days after the date the
40 petition is served on the law enforcement agency as required by
41 subdivision (d)(5) of this rule.
42

1 (C) If the record contains any documents that are part of a juvenile case file
2 or are ~~sealed or~~ confidential under Welfare and Institutions Code
3 section 827 or have been sealed, the law enforcement agency must
4 include a coversheet that states “Confidential Filing – Juvenile Case
5 File Enclosed.”
6

7 (D) The procedures set out in rules 2.550 and 2.551 apply to any record
8 sought to be filed under seal in a proceeding under this rule.
9

10 (2) *Contents*

11
12 The record is limited to the documents required by Penal Code section
13 186.35(c).
14

15 (3) *Format*

16
17 (A) The cover or first page of the record must:

18 (i) Clearly identify it as the record in the case;

19 (ii) Clearly indicate if the record includes any documents that are
20 ~~sealed or~~ confidential under Welfare and Institutions Code
21 section 827 or have been sealed;

22 (iii) State the title and court number of the case; and

23 (iv) Include the name, mailing address, telephone number, fax
24 number (if available), e-mail address (if available), and California
25 State Bar number (if applicable) of the attorney or other person
26 filing the record on behalf of the law enforcement agency. The
27 court will use this as the name, mailing address, telephone
28 number, fax number, and e-mail address of record for the agency
29 unless the agency informs the court otherwise in writing.
30
31
32
33
34

35 (B) All documents in the record must have a page size of 8.5 by 11 inches;

36 (C) The text must be reproduced as legibly as printed matter;

37 (D) The contents must be arranged chronologically;

38 (E) The pages must be consecutively numbered; and
39
40
41
42

1 (F) The record must be ~~bound on the left margin~~ stapled and two-hole
2 punched at the top of the page.
3

4 (4) *Failure to file the record*
5

6 If the law enforcement agency does not timely file the required record, the
7 superior court clerk must serve the law enforcement agency with a notice
8 indicating that the agency must file the record within five court days of
9 service of the clerk's notice or the court may order the law enforcement
10 agency to remove the name of the person from the shared gang database.
11

12 *(Subd (e) amended effective January 1, 2019; previously amended effective January 1,*
13 *2018.)*
14

15 (f) **Written argument**
16

17 (1) *Contents*
18

19 (A) The person filing the petition may include in the petition or separately
20 serve and file a written argument about why, based on the record
21 specified in Penal Code section 186.35(c), the law enforcement agency
22 has failed to establish by clear and convincing evidence the active gang
23 membership, associate status, or affiliate status of the person so
24 designated or to be so designated by the law enforcement agency in the
25 shared gang database.
26

27 (B) The law enforcement agency may serve and file a written argument
28 about why, based on the record specified in Penal Code section
29 186.35(c), it has established by clear and convincing evidence the
30 active gang membership, associate status, or affiliate status of the
31 person.
32

33 (C) If an argument refers to something in the record, it must provide the
34 page number of the record where that thing appears or, if the record has
35 not yet been filed, the page number of the relevant document.
36

37 (D) Except for any required attachment to a petition, when an argument is
38 included in the petition, nothing may be attached to an argument and an
39 argument must not refer to any evidence that is not in the record.
40

41 (2) *Time to serve and file*
42

1 Any written argument must be served and filed within 15 days after the date
2 the record is served.

3
4 (3) *Format and length of argument*

5
6 (A) The cover or first page of any argument must:

7
8 (i) Clearly identify it as the argument of the person filing the petition
9 or of the law enforcement agency;

10
11 (ii) State the title and, if assigned, court number of the case; and

12
13 (iii) Include the name, mailing address, telephone number, fax
14 number (if available), e-mail address (if available), and California
15 State Bar number (if applicable) of the attorney or other person
16 filing the argument.

17
18 (B) An argument must not exceed 10 pages.

19
20 (C) The pages must be consecutively numbered.

21
22 *(Subd (f) amended effective January 1, 2019; previously amended effective January 1,*
23 *2018.)*

24
25 **(g)–(i) * * ***

26
27 *Rule 3.2300 amended effective January 1, 2019; adopted effective January 20, 2017; previously*
28 *amended effective January 1, 2018.*

29
30 **Rule 4.131. Probable cause determinations under section 1368.1(a)(2)**

31
32 **(a) Notice of a request for a determination of probable cause**

33
34 The prosecuting attorney must serve and file notice of a request for a determination
35 of probable cause on the defense at least 10 court days before the time appointed
36 for the proceeding.

37
38 **(b) Judge requirement**

39
40 A judge must hear the determination of probable cause unless there is a stipulation
41 by both parties to having the matter heard by a subordinate judicial officer.
42

1 **(c) Defendant need not be present**

2
3 A defendant need not be present for a determination of probable cause to proceed.

4
5 **(d) Application of section 861**

6
7 The one-session requirement of section 861 does not apply.

8
9 **(e) Transcript**

10
11 A transcript of the determination of probable cause must be provided to the
12 prosecuting attorney and counsel for the defendant consistent with the manner in
13 which a transcript is provided in a preliminary examination.

14
15 *Rule 4.131 adopted effective January 1, 2019.*

16
17 **Rule 5.97. Time frames for transferring jurisdiction**

18
19 **(a) Application**

20 This rule applies to family law actions or family law proceedings for which a
21 transfer of jurisdiction has been ordered under part 2 of title 4 of the Code of Civil
22 Procedure.

23
24 **(b) Payment of fees; fee waivers**

25 Responsibility for the payment of court costs and fees for the transfer of
26 jurisdiction as provided in Government Code section 70618 is subject to the
27 following provisions:

28
29 (1) If a transfer of jurisdiction is ordered in response to a motion made under title
30 4 of the Code of Civil Procedure by a party, the responsibility for costs and
31 fees is subject to Code of Civil Procedure section 399(a). If the fees are not
32 paid within the time specified in section 399(a), the court may, on a duly
33 noticed motion by any party or on its own motion, dismiss the action without
34 prejudice to the cause of action. Except as provided in (e), no other action on
35 the cause may be commenced in another court before satisfaction of the
36 court's order for fees and costs or a court-ordered waiver of such fees and
37 costs.

38
39 (2) If a transfer of jurisdiction is ordered by the court on its own motion, the
40 court must specify in its order which party is responsible for the Government
41 Code section 70618 fees. If that party has not paid the fees within five days
42 of service of notice of the transfer order, any other party interested in the
43 action or proceeding may pay the costs and fees and the clerk must transmit

1 the case file. If the fees are not paid within the time period set forth in Code
2 of Civil Procedure section 399, the court may, on a duly noticed motion by
3 any party or on its own motion, dismiss the action without prejudice to the
4 cause or enter such other orders as the court deems appropriate. Except as
5 provided in (e), no other action on the cause may be commenced in the
6 original court or another court before satisfaction of the court's order for fees
7 and costs or a court-ordered waiver of such fees and costs.
8

9 (3) If the party responsible for the fees has been granted a fee waiver by the
10 sending court, the case file must be transmitted as if the fees and costs were
11 paid and the fee waiver order must be transmitted with the case file in lieu of
12 the fees and costs. If a partial fee waiver has been granted, the party
13 responsible for the fees and costs must pay the required portion of the fees
14 and costs before the case will be transmitted. In any case involving a fee
15 waiver, the court receiving the case file has the authority under Government
16 Code section 68636 to review the party's eligibility for a fee waiver based on
17 additional information available to the court or pursuant to a hearing at final
18 disposition of the case.
19

20 (4) At the hearing to transfer jurisdiction, the court must address any issues
21 regarding fees. If a litigant indicates they cannot afford to pay the fees, a fee
22 waiver request form should be provided by the clerk and the court should
23 promptly rule on that request.
24

25 **(c) Time frame for transfer of jurisdiction**

26 After a court orders the transfer of jurisdiction over the action or proceeding, the
27 clerk must transmit the case file to the clerk of the court to which the action or
28 proceeding is transferred within five court days of the date of expiration of the 20-
29 day time period to petition for a writ of mandate. If a writ is filed, the clerk must
30 transmit the case file within five court days of the notice that the order is final. The
31 clerk must send notice stating the date of the transmittal to all parties who have
32 appeared in the action or proceeding and the court receiving the transfer.
33

34 **(d) Time frame to assume jurisdiction over transferred matter**

35 Within 20 court days of the date of the transmittal, the clerk of the court receiving
36 the transferred action or proceeding must send notice to all parties who have
37 appeared in the action or proceeding and the court that ordered the transfer stating
38 the date of the filing of the case and the number assigned to the case in the court.
39

40 **(e) Emergency orders while transfer is pending**

41 Until the clerk of the receiving court sends notice of the date of filing, the
42 transferring court retains jurisdiction over the matter to make orders designed to
43 prevent immediate danger or irreparable harm to a party or the children involved in

1 the matter, or immediate loss or damage to property subject to disposition in the
2 matter. When an emergency order is requested, the transferring court must send
3 notice to the receiving court that it is exercising its jurisdiction and must inform the
4 receiving court of the action taken on the request. If the court makes a new order in
5 the case, it must send a copy of the order to the receiving court if the case file has
6 already been transmitted. The transferring court retains jurisdiction over the request
7 until it takes action on it.

8
9 *Rule 5.97 adopted effective January 1, 2019.*

10
11 **Rule 5.382. Request to make minor’s information confidential in domestic violence**
12 **protective order proceedings**

13
14 **(a) Application of rule**

15
16 This rule applies to requests and orders made under Family Code section 6301.5 to
17 keep a minor’s information confidential in a domestic violence protective order
18 proceeding.

19
20 Wherever used in this rule, “legal guardian” means either parent if both parents
21 have legal custody, or the parent or person having legal custody, or the guardian, of
22 a minor.

23
24 **(b) Information that may be made confidential**

25
26 The information that may be made confidential includes:

- 27
28 (1) The minor’s name;
29
30 (2) The minor’s address;
31
32 (3) The circumstances surrounding the protective order with respect to the minor.
33 These include the allegations in the *Request for Domestic Violence*
34 *Retraining Order* (form DV-100) that involve conduct directed, in whole or
35 in part, toward the minor; and
36
37 (4) Any other information that the minor or legal guardian believes should be
38 confidential.

39
40 **(c) Requests for confidentiality**

- 41
42 (1) Person making request
43

1 A request for confidentiality may be made by a minor or legal guardian.

2
3 (2) Number of minors

4
5 A request for confidentiality by a legal guardian may be made for more than
6 one minor. "Minor," as used in this rule, refers to all minors for whom a
7 request for confidentiality is made.

8
9 **(d) Procedures for making request**

10
11 (1) Timing of requests

12
13 A request for confidentiality may be made at any time during the case.

14
15 (2) Submission of request

16
17 The person submitting a request must complete and file *Request to Keep*
18 *Minor's Information Confidential* (form DV-160), a confidential form.

19
20 (3) Ruling on request

21
22 (A) Ruling on request without notice

23
24 The court must determine whether to grant a request for confidentiality
25 without requiring that any notice of the request be given to the other
26 party, or both parties if the minor is not a party in the proceeding. No
27 adversarial hearing is to be held.

28
29 (B) Request for confidentiality submitted at the same time as a request for
30 restraining orders

31
32 If a request for confidentiality is submitted at the same time as a request
33 for restraining orders, the court must consider both requests consistent
34 with Family Code section 6326, and must consider and rule on the
35 request for confidentiality before the request for restraining order is
36 filed.

37
38 Documents submitted with the restraining order request must not be
39 filed until after the court has ruled on the request for confidentiality and
40 must be consistent with (C) below.

41
42 (C) Withdrawal of request

43

1 If a request for confidentiality under (B) made by the person asking for
2 the restraining order is denied and the requester seeks to withdraw the
3 request for restraining orders, all of the following apply:

4
5 (i) The court must not file the request for restraining order and the
6 accompanying proposed order forms and must return the
7 documents to the requester personally, destroy the documents, or
8 delete the documents from any electronic files;

9
10 (ii) The order denying confidentiality must be filed and maintained in
11 a public file; and

12
13 (iii) The request for confidentiality must be filed and maintained in a
14 confidential file.

15
16 (4) *Need for additional facts*

17
18 If the court finds that the request for confidentiality is insufficiently specific
19 to meet the requirements under Family Code section 6301.5(b) for granting
20 the request, the court may take testimony from the minor, or legal guardian,
21 the person requesting a protective order, or other competent witness, in a
22 closed hearing in order to determine if there are additional facts that would
23 support granting the request.

24
25 (e) **Orders on request for confidentiality**

26
27 (1) *Rulings*

28
29 The court may grant the entire request, deny the entire request, or partially
30 grant the request for confidentiality.

31
32 (2) *Order granting request for confidentiality*

33
34 (A) *Applicability*

35
36 An order made under Family Code section 6301.5 applies in this case
37 and in any other civil case to all registers of actions, indexes, court
38 calendars, pleadings, discovery documents, and other documents filed
39 or served in the action, and at hearings, trial, and other court
40 proceedings that are open to the public.

41
42 (B) *Minor's name*

1 If the court grants a request for confidentiality of the minor's name and:

2
3 (i) If the minor is a party to the action, the court must use the initials
4 of the minor, or other initials at the discretion of the court. In
5 addition, the court must use only initials to identify both parties
6 to the action if using the other party's name would likely reveal
7 the identity of the minor.

8
9 (ii) If the minor is not a party to the action, the court must not include
10 any information that would likely reveal the identity of the minor,
11 including whether the minor lives with the person making the
12 request for confidentiality.

13
14 (C) Circumstances surrounding protective order (statements related to
15 minor)

16
17 If the court grants a request for confidentiality, the order must
18 specifically identify the information about the minor in *Request for*
19 *Domestic Violence Restraining Order* (form DV-100) and any other
20 applicable document that must be kept confidential. Information about
21 the minor ordered confidential by the court must not be made available
22 to the public.

23
24 (D) Service and copies

25
26 The other party, or both parties if the person making the request for
27 confidentiality is not a party to the action, must be served with a copy
28 of the *Request for Domestic Violence Restraining Order* (form DV-
29 160), *Order on Request to Keep Minor's Information Confidential*
30 (form DV-165), and *Notice of Order Protecting Information of Minor*
31 (form DV-170), redacted if required under (f)(4).

32
33 The protected person and the person requesting confidentiality (if not
34 the protected person) must be provided up to three copies of redacted
35 and unredacted copies of any request or order form.

36
37 (3) Order denying request for confidentiality

38
39 (A) The order denying confidentiality must be filed and maintained in a
40 public file. The request for confidentiality must be filed and maintained
41 in a confidential file.

42

1 (B) Notwithstanding denial of a request to keep the minor's address
2 confidential, the address may be confidential under other statutory
3 provisions

4
5 (C) Service

6
7 (i) If a request for confidentiality is denied and the request for
8 restraining order has been withdrawn, and if no other action is
9 pending before the court in the case, then the *Request to Keep*
10 *Minor's Information Confidential* (form DV-160) and *Order on*
11 *Request to Keep Minor's Information Confidential* (form DV-
12 165) must not be served on the other party, or both parties if the
13 person making the request for confidentiality is not a party to the
14 action.

15
16 (ii) If a request for confidentiality is denied and the request for
17 restraining order has not been withdrawn, or if an action between
18 the same parties is pending before the court, then the *Request to*
19 *Keep Minor's Information Confidential* (form DV-160) and
20 *Order on Request to Keep Minor's Information Confidential*
21 (form DV-165) must be served on the other party, or both parties
22 if the person making the request for confidentiality is not a party
23 to the action.

24
25 **(f) Procedures to protect confidential information when order is granted**

26
27 (1) If a request for confidentiality is granted in whole or in part, the court, in its
28 discretion, and taking into consideration the factors stated in (g), must ensure
29 that the order granting confidentiality is maintained in the most effective
30 manner by:

31
32 (A) The judicial officer redacting all information to be kept confidential
33 from all applicable documents;

34
35 (B) Ordering the requesting party or the requesting party's attorney to
36 prepare a redacted copy of all applicable documents and submit all
37 redacted copies to the court for review and filing; or

38
39 (C) Ordering any other procedure that facilitates the prompt and accurate
40 preparation of a redacted copy of all applicable documents in
41 compliance with the court's order granting confidentiality, provided the
42 selected procedure is consistent with (g).

43

1 (2) The redacted copy or copies must be filed and maintained in a public file, and
2 the unredacted copy or copies must be filed and maintained in a confidential
3 file.

4
5 (3) Information that is made confidential from the public and the restrained
6 person must be filed in a confidential file accessible only to the minor or
7 minors who are subjects of the order of confidentiality, or legal guardian who
8 requested confidentiality, law enforcement for enforcement purposes only,
9 and the court.

10
11 (4) Any information that is made confidential from the restrained person must be
12 redacted from the copy that will be served on the restrained person.

13
14 **(g) Factors in selecting redaction procedures**

15
16 In determining the procedures to follow under (f), the court must consider the
17 following factors:

18
19 (1) Whether the requesting party is represented by an attorney;

20
21 (2) Whether the requesting party has immediate access to a self-help center or
22 other legal assistance;

23
24 (3) Whether the requesting party is capable of preparing redacted materials
25 without assistance;

26
27 (4) Whether the redactions to the applicable documents are simple or complex;
28 and

29
30 (5) When applicable, whether the selected procedure will ensure that the orders
31 on the request for restraining order and the request for confidentiality are
32 entered in an expeditious and timely manner.

33
34 **(h) Sharing of information about a protected minor**

35
36 (1) Sharing of information with the respondent

37
38 Information about a protected minor must be shared with the respondent only
39 as provided in Family Code section 6301.5(d)(2), limited to information
40 necessary to allow the respondent to respond to the request for the protective
41 order, and to comply with the confidentiality order and the protective order.

42
43 (2) Sharing of information with law enforcement

1
2 Information about a protected minor must be shared with law enforcement
3 only as provided in Family Code section 6301.5(d)(1).
4

5 **(i) Protecting information in subsequent filings and other civil cases**
6

7 **(1) Filings made after an order granting confidentiality**
8

9 **(A) A party seeking to file a document or form after an order for**
10 **confidentiality has been made must submit the *Cover Sheet for***
11 ***Confidential Information* (form DV-175) attached to the front of the**
12 **document to be filed.**
13

14 **(B) Upon receipt of form DV-175 with attached documents, the court must:**
15

16 **(i) Order a procedure for redaction consistent with the procedures**
17 **stated in (f);**
18

19 **(ii) File the unredacted document in the confidential file pending**
20 **receipt of the redacted document if the redacted document is not**
21 **prepared on the same court day; and**
22

23 **(iii) File the redacted document in the public file after it has been**
24 **reviewed and approved by the court for accuracy.**
25

26 **(2) Other civil case**
27

28 **(A) Information subject to an order of confidentiality issued under Family**
29 **Code section 6301.5 must be kept confidential in any other civil case.**
30

31 **(B) The minor or person making the request for confidentiality and any**
32 **person who has been served with a notice of confidentiality must**
33 **submit a copy of the order of confidentiality (form DV-165) in any**
34 **other civil case involving the same parties.**
35

36 **Advisory Committee Comment**
37

38 **Subdivisions (a), (b), (d), and (e).** The process described in this rule need not be used if the
39 **request for confidentiality is merely to keep an address confidential and the minor has a mailing**
40 **address which does not need to be kept private that can be listed on the forms, or if the minor's**
41 **address can be made confidential under Family Code section 3429. In addition, the address need**
42 **not be listed on the protective order for enforcement purposes under Family Code section 6225.**
43 **The restraining order forms do not require the address of the nonpetitioning minor.**

1
2 This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is
3 made to seal a record. The standard as reflected in Family Code section 6301.5 is based on *NBC*
4 *Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes
5 the First Amendment right of access to documents used at trial or as a basis of adjudication.
6

7 *Rule 5.382 adopted effective January 1, 2019.*
8

9 **Rule 5.526. Citation to appear; warrants of arrest; subpoenas**

10
11 **(a) Citation to appear (§§ 338, 661)**
12

13 In addition to the notice required under rule 5.524, the court may issue a citation
14 directing a parent or guardian to appear at a hearing as specified in section 338 or
15 661.
16

17 ~~(1) The citation must state that the parent or guardian may be required to~~
18 ~~participate in a counseling program, and the citation may direct the child's~~
19 ~~present caregiver to bring the child to court.~~
20

21 ~~(2) The citation must be personally served at least 24 hours before the time stated~~
22 ~~for the appearance.~~
23

24 *(Subd (a) amended effective January 1, 2019; previously amended effective January 1,*
25 *2006, and January 1, 2007.)*
26

27 **(b) Warrant of arrest (§§ 339, 662)**
28

29 The court may order a warrant of arrest to issue against the parent, guardian, or
30 present custodian of the child ~~if~~ as specified in section 339 or 662.
31

32 ~~(1) The citation cannot be served;~~
33

34 ~~(2) The person served does not obey it; or~~
35

36 ~~(3) The court finds that a citation will probably be ineffective.~~
37

38 *(Subd (b) amended effective January 1, 2019.)*
39

40 **(c) Protective custody or warrant of arrest for child (§§ 340, 663)**
41

42 The court may order a protective custody warrant or a warrant of arrest for a child
43 ~~if the court finds that~~ as specified in section 340 or 663.

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~~(1) The conduct and behavior of the child may endanger the health, person, welfare, or property of the child or others; or~~

~~(2) The home environment of the child may endanger the health, person, welfare, or property of the child.~~

(Subd (c) amended effective January 1, 2019.)

(d) Subpoenas (§§ 341, 664)

On the court’s own motion or at the request of the petitioner, child, parent, guardian, or present caregiver, the clerk must issue subpoenas ~~requiring attendance and testimony of witnesses and the production of papers at a hearing.~~ If a witness appears in response to a subpoena, the court may order the payment of witness fees as a county charge in the amount and manner prescribed by statute. as specified in section 341 or 664.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2006.)

Rule 5.526 amended effective January 1, 2019; adopted as rule 1408 effective January 1, 1991; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007.

Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)

(a) * * *

(b) Petition

Juvenile case files may be obtained or inspected only in accordance with sections 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal subpoena. With the exception of those persons permitted to inspect juvenile case files without court authorization under sections 827 and 828, and the specific requirements for accessing juvenile case files provided in section 827.12(a)(1), every person or agency seeking to inspect or obtain juvenile case files must petition the court for authorization using *Request for Disclosure of Juvenile Case File* (form 7JV-570). A chief probation officer seeking juvenile court authorization to access and provide data from case files in the possession of the probation department under section 827.12(a)(2) must comply with the requirements of subdivision (e) of this rule.

1 (1)–(2) * * *

2

3 (c)–(g) * * *

4

5 **Chapter 7. Intercounty Transfers and Placements; Interstate Compact on the**
6 **Placement of Children**

7

8 **Rule 5.610. Transfer-out hearing**

9

10 **(a) Determination of residence—special rule on intercounty transfers (§§ 375,**
11 **750)**

12

13 (1) For purposes of rules 5.610, ~~and 5.612, and 5.614,~~ the residence of the child
14 is the residence of the person who has the legal right to physical custody of
15 the child according to prior court order, including:

16

17 (A) A juvenile court order under section 361.2; and

18

19 (B) An order appointing a guardian of the person of the child.

20

21 (2)–(4) * * *

22

23 *(Subd (a) amended effective January 1, 2019; previously amended effective January 1,*
24 *2004, and January 1, 2007.)*

25

26 (b) * * *

27

28 **(c) Transfer to county of child's residence (§§ 375, 750)**

29

30 (1) After making its jurisdictional finding, the court may order the case
31 transferred to the juvenile court of the child's residence ~~if:~~ as specified in
32 section 375 or section 750.

33

34 (A) ~~The petition was filed in a county other than that of the child's~~
35 ~~residence; or~~

36

37 (B) ~~The child's residence was changed to another county after the petition~~
38 ~~was filed.~~

39

40 (2) If the court decides to transfer a delinquency case, the court must order the
41 transfer before beginning the disposition hearing without adjudging the child
42 to be a ward.

43

1 (3) If the court decides to transfer a dependency case, the court may order the
2 transfer before or after the disposition hearing.

3
4 *(Subd (c) amended effective January 1, 2019; previously amended effective January 1,*
5 *2004, and January 1, 2007.)*

6
7 **(d)–(j) * * ***

8
9 *Rule 5.610 amended effective January 1, 2019; adopted as rule 1425 effective January 1, 1990;*
10 *previously amended and renumbered effective January 1, 2007; previously amended effective*
11 *January 1, 1992, January 1, 1993, July 1, 1999, January 1, 2004, January 1, 2015, and January*
12 *1, 2017.*

13
14 **Rule 5.614. Courtesy supervision (§§ 380, 755)**

15
16 ~~The court may authorize a child placed on probation, a ward, or a dependent child to live~~
17 ~~in another county and to be placed under the supervision of the other county's county~~
18 ~~welfare agency or probation department with the consent of the agency or department.~~
19 ~~The court in the county ordering placement retains jurisdiction over the child.~~

20
21 *Rule 5.614 repealed effective January 1, 2019; adopted as rule 1427 effective January 1,*
22 *1990; previously amended and renumbered effective January 1, 2007.*

23
24 **Rule 5.614. Intercounty Placements**

25
26 **(a) Procedure**

27
28 Whenever a social worker intends to place a dependent child outside the child's
29 county of residence, the procedures in section 361.2(h) must be followed.

30
31 **(b) Participants to be served with notice**

32
33 Unless the requirements for emergency placement in section 361.4 are met, before
34 placing a child out of county, the agency must notify the following participants of
35 the proposed removal:

- 36
37 (1) The participants listed in section 361.2(h);
38
39 (2) The Indian child's identified Indian tribe, if any;
40
41 (3) The Indian child's Indian custodian, if any; and
42
43 (4) The child's CASA program, if any.

1
2 **(c) Form of notice**

3
4 The social worker may provide the required written notice to the participants in (b)
5 on *Notice of Intent to Place Child Out of County* (form JV-555). If form JV-555 is
6 used, the social worker must also provide a blank copy of *Objection to Out-of-*
7 *County Placement and Notice of Hearing* (form JV-556).
8

9 **(d) Method of Service**

10
11 The agency must serve notice of its intent to place the child out of county as
12 follows:

- 13
14 (1) Notice must be served by either first-class mail, sent to the last known
15 address of the person to be noticed; electronic service in accordance with
16 Welfare and Institutions Code section 212.5; or personal service at least 14
17 days before the placement, unless the child's health or well-being is
18 endangered by delaying the action or would be endangered if prior notice
19 were given;
20
21 (2) Notice to the child's identified Indian tribe and Indian custodian must comply
22 with the requirements of section 224.2; and
23
24 (3) *Proof of Notice* (form JV-326) must be filed with the court before any
25 hearing on the proposed out-of-county placement.
26

27 **(e) Objection to proposed out-of-county placement**

28
29 Each participant who receives notice under (b)(1)–(3) may object to the proposed
30 removal of the child, and the court must set a hearing as required by section
31 361.2(h).
32

- 33 (1) An objection to the proposed intercounty placement may be made by using
34 *Objection to Out-of-County Placement and Notice of Hearing* (form JV-556).
35
36 (2) An objection must be filed no later than seven days after receipt of the notice.
37

38 **(f) Notice of hearing on proposed removal**

39
40 If an objection is filed, the clerk must set a hearing, and notice of the hearing must
41 be as follows:
42

- 1 (1) If the party objecting to the removal is not represented by counsel, the clerk
2 must provide notice of the hearing to the agency and the participants listed in
3 (b);
4
5 (2) If the party objecting to the removal is represented by counsel, that counsel
6 must provide notice of the hearing to the agency and the participants listed in
7 (b);
8
9 (3) Notice must be by either first-class mail, sent to the last known address of the
10 person to be noticed; electronic service in accordance with Welfare and
11 Institutions Code section 212.5; or personal service; and
12
13 (4) Proof of Notice (form JV-326) must be filed with the court before the hearing
14 on the proposed removal.
15

16 **(g) Burden of proof**

17
18 At a hearing on an out-of-county placement, the agency intending to move the child
19 must prove by a preponderance of the evidence that the standard in section 361.2(h)
20 is met.
21

22 **(h) Emergency placements**

23
24 If the requirements for emergency placement in section 361.4 are met, the agency
25 must provide notice as required in section 16010.6.
26

27 *Rule 5.614 adopted effective January 1, 2019.*
28

29 **Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts;**
30 **detention alternatives**

31
32 **(a) Findings in support of detention (§ 319; 42 U.S.C. § 672 § 600 et seq.)**

33
34 The court must order the child released from custody unless the court ~~finds that:~~
35 makes findings as specified in section 319(b).
36

37 ~~(1) A prima facie showing has been made that the child is described by section~~
38 ~~300;~~

39
40 ~~(2) Continuance in the home of the parent or guardian is contrary to the child's~~
41 ~~welfare; and~~

42
43 ~~(3) Any of the following grounds exist:~~

1
2 (A) ~~There is a substantial danger to the physical health of the child or the~~
3 ~~child is suffering severe emotional damage, and there are no reasonable~~
4 ~~means to protect the child's physical or emotional health without~~
5 ~~removing the child from the parent's or guardian's physical custody;~~
6

7 (B) ~~The child is a dependent of the juvenile court who has left a placement;~~
8

9 (C) ~~The parent, guardian, or responsible relative is likely to flee the~~
10 ~~jurisdiction of the court with the child; or~~
11

12 (D) ~~The child is unwilling to return home and the petitioner alleges that a~~
13 ~~person residing in the home has physically or sexually abused the child.~~
14

15 *(Subd (a) amended effective January 1, 2019; previously amended effective July 1, 2002*
16 *and January 1, 2007.)*
17

18 **(b) Factors to consider**
19

20 In determining whether to release or detain the child under (a), the court must
21 consider the following: factors in section 319(d).
22

23 (1) ~~Whether the child can be returned home if the court orders services to be~~
24 ~~provided, including services under section 306; and~~
25

26 (2) ~~Whether the child can be returned to the custody of his or her parent who is~~
27 ~~enrolled in a certified substance abuse treatment facility that allows a~~
28 ~~dependent child to reside with his or her parent.~~
29

30 *(Subd (b) amended effective January 1, 2019; previously amended effective July 1, 2002,*
31 *January 1, 2007, and January 1, 2016.)*
32

33 **(c) Findings of the court—reasonable efforts (§ 319; 42 U.S.C. § 672 ~~§ 600 et seq.~~)**
34

35 (1) Whether the child is released or detained at the hearing, the court must
36 determine whether reasonable efforts have been made to prevent or eliminate
37 the need for removal and must make one of the following findings:
38

39 (A) Reasonable efforts have been made; or
40

41 (B) Reasonable efforts have not been made.
42

1 (2) The court must also determine whether services are available that would
2 prevent the need for further detention.

3
4 ~~(2)~~(3) The court must not order the child detained unless the court, after inquiry
5 regarding available services, finds that there are no reasonable services that
6 would prevent or eliminate the need to detain the child or that would permit
7 the child to return home.

8
9 ~~(3)~~(4) If the court orders the child detained, the court must: proceed under section
10 319(d)–(e).

11
12 (A) ~~—Determine if there are services that would permit the child to return~~
13 ~~home pending the next hearing and state the factual bases for the~~
14 ~~decision to detain the child;~~

15
16 (B) ~~—Specify why the initial removal was necessary; and~~

17
18 (C) ~~—If appropriate, order services to be provided as soon as possible to~~
19 ~~reunify the child and the child’s family.~~

20
21 *(Subd (c) amended effective January 1, 2019; adopted as subd (d); previously amended*
22 *and relettered effective July 1, 2002; previously amended effective January 1, 2007.)*

23
24 **(d) Orders of the court (§ 319; ~~42 U.S.C. § 672 § 600 et seq.~~)**

25
26 If the court orders the child detained, the court must order that temporary care and
27 custody of the child be vested with the county welfare department pending
28 disposition or further order of the court: and must make the other findings and
29 orders specified in section 319(e) and (f)(3).

30
31 *(Subd (d) amended effective January 1, 2019; adopted effective July 1, 2002.)*

32
33 **(e) Detention alternatives (§ 319)**

34
35 The court may order the child detained ~~in the approved home of a relative, an~~
36 ~~emergency shelter, another suitable licensed home or facility, a place exempt from~~
37 ~~licensure if specifically designated by the court, or the approved home of a~~
38 ~~nonrelative extended family member as defined in section 362.7. as specified in~~
39 section 319(f).

40
41 (1) ~~—In determining the suitability of detention with a relative or a nonrelative~~
42 ~~extended family member, the court must consider the recommendations of~~
43 ~~the social worker based on the approval of the home of the relative or~~

1 ~~nonrelative extended family member, including the results of checks of~~
2 ~~criminal records and any prior reports of alleged child abuse.~~

3
4 ~~(2) The court must order any parent and guardian present to disclose the names,~~
5 ~~residences (if known), and any identifying information of any maternal or~~
6 ~~paternal relatives of the child.~~

7
8 *(Subd (e) amended effective January 1, 2019; adopted effective January 1, 1999;*
9 *previously amended effective July 1, 2002, and January 1, 2007.)*

10
11 *Rule 5.678 amended effective January 1, 2019; repealed and adopted as rule 1446 effective*
12 *January 1, 1998; previously amended and renumbered as rule 5.678 effective January 1, 2007;*
13 *previously amended effective January 1, 1999, July 1, 2002, and January 1, 2016.*

14
15 **Rule 5.690. General conduct of disposition hearing**

16
17 **(a)–(b) * * ***

18
19 **(c) Case plan (§ 16501.1)**

20
21 Whenever child welfare services are provided, the social worker must prepare a
22 case plan.

23
24 (1) A written case plan must be completed and filed with the court by the date of
25 disposition or within 60 calendar days of initial removal or of the in-person
26 response required under section 16501(f) if the child has not been removed
27 from his or her home, whichever occurs first.

28
29 (2) For a child of any age, The the court must consider the case plan and must
30 find as follows:

31
32 (A) The case plan meets the requirements of section 16501.1; or

33
34 (B) The case plan does not meet the requirements of section 16501.1, in
35 which case the court must order the agency to comply with the
36 requirements of section 16501.1; and

37
38 (A) (C) The social worker solicited and integrated into the case plan the
39 input of the child; the child's family; the child's identified Indian
40 tribe, including consultation with the child's tribe on whether tribal
41 customary adoption as defined in section 366.24 is an appropriate
42 permanent plan for the child if reunification is unsuccessful; and other
43 interested parties; or

1
2 ~~(B)~~ (D) The social worker did not solicit and integrate into the case plan
3 the input of the child, the child’s family, the child’s identified Indian
4 tribe, and other interested parties. ~~If the court finds that the social~~
5 ~~worker did not solicit and integrate into the case plan the input of the~~
6 ~~child, the child’s family, the child’s identified Indian tribe, and other~~
7 ~~interested parties, in which case~~ the court must order that the social
8 worker solicit and integrate into the case plan the input of the child, the
9 child’s family, the child’s identified Indian tribe, and other interested
10 parties, unless the court finds that each of these participants was unable,
11 unavailable, or unwilling to participate.
12

13 (3) For a child 12 years of age or older and in a permanent placement, the court
14 must consider the case plan and must also find as follows:
15

16 (A) The child was given the opportunity to review the case plan, sign it, and
17 receive a copy; or
18

19 (B) The child was not given the opportunity to review the case plan, sign it,
20 and receive a copy. ~~If the court makes such a finding, in which case~~
21 the court must order the agency to give the child the opportunity to review
22 the case plan, sign it, and receive a copy.
23

24 ~~(C) Whether the case plan was developed in compliance with and meets the~~
25 ~~requirements of section 16501.1(g). If the court finds that the~~
26 ~~development of the case plan does not comply with section 16501.1(g)~~
27 ~~the court must order the agency to comply with the requirements of~~
28 ~~section 16501.1(g).~~
29

30 *(Subd (c) amended effective January 1, 2019; adopted effective January 1, 2007;*
31 *previously amended effective January 1, 2009, July 1, 2010, and January 1, 2017.)*
32

33 *Rule 5.690 amended effective January 1, 2019; adopted as rule 1455 effective January 1, 1991;*
34 *previously amended and renumbered effective January 1, 2007; previously amended effective*
35 *July 1, 1995, January 1, 2000, January 1, 2009, July 1, 2010, January 1, 2011, and January 1,*
36 *2017.*
37

38 **Rule 5.695. Findings and orders of the court—disposition**
39

40 **(a)–(b) * * ***
41

42 **(c) Removal of custody—required findings (§ 361)**
43

1 (1) The court may not order a dependent removed from the physical custody of a
2 parent or guardian with whom the child resided at the time the petition was
3 filed, unless the court makes one or more of the findings in ~~subdivision (e)~~ of
4 section 361(c) by clear and convincing evidence.
5

6 (2) The court may not order a dependent removed from the physical custody of a
7 parent with whom the child did not reside at the time the petition was
8 initiated unless the juvenile court makes both of the findings in subdivision
9 (d) of section 361(d) by clear and convincing evidence.
10

11 *(Subd (c) amended effective January 1, 2019; adopted as subd (c); previously relettered as*
12 *subd (d) effective July 1, 1995; previously amended effective July 1, 1997, July 1, 1999,*
13 *July 1, 2002, and January 1, 2007; previously amended and relettered effective January 1,*
14 *2017.)*
15

16 (d)–(i) * * *

17
18 *Rule 5.695 amended effective January 1, 2019; adopted as rule 1456 effective January 1, 1991;*
19 *previously amended and renumbered effective January 1, 2007; previously amended effective*
20 *January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996,*
21 *January 1, 1997, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July*
22 *1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011,*
23 *January 1, 2014, January 1, 2015, and January 1, 2017.*
24

25 **Rule 5.708. General review hearing requirements**

26
27 (a)–(d) * * *

28 29 (e) **Case plan (§§ 16001.9, 16501.1)**

30
31 The court must consider the case plan submitted for the hearing and must
32 ~~determine:~~ find as follows:
33

34 (1) The case plan meets the requirements of section 16501.1; or
35

36 (2) The case plan does not meet the requirements of section 16501.1, in which
37 case the court must order the agency to comply with the requirements of
38 section 16501.1; and
39

40 ~~(1)(3)Whether~~ The child was actively involved, as age- and developmentally
41 appropriate, in the development of the case plan and plan for permanent
42 placement; or
43

1 (4) The child was not actively involved, as age- and developmentally
2 appropriate, in the development of the case plan and plan for permanent
3 placement. If the court finds the child was not appropriately involved, in
4 which case the court must order the agency to actively involve the child in
5 the development of the case plan and plan for permanent placement, unless
6 the court finds the child is unable, unavailable, or unwilling to participate; and
7 and

8
9 ~~(2)(5) Whether~~ Each parent or legal guardian was actively involved in the
10 development of the case plan and plan for permanent placement; or
11

12 (6) Each parent or legal guardian was not actively involved in the development
13 of the case plan and plan for permanent placement. If the court finds that any
14 parent or guardian was not actively involved, in which case the court must
15 order the agency to actively involve that parent or legal guardian in the
16 development of the case plan and plan for permanent placement, unless the
17 court finds that the parent or legal guardian is unable, unavailable, or
18 unwilling to participate; and
19

20 ~~(3)(7)~~ In the case of an Indian child, whether the agency consulted with the Indian
21 child's tribe, as defined in rule 5.502, and the tribe was actively involved in
22 the development of the case plan and plan for permanent placement,
23 including consideration of tribal customary adoption as an appropriate
24 permanent plan for the child if reunification is unsuccessful; or
25

26 (8) The agency did not consult with the Indian child's tribe, as defined in rule
27 5.502, and the tribe was not actively involved in the development of the case
28 plan and plan for permanent placement, including consideration of tribal
29 customary adoption as an appropriate permanent plan for the child if
30 reunification is unsuccessful. If the court finds that the agency did not consult
31 the Indian child's tribe, in which case the court must order the agency to do
32 so, unless the court finds that the tribe is unable, unavailable, or unwilling to
33 participate; and
34

35 ~~(4)(9)~~ For a child 12 years of age or older in a permanent placement, whether the
36 child was given the opportunity to review the case plan, sign it, and receive a
37 copy; or
38

39 (10) The child was not given the opportunity to review the case plan, sign it, and
40 receive a copy. If the court finds that the child was not given this opportunity
41 in which case the court must order the agency to give the child the
42 opportunity to review the case plan, sign it, and receive a copy.
43

1 ~~(5) Whether the case plan was developed in compliance with and meets the~~
2 ~~requirements of section 16501.1(g). If the court finds that the development of~~
3 ~~the case plan does not comply with section 16501.1(g), the court must order~~
4 ~~the agency to comply with the requirements of section 16501.1(g).~~

5
6 *(Subd (e) amended effective January 1, 2019; adopted as subd (g); previously amended*
7 *effective July 1, 2010, January 1, 2014, and January 1, 2016; amended and relettered*
8 *effective January 1, 2016.)*

9
10 **(f)–(i) * * ***

11
12 **(j) Appeal of order setting section 366.26 hearing**

13
14 An appeal of any order setting a hearing under section 366.26 is subject to the
15 limitation stated in subdivision (l) of section 366.26 and must follow the procedures
16 in rules 8.400–8.416.

17
18 *(Subd (j) amended effective January 1, 2019; adopted as subd (o); relettered as subd (j)*
19 *effective January 1, 2017.)*

20
21 *Rule 5.708 amended effective January 1, 2019; adopted effective January 1, 2010; previously*
22 *amended effective July 1, 2010, January 1, 2014, January 1, 2015, January 1, 2016, July 1, 2016,*
23 *and January 1, 2017.*

24
25 **Rule 5.764 * * ***

26
27 **Chapter 13. Cases Petitioned Under Sections 601 and 602**

28
29 **Article 2. Fitness Hearings on Transfer of Jurisdiction to Criminal Court**

30
31
32 **Rule 5.811. Modification to transition jurisdiction for a ward older than 17 years**
33 **and 5 months with a petition subject to dismissal (Welf. & Inst. Code, §§ 450,**
34 **451, 727.2(i)–(j), 778; Pen. Code, § 236.14)**

35
36 **(a) Purpose**

37
38 This rule provides the procedures that must be followed to modify delinquency
39 jurisdiction to transition jurisdiction for a young person who is older than 17 years,
40 5 months of age and:

41
42 **(1) Is under a foster care placement order;**

43

- 1 (2) Wants to remain in extended foster care under the transition jurisdiction of the
2 juvenile court;
3
4 (3) Is not receiving reunification services;
5
6 (4) Does not have a hearing set for termination of parental rights or establishment
7 of guardianship; and
8
9 (5) The underlying adjudication establishing wardship over the young person is
10 subject to vacatur under Penal Code section 236.14.

11
12 **(b) Setting and conduct of hearing**

- 13
14 (1) The probation officer must request a hearing for the court to modify
15 delinquency jurisdiction to transition jurisdiction and vacate the underlying
16 adjudication.
17
18 (2) The hearing must be held before a judicial officer and recorded by a court
19 reporter.
20
21 (3) The hearing must be continued for no more than five court days for the
22 submission of additional evidence if the court finds that the report and, if
23 required, the Transitional Independent Living Case Plan submitted by the
24 probation officer do not provide the information required by (d), and the court
25 is unable to make all the findings required by (e).

26
27 **(c) Notice of hearing**

- 28
29 (1) The probation officer must serve written notice of the hearing in the manner
30 provided in section 295.
31
32 (2) Proof of service of notice must be filed by the probation officer at least five
33 court days before the hearing.

34
35 **(d) Reports**

36
37 At least 10 calendar days before the hearing, the probation officer must submit a
38 report to the court that includes information regarding:

- 39
40 (1) Whether the young person is subject to an order for foster care placement and
41 is older than 17 years, 5 months of age and younger than 18 years of age;
42

- 1 (2) Whether the young person is a nonminor who was subject to an order for
2 foster care placement on the day of the young person’s 18th birthday and is
3 within the age eligibility requirements for extended foster care;
4
- 5 (3) Whether the young person was removed from the physical custody of his or
6 her parents, adjudged to be within the jurisdiction of the juvenile court under
7 section 725, and ordered into foster care placement; or whether the young
8 person was removed from the custody of his or her parents as a dependent of
9 the court with an order for foster care placement in effect at the time the court
10 adjudged him or her to be within the jurisdiction of the juvenile court under
11 section 725 and was ordered into a foster care placement, including the date of
12 the initial removal findings—“continuance in the home is contrary to the
13 child’s welfare” and “reasonable efforts were made to prevent removal”—as
14 well as whether the young person continues to be removed from the parents or
15 legal guardian from whom the young person was removed under the original
16 petition;
17
- 18 (4) Whether each parent or legal guardian is currently able to provide the care,
19 custody, supervision, and support the child requires in a safe and healthy
20 environment;
21
- 22 (5) Whether the young person signed a mutual agreement with the probation
23 department or social services agency for placement in a supervised setting as a
24 transition dependent and, if so, a recommendation as to which agency should
25 be responsible for placement and care of the transition dependent;
26
- 27 (6) Whether the young person plans to meet at least one of the conditions in
28 section 11403(b) and what efforts the probation officer has made to help the
29 young person meet any of these conditions;
30
- 31 (7) When and how the young person was informed of the benefits of remaining
32 under juvenile court jurisdiction as a transition dependent and the probation
33 officer’s assessment of the young person’s understanding of those benefits;
34
- 35 (8) When and how the young person was informed that he or she may decline to
36 become a transition dependent and have the juvenile court terminate
37 jurisdiction at a hearing under section 391 and rule 5.555; and
38
- 39 (9) When and how the young person was informed that if juvenile court
40 jurisdiction is terminated, he or she can file a request to return to foster care
41 and have the court resume jurisdiction over him or her as a nonminor.
42

1 **(e) Findings**

2
3 At the hearing, the court must make the following findings:

- 4
5 (1) Whether notice has been given as required by law;
6
7 (2) Whether the underlying adjudication is subject to vacatur under Penal Code
8 section 236.14;
9
10 (3) Whether the young person has been informed that he or she may decline to
11 become a transition dependent and have juvenile court jurisdiction terminated
12 at a hearing set under rule 5.555;
13
14 (4) Whether the young person intends to sign a mutual agreement with the
15 probation department or social services agency for placement in a supervised
16 setting as a nonminor dependent;
17
18 (5) Whether the young person was informed that if juvenile court jurisdiction is
19 terminated, the young person can file a request to return to foster care and
20 may have the court resume jurisdiction over the young person as a nonminor
21 dependent;
22
23 (6) Whether the benefits of remaining under juvenile court jurisdiction as a
24 nonminor dependent were explained and whether the young person
25 understands them;
26
27 (7) Whether the young person's Transitional Independent Living Case Plan
28 includes a plan for the young person to satisfy at least one of the conditions in
29 section 11403(b); and
30
31 (8) Whether the young person has had an opportunity to confer with his or her
32 attorney.

33
34 In addition to the findings listed above, for children who are older than 17
35 years, 5 months of age but younger than 18 years of age, the court must make
36 the following findings:

- 37
38 (A) Whether the young person's return to the home of his or her parent or
39 legal guardian would create a substantial risk of detriment to the young
40 person's safety, protection, or physical or emotional well-being—the
41 facts supporting this finding must be stated on the record;
42
43 (B) Whether reunification services have been terminated; and

1
2 (C) Whether the young person’s case has been set for a hearing to terminate
3 parental rights or establish a guardianship.
4

5 (f) **Orders**
6

7 The court must enter the following orders:
8

9 (1) An order adjudging the young person a transition dependent as of the date of
10 the hearing or pending his or her 18th birthday and granting status as a
11 nonminor dependent under the general jurisdiction of the court. The order
12 modifying the court’s jurisdiction must contain all of the following provisions:
13

14 (A) A statement that “continuance in the home is contrary to the child or
15 nonminor’s welfare” and that “reasonable efforts have been made to
16 prevent or eliminate the need for removal”;
17

18 (B) A statement that the child continues to be removed from the parents or
19 legal guardian from whom the child was removed under the original
20 petition; and
21

22 (C) Identification of the agency that is responsible for placement and care of
23 the child based on the modification of jurisdiction.
24

25 (2) An order vacating the underlying adjudication and dismissing the associated
26 delinquency petition under Penal Code section 236.14.
27

28 (3) An order directing the Department of Justice and any law enforcement agency
29 that has records of the arrest to seal those records and, three years from the
30 date of the arrest or one year after the order to seal, whichever occurs later,
31 destroy them.
32

33 (4) An order continuing the appointment of the attorney of record, or appointing a
34 new attorney as the attorney of record for the nonminor dependent.
35

36 (5) An order setting a nonminor dependent status review hearing under section
37 366.31 and rule 5.903 within six months of the last hearing held under section
38 727.2 or 727.3.
39

40 *Rule 5.811 adopted effective January 1, 2019.*
41

1 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
2 **child in foster care and for status review or dispositional hearing for child**
3 **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**
4

5 **(a) Hearings subject to this rule**

6 * * *

7 * * *
8
9 **(b) Conduct of the hearing**

10 * * *

11 * * *
12
13 **(c) Reports**

14
15 (1) In addition to complying with all other statutory and rule requirements
16 applicable to the report prepared by the probation officer for a hearing
17 described in (a)(1)–(4), the report must state whether the child was provided
18 with the notices and information required under section 607.5 and include a
19 description of:

20
21 (A) The child’s progress toward meeting the case plan goals that will enable
22 him or her to be a law-abiding and productive member of his or her
23 family and the community. This information is not required if dismissal
24 of delinquency jurisdiction and vacatur of the underlying adjudication is
25 based on Penal Code section 236.14.

26
27 (B)–(E) * * *

28
29 (F) For a child other than a dual status child, including a child whose
30 underlying adjudication is subject to vacatur under Penal Code section
31 236.14, the probation officer’s recommendation regarding the
32 modification of the juvenile court’s jurisdiction over the child from that
33 of a ward under section 601 or 602 to that of a dependent under section
34 300 or to that of a transition dependent under section 450 and the facts in
35 support of his or her recommendation.

36
37 (2) * * *

38
39 *(Subd (c) amended effective January 1, 2019; previously amended effective July 1, 2012.)*
40

41 **(d) Findings**
42

1 (1) At the hearing described in (a)(1)–(4), in addition to complying with all other
2 statutory and rule requirements applicable to the hearing, the court must make
3 the following findings in the written documentation of the hearing:
4

5 (A) Whether the rehabilitative goals for this child have been met and
6 juvenile court jurisdiction over the child as a ward is no longer required.
7 The facts supporting the finding must be stated on the record. This
8 finding is not required where dismissal of delinquency jurisdiction is
9 based on Penal Code section 236.14.

10
11 (B)–(C) * * *

12
13 (D) For a child other than a dual status child:

14
15 (i) Who was not subject to the court’s dependency jurisdiction at the
16 time he or she was adjudged a ward and is currently subject to an
17 order for a foster care placement, including a child whose
18 underlying adjudication is subject to vacatur under Penal Code
19 section 236.14, whether the child appears to come within the
20 description of section 300 and cannot be returned home safely. The
21 facts supporting the finding must be stated on the record;
22

23 (ii)–(v) * * *

24
25 (2) * * *

26
27 *(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 2012,*
28 *and January 1, 2014.)*

29
30 **(e) Orders**

31
32 (1)–(3) * * *

33
34 (4) For a child who was not subject to the court’s dependency jurisdiction at the
35 time he or she was adjudged a ward and is currently subject to an order for a
36 foster care placement, including a child whose underlying adjudication is
37 subject to vacatur under Penal Code section 236.14, the court must:

38
39 (A) Order the probation department or the child’s attorney to submit an
40 application under section 329 to the county child welfare services
41 department to commence a proceeding to declare the child a dependent
42 of the court by filing a petition under section 300 if the court finds:
43

- 1 (i) The child does not come within the description of section 450(a);
- 2
- 3 (ii) The rehabilitative goals for the child included in his or her case
- 4 plan have been met and delinquency jurisdiction is no longer
- 5 required, or the underlying adjudication is subject to vacatur under
- 6 Penal Code section 236.14; and
- 7
- 8 (iii) The child appears to come within the description of section 300
- 9 and a return to the home of the parents or legal guardian may be
- 10 detrimental to his or her safety, protection, or physical or
- 11 emotional well-being.
- 12

13 (B)–(C) * * *

14
15 *(Subd (e) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

16
17 **(f) Modification of jurisdiction—conditions**

- 18
- 19 (1) Whenever the court modifies its jurisdiction over a dependent or ward under
- 20 section 241.1, 607.2, or 727.2, the court must ensure that all of the following
- 21 conditions are met:
- 22
- 23 (A) The petition under which jurisdiction was taken at the time the
- 24 dependent or ward was originally removed from his or her parents or
- 25 legal guardian and placed in foster care is not dismissed until after the
- 26 new petition is sustained; and
- 27
- 28 (B) The order modifying the court’s jurisdiction contains all of the following
- 29 provisions:
- 30
- 31 (i) A reference to the original removal findings, the date those
- 32 findings were made, and a statement that the finding “continuation
- 33 in the home is contrary to the child’s welfare” and the finding
- 34 “reasonable efforts were made to prevent removal” made at that
- 35 hearing remain in effect;
- 36
- 37 (ii) A statement that the child continues to be removed from the
- 38 parents or legal guardian from whom the child was removed under
- 39 the original petition; and
- 40
- 41 (iii) Identification of the agency that is responsible for placement and
- 42 care of the child based upon the modification of jurisdiction.
- 43

1 (2) Whenever the court modifies jurisdiction over a young person under section
2 450(a)(1)(B), the court must ensure that all of the following conditions are
3 met:

4
5 (A) The order modifying the court’s jurisdiction must be made before the
6 underlying petition is vacated;

7
8 (B) The order modifying jurisdiction must contain the following provisions:

9
10 (i) Continuance in the home is contrary the child’s welfare, and
11 reasonable efforts were made to prevent removal;

12
13 (ii) The child continues to be removed from the parents or legal
14 guardians;

15
16 (iii) Identification of the agency that is responsible for placement and
17 care of the young person based on modification of jurisdiction;

18
19 (iv) A statement that the underlying adjudication is vacated and the
20 arrest upon which it was based is expunged; and

21
22 (v) An order directing the Department of Justice and any law
23 enforcement agency that has records of the arrest to seal those
24 records and destroy them three years from the date of the arrest or
25 one year after the order to seal, whichever occurs later.

26
27 *(Subd (f) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

28
29 *Rule 5.812 amended effective January 1, 2019; adopted effective January 1, 2012; previously*
30 *amended effective July 1, 2012, January 1, 2014, and January 1, 2016.*

31
32 **Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1,**
33 **366.3, 366.31)**

34
35 **(a) Purpose**

36
37 The primary purpose of the nonminor dependent status review hearing is to focus
38 on the goals and services described in the nonminor dependent’s Transitional
39 Independent Living Case Plan and the efforts and progress made toward achieving
40 independence and establishing lifelong connections with caring and committed
41 adults.
42

1 **(b) Setting and conduct of a nonminor dependent status review hearing**

2
3 (1)–(2) * * *

4
5 (3) The hearing may be attended, as appropriate, by participants invited by the
6 nonminor dependent in addition to those entitled to notice under (c). If
7 delinquency jurisdiction is dismissed in favor of transition jurisdiction under
8 Welfare and Institutions Code section 450, the prosecuting attorney is not
9 permitted to appear at later review hearings for the nonminor dependent.

10
11 (4)–(5) * * *

12
13 *(Subd (b) amended effective January 1, 2019.)*

14
15 **(c) Notice of hearing (§ 295)**

16 * * *

17
18
19 **(d) Reports**

20 * * *

21
22
23 **(e) Findings and orders**

24 * * *

25
26
27 *Rule 5.903 amended effective January 1, 2019; adopted effective January 1, 2012; previously*
28 *amended effective January 1, 2014.*

29
30 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**
31 **(§§ 224.1(b), 303, 388(e), 388.1)**

32
33 **(a) Purpose**

34 * * *

35
36
37 **(b) Contents of the request**

38 * * *

39
40
41 **(c) Filing the request**

42 * * *

43

1
2 **(d) Determination of prima facie showing**

- 3
4 (1) Within three court days of the filing of form JV-466 with the clerk of the
5 juvenile court of general jurisdiction, a juvenile court judicial officer must
6 review the form JV-466 and determine whether a prima facie showing has
7 been made that the nonminor meets all of the criteria set forth below in
8 (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

9
10 (A) ~~The nonminor was previously under juvenile court jurisdiction subject to~~
11 ~~an order for foster care placement on the date he or she attained 18 years~~
12 ~~of age, or the nonminor is eligible to seek assumption of dependency~~
13 ~~jurisdiction pursuant to the provisions of subdivision (c) of section~~
14 ~~388.1; The nonminor is eligible to seek assumption of dependency~~
15 ~~jurisdiction under the provisions of subdivision (c) of section 388.1, or~~
16 ~~the nonminor was previously under juvenile court jurisdiction subject to~~
17 ~~an order for foster care placement on the date he or she attained 18 years~~
18 ~~of age, including a nonminor whose adjudication was vacated under~~
19 ~~Penal Code section 236.14.~~

20
21 (B)–(D) * * *

22
23 (2)–(3) * * *

24
25 *(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 2012,*
26 *January 1, 2014, and January 1, 2016.)*

27
28 **(e) Appointment of attorney**

29
30 * * *

31
32 **(f) Setting the hearing**

33
34 * * *

35
36 **(g) Notice of hearing**

- 37
38 (1) The juvenile court clerk must serve notice as soon as possible, but no later
39 than five court days before the date the hearing is set, as follows:

40
41 (A) The notice of the date, time, place, and purpose of the hearing and a
42 copy of the form JV-466 must be served on the nonminor, the
43 nonminor’s attorney, the child welfare services agency, the probation

1 department, or the Indian tribal agency that was supervising the
2 nonminor when the juvenile court terminated its delinquency,
3 dependency, or transition jurisdiction over the nonminor, and the
4 attorney for the child welfare services agency, the probation department,
5 or the Indian tribe. Notice must not be served on the prosecuting
6 attorney if delinquency jurisdiction has been dismissed, and the
7 nonminor's petition is for the court to assume or resume transition
8 jurisdiction under Welfare and Institutions Code section 450.

9
10 (B)–(D) * * *

11
12 (2)–(4) * * *

13
14 *(Subd (g) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

15
16 **(h) Reports**

17 * * *

18
19
20 **(i) Findings and orders**

21 * * *

22
23
24 *Rule 5.906 amended effective January 1, 2019; adopted effective January 1, 2012; previously*
25 *amended effective July 1, 2012, January 1, 2014, and January 1, 2016.*

26
27 **Rule 8.45. General provisions**

28
29 **(a)–(c) * * ***

30
31 **(d) Transmission of and access to sealed and confidential records**

32
33 (1) A sealed or confidential record must be transmitted in a secure manner that
34 preserves the confidentiality of the record.

35
36 ~~(1)~~(2) Unless otherwise provided by ~~(2)–(4)~~(3)–(5) or other law or court order, a
37 sealed or confidential record that is part of the record on appeal or the
38 supporting documents or other records accompanying a motion, petition for a
39 writ of habeas corpus, other writ petition, or other filing in the reviewing
40 court must be transmitted only to the reviewing court and the party or parties
41 who had access to the record in the trial court or other proceedings under
42 review and may be examined only by the reviewing court and that party or
43 parties. If a party's attorney but not the party had access to the record in the

1 trial court or other proceedings under review, only the party's attorney may
2 examine the record.

3
4 ~~(2)~~(3) Except as provided in ~~(3)~~(4), if the record is a reporter's transcript or any
5 document related to any in-camera hearing from which a party was excluded
6 in the trial court, the record must be transmitted to and examined by only the
7 reviewing court and the party or parties who participated in the in-camera
8 hearing.

9
10 ~~(3)~~(4) * * *

11
12 ~~(4)~~(5) * * *

13
14 *(Subd (d) amended effective January 1, 2019.)*

15
16 *Rule 8.45 amended effective January 1, 2019; adopted effective January 1, 2014; previously*
17 *amended effective January 1, 2016.*

18
19 **Advisory Committee Comment**

20
21 **Subdivision (a).** * * *

22
23 **Subdivision (b)(5).** * * *

24
25 **Subdivisions (c) and (d).** * * *

26
27 **Subdivision (c)(1)(C).** * * *

28
29 **Subdivision (c)(2).** * * *

30
31 **Subdivision (c)(3).** * * *

32
33 **Subdivision (d).** * * *

34
35 **Subdivision (d)~~(1)~~(2) and ~~(2)~~(3).** * * *

36
37 **Subdivision (d)~~(4)~~(5).** * * *

38
39 **Rule 8.46. Sealed records**

40
41 **(a)–(c)** * * *

42

1 **(d) Record not filed in the trial court; motion or application to file under seal**

2
3 (1)–(6) * * *

4
5 (7) ~~If the court denies the motion or application to seal the record, the clerk must~~
6 ~~not place the lodged record in the case file but must return it to the submitting~~
7 ~~party unless that party notifies the clerk in writing that the record is to be~~
8 ~~filed. Unless otherwise ordered by the court, the submitting party must notify~~
9 ~~the clerk within 10 days after the order denying the motion or application the~~
10 ~~lodging party may notify the court that the lodged record is to be filed~~
11 ~~unsealed. This notification must be received within 10 days of the order~~
12 ~~denying the motion or application to seal, unless otherwise ordered by the~~
13 ~~court. On receipt of this notification, the clerk must unseal and file the record.~~
14 ~~If the lodging party does not notify the court within 10 days of the order, the~~
15 ~~clerk must (1) return the lodged record to the lodging party if it is in paper~~
16 ~~form, or (2) permanently delete the lodged record if it is in electronic form.~~

17
18 (8)–(9) * * *

19
20 *(Subd (d) amended effective January 1, 2019; adopted as subd (e); previously amended*
21 *effective July 1, 2002, January 1, 2004, January 1, 2007, and January 1, 2016; previously*
22 *amended and relettered as subd (d) effective January 1, 2014.)*

23
24 **(e) Challenge to an order denying a motion or application to seal a record**

25
26 Notwithstanding the provisions in (d)(1)–(2), when an appeal or original
27 proceeding challenges an order denying a motion or application to seal a record, the
28 appellant or petitioner must lodge the subject record labeled as conditionally under
29 seal in the reviewing court as provided in (d)(3)–(5), and the reviewing court must
30 maintain the record conditionally under seal during the pendency of the appeal or
31 original proceeding. Once the reviewing court’s decision on the appeal or original
32 proceeding becomes final, the clerk must (1) return the lodged record to the lodging
33 party if it is in paper form, or (2) permanently delete the lodged record if it is in
34 electronic form.

35
36 *(Subd (e) adopted effective January 1, 2019.)*

37
38 **(e)(f) Unsealing a record in the reviewing court**

39
40 (1)–(2) * * *

41
42 (3) If the reviewing court proposes to order a record unsealed on its own motion,
43 the court must send notice to the parties stating the reason for unsealing the

1 record. Unless otherwise ordered by the court, any party may serve and file
2 an opposition within 10 days after the notice is sent, and any other party may
3 serve and file a response within 5 days after an opposition is filed.
4

5 (4)–(7) * * *

6
7 *(Subd (f) amended and relettered effective January 1, 2019; adopted as subd (f);*
8 *previously amended effective January 1, 2004, January 1, 2007, and January 1, 2016;*
9 *previously amended and relettered as subd (e) effective January 1, 2014.)*
10

11 **(f)(g) Disclosure of nonpublic material in public filings prohibited**

12
13 (1) * * *

14
15 (2) If it is necessary to disclose material contained in a sealed record in a filing in
16 the reviewing court, two versions must be filed:

17
18 (A) * * *

19
20 (B) An unredacted version. If this version is in paper format, it must be
21 placed in a sealed envelope or other appropriate sealed container. The
22 cover of this version, and if applicable the envelope or other container,
23 must identify it as “May Not Be Examined Without Court Order—
24 Contains material from sealed record.” Sealed material disclosed in this
25 version must be identified as such in the filing and accompanied by a
26 citation to the court order sealing that material.
27

28 (C) * * *

29
30 (3) If it is necessary to disclose material contained in a conditionally sealed
31 record in a filing in the reviewing court:

32
33 (A) * * *

34
35 (B) An unredacted version must be lodged. The filing must be transmitted
36 in a secure manner that preserves the confidentiality of the filing being
37 lodged. If this version is in paper format, it must be placed in a sealed
38 envelope or other appropriate sealed container. The cover of this
39 version, and if applicable the envelope or other container, must identify
40 it as “May Not Be Examined Without Court Order—Contains material
41 from conditionally sealed record.” Conditionally sealed material
42 disclosed in this version must be identified as such in the filing.
43

1 (C) * * *

2
3 (D) If the court denies the motion or application to seal the record, ~~the clerk~~
4 ~~must not place the unredacted version lodged under (B) in the case file~~
5 ~~but must return it to the party who filed the application or motion to~~
6 ~~seal unless that party notifies the clerk that the record is to be publicly~~
7 ~~filed, as provided in (d)(7) the party who filed the motion or application~~
8 may notify the court that the unredacted version lodged under (B) is to
9 be filed unsealed. This notification must be received within 10 days of
10 the order denying the motion or application to seal, unless otherwise
11 ordered by the court. On receipt of this notification, the clerk must
12 unseal and file the lodged unredacted version. If the party who filed the
13 motion or application does not notify the court within 10 days of the
14 order, the clerk must (1) return the lodged unredacted version to the
15 lodging party if it is in paper form, or (2) permanently delete the lodged
16 unredacted version if it is in electronic form.

17
18 *(Subd (g) amended and relettered effective January 1, 2019; adopted as subd (g);*
19 *previously amended effective January 1, 2007; previously amended and relettered as subd*
20 *(f) effective January 1, 2014.)*

21
22 *Rule 8.46 amended effective January 1, 2019; repealed and adopted as rule 12.5 effective*
23 *January 1, 2002; previously amended and renumbered as rule 8.160 effective January 1, 2007;*
24 *previously renumbered as rule 8.46 effective January 1, 2010; previously amended effective July*
25 *1, 2002, January 1, 2004, January 1, 2006, January 1, 2014, and January 1, 2016.*

26
27 **Advisory Committee Comment**

28
29 * * *

30
31 **Subdivision (e).** This subdivision is not intended to expand the availability of existing appellate
32 review for any person aggrieved by a court's denial of a motion or application to seal a record.

33
34 **Rule 8.47. Confidential records**

35
36 (a) * * *

37
38 (b) **Records of Marsden hearings and other in-camera proceedings**

39
40 (1) * * *

41

- 1 (2) Except as provided in (3), if the defendant raises a *Marsden* issue or an issue
2 related to another in-camera hearing covered by this rule in a brief, petition,
3 or other filing in the reviewing court, the following procedures apply:
4
- 5 (A) The brief, including any portion that discloses matters contained in the
6 transcript of the in-camera hearing, and other documents filed or lodged
7 in connection with the hearing, must be filed publicly. The requirement
8 to publicly file this brief does not apply in juvenile cases; rule 8.401
9 governs the format of and access to such briefs in juvenile cases.
10
- 11 (B) The People may serve and file an application requesting a copy of the
12 reporter's transcript of, and documents filed or lodged by a defendant
13 in connection with, the in-camera hearing.
14
- 15 (C) * * *
- 16
- 17 (D) If the defendant does not timely serve and file opposition to the
18 application, the reviewing court clerk must send to the People a copy of
19 the reporter's transcript of, and documents filed or lodged by a
20 defendant in connection with, the in-camera hearing.
21
- 22 (3) A defendant may serve and file a motion or application in the reviewing court
23 requesting permission to file under seal a brief, petition, or other filing that
24 raises a *Marsden* issue or an issue related to another in-camera hearing
25 covered by this subdivision, and requesting an order maintaining the
26 confidentiality of the relevant material from the reporter's transcript of, or
27 documents filed or lodged in connection with, the in-camera hearing.
28
- 29 (A) * * *
- 30
- 31 (B) The declaration accompanying the motion or application must contain
32 facts sufficient to justify an order maintaining the confidentiality of the
33 relevant material from the reporter's transcript of, or documents filed or
34 lodged in connection with, the in-camera hearing and sealing of the
35 brief, petition, or other filing.
36
- 37 (C) At the time the motion or application is filed, the defendant must:
38
- 39 (i) * * *
- 40
- 41 (ii) Lodge an unredacted version of the brief, petition, or other filing
42 that he or she is requesting be filed under seal. The filing must be
43 transmitted in a secure manner that preserves the confidentiality

1 of the filing being lodged. If this version is in paper format, it
2 must be placed in a sealed envelope or other appropriate sealed
3 container. The cover of the unredacted version of the document,
4 and if applicable the envelope or other container, must identify it
5 as “May Not Be Examined Without Court Order—Contains
6 material from conditionally sealed record.” Conditionally sealed
7 material disclosed in this version must be identified as such in the
8 filing.
9

10 (D) If the court denies the motion or application to file the brief, petition, or
11 other filing under seal, ~~the clerk must not place the unredacted brief,~~
12 ~~petition, or other filing lodged under (C)(ii) in the case file but must~~
13 ~~return it to the defendant unless the defendant notifies the clerk in~~
14 ~~writing that it is to be filed. Unless otherwise ordered by the court, the~~
15 ~~defendant must notify the clerk within 10 days after the order denying~~
16 ~~the motion or application~~ the defendant may notify the court that the
17 unredacted brief, petition, or other filing lodged under (C)(ii) is to be
18 filed unsealed. This notification must be received within 10 days of the
19 order denying the motion or application to file the brief, petition, or
20 other filing under seal, unless otherwise ordered by the court. On
21 receipt of this notification, the clerk must unseal and file the lodged
22 unredacted brief, petition, or other filing. If the defendant does not
23 notify the court within 10 days of the order, the clerk must (1) return
24 the lodged unredacted brief, petition, or other filing to the defendant if
25 it is in paper form, or (2) permanently delete the lodged unredacted
26 brief, petition, or other filing if it is in electronic form.
27

28 *(Subd (b) amended effective January 1, 2019; previously amended effective January 1,*
29 *2016.)*

30
31 **(c) Other confidential records**

32
33 Except as otherwise provided by law or order of the reviewing court:

- 34
35 (1) * * *
- 36
37 (2) To maintain the confidentiality of material contained in a confidential record,
38 if it is necessary to disclose such material in a filing in the reviewing court, a
39 party may serve and file a motion or application in the reviewing court
40 requesting permission for the filing to be under seal.

41
42 (A)–(C) * * *

1 (D) If the court denies the motion or application to file the brief, petition, or
2 other filing under seal, ~~the clerk must not place the unredacted brief,~~
3 ~~petition, or other filing lodged under (C)(ii) in the case file but must~~
4 ~~return it to the lodging party unless the party notifies the clerk in~~
5 ~~writing that it is to be filed. Unless otherwise ordered by the court, the~~
6 ~~party must notify the clerk within 10 days after the order denying the~~
7 ~~motion or application~~ the party who filed the motion or application may
8 notify the court that the unredacted brief, petition, or other filing lodged
9 under (C)(ii) is to be filed unsealed. This notification must be received
10 within 10 days of the order denying the motion or application to file the
11 brief, petition, or other filing under seal, unless otherwise ordered by
12 the court. On receipt of this notification, the clerk must unseal and file
13 the lodged unredacted brief, petition, or other filing. If the party who
14 filed the motion or application does not notify the court within 10 days
15 of the order, the clerk must (1) return the lodged unredacted brief,
16 petition, or other filing to the lodging party if it is in paper form, or
17 (2) permanently delete the lodged unredacted brief, petition, or other
18 filing if it is in electronic form.
19

20 **Advisory Committee Comment**

21
22 **Subdivisions (a) and (c).** * * *

23
24 **Subdivision (c)(1).** * * *

25
26 **Subdivision (c)(2).** Note that when a record has been sealed by court order, rule 8.46~~(f)~~(g)(2)
27 requires a party to file redacted (public) and unredacted (sealed) versions of any filing that
28 discloses material from the sealed record; it does not require the party to make a motion or
29 application for permission to do so. By contrast, this rule requires court permission before
30 redacted (public) and unredacted (sealed) filings may be made to prevent disclosure of material
31 from confidential records.
32

33 *(Subd (c) amended effective January 1, 2019; previously amended effective January 1,*
34 *2016.)*

35
36 *Rule 8.47 amended effective January 1, 2019; adopted effective January 1, 2014; previously*
37 *amended effective January 1, 2016.*

38
39 **Rule 8.887. Decisions**

40
41 **(a)** * * *

42

1 **(b) Filing the decision**

2
3 The appellate division clerk must promptly file all opinions and orders of the court
4 and ~~promptly on the same day~~ send copies (by e-mail where permissible under rule
5 2.251) showing the filing date to the parties and, when relevant, to the trial court.

6
7 *(Subd (b) amended effective January 1, 2019.)*

8
9 **(c) * * ***

10
11 *Rule 8.887 amended effective January 1, 2019; adopted effective January 1, 2009; previously*
12 *amended effective January 1, 2011, March 1, 2014, and January 1, 2018.*

13
14 **Rule 8.888. Finality and modification of decision**

15
16 **(a) Finality of decision**

17
18 (1) Except as otherwise provided in this rule, an appellate division decision,
19 including an order dismissing an appeal involuntarily, is final 30 days after
20 the decision is ~~filed~~ sent by the court clerk to the parties.

21
22 (2) If the appellate division certifies a written opinion for publication or partial
23 publication after its decision is filed and before its decision becomes final in
24 that court, the finality period runs from the ~~filing~~ date of the order for
25 publication is sent by the court clerk to the parties.

26
27 (3) * * *

28
29 *(Subd (a) amended effective January 1, 2019.)*

30
31 **(b) Modification of judgment**

32
33 (1) * * *

34
35 (2) An order modifying a decision must state whether it changes the appellate
36 judgment. A modification that does not change the appellate judgment does
37 not extend the finality date of the decision. If a modification changes the
38 appellate judgment, the finality period runs from the ~~filing~~ date of the
39 modification order is sent by the court clerk to the parties.

40
41 *(Subd (b) amended effective January 1, 2019.)*

42

1 (c) * * *

2
3 *Rule 8.888 amended effective January 1, 2019; adopted effective January 1, 2009; previously*
4 *amended effective January 1, 2016.*

5
6 **Rule 8.889. Rehearing**

7
8 (a) * * *

9
10 (b) **Petition and answer**

11
12 (1) A party may serve and file a petition for rehearing within 15 days after the
13 following, whichever is later:

14
15 (A) The decision is ~~filed~~ sent by the court clerk to the parties;

16
17 (B) A publication order restarting the finality period under rule 8.888(a)(2),
18 if the party has not already filed a petition for rehearing, is sent by the
19 court clerk to the parties;

20
21 (C) A modification order changing the appellate judgment under rule
22 8.888(b) is sent by the court clerk to the parties; or

23
24 (D) ~~The filing of A~~ consent is filed under rule 8.888(c).

25
26 (2)–(4) * * *

27
28 *(subd (b) amended effective January 1, 2019.)*

29
30 (c)–(d) * * *

31
32 *Rule 8.889 amended effective January 1, 2019; adopted effective January 1, 2009.*

33
34 **Rule 8.935. Filing, finality, and modification of decisions; rehearing; remittitur**

35
36 (a) **Filing of decision**

37
38 (1) The appellate division clerk must promptly file all opinions and orders of the
39 court and ~~promptly~~ on the same day send copies (by e-mail where
40 permissible under rule 2.251) showing the filing date to the parties and, when
41 relevant, to the trial court.

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43 (2) * * *

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(Subd (a) amended effective January 1, 2019; adopted effective January 1, 2014.)

(b) Finality of decision

(1) * * *

(2) Except as otherwise provided in (3), all other appellate division decisions in a writ proceeding are final 30 days after the decision is ~~filed~~ sent by the court clerk to the parties.

(3) * * *

(c)–(e) * * *

(Subd (b) amended effective January 1, 2019; adopted as subd (a); previously amended and relettered effective January 1, 2014.)

Rule 8.935 amended effective January 1, 2019; adopted effective January 1, 2009; previously amended effective January 1, 2014.

Rule 8.976. Filing, finality, and modification of decisions; remittitur

(a) Filing of decision

The appellate division clerk must promptly file all opinions and orders in proceedings under this chapter and ~~promptly~~ on the same day send copies (by e-mail where permissible under rule 2.251) showing the filing date to the parties and, when relevant, to the small claims court.

(Subd (a) amended effective January 1, 2019.)

(b) Finality of decision

(1) * * *

(2) Except as otherwise provided in (3), all other decisions in a writ proceeding under this chapter are final 30 days after the decision is ~~filed~~ sent by the court clerk to the parties.

(3) * * *

(Subd (b) amended effective January 1, 2019.)

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2 **(c)–(d)** * * *

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4 *Rule 8.976 amended effective January 1, 2019; adopted effective January 1, 2016.*

5
6 **Rule 8.1005. Certification for transfer by the appellate division**

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8 **(a)** * * *

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10 **(b) Application for certification**

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12 (1) A party may serve and file an application asking the appellate division to
13 certify a case for transfer at any time after the record on appeal is filed in the
14 appellate division but no later than 15 days after:

15
16 (A) The decision is ~~filed~~ sent by the court clerk to the parties;

17
18 (B) A publication order restarting the finality period under rule 8.888(a)(2)
19 is sent by the court clerk to the parties;

20
21 (C) A modification order changing the appellate judgment under rule
22 8.888(b) is sent by the court clerk to the parties; or

23
24 (D) ~~The filing of a~~ A consent is filed under rule 8.888(c).

25
26 (2)–(5) * * *

27
28 *(Subd (b) amended effective January 1, 2019; previously amended effective January 1,*
29 *2011.)*

30
31 **(c)–(e)** * * *

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33 *Rule 8.1005 amended effective January 1, 2019; repealed and adopted as rule 63 effective*
34 *January 1, 2003; previously amended and renumbered effective January 1, 2007; previously*
35 *amended effective January 1, 2010, January 1, 2011, and January 1, 2018.*

36
37
38 **Rule 10.64. Trial Court Budget Advisory Committee**

39
40 **(a)–(b)** * * *

41
42 **(c) Membership**

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1 (1) The advisory committee consists of an equal number of trial court presiding
2 judges and court executive officers reflecting diverse aspects of state trial
3 courts, including urban, suburban, and rural locales; the size and adequacy of
4 budgets; and the number of authorized judgeships. For purposes of this rule,
5 “presiding judge” means a current presiding judge or ~~an immediate past a~~
6 judge who has served as a presiding judge within six years of the year of the
7 appointment as a committee member. An existing presiding judge or past
8 presiding judge member is eligible to be reappointed.
9

10 (2)-(4) * * *

11
12 (5) The Judicial Council’s ~~chief of staff, chief administrative officer, chief~~
13 ~~operating officer,~~ and director of Finance Budget Services serve as ~~non-~~
14 ~~voting~~ nonvoting members.
15

16 *(Subd (c) amended effective January 1, 2019; previously amended effective October 28,*
17 *2014.)*
18

19 *Rule 10.64 amended effective January 1, 2019; adopted effective February 20, 2014; previously*
20 *amended effective October 28, 2014.*
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