

Appendix I
Emergency Rules Related to COVID-19

Emergency rule 1. Unlawful detainers

(a) Application

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

(b) Issuance of summons

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

(c) Entry of default

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

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

(d) Time for trial

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

(e) Sunset of rule

This rule will remain in effect through September 1, 2020, or until amended or repealed by the Judicial Council.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

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

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

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

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10 provides that, through September 1, 2020, or until this rule is amended or repealed by the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

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

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

22
23 **Advisory Committee Comment**

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

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

31
32 **(a) Remote appearances**

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

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

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

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

14 **(b) Sunset of rule**

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

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

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

23 **Emergency rule 5. Personal appearance waivers of defendants during health**
24 **emergency**

25
26 **(a) Application**

27
28 Notwithstanding any other law, including Penal Code sections 865 and 977, this
29 rule applies to all criminal proceedings except cases alleging murder with special
30 circumstances and cases in which the defendant is currently incarcerated in state
31 prison, as governed by Penal Code section 977.2.
32

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

- 34
35 (1) With the consent of the defendant, the court must allow a defendant to waive
36 his or her personal appearance and to appear remotely, either through video
37 or telephonic appearance, when the technology is available.
38
39 (2) With the consent of the defendant, the court must allow a defendant to waive
40 his or her appearance and permit counsel to appear on his or her behalf. The
41 court must accept a defendant’s waiver of appearance or personal appearance
42 when:
43

- 1 (A) Counsel for the defendant makes an on the record oral representation
2 that counsel has fully discussed the waiver and its implications with the
3 defendant and the defendant has authorized counsel to proceed as
4 counsel represents to the court;
5
6 (B) Electronic communication from the defendant as confirmed by
7 defendant's counsel; or
8
9 (C) Any other means that ensures the validity of the defendant's waiver.

10
11 **(c) Consent by the defendant**
12

- 13 (1) For purposes of arraignment and entry of a not guilty plea, consent means a
14 knowing, intelligent, and voluntary waiver of the right to appear personally in
15 court. Counsel for the defendant must state on the record at each applicable
16 hearing that counsel is proceeding with the defendant's consent.
17
18 (2) For purposes of waiving time for a preliminary hearing, consent also means a
19 knowing, intelligent, and voluntary waiver of the right to hold a preliminary
20 hearing within required time limits specified either in Penal Code section
21 859b or under emergency orders issued by the Chief Justice and Chair of the
22 Judicial Council.
23
24 (3) The court must accept defense counsel's representation that the defendant
25 understands and agrees with waiving any right to appear unless the court has
26 specific concerns in a particular matter about the validity of the waiver.
27

28 **(d) Appearance through counsel**
29

- 30 (1) When counsel appears on behalf of a defendant, courts must allow counsel to
31 do any of the following:
32
33 (A) Waive reading and advisement of rights for arraignment.
34
35 (B) Enter a plea of not guilty.
36
37 (C) Waive time for the preliminary hearing.
38
39 (2) For appearances by counsel, including where the defendant is either
40 appearing remotely or has waived his or her appearance and or counsel is
41 appearing by remote access, counsel must confirm to the court at each
42 hearing that the appearance by counsel is made with the consent of the
43 defendant.

1
2 **(e) Conduct of remote hearings**
3

- 4 (1) With the defendant’s consent, a defendant may appear remotely for any
5 pretrial criminal proceeding.
6
7 (2) Where a defendant appears remotely, counsel may not be required to be
8 personally present with the defendant for any portion of the criminal
9 proceeding provided that the audio and/or video conferencing system or other
10 technology allows for private communication between the defendant and his
11 or her counsel. Any private communication is confidential and privileged
12 under Evidence Code section 952.
13

14 **(f) Sunset of rule**
15

16 This rule will remain in effect until 90 days after the Governor declares that the
17 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
18 repealed by the Judicial Council.
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21 **Emergency rule 6. Emergency orders: juvenile dependency proceedings**
22

23 **(a) Application**
24

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

28 **(b) Essential hearings and orders**
29

30 The following matters should be prioritized in accordance with existing statutory
31 time requirements.
32

- 33 (1) Protective custody warrants filed under Welfare and Institutions Code section
34 340.
35
36 (2) Detention hearings under Welfare and Institutions Code section 319. The
37 court is required to determine if it is contrary to the child’s welfare to remain
38 with the parent, whether reasonable efforts were made to prevent removal,
39 and whether to vest the placing agency with temporary placement and care.
40
41 (3) Psychotropic medication applications.
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43 (4) Emergency medical requests.

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- (5) A petition for reentry of a nonminor dependent.
- (6) Welfare and Institutions Code section 388 petitions that require an immediate response based on the health and safety of the child, which should be reviewed for a prima facie showing of change of circumstances sufficient to grant the petition or to set a hearing. The court may extend the final ruling on the petition beyond 30 days.

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

- (1) A court may hold any proceeding under this rule via remote technology consistent with rule 5.531 and emergency rule 3.
- (2) At the beginning of any hearing at which one or more participants appears remotely, the court must admonish all the participants that the proceeding is confidential and of the possible sanctions for violating confidentiality.
- (3) The child welfare agency is responsible for notice of remote hearings unless other arrangements have been made with counsel for parents and children. Notice is required for all parties and may include notice by telephone or other electronic means. The notice must also include instructions on how to participate in the court hearing remotely.
- (4) Court reports
 - (A) Attorneys for parents and children must accept service of the court report electronically.
 - (B) The child welfare agency must ensure that the parent and the child receive a copy of the court report on time.
 - (C) If a parent or child cannot receive the report electronically, the child welfare agency must deliver a hard copy of the report to the parent and the child on time.
- (5) Nothing in this subdivision prohibits the court from making statutorily required findings and orders, by minute order only and without a court reporter, by accepting written stipulations from counsel when appearances are waived if the stipulations are confirmed on the applicable Judicial Council forms or equivalent local court forms.
- (6) If a court hearing cannot occur either in the courthouse or remotely, the hearing may be continued up to 60 days, except as otherwise specified.

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

- i. If the dispositional hearing is continued more than 6 months after the start date of protective custody, a review of the child must be held at the 6-month date. At the review, the court must determine the continued necessity for and appropriateness of the placement; the extent of compliance with the case plan or available services that have been offered; the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement; and the projected likely date by which the child may return home or placed permanently.
- ii. The court may continue the matter for a full hearing on all dispositional findings and orders.

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

(7) During the state of emergency related to the COVID-19 pandemic, previously authorized visitation must continue, but the child welfare agency is to determine the manner of visitation to ensure that the needs of the family are met. If the child welfare agency changes the manner of visitation for a child and a parent or legal guardian in reunification, or for the child and a sibling(s), or a hearing is pending under Welfare and Institutions Code section 366.26, the child welfare agency must notify the attorneys for the children and parents within 5 court days of the change. All changes in manner of visitation during this time period must be made on a case by case basis, balance the public health directives and best interest of the child, and take into consideration whether in-person visitation may continue to be held safely. Family time is important for child and parent well-being, as well as for efforts toward reunification. Family time is especially important during

1 times of crisis. Visitation may only be suspended if a detriment finding is
2 made in a particular case based on the facts unique to that case. A detriment
3 finding must not be based solely on the existence of the impact of the state of
4 emergency related to the COVID-19 pandemic or related public health
5 directives.

6
7 (A) The attorney for the child or parent may ask the juvenile court to
8 review the change in manner of visitation. The child or parent has the
9 burden of showing that the change is not in the best interest of the child
10 or is not based on current public health directives.

11
12 (B) A request for the court to review the change in visitation during this
13 time period must be made within 14 court days of the change. In
14 reviewing the change in visitation, the court should take into
15 consideration the factors in (c)(7).

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

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

22
23 **Advisory Committee Comment**

24
25 When courts are unable to hold regular proceedings because of an emergency that has resulted in
26 an order as authorized under Government Code section 68115, federal timelines do not stop.
27 Circumstances may arise where reunification services to the parent, including visitation, may not
28 occur or be provided. The court must consider the circumstances of the emergency when deciding
29 whether to extend or terminate reunification services and whether services were reasonable given
30 the state of the emergency. (Citations: 42 U.S.C. § 672(a)(1)–(2), (5); 45 CFR § 1355.20; 45 CFR
31 § 1356.21 (b) – (d); 45 C.F.R. § 1356.71(d)(1)(iii); Child Welfare Policy Manual, 8.3A.9 Title
32 IV-E, Foster Care Maintenance Payments Program, Reasonable efforts, Question 2
33 (www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=92)); Letter dated March 27, 2020, from Jerry Milner, Associate Commissioner, Children’s
34 Bureau, Administration for Children and Families, U.S. Department of Health and Human
35 Services.)
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39 **Emergency rule 7. Emergency orders: juvenile delinquency proceedings**

40
41 **(a) Application**
42

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

4
5 **(b) Juvenile delinquency hearings and orders during the state of emergency**

6
7 (1) A hearing on a petition for a child who is in custody under Welfare and
8 Institutions Code section 632 or 636 must be held within the statutory
9 timeframes as modified by an order of the court authorized by Government
10 Code section 68115. The court must determine if it is contrary to the welfare
11 of the child to remain in the home, whether reasonable services to prevent
12 removal occurred, and whether to place temporary placement with the
13 probation agency if the court will be keeping the child detained and out of the
14 home.

15
16 (2) If a child is detained in custody and an in-person appearance is not feasible
17 due to the state of emergency, courts must make reasonable efforts to hold
18 any statutorily required hearing for that case via remote appearance within
19 the required statutory time frame and as modified by an order of the court
20 authorized under Government Code section 68115 for that proceeding. If a
21 remote proceeding is not a feasible option for such a case during the state of
22 emergency, the court may continue the case as provided in (d) for the
23 minimum period of time necessary to hold the proceedings.

24
25 (3) Without regard to the custodial status of the child, the following hearings
26 should be prioritized during the state of emergency related to the COVID-19
27 pandemic:

- 28
- 29 (A) Psychotropic medication applications.
- 30
- 31 (B) All emergency medical requests.
- 32
- 33 (C) A petition for reentry of a nonminor dependent.
- 34
- 35 (D) A hearing on any request for a warrant for a child.
- 36
- 37 (E) A probable cause determination for a child who has been detained but
38 has not had a detention hearing within the statutory time limits.
- 39

40 (4) Notwithstanding any other law, and except as described in (5), during the
41 state of emergency related to the COVID-19 pandemic, the court may
42 continue for good cause any hearing for a child not detained in custody who
43 is subject to its juvenile delinquency jurisdiction until a date after the state of

1 emergency has been lifted considering the priority for continued hearings in
2 (d).

- 3
4 (5) For children placed in foster care under probation supervision, a judicial
5 determination of reasonable efforts must be made within 12 months of the
6 date the child enters foster care to maintain a child's federal title IV-E
7 availability. If a permanency hearing is continued beyond the 12-month date,
8 the court must nevertheless hold a review to determine if the agency has
9 made reasonable efforts to return the child home or place the child
10 permanently. This finding can be made without prejudice and may be
11 reconsidered at a full hearing.

12
13 **(c) Proceedings with remote appearances during the state of emergency.**

- 14
15 (1) A court may hold any proceeding under this rule via remote technology
16 consistent with rule 5.531 and emergency rule 3.
17
18 (2) At the beginning of any hearing conducted with one or more participants
19 appearing remotely, the court must admonish all the participants that the
20 proceeding is confidential and of the possible sanctions for violating
21 confidentiality.
22
23 (3) The court is responsible for giving notice of remote hearings, except for
24 notice to a victim, which is the responsibility of the prosecuting attorney or
25 the probation department. Notice is required for all parties and may include
26 notice by telephone or other electronic means. The notice must also include
27 instructions on how to participate in the hearing remotely.
28
29 (4) During the state of emergency, the court has broad discretion to take evidence
30 in the manner most compatible with the remote hearing process, including
31 but not limited to taking testimony by written declaration. If counsel for a
32 child or the prosecuting attorney objects to the court's evidentiary
33 procedures, that is a basis for issuing a continuance under (d).

34
35 **(d) Continuances of hearings during the state of emergency.**

36
37 Notwithstanding any other law, the court may for good cause continue any hearing
38 other than a detention hearing for a child who is detained in custody. In making this
39 determination, the court must consider the custody status of the child, whether there
40 are evidentiary issues that are contested, and, if so, the ability for those issues to be
41 fairly contested via a remote proceeding.
42

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

2
3 In any case in which a child has been found incompetent under Welfare and
4 Institutions Code section 709 and that child is eligible for remediation services or
5 has been found to require secure detention, any time limits imposed by section 709
6 for provision of services or for secure detention are tolled for the period of the state
7 of emergency if the court finds that remediation services could not be provided
8 because of the state of emergency.

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

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

15
16 **Advisory Committee Comment**

17
18 This emergency rule is being adopted in part to ensure that detention hearings for
19 juveniles in delinquency court must be held in a timely manner to ensure that no child is
20 detained who does not need to be detained to protect the child or the community. The
21 statutory scheme for juveniles who come under the jurisdiction of the delinquency court
22 is focused on the rehabilitation of the child and thus makes detention of a child the
23 exceptional practice, rather than the rule. Juvenile courts are able to use their broad
24 discretion under current law to release detained juveniles to protect the health of those
25 juveniles and the health and safety of the others in detention during the current state of
26 emergency related to the COVID-19 pandemic.

27
28
29 **Emergency rule 8. Emergency orders: temporary restraining or protective orders**

30
31 **(a) Application**

32
33 Notwithstanding any other law, this rule applies to any emergency protective order,
34 temporary restraining order, or criminal protective order that was requested, issued,
35 or set to expire during the state of emergency related to the COVID-19 pandemic.

36 This includes requests and orders issued under Family Code sections 6250 or 6300,
37 Code of Civil Procedure sections 527.6 , 527.8, or 527.85, Penal Code sections
38 136.2, 18125 or 18150, or Welfare and Institutions Code sections 213.5, 304,
39 362.4, or 15657.03, and including any of the foregoing orders issued in connection
40 with an order for modification of a custody or visitation order issued pursuant to a
41 dissolution, legal separation, nullity, or parentage proceeding under Family Code
42 section 6221.

1 **(b) Duration of orders**

- 2
- 3 (1) Any emergency protective order made under Family Code section 6250 that
- 4 is issued during the state of emergency must remain in effect for up to 30
- 5 days from the date of issuance.
- 6
- 7 (2) Any temporary restraining order or gun violence emergency protective order
- 8 issued or set to expire during the state of emergency related to the COVID-19
- 9 pandemic must remain in effect for a period of time that the court determines
- 10 is sufficient to allow for a hearing on the long-term order to occur, for up to
- 11 90 days.
- 12
- 13 (3) Any criminal protective order, subject to this rule, set to expire during the
- 14 state of emergency, must be automatically extended for a period of 90 days,
- 15 or until the matter can be heard, whichever occurs first.
- 16
- 17 (4) Upon the filing of a request to renew a restraining order after hearing that is
- 18 set to expire during the state of emergency related to the COVID-19
- 19 pandemic, the current restraining order after hearing must remain in effect
- 20 until a hearing on the renewal can occur, for up to 90 days from the date of
- 21 expiration.

22

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

24

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

- 26
- 27 (1) Courts must provide a means for the filing of ex parte requests for temporary
- 28 restraining orders and requests to renew restraining orders. Courts may do so
- 29 by providing a physical location, drop box, or, if feasible, through electronic
- 30 means.
- 31
- 32 (2) Any ex parte request and request to renew restraining orders may be filed
- 33 using an electronic signature by a party or a party's attorney.

34

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

36

37 **(d) Service of Orders**

38

39 If a respondent appears at a hearing by video, audio, or telephonically, and the

40 court grants an order, in whole or in part, no further service is required upon the

41 respondent for enforcement of the order, provided that the court follows the

42 requirements of Family Code section 6384.

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

2
3 Any orders issued by a court modifying the duration or expiration date of orders
4 subject to this rule, must be transmitted to the Department of Justice through the
5 California Law Enforcement Telecommunications System (CLETS), as provided in
6 Family Code section 6380, without regard to whether they are issued on Judicial
7 Council forms, or in another format during the state of emergency.
8

9 *Emergency Rule 8 amended effective April 20, 2020.*

10 **Emergency rule 9. Tolling statutes of limitations for civil causes of action**

11
12 **(a) Tolling statutes of limitations over 180 days**

13
14 Notwithstanding any other law, the statutes of limitations and repose for civil
15 causes of action that exceed 180 days are tolled from April 6, 2020, until October
16 1, 2020.
17

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

19
20 **(b) Tolling statutes of limitations of 180 days or less**

21
22 Notwithstanding any other law, the statutes of limitations and repose for civil
23 causes of action that are 180 days or less are tolled from April 6, 2020, until August
24 3, 2020.
25

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

27
28 *Emergency Rule 9 amended effective May 29, 2020.*
29

30 **Advisory Committee Comment**

31
32 Emergency rule 9 is intended to apply broadly to toll any statute of limitations on the filing of a
33 pleading in court asserting a civil cause of action. The term “civil causes of action” includes
34 special proceedings. (See Code Civ. Proc., §§ 312, 363 [“action,” as used in title 2 of the code (Of
35 the Time of Commencing Civil Actions), is construed “as including a special proceeding of a
36 civil nature”]; special proceedings of a civil nature include all proceedings in title 3 of the code,
37 including mandamus actions under §§ 1085, 1088.5, and 1094.5—all the types of petitions for
38 writ made for California Environmental Quality Act (CEQA) and land use challenges]; see also
39 Pub. Resources Code, § 21167(a)–(e) [setting limitations periods for civil “action[s]” under
40 CEQA].)
41

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

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

8 **(a) Extension of five years in which to bring a civil action to trial**
9

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

15 **(b) Extension of three years in which to bring a new trial**
16

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

25 **Emergency rule 11. Depositions through remote electronic means**
26

27 **(a) Deponents appearing remotely**
28

29 Notwithstanding any other law, including Code of Civil Procedure section
30 2025.310(a) and (b), and rule 3.1010(c) and (d), a party or nonparty deponent, at
31 their election or the election of the deposing party, is not required to be present
32 with the deposition officer at the time of the deposition.
33

34 **(b) Sunset of rule**
35

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

41 **Emergency rule 12. Electronic service**
42

1 **(a) Application**

2
3 (1) Notwithstanding any other law, including Code of Civil Procedure section
4 1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all
5 general civil cases and proceedings under the Family and Probate Codes,
6 unless a court orders otherwise.

7
8 (2) Notwithstanding (1), the rule does not apply in cases where parties are
9 already required by court order or local rule to provide or accept notices and
10 documents by electronic service, and is not intended to prohibit electronic
11 service in cases not addressed by this rule.

12
13 **(b) Required electronic service**

14
15 (1) A party represented by counsel, who has appeared in an action or proceeding,
16 must accept electronic service of a notice or document that may be served by
17 mail, express mail, overnight delivery, or facsimile transmission. Before first
18 serving a represented party electronically, the serving party must confirm by
19 telephone or email the appropriate electronic service address for counsel
20 being served.

21
22 (2) A party represented by counsel must, upon the request of any party who has
23 appeared in an action or proceeding and who provides an electronic service
24 address and a copy of this rule, electronically serve the requesting party with
25 any notice or document that may be served by mail, express mail, overnight
26 delivery, or facsimile transmission.

27
28 **(c) Permissive electronic service**

29
30 Electronic service on a self-represented party is permitted only with consent of that
31 party, confirmed in writing. The written consent to accept electronic service may be
32 exchanged electronically.

33
34 **(d) Time**

35
36 (1) In general civil cases and proceedings under the Family Code, the provisions
37 of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic
38 service under this rule.

39
40 (2) In proceedings under the Probate Code, the provisions of Probate Code
41 section 1215(c)(2) apply to electronic service under this rule.
42

1 **(e) Confidential documents**

2
3 Confidential or sealed records electronically served must be served through
4 encrypted methods to ensure that the documents are not improperly disclosed.
5

6 **(f) Sunset of rule**

7
8 This rule will remain in effect until 90 days after the Governor declares that the
9 state of emergency related to the COVID-19 pandemic is lifted, or until amended or
10 repealed by the Judicial Council.
11

12 *Emergency Rule 12 adopted effective April 17, 2020.*
13
14

15 **Emergency rule 13. Effective date for requests to modify support**

16
17 **(a) Application**

18
19 Notwithstanding any other law, including Family Code sections 3591, 3603, 3653,
20 and 4333, this rule applies to all requests to modify or terminate child, spousal,
21 partner, or family support. For the purpose of this rule, “request” refers to *Request*
22 *for Order* (form FL-300), *Notice of Motion (Governmental)* (form FL-680), or
23 other moving papers requesting a modification of support.
24

25 **(b) Effective date of modification**

26
27 Except as provided in Family Code section 3653(b), an order modifying or
28 terminating a support order may be made effective as of the date the request and
29 supporting papers are mailed or otherwise served on the other party, or other
30 party’s attorney when permitted. Nothing in this rule restricts the court’s discretion
31 to order a later effective date.
32

33 **(c) Service of filed request**

34
35 If the request and supporting papers that were served have not yet been filed with
36 the court, the moving party must also serve a copy of the request and supporting
37 papers after they have been filed with the court on the other party, or other party’s
38 attorney when permitted. If the moving party is the local child support agency and
39 the unfiled request already has a valid court date and time listed, then subsequent
40 service of the request is not required.
41

42 **(d) Court discretion**

43

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

3

4 **(e) Sunset of rule**

5

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

9

10 *Emergency Rule 13 adopted effective April 20, 2020.*

11

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