

Rule 909: Domestic Violence and Civil Harassment Remote Proceedings in Juvenile Court

A. Purpose

The purpose of this rule is to provide greater access to justice, promote court efficiency, and facilitate remote and in-person proceedings consistent with Code of Civil Procedure sections [367.75](#), [527.6](#), Family Code section [6308](#), and California Rules of Court, rule [3.672](#). This rule preserves the confidential nature of Juvenile Court proceedings in accordance with Welfare and Institutions Code sections [346](#) and [676](#), while establishing the protocols governing remote and in-person appearances in Juvenile Court ~~proceedings~~ for Domestic Violence and Civil Harassment Restraining Orders.

B. Definitions

As used in this rule:

1. “Evidentiary hearing or trial” is any proceeding at which oral testimony may be provided.
2. “Non-evidentiary proceeding” is any proceeding other than an evidentiary hearing or trial.
3. “Oral testimony” is a spoken statement provided under oath and subject to examination.
4. “Party” is any person appearing in an action and that person’s counsel, as well as any nonparty who may be subject to discovery in the action.
5. “Proceeding” means a conference, hearing, or any other matter before the court, including evidentiary hearing or trial.
6. “Remote appearance” or “appear remotely” means the appearance of a party at a proceeding through the use of remote technology.
7. “Remote proceeding” means a proceeding conducted in whole or in part through the use of remote technology.
8. “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

C. Appearances for Remote and In-Person Proceedings for Domestic Violence and Civil Harassment Restraining Orders in Juvenile Court

1. Except as otherwise set forth in this rule, evidentiary hearings or trials for a Domestic Violence or Civil Harassment Restraining Order will be held in-person. At the discretion of the court, an evidentiary hearing or trial may be scheduled as a remote ~~hearingsproceeding when oral testimony under oath may be provided~~.
2. A party who intends to appear remotely for a Domestic Violence or Civil Harassment Restraining Order evidentiary hearing or trial must provide notice to the court, parties, and persons entitled to notice of these proceedings at least ten (10) court days prior to the evidentiary hearing or trial. A party may file a motion for a remote evidentiary hearing or trial (Form RA-010) at least ten (10) court days before the hearing if the party received at least fifteen (15) court days’ notice of the proceeding. A party may file an opposition to the court’s or a party’s motion for a remote evidentiary hearing or trial by filing the mandatory Judicial Council form “Opposition to Remote Proceeding at Evidentiary Hearing or Trial” (Form RA-015) at least five (5) court days before the hearing if the party received at least ten (10) court days’ notice of the remote appearance or proceeding. If notice of the remote proceeding is provided on less than ten (10) court days’ notice, a party must file an opposition to remote appearance (Form RA- 015) by noon the court day before the proceeding.

3. A party who intends to appear remotely for a Domestic Violence or Civil Harassment Restraining Order non-evidentiary hearing must provide notice to the court, parties, and persons entitled to notice of these proceedings- at least two (2) court days prior to the hearing. The notice to the court must be given filing the mandatory Judicial Council forms. If the matter will be heard in a Dependency case, use form “Request To Appear Remotely—Juvenile Dependency” (Form RA-025). Otherwise, use forms “Notice of Remote Appearance” (Form RA-010) and “Order Regarding Remote Appearance” (RA-020).
- ~~4. A party who intends to appear remotely for a Domestic Violence or Civil Harassment Restraining Order is required to provide notice to all parties or persons entitled to receive notice of the proceedings. This notification may be provided in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least two (2) court days prior to a non-evidentiary proceeding or at least ten (10) court days prior to an evidentiary proceeding or trial.~~
- ~~5.4.~~ Participants appearing remotely for a Domestic Violence or Civil Harassment Restraining Order must access a hearing link provided by their attorneys or the court. By clicking on the department link, a party is agreeing to appear remotely.
- ~~6.5.~~ Objections by parties to deficient notice of remote appearance for a Domestic Violence or Civil Harassment Restraining Order may be raised at the hearing.
- ~~7.6.~~ Nothing in this rule limits the discretion of the judicial officer to order an in-person appearance in the courtroom as provided in Code of Civil Procedure section 367.75, subdivision (b).
- ~~8.7.~~ Upon a showing of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice for a Domestic Violence or Civil Harassment Restraining Order, a party may ask the court for leave to appear remotely without the notice provided in this local rule.

D. Confidentiality, Privacy, and Security Settings for a Domestic Violence or Civil Harassment Restraining Order Hearings in Juvenile Court

1. Nothing in this rule is intended to modify any other rule, statute, or case law regarding confidentiality or access to confidential proceedings. All legal confidentiality requirements are equally applicable to both in-person appearances and remote appearances.
2. All statutory confidentiality requirements applicable to a juvenile dependency or juvenile justice proceeding held in-person apply equally to a remote proceeding, including Welfare and Institution code sections 346 and 676. If the proceeding is in a juvenile dependency case, the parties must comply with Code of Civil Procedure section 367.7 and California Rule of Court 6.672(i).
3. Any party appearing remotely must have the necessary privacy and security settings appropriate for the proceeding in which the remote appearance is made. Persons appearing remotely shall ensure that their remote location affords the required level of privacy for the proceeding.

E. Prohibition of Photography, Broadcasting, Recording, Streaming, and Filming

Photography, broadcasting, video recording, audio recording, electronic recording, filming, and streaming of court proceedings, whether in person or remote, is prohibited except as expressly authorized by law. Violation of any administrative order may result in the imposition of monetary sanctions in amounts of up to \$1,500 per violation pursuant to Code of Civil Procedure section 177.5; a citation for contempt in violation of Code of Civil Procedure section 1209, subdivision (a)(5); prosecution for criminal violations of Penal Code section 166, subdivisions (a)(3, 4, or 5), and/or other sanctions as provided by law.

F. Technology or Audibility Issues

In the event any party, witness, official reporter, official reporter pro tempore, court interpreter, or other court personnel experiences technology or audibility issues that arise during any remote conference, hearing, proceeding, or trial, that person is to alert the court by calling the courtroom. Phone numbers for the Juvenile Clerk's office can be found at <https://www.occourts.org/divisions/juvenile/juvenile-courtroom-information>. Information about potential technological or audibility issues that can arise and the options for appearing in person and through the use of remote technology are posted on the court website.

The court's remote technology system is designed to ensure that all parties, whether appearing remotely or in person, can meaningfully participate in the conference, hearing, proceeding, or trial.