

## **Rule 719. Remote and In-Person Proceedings for Family Law**

### **(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 section 367.75 and California Rules of Court, rule 3.672. This rule sets forth the remote and in-person proceeding protocols for family law proceedings.

### **(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**

1. Remote appearances are permitted and encouraged to promote access to justice and for the convenience of the public.

2. A party who intends to appear remotely for a non-evidentiary hearing must provide notice to the court at least two court days prior to the hearing. The notice to the court must be given by filing the mandatory Judicial Council forms “Notice of Remote Appearance” (JC Form #RA-010) and “Order Regarding Remote Appearance” (JC Form #RA-020).
3. Except as otherwise set forth in this rule, trial and evidentiary proceedings will be held in person. At the discretion of the Court, a trial or evidentiary proceeding may be scheduled as a remote hearing when oral testimony under oath may be provided.
  - a. A party may file a motion for a remote evidentiary hearing or trial (JC 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.
  - b. 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 Appearance at Evidentiary Hearing or Trial” (JC Form #RA-015) at least five (5) court days before the hearing if the party received at least (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.
4. A party who intends to appear remotely 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. Participants appearing remotely will be provided a hearing link on the court’s public website at <https://www.occourts.org/directory/family/>. By clicking on the department link, a party is agreeing to appear remotely.
6. At the discretion of the Court, a hearing may be scheduled as a remote hearing when oral testimony under oath may be provided.

7. Unless otherwise ordered, remote appearances are permitted and encouraged for all law and motion, case management conferences, status conferences, and other non-evidentiary proceedings in family law cases.
8. Objections by parties to deficient notice of remote appearance may be raised at the hearing.
9. 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).
10. Upon a showing of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice, a party may ask the court for leave to appear remotely without the notice provided by this subdivision.

#### **(d) Domestic Violence Cases**

1. All Domestic Violence hearings heard within the two identified Domestic Violence courtrooms will be set for in-person hearings.
2. At the discretion of the court, any domestic violence hearing set in any of the general family law courtrooms may be set for remote appearance.

#### **(e) Procedures**

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. Information regarding the ability to appear in person or through the use of remote technology is available on the court's website at

<https://www.occourts.org/directory/family/>.

#### **(f) Confidentiality, Privacy, and Security Settings**

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. 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.

**(g) 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 California Rules of Court, rule 1.150, or Local Rule 180. Violation of this subdivision or [Administrative Order 21/12](#) 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.

**(h) 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 courtrooms can be found at <https://www.occourts.org/directory/family/>. 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.

**(i) Public Access**

Media and public access to proceedings will be in person in the courtroom where the hearing is scheduled. In the event any proceeding is conducted entirely remotely, the press and public can obtain public access by contacting the courtroom.

**(j) Effective Dates**

This rule is effective from April 1, 2022 until July 1, 2023, or until the sunset date of Code of Civil Procedure section 367.75 if its sunset date is extended beyond July 1, 2023.