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Remote Civil Proceedings— Code of Civil Procedure Section 367.75 and California Rules of Court, Rule 3.672

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Frequently Asked Questions (FAQs)

This FAQ provides information on remote civil proceedings under Code of Civil of Civil Procedure section 367.75 and California Rules of Court, rule 3.672, both of which became effective January 1, 2022. It has been prepared by the Judicial Council’s Legal Services office and Center for Children, Families & the Courts, and will be updated as new questions are addressed. The answers provided are general in nature and may not apply depending upon a particular situation.

To assist courts in quickly reviewing later versions of the FAQs, new or revised questions and answers will indicate the date on which they were added to this document or substantively revised.

These FAQs are non-privileged and are intended for broad dissemination to assist those who are involved in civil proceedings.

If court leadership has additional questions, please contact the Center for Children, Families & the Courts regarding juvenile, probate, and family law proceedings, and regarding all other civil proceedings, please contact the Legal Services office.

1. Introductory FAQs

1.1 What new laws apply to civil remote proceedings?

Effective January 1, 2022, remote appearances in civil proceedings are governed by Code of Civil Procedure section 367.75 (section 367.75) and California Rules of Court, rule 3.672.¹ Section 2 of these FAQs identifies what proceedings are “civil proceedings” for purposes of section 367.75 and rule 3.672.

Section 367.75 was enacted when the Governor signed into law Senate Bill 241, on September 22, 2021. The new statute authorizes trial courts to conduct civil proceedings through the use of remote technology, effective January 1, 2022, until July 1, 2023.

Section 367.75(k) requires that the Judicial Council “adopt rules to implement the policies and provisions in [the statute] to promote statewide consistency” addressing at least the following matters: “(1) A deadline by which a party must notify the court and the other parties of their request to appear remotely” and “(2) Procedures and standards for a judicial officer to determine when a conference, hearing, or proceeding may be conducted through the use of remote technology.”

To satisfy this obligation and implement section 367.75, the Judicial Council, on December 28, 2021, adopted new rule 3.672, made conforming amendments to existing rules related to telephonic appearances, and approved new forms for remote appearances. The new rule provides default procedures for remote proceedings, but also authorizes courts to use local procedures that are consistent with section 367.75. (Rule 3.672(e); see FAQ nos. 6.1–6.3.)

The circulating order memorandum the council approved to adopt rule 3.672 and take these other actions can be found [here](#). The Judicial Council will consider additional conforming amendments to the California Rules of Court at its meeting on January 21, 2022. (The report on the proposed amendments to emergency rules 6 and 7 can be found [here](#). A report on the proposed amendments to rules 3.722, 3.1207, and 3.2226 may be found [here](#).)

1.2 What happened to emergency rule 3?

As of January 1, 2022, emergency rule 3 no longer applies to civil proceedings. It continues to apply to criminal proceedings.

¹ All further rule references are to the California Rules of Court unless otherwise indicated.

The Judicial Council adopted emergency rule 3 on April 6, 2020, at a time when the Legislature was out of session and courts were just beginning to grapple with the impact of the COVID-19 pandemic. When the Legislature enacted section 367.75 to govern civil remote proceedings, however, the council recognized that it would be appropriate to amend emergency rule 3 to remove civil proceedings from the scope of the rule, effective January 1, 2022. The amendment is intended to ensure that there is no confusion or ambiguity as to what law applies to civil proceedings.² A copy of the recommendation that the council approved to amend emergency rule 3 can be found [here](#).

1.3 What is the primary difference between section 367.75 and emergency rule 3?

Under emergency rule 3, courts could require participants in most civil proceedings to appear remotely. Section 367.75, however, states explicitly that a court may not require a party to appear at a civil proceeding through the use of remote technology. (§ 367.75(f) and (h)(3).) Provisions in section 367.75 may require changes in the way some courts conducted civil remote proceedings under emergency rule 3.

In addition, section 367.75 has the effect of dividing civil proceedings into three separate categories: (1) nonevidentiary proceedings, (2) evidentiary hearings and trials, and (3) dependency proceedings. The statute imposes different conditions on each category, and the rule necessarily reflects these distinctions.

- Section 367.75(a) applies to civil nonevidentiary proceedings.³ It authorizes courts to allow a party to appear remotely *if the party has provided notice to the court and all other parties of their intent to appear remotely*. (See FAQ no. 3.2.)
- Section 367.75(d) applies to civil evidentiary hearings and trials and authorizes a court to conduct such proceedings through the use of remote technology *upon motion of the court or a party*. This authority is subject to a showing by a party that a remote appearance or testimony should not be allowed. (See FAQ no. 3.3.)

² Because the Legislature has not taken any action since the adoption of emergency rule 3 on remote appearances in criminal proceedings, the amendment to emergency rule 3 affirms that the rule continues to apply to criminal proceedings until 90 days after the state of emergency related to COVID-19 is rescinded or until the Judicial Council further amends the rule.

³ Subdivision (a) of section 367.75 states that it applies to all civil cases and that it applies except as provided in subdivision (d). Subdivision (d) (covering evidentiary hearings and trials) creates an exception to the more general provision in subdivision (a). For ease of reference, the term “nonevidentiary proceedings” will refer to those proceedings that are governed by subdivision (a), and not governed by subdivision (d) or subdivision (h) (which governs dependency proceedings).

- Section 367.75(h) authorizes juvenile dependency proceedings to be conducted remotely under the conditions provided in that subdivision. (See FAQ no. 5.1.)

2. Civil Proceedings Subject to Section 367.75 and Rule 3.672

2.1 What civil proceedings are subject to section 367.75 and rule 3.672?

Section 367.75 and rule 3.672 apply to all “civil cases.” “Civil cases” excludes criminal cases and petitions for habeas corpus, except petitions under the Lanterman-Petris-Short Act. (§ 367.75(a) & (d); rule 3.672(b)(1) & (c)(1) (definition of “civil case” for purposes of the rule.)

2.2 Are juvenile justice (delinquency) proceedings civil cases subject to section 367.75 and rule 3.672?

Yes. Juvenile justice (delinquency) proceedings are subject to section 367.75 and rule 3.672. California law establishes that juvenile justice cases are fundamentally civil cases, not criminal. Welfare and Institutions Code section 203 reads, in its entirety, “An order adjudging a minor to be a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding.” The new law, however, does not abridge a minor’s existing statutory and constitutional rights. See FAQ no 2.4.

2.3 Are juvenile justice (delinquency) proceedings subject to the same provisions of section 367.75 and rule 3.672 as juvenile dependency proceedings?

No. Section 367.75 applies the same requirements to all civil cases, except for juvenile dependency proceedings, which are governed by subdivision (h) of the statute. Rule 3.672 follows this statutory distinction and the conditions for remote juvenile dependency proceedings are provided in subdivision (i) of the rule. Juvenile justice (delinquency) proceedings are not subject to subdivision (h) of section 367.75 or subdivision (i) of rule 3.672, but to the provisions of the statute and the rule that apply to other civil cases. (Rule 3.672(i)(a)(1)(C).)

2.4 Do section 367.75 and rule 3.672 affect the legal rights of a minor in juvenile justice (delinquency) proceedings?

The rights of an accused minor to appear in person, to confront and cross-examine witnesses, and to consult with counsel are well established. To the extent they are established by the federal or state constitution, neither a statute nor a rule can operate to deprive an accused minor of the opportunity to exercise them. As noted at page 27 of the circulating order memorandum submitted to the Judicial Council, Welfare and Institutions Code section 679, which entitles an accused minor to be present at a juvenile justice hearing, may be satisfied only by the minor’s

physical presence.⁴ The exercise of many constitutional rights also requires the physical presence of the accused minor or the witnesses.⁵ To avoid any ambiguity, rule 3.672(b)(2) expressly states that nothing in the rule limits a requirement or right established by statute or case law to an appearance in one manner, either remote or in person, to the exclusion of the other. In such proceedings, statutory and constitutional authorities may require that the minor be physically present in court for proceedings in the matter, absent a personal waiver or demonstrated inability to attend. Courts should take these additional legal considerations into account when considering whether to use remote technology in juvenile justice (delinquency) proceedings.

In addition, nothing in section 367.75 or rule 3.672 authorizes a court to require a party or a witness to appear remotely. Section 367.75(f) expressly prohibits a court from requiring a party to appear remotely. And because section 367.75(i) defines a party to include a nonparty subject to discovery, the prohibition extends to witnesses. In addition, section 367.75(e)(2) directs the court to “require that a remote appearance by a party or witness have the necessary privacy and security appropriate” for the proceeding. The rule does not change any of these provisions.

2.5 Do section 367.75 and rule 3.672 affect the legal rights of persons subject to civil commitment and conservatorship proceedings?

The rights of persons subject to civil commitment and conservatorship proceedings are well established. To the extent they are established by the federal or state constitution, neither a statute nor a rule can operate to deprive such persons of the opportunity to exercise them. To avoid any ambiguity, rule 3.672(b)(2) expressly states that nothing in the rule limits a requirement or right established by statute or case law to an appearance in one manner, either remote or in person, to the exclusion of the other. In civil commitment and conservatorship proceedings, statutory and constitutional authorities may require that the person who is the subject of the proceeding be physically present in court for proceedings in the matter, absent a personal waiver or demonstrated inability to attend. Courts should take these additional legal considerations into account when considering whether to use remote technology for conducting such proceedings.

In addition, nothing in section 367.75 or rule 3.672 authorizes a court to require a party or a witness to appear remotely. Section 367.75(f) expressly prohibits a court from requiring a party to appear remotely. And because section 367.75(i) defines a party to include a nonparty subject to discovery, the prohibition extends to witnesses. In addition, section 367.75(e)(2) directs the

⁴ *E.P. v. Superior Court* (2020) 59 Cal.App.5th 52. The court ruled that a minor’s consent was required as a condition of a remote appearance.

⁵ See, e.g., *In re Gault* (1967) 387 U.S. 1.

court to “require that a remote appearance by a party or witness have the necessary privacy and security appropriate” for the proceeding. The rule does not change any of these provisions.

2.6 Are hearings on petitions for restraining orders subject to section 367.75 and rule 3.672?

Generally, yes. However, based on recently enacted legislation (Sen. Bill 538), hearings on petitions for domestic violence and gun violence restraining orders are subject to somewhat different requirements. Specifically, a court must develop, and post on its website, local rules and instructions for remote appearances at such hearings. (Fam. Code, § 6308(a) and Pen. Code, § 18123(a).) In addition, each court is to “provide, and post on its internet website, a telephone number for the public to call to obtain assistance regarding remote appearances. The telephone number shall be staffed 30 minutes before the start of the court session at which the hearing will take place, and during the court session.” (Fam. Code, § 6308(b) and Pen. Code, § 18123(b).)

3. Procedures for Civil Remote Proceedings Other than Dependency Proceedings

3.1 What is the difference between an evidentiary hearing and a nonevidentiary proceeding for purposes of section 367.75 and rule 3.672?

An “evidentiary hearing or trial” is a proceeding at which oral testimony under oath may be provided, even if such testimony is not provided. (Rule 3.672(c)(2).) Subdivision (d) of section 367.75 and subdivision (h) of rule 3.672 apply to evidentiary hearings and trials. Civil proceedings in which no oral testimony may be provided, including law and motion hearings and status conferences are nonevidentiary proceedings governed by subdivision (a) of section 367.75 and subdivision (g) of rule 3.672.

3.2 For civil nonevidentiary proceedings, when may a party or witness appear through the use of remote technology?

In civil nonevidentiary proceedings, section 367.75 provides that a party in any civil case may appear through the use of remote technology after providing notice to the court and all other parties. (§ 367.75(a).) Exceptions are noted at the end of this FAQ.

Notice requirements:

- For a civil nonevidentiary proceeding set with at least three court days’ notice, any party that intends to appear remotely must provide notice of that intent at least two court days before the proceeding. (Rule 3.672(g)(2)(A)(i).) This parallels the notice period in prior rule 3.670 for appearance by telephone.

- For a civil nonevidentiary proceeding set on less than three court days' notice (e.g., most ex parte applications), the moving party or applicant must give notice with the initiating papers, and any other party has until 2:00 p.m. on the court day before the proceeding to give notice of their own intent to appear remotely. (Rule 3.672(g)(2)(B).)
- For any civil nonevidentiary proceeding, a party choosing to appear remotely is required to provide notice to the court by filing a *Notice of Remote Appearance* (form RA-010) and to the other parties either in writing, electronically, or orally. A declaration affirming such notice to the other parties is included on the notice form. (Rule 3.672(g)(2)(A)(ii) and (B)(ii).)

Notice exceptions:

- The notice periods may differ from those discussed above if a court has adopted local rules, or until March 31, 2022, if the courts has local procedures, with different deadlines, under rule 3.672(e), discussed at greater length below in FAQ nos. 6.1–6.3.
- These notice periods do not apply if a party has already provided a timely notice to the court and other parties of an intent to appear remotely for the duration of a case under rule 3.672(f)(1), as discussed below in FAQ no. 3.6.
- If a party misses the notice deadlines discussed above, the party may still ask the court for permission to appear remotely. The court may permit the party to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice. (Rule 3.672(j)(2). See FAQ no. 3.5.)

Note:

After receiving a notice under rule 3.672(g), a court has discretion to require an in-person appearance for any of the reasons enumerated in section 367.75(b) and rule 3.672(d), as discussed below in FAQ no 4.1.

3.3 For civil evidentiary hearings and trials, when may a court conduct a proceeding through the use of remote technology?

Section 367.75(d) provides that a court may conduct a trial or evidentiary hearing in whole or in part through the use of remote technology, upon the motion of a party or the court's own motion—absent a showing as to why the remote testimony or appearance should not be allowed.

Court notice requirements:

A court may give notice that it intends to conduct a proceeding remotely through one of two methods:

- The court may provide notice to the parties in a particular action. In these circumstances, the court must provide at least 10 court days' notice before the hearing or trial date, unless the hearing or trial is set on less than 10 court days' notice, in which case at least two court days' notice is required. (Rule 3.672(h)(1)(A).)
- The court may adopt a local rule providing that certain evidentiary hearings or trials are to be held remotely. In these circumstances, the procedure must include a process for self-represented parties to agree to appear remotely and for parties to show why remote appearances or testimony should not be allowed. (Rule 3.672(h)(1)(B).)

Party notice requirements⁶:

- For civil evidentiary hearings and trials held with at least 15 court days' notice and for small claims trials, a party choosing to appear remotely must provide notice of that intent at least 10 court days before the hearing or trial. (Rule 3.672(h)(2)(C)(i).) A party choosing to appear remotely is required to provide notice to the court by filing a *Notice of Remote Appearance* (form RA-010) and to the other parties either in writing, electronically, or orally. (Rule 3.672(h)(2)(C)(ii).) A declaration affirming such notice is included on the notice form.
- For civil evidentiary hearings and trials held on less than 15 court days' notice, including hearings on many restraining or protective orders,⁷ a party choosing to appear remotely must provide notice of that intent either (1) as provided under rule 3.672(g)(2) for nonevidentiary proceeding held on short notice or (2) by filing a *Notice of Remote Appearance* (form RA-010) and providing notice to the other parties in writing, electronically, or orally in a way reasonably calculated to ensure notice is received at least five court days before the proceeding. (Rule 3.672(h)(2)(D).)
- The notice described in the two bullet points above serves as a motion by the party under section 367.75. (Rule 3.672(h)(2)(B).)

⁶ The party notice requirements for evidentiary hearings and trials are longer than they are for nonevidentiary proceedings to provide time for parties to raise opposition to using remote technology for these proceedings, and to address any additional operational issues arising from holding these proceedings remotely such as those related to exhibits and testimony.

⁷ This does not apply for petitions for domestic violence or gun violence restraining orders, for which courts must develop and post on their website local procedures. (See FAQ no. 2.6.)

Notice exceptions:

- The notice periods for parties may differ from those discussed above if a court has adopted local rules or, until March 31, 2022, if the court has local procedures, with different deadlines, under rule 3.672(e),⁸ discussed at greater length below in FAQ nos. 6.1–6.3.
- The party notice periods discussed above do not apply if a party has already provided a timely notice to the court and other parties of an intent to appear remotely for the duration of a case under rule 3.672(f)(1), as discussed below in FAQ 3.6.
- If a party misses the deadlines for notice discussed above, the party may still ask the court for permission to appear remotely. The court may permit the party to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice. (Rule 3.672(j)(2).)

Opposition process:

Whether a party gives notice of an intent to appear remotely, or the court gives notice of an intent to conduct the proceeding remotely, any party may oppose remote proceedings by serving and filing an *Opposition to Remote Proceedings at Evidentiary Hearing or Trial* (form RA-015) and making a showing as to why a remote appearance or remote testimony should not be allowed. (Rule 3.672(h)(3)(A).) For civil evidentiary hearings and trials held with at least 15 court days' notice and for small claims trials, the Opposition must be served and filed at least five court days before the proceeding. (Rule 3.672(h)(3)(A)(i).) For civil evidentiary hearings and trials held on less than 15 court days' notice, the Opposition must be served and filed by at least noon on the court day before the proceeding. (Rule 3.672(h)(3)(A)(ii).)

In deciding whether to conduct an evidentiary hearing or trial remotely, either in whole or in part, the court must consider the factors in section 367.75(b) (discussed in FAQ no. 4.1) and (f) (the court must be able to ensure the technology enables all parties to fully participate), and those factors that section 367.75(k) mandates be included in the rule (lack of access to technology or transportation). (Rule 3.672(h)(3)(B).) However, the court may not require a party to appear through the use of remote technology. (§ 367.75(f); rule 3.672(h)(3)(B).)

⁸ Or, for hearings on domestic violence or gun violence restraining orders, under Family Code section 6308(a) or Penal Code section 18123(a). (See FAQ no. 2.6.)

Note:

After receiving a party notice under rule 3.672(h)(2), even in the absence of opposition by a party or a showing why a remote appearance or remote testimony should not be allowed, a court has discretion to require an in-person appearance for any of the reasons enumerated in section 367.75(b), as discussed below in FAQ no. 4.1.

3.4 If a party gave notice of an intent to appear remotely, may the party still appear in person?

Yes. Under rule 3.672(j)(1), a party that has given notice of intent to appear remotely may choose to appear in person.

3.5 If a party does not provide timely notice, is there a procedure that allows a party to request to appear remotely?

Yes. Under rule 3.672(j)(2), a party may ask the court for leave to appear remotely without the notice provided for under (f)–(h). The court may permit the party to appear remotely upon a finding of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.

3.6 Is there a procedure that allows a party to request to appear remotely for the duration of a case?

Yes. Under rule 3.672(f)(1), a party may provide notice to the court and others entitled to receive notice that the party intends to appear remotely for the duration of the case. The notice must be provided with at least as much advance notice as would otherwise be required in advance of a specific hearing or proceeding. Notice may be given in one of two ways, either orally during a court proceeding or by service and filing of a *Notice of Remote Appearance* (form RA-010) and checking item 2a of the form. (Rule 3.672(f)(1)(A).) If any party appears in the case after the notice has been given, form RA-010 must be served on that party. (*Ibid.*)

3.7 Is there a procedure that allows parties to stipulate to waive notice of other participants' remote appearances?

Yes. Under rule 3.672(f)(2), all parties to an action may stipulate to waive notice of any other participants' remote appearances. The stipulation may be made orally during a court proceeding or in writing filed with the court.

4. Court Discretion to Require In-Person Appearances at Civil Proceedings Other than Dependency Proceedings

4.1 When may a judicial officer require a party or witness to appear in person at civil proceedings other than dependency proceedings?

Under section 367.75(b), except as otherwise provided by law, the court may require a party or witness to appear in person at a conference, hearing, or proceeding, if any of the following conditions are present:

- (1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.
- (2) Although the court has the requisite technology, the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.
- (3) The court determines on a hearing-by-hearing basis that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.
- (4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.
- (5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.
- (6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits a court interpreter's ability to provide language access to a court user or authorized individual.

(See also rule 3.672(d).)

In addition, under rule 3.672(d)(3), at any time during a remote proceeding, if the court determines that an in-person appearance is necessary, the court may continue the matter and require such an appearance.

The court may use *Order Regarding Remote Appearance* (form RA-020), to require an in-person appearance.

5. Procedures for Juvenile Dependency Proceedings

5.1 For juvenile dependency proceedings, when may the court conduct a proceeding through the use of remote technology?

The Statute

Section 367.75(h) establishes separate requirements applicable only to juvenile dependency proceedings. The statute authorizes the juvenile court to conduct any dependency proceeding,⁹ in whole or in part, through the use of remote technology, subject to specific conditions.

- The court must provide an opportunity for any *person* authorized to be present, not only a party, to *request* to appear remotely instead of giving notice of intent. (§ 367.75(h)(1).)
- A party must have the opportunity to ask the court to compel the physical presence of a witness or a party at a proceeding. The court may allow a witness, including a party who will provide testimony, to appear remotely *only if* all parties have given their consent. (§ 367.75(h)(2).)
- Consistent with the treatment of all other case types under the statute, the court may not require a party to appear remotely. (§ 367.75(h)(3).)
- The court must apply the same confidentiality requirements to a remote dependency proceeding as apply to a dependency proceeding conducted in person. (§ 367.75(h)(4).)

The Rule

Subdivision (i) of the rule applies these statutory requirements to remote dependency proceedings. Subdivision (i)(3) describes the procedural options for a remote dependency proceeding.

- If the court is conducting a dependency proceeding remotely, in whole or in part, any party or other person entitled to be present may appear remotely without a request. (Rule 3.672(i)(3)(A). Rule 5.530(b) identifies the persons entitled to be present at a dependency proceeding.)

⁹ Section 367.75(h) does not expressly distinguish evidentiary hearings and trials from nonevidentiary proceedings in dependency cases.

- A party or other person entitled or authorized to be present at a dependency proceeding may request to appear remotely, regardless of whether the court is conducting the proceeding remotely.¹⁰ The request may be submitted by any means, oral or written, reasonably calculated to ensure that the court receives it no later than the time the case is called for hearing. (Rule 3.672(i)(3)(B).) The requestor may use *Request to Appear Remotely—Juvenile Dependency* (form RA-025) if making the request in writing. (Rule 3.672(i)(3)(B)(i).)
- Because a witness may appear remotely only with the consent of all parties (§ 367.75(h)(2)), a request on behalf of a witness to appear remotely is treated differently from a request by any other party or person authorized to be present. The rule therefore requires a request to appear remotely on behalf of a witness to be made in writing and filed with the court and served on all parties no later than three court days before the proceeding. (Rule 3.672(i)(3)(B)(ii).) The requestor may use *Request to Appear Remotely—Juvenile Dependency* (form RA-025). (Rule 3.672(i)(3)(B)(ii); form RA-025, item 2(l).)
- A party may also ask the court to compel the physical presence of a witness or a party at a proceeding. This request must be made in writing filed with the court and served on counsel for each of the parties by any means authorized by law reasonably calculated to ensure receipt no later than two court days before the proceeding. (Rule 3.672(i)(4).) The requestor may use *Request to Compel Physical Presence—Juvenile Dependency* (form RA-030) for this purpose.

Note:

- The procedures may differ from those discussed above if a court has adopted local rules or, until March 31, 2022, if the court has local procedures, with different deadlines under rule 3.672(e), discussed at greater length below in FAQ nos. 6.1–6.3. (Rule 3.672(i)(1)(A).)
- Rule 3.672(i)(1)(B) defines “party” specifically for purposes of juvenile dependency cases.¹¹

¹⁰ For persons authorized, but not entitled, to be present at a dependency proceeding, see Welf. & Inst. Code, § 346 and rule 5.530(e)(1).

¹¹ For purposes of rule 3.672(i), “a ‘party’” is “any of the following persons and that person’s counsel: [¶] (i) A child or nonminor dependent subject to the proceeding; [¶] (ii) Any parent, Indian custodian, or guardian of a child subject to the proceeding; [¶] (iii) The social worker who filed the petition to commence the juvenile dependency proceedings on behalf of the county child welfare department; [¶] (iv) The tribe of an Indian child subject to the proceeding if the tribe has intervened; and [¶] (v) A de facto parent of a child subject to the proceeding to whom the court has granted party status.”

- Except for the definition of party and the notice procedures in subdivisions (g) and (h), all other subdivisions of the rule apply to juvenile dependency proceedings.

5.2 For juvenile dependency proceedings, when may a court require a physical appearance?

Rule 3.672(i) provides the standards under which a court determines a request to appear remotely or to compel a physical appearance:

- The court may deny a request to appear remotely or grant a request to compel physical presence if (1) one or more of the factors listed in section 367.75(b) or (f) or in rule 3.672, including the person’s limited access to technology, requires the person’s physical presence; (2) the court cannot ensure that the person’s remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding; or (3) a remote appearance by the person is likely to cause undue prejudice to a party. (Rule 3.672(i)(5)(B).)
- Before ordering a person’s physical appearance, the court must consider the person’s ability to appear at the courthouse, including any limits to the person’s access to transportation. (Rule 3.672(i)(5)(C); see § 367.75(k)(2).)
- A court must require a witness’s physical presence if the witness has not obtained each party’s consent. Typically, a party’s request to compel a witness’s physical presence would indicate that party’s refusal to consent and, therefore, be sufficient basis to grant the request to compel. (Rule 3.672(i)(5)(A).)

6. Local Rules for Alternative Procedures

6.1 May a superior court adopt local rules with different notice requirements?

Yes, a court may adopt local rules with notice requirements that differ from those provided in rule 3.672, so long as the procedures are consistent with section 367.75. (Rule 3.672(e).) In addition, courts *must* adopt local rules for remote appearances at hearings on petitions for domestic violence and gun violence restraining orders. (See FAQ no. 2.6.)

- For civil proceedings other than juvenile dependency, a court may by local rule prescribe procedures for remote proceedings, so long as the procedures are consistent with the requirements of section 367.75, posted on the court’s website and—for civil proceedings other than juvenile dependency—include the following provisions:

“(A) a requirement that notice of intent to appear remotely be given to the court and to all parties or persons entitled to receive notice of the proceedings;

(B) a clear description of the amount of notice required; and

(C) for evidentiary hearing and trials, an opportunity for parties to oppose the remote proceedings.”

(Rule 3.672(e)(1).)

- For juvenile dependency cases, a court may by local rule prescribe procedures for remote proceedings as long as the procedures are posted on the court’s website and consistent with section 367.75 and relevant provisions of rule 3.672.
- For remote appearances at hearings on petitions for domestic violence and gun violence restraining orders, a court must develop, and post on its website, local rules and instructions, as the result of recently enacted legislation (Sen. Bill 538). (Fam. Code, § 6308(a) and Pen. Code, § 18123(a); See FAQ no. 2.6.)
- If local procedures include written notice, any mandatory Judicial Council forms must be used. (Rule 3.672(e)(2).)

6.2 Is there an expedited process for adopting local rules to implement procedures for remote proceedings authorized by section 367.75?

Yes. Notwithstanding the requirements of rule 10.613, courts may adopt or amend a local rule to implement procedures for remote proceedings with an effective date other than January 1 or July 1 and without a 45-day comment period if the court: (1) posts notice of the adoption of the new or amended rule prominently on the court’s website, along with a copy of the rule and the effective date of the new or amended rule; (2) distributes the rule to the organizations identified in rule 10.613(g)(2) on or before the effective date of the new rule or amendment; and (3) provides a copy of the rule to the Judicial Council. (Rule 3.672(e)(4).) Copies of rules should be sent to localrules@jud.ca.gov. No litigant’s substantive rights may be prejudiced for failing to comply with a rule adopted or amended under this paragraph until at least 20 days after the rule change has been posted and distributed. (Rule 3.672(e)(4).)

6.3 May a superior court continue to use its current procedures without adopting new local rules?

Yes. A superior court may continue to use its current procedures without adopting or amending local rules, but only until March 31, 2022. The current procedures must be consistent with section 367.75 and must be posted on the court’s website. (Rule 3.672(e)(5).)

This provision was included in the rule because section 367.75 and rule 3.672 went into effect on January 1, 2022, and many courts may not have had local rules in place on remote appearances

or may need to amend them to meet the statutory requirements. The provision allows existing procedures to remain in place for 90 days if they are posted and comply with section 367.75.

7. Court Reporters, Court Interpreters, and Remote Proceedings

7.1 May a court reporter participate remotely in a trial conducted through the use of remote technology?

No. If the court conducts a trial, in whole or in part, through the use of remote technology, the official reporter or official reporter pro tempore must be physically present in the courtroom. (§ 367.75(d)(2)(A).)

7.2 May a court interpreter participate remotely in a trial conducted through the use of remote technology?

Yes, with one exception. “[I]f the court conducts a trial, in whole or in part, through the use of remote technology, upon request, the court interpreter shall be physically present in the courtroom.” (§ 367.75(d)(2)(B).)