

## **FAMILY RULES**

### **RULE 1 GENERAL INFORMATION**

A.-C no changes

### **D. CASE ASSIGNMENT**

[(1) – (3) no changes]

#### **(4) DOMESTIC VIOLENCE PREVENTION ACT (DVPA) FILINGS**

*(Effective 1/1/2017)*

All standalone DVPA filings, except for those involving married parties with minor children, and DVPA filings accompanied by a Uniform Parentage Act (UPA) filing will be assigned to a Dedicated Family DVPA Department's APJ for all purposes. For cases that are accompanied by a Uniform Parentage Act Filing, the DVPA APJ may order the case to be reassigned to a non-DVPA APJ once all issues related to the DVPA request have been addressed or at any other time in the DVPA APJ's discretion. If a DVPA case is set for trial for more than two days, ~~the trial will be scheduled in the civil division~~ it will be set on the Long Cause Trial Setting Calendar. A DVPA department's APJ will decide all issues up to trial, including any ex parte requests and motions to continue the trial. All filed documents must contain the name of the assigned APJ and department.

All DVPA filings accompanied by a Family Law Petition, and all standalone DVPA filings involving married parties with minor children, will be randomly assigned to a non-DVPA APJ for all purposes and subject to all provisions under Local Family Rule 1D. If a Family Law Petition filing occurs after a DVPA filing has been filed and assigned to the DVPA APJ, the DVPA APJ will continue to address any issues regarding the DVPA filing. The DVPA APJ may order the DVPA filing to be consolidated into the Family Law Petition filing once all issues related to the DVPA request have been addressed or at any other time in the DVPA APJ's discretion.

(E. – M. - no changes)

### **N. APPEARANCES**

*(Effective 7/1/2024)*

(1) Remote proceedings are governed by Code of Civil Procedure section 367.75, California Rules of Court, rule 3.672 and Local General Court and Administration

Rules, rule 9. The ability to appear remotely in a court proceeding in the Family Division is also governed by the rules below. Further instructions may be found on the court's website at [www.scsccourt.org](http://www.scsccourt.org).

- a. TELEPHONIC APPEARANCES PROHIBITED. Unless otherwise specifically permitted by the court before a scheduled proceeding, no person appearing in a proceeding in the Family Division may appear solely by telephone.
- b. VIDEO REQUIRED. All remote appearances in the Family Division, if authorized by these rules or application to the court, must be conducted using video unless otherwise authorized by the court. For each video appearance, include your name and, if applicable, the party you are representing on the remote proceeding platform.
- c. MINIMIZE DISRUPTIONS. Turn your video off and mute your microphone before you enter a remote proceeding. Do not turn your video on or unmute your microphone until your case is called. Always remember that you are in a courtroom. Remote proceedings are court proceedings and should be conducted with the same respect and decorum as in-person proceedings. Children may not be present or within hearing of the remote participant or the proceeding unless the proceeding is for Special Juvenile Immigrant Findings.
- d. OTHER REQUIREMENTS. Please carefully review General Local Rule 9(B)(1)(a)-(h) for the minimum requirements and standards applicable to remote proceedings in Santa Clara County. If you cannot comply with each requirement, you may not appear remotely. If you do not comply with each requirement, the court may consider your failure to comply as a non-appearance or a delay in the proceedings may result.

*(Effective 7/1/2024)*

(2) Subject to a judicial officer's discretion and application of the current statutory authority and rules, evidentiary hearings/trials, Post Mediation Hearings, and Law and Motion Hearings will be held in person.

*(Effective 7/1/2024)*

(3) Subject to a judicial officer's discretion and application of the current statutory authority and rules, contested custody evaluation hearings and emergency

screening hearings will be held in person.

*(Effective 7/1/2024)*

(4) The following conferences are conducted remotely using video conferencing. If a party is unable to access the technology necessary for a remote conference, an accommodation for an in-person conference may be requested from Family Court Services, the Family Court Settlement Officer, or the assigned judicial officer.

- \_\_\_\_\_ (a) Settlement Officer Conferences
- \_\_\_\_\_ (b) Family Court Services Mediation
- \_\_\_\_\_ (c) Mandatory Settlement Conferences
- \_\_\_\_\_ (d) Judicially Supervised Settlement Conferences

(5) Long Cause Trial Setting Conferences are conducted remotely using video conferencing. If a party is unable to access the technology necessary for a remote conference, an accommodation for an in-person conference may be requested.

(6) Subject to a judicial officer's discretion and application of the current statutory authority and rules, Status Conferences, Judicial Custody Conferences, Identification of Minor's Counsel Hearings, and Custody Settlement Conferences may be attended remotely using video conferencing without pre-approval from the court.

\_\_\_\_\_ (a) Subject to a judicial officer's discretion and application of the current statutory authority and rules, Minor's Counsel may appear remotely using video conferencing without pre-approval from the court.

(7) Subject to a judicial officer's discretion and application of the current statutory authority and rules, including Family Code section 6308, in Domestic Violence Protection Act matters parties and support persons may appear remotely at the first appearance for a DVRO request without need for pre-approval. Thereafter, whether a witness, party, or support person may appear remotely or must appear in person is subject to a judicial officer's discretion.

(8) Parties may seek court approval for remote appearances by timely filing Form RA-010 and a blank FM-XXX 15 days prior to the scheduled hearing. If any party or witness requires a language interpreter, the request and notice must provide that information to the judicial officer. If any party intends to present live testimony, the request and notice must provide that information. Parties should include any information you wish the court to consider by providing the information in Form MC-025 and attaching it to the Form RA-010. Notice must be given to all parties

or persons entitled to receive notice of the proceedings. Any objection or opposition to a remote proceeding must be made by filing RA-015. Parties are cautioned that failure to seek and obtain authorization for a remote appearance where one is required may result in a non-appearance or a delay in the proceedings.

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER:
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT: OTHER CASE NAME:	
<b>ORDER REGARDING REMOTE APPEARANCE</b>	
CASE NUMBER:	

**The court makes the following orders regarding remote appearances:**

1. This order applies only to the proceeding described below, including on any later dates if the proceeding is continued:

Type of proceeding:

Set on (date): at (time):

This order applies to all appearances in the above-referenced case unless otherwise ordered by the court.

2. **Participant(s) to appear in person.**

All parties must appear in person, unless specifically authorized to appear remotely at a subsequent date.

The following persons are required to appear or testify in person:

Name: Role in Case:

3. **Participant(s) may appear through remote technology.**

The following persons may appear or testify through remote technology, subject to any requirements in Local Court and Administration Rules, Rule 9 and Family Local Rules, Rule 1, subd. (N). If the participant does not or cannot comply with the above rules, the participant may not appear remotely. Attempts to appear without complying with the rules above may result in a non-appearance or a delay in the proceedings.

Name: Role in Case:

4. **Other Orders:**

Date:

\_\_\_\_\_  
[SIGNATURE]