

Proposed Changes to Local Family Rules To Remove Access By Fax

1(H)(3)(b)

b. In lieu of the limits above, courtesy copies of relevant prior filings or other attachments exceeding the 10-page limit may be submitted to the Court bound separately from the current filing to which they relate, with the same copies provided to all attorneys and self-represented parties. Each page of all such attachments must be numbered sequentially. Parties must deliver courtesy copies to the Court, ~~and must not send courtesy copies by fax machine.~~ Such photocopies will not be filed or marked as received by the Court. If the submitting party wishes to have such photocopies returned to the party, the submission must include a stamped, self-addressed envelope of sufficient size to return the photocopies.

5(D)

~~D. FAX FILING IN DOMESTIC VIOLENCE AND GUN VIOLENCE RESTRAINING ORDER CASES (Effective 1/1/2024)~~

~~(1) DEFINITIONS~~

~~a. SERVICE PROVIDER (Effective 7/1/2016) "Service provider" means an entity authorized by the Court to provide fax filing services to the public and the Court for domestic violence, gun violence and elder abuse cases, to transfer filings and messages to and from the Court, and to pay any applicable filing fees to the Court~~

~~b. FAX (Effective 10/1/2020) "Fax" and fax filing is defined in Cal. Rules, Rule 2003.~~

~~(2) DIRECT FILING~~

~~a. Pursuant to Cal. Rules, Rule 2.304, et seq., authorized service providers may directly file domestic violence and gun violence restraining order applications, temporary restraining orders, and proofs of personal service by fax. Such filings must be submitted to a number to be designated by the court. (Effective 10/1/2020)~~

~~b. A facsimile filing must be accompanied by a Domestic Violence Facsimile Filing Cover Sheet (Attachment FM 1000) or a Gun Violence Facsimile Filing Cover Sheet (Attachment FM 1186). This must be the first page transferred, to be followed by any special handling instructions required. If the domestic violence restraining order application is submitted with initial documents which require the payment of a filing fee, such as a dissolution or paternity action, the facsimile filing must also be accompanied by a Judicial Council Facsimile Filing Cover Sheet with the applicable credit card information. This must be the second page transmitted in that event. The Court is not required to keep a copy of the cover sheet and attachment. Any credit card information will be kept confidential by the Court.~~

~~c. Each document transmitted for direct filing with the Court must contain the phrase "by fax" immediately below the title of the document. Each service provider must also include its applicable PIN number where indicated on the Domestic Violence Facsimile Filing Cover Sheet. (Effective 10/1/2020) d. There is no facsimile filing fee for the filing of domestic violence, gun violence or elder abuse restraining orders. (Effective 10/1/2020)~~

~~(3) SIGNATURES~~

~~a. A person who files or serves a signed document by fax pursuant to the Code of Civil Procedure and this rule represents that the original signed document is in his or her possession and control.~~

~~b. At any time after the filing or service of a signed facsimile document, any other party may serve a demand for production of the original physically signed document. The demand for production must be served on all other parties but must not be filed with the Court. (Effective 10/1/2020)~~

~~c. Notwithstanding any other provision to the contrary, including sections 255 and 260 of the Evidence Code, a signature produced by facsimile transmission is an original.~~

~~(4) SERVICE PROVIDERS~~

~~a. Service providers are required to sign a Memorandum of Understanding with the Court and attend periodic training sessions regarding domestic violence restraining orders and court procedures. (Effective 10/1/2020)~~

~~b. The Court must maintain a list of approved service providers for facsimile filing of domestic violence cases. Each approved service provider will be assigned a PIN number for identification purposes.~~

5(H)(1)

H. CONTINUANCES (Effective 1/1/2024)

(1) FIRST CONTINUANCE Before the first hearing date, if the moving papers have already been served and if the parties agree, one continuance may be obtained by ~~faxing to or~~ filing at the Clerk's Office, at least two court days before the hearing, (1) a stipulation signed by both attorneys or self-represented parties; or (2) a letter signed by the requesting attorney or self-represented party confirming that the other party agrees to continue the hearing. This procedure for continuing the first hearing date does not apply to hearings on requests for domestic violence or other restraining orders.

6(C)(2)(d)

(2) CALENDAR

- a. The SOC calendared by attorneys or self-represented parties must be set by agreement. Parties and attorneys may contact the Calendar Clerk at any time, but in no event later than ~~forty (40)~~ calendar days before the Mandatory Settlement Conference (MSC). ~~(Effective 1/1/2022)~~
- b. A party may also request an SOC when filing a Request for Trial (Local Form FM-1012). (Effective 1/1/2022)
- c. The Court may order the parties to an SOC, even over an objection, at any time.
- d. The SOC may be continued or vacated upon the submission of a letter copied to all counsel and self-represented parties indicating the agreement of the parties, or their attorneys, and filed with ~~or faxed to~~ the Court Clerk at least two ~~(2)~~ court days prior to the date of the scheduled SOC. An agreement to continue or vacate the SOC submitted in conformance with this Rule will be deemed approved unless the FSCO Clerk notifies the parties otherwise.