

AMENDMENT TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on September 21, 2018, effective January 1, 2019

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18		
19		

1 **Rule 1.51. California Law Enforcement Telecommunications System (CLETS)**  
2 **information form**

3  
4 **(a) Confidential CLETS Information form to be submitted to the court**

5  
6 A person requesting protective orders under Code of Civil Procedure section 527.6,  
7 527.8, or 527.85; Family Code section 6320, 6404, or 6454; Penal Code sections  
8 18100–18205; or Welfare and Institutions Code section 213.5 or 15657.03 must  
9 submit to the court with the request a completed *Confidential CLETS Information*  
10 form.

11  
12 *(Subd (a) amended effective January 1, 2019.)*

13  
14 **(b)–(e) \* \* \***

15  
16 *Rule 1.51 amended effective January 1, 2019; adopted effective January 1, 2011.*

17  
18 **Rule 2.250. Construction and definitions**

19  
20 **(a) \* \* \***

21  
22 **(b) Definitions**

23  
24 As used in this chapter, unless the context otherwise requires:

- 25  
26 (1) A “document” is a pleading, ~~a paper~~, a declaration, an exhibit, or another  
27 filing writing submitted by a party or other person, or by an agent of a party  
28 or other person on the party’s or other person’s behalf. A document is also a  
29 notice, order, judgment, or other issuance by the court. A document may be  
30 in paper or electronic form.  
31  
32 (2) “Electronic service” has the same meaning as defined in Code of Civil  
33 Procedure section 1010.6 ~~is service of a document on a party or other person~~  
34 ~~by either electronic transmission or electronic notification. Electronic service~~  
35 ~~may be performed directly by a party or other person, by an agent of a party~~  
36 ~~or other person, including the party’s or other person’s attorney, through an~~  
37 ~~electronic filing service provider, or by a court.~~  
38  
39 (3) “Electronic transmission” has the same meaning as defined in Code of Civil  
40 Procedure section 1010.6 ~~means the transmission of a document by electronic~~  
41 ~~means to the electronic service address at or through which a party or other~~  
42 ~~person has authorized electronic service.~~  
43

(4) “Electronic notification” has the same meaning as defined in Code of Civil Procedure section 1010.6 means the notification of a party or other person that a document is served by sending an electronic message to the electronic service address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document can be viewed and downloaded.

(5)–(8) \* \* \*

(9) An “electronic filing manager” is a service that acts as an intermediary between a court and various electronic filing service provider solutions certified for filing into California courts.

(10) “Self-represented” means a party or other person who is unrepresented in an action by an attorney and does not include an attorney appearing in an action who represents himself or herself.

*(Subd (b) amended effective January 1, 2019; adopted as unlettered subd effective January 1, 2003; previously amended and lettered effective January 1, 2011; previously amended effective July 1, 2013, and January 1, 2018.)*

*Rule 2.250 amended effective January 1, 2019; adopted as rule 2050 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2006, January 1, 2008, January 1, 2011, July 1, 2013, and January 1, 2018.*

## **Rule 2.251. Electronic service**

(a) \* \* \*

(b) **Electronic service by express consent of the parties**

(1) ~~Electronic service may be established by consent.~~ A party or other person indicates that the party or other person agrees to accept electronic service by:

(A) Serving a notice on all parties and other persons that the party or other person accepts electronic service and filing the notice with the court. The notice must include the electronic service address at which the party or other person agrees to accept service; or

(B) ~~Electronically filing any document with the court. The act of electronic filing is evidence that the party or other person agrees to accept service at the electronic service address the party or other person has furnished~~

1 to the court under rule 2.256(a)(4). This subparagraph (B) does not  
2 apply to self-represented parties or other self-represented persons; they  
3 must affirmatively consent to electronic service under  
4 subparagraph(A). Manifesting affirmative consent through electronic  
5 means with the court or the court's electronic filing service provider,  
6 and concurrently providing the party's electronic service address with  
7 that consent for the purpose of receiving electronic service.  
8

9 (C) A party or other person may manifest affirmative consent under (B) by:

10  
11 (i) Agreeing to the terms of service agreement with an electronic  
12 filing service provider, which clearly states that agreement  
13 constitutes consent to receive electronic service electronically;  
14 or

15  
16 (ii) Filing Consent to Electronic Service and Notice of Electronic  
17 Service Address (form EFS-005-CV).  
18

19 (2) A party or other person that has consented to electronic service under (1) and  
20 has used an electronic filing service provider to serve and file documents in a  
21 case consents to service on that electronic filing service provider as the  
22 designated agent for service for the party or other person in the case, until  
23 such time as the party or other person designates a different agent for service.  
24

25 *(Subd (b) amended effective January 1, 2019; adopted as part of subd (a); previously*  
26 *amended and relettered effective July 1, 2013; previously amended effective January 1,*  
27 *2007, January 1, 2008, January 1, 2011, and January 1, 2018.)*  
28

29 (c)–(k) \* \* \*

30  
31 *Rule 2.251 amended effective January 1, 2019; adopted as rule 2060 effective January 1, 2003;*  
32 *previously amended and renumbered as rule 2.260 effective January 1, 2007, and as rule 2.251*  
33 *effective January 1, 2011; previously amended effective January 1, 2008, January 1, 2009, July 1,*  
34 *2009, January 1, 2010, July 1, 2013, January 1, 2016, January 1, 2017, and January 1, 2018.*  
35

36 **Rule 2.255. Contracts with electronic filing service providers and electronic filing**  
37 **managers**  
38

39 (a) **Right to contract**  
40

41 (1) A court may contract with one or more electronic filing service providers to  
42 furnish and maintain an electronic filing system for the court.  
43

1 (2) If the court contracts with an electronic filing service provider, it may require  
2 electronic filers to transmit the documents to the provider.

3  
4 (3) A court may contract with one or more electronic filing managers to act as an  
5 intermediary between the court and electronic filing service providers.

6  
7 ~~(3)~~(4) If the court contracts with an electronic service provider or the court has an  
8 in-house system, the provider or system must accept filing from other  
9 electronic filing service providers to the extent the provider or system is  
10 compatible with them.

11  
12 *(Subd (a) amended effective January 1, 2019; previously amended effective January 1,*  
13 *2007, and January 1, 2011.)*

14  
15 **(b) Provisions of contract**

16  
17 (1) The court's contract with an electronic filing service provider may:

18  
19 (A) Allow the provider to charge electronic filers a reasonable fee in  
20 addition to the court's filing fee;

21  
22 (B) Allow the provider to make other reasonable requirements for use of  
23 the electronic filing system.

24  
25 (2) The court's contract with an electronic filing service provider must comply  
26 with the requirements of Code of Civil Procedure section 1010.6.

27  
28 (3) The court's contract with an electronic filing manager must comply with the  
29 requirements of Code of Civil Procedure section 1010.6.

30  
31 *(Subd (b) amended effective January 1, 2019; previously amended effective January 1,*  
32 *2018.)*

33  
34 **(c) Transmission of filing to court**

35  
36 (1) An electronic filing service provider must promptly transmit any electronic  
37 filing and any applicable filing fee to the court directly or through the court's  
38 electronic filing manager.

39  
40 (2) An electronic filing manager must promptly transmit an electronic filing and  
41 any applicable filing fee to the court.  
42

(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2011.)

(d) \* \* \*

**(e) Ownership of information**

All contracts between the court and electronic filing service providers or the court and electronic filing managers must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control the system's use.

(Subd (e) amended effective January 1, 2019; previously amended effective January 1, 2007.)

**(f) Establishing a filer account with an electronic filing service provider**

(1) An electronic filing service provider may not require a filer to provide a credit card, debit card, or bank account information to create an account with the electronic filing service provider.

(2) This provision applies only to the creation of an account and not to the use of an electronic filing service provider's services. An electronic filing service provider may require a filer to provide a credit card, debit card, or bank account information before rendering services unless the services are within the scope of a fee waiver granted by the court to the filer.

(Subd (f) adopted effective January 1, 2019.)

Rule 2.255 amended effective January 1, 2019; adopted as rule 2055 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011, and January 1, 2018.

**Rule 2.257. Requirements for signatures on documents**

**(a) Electronic signature**

An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means.

(Subd (a) adopted effective January 1, 2019.)



1 **(a)(b)Documents signed under penalty of perjury**

2  
3 When a document to be filed electronically provides for a signature under penalty  
4 of perjury of any person, the document is deemed to have been signed by that  
5 person if filed electronically provided that either of the following conditions is  
6 satisfied:

- 7
- 8 (1) The declarant has signed the document using an electronic signature a  
9 computer or other technology, in accordance with procedures, standards, and  
10 guidelines established by the Judicial Council and declares under penalty of  
11 perjury under the laws of the state of California that the information  
12 submitted is true and correct; or
- 13
- 14 (2) The declarant, before filing, has physically signed a printed form of the  
15 document. By electronically filing the document, the electronic filer certifies  
16 that the original, signed document is available for inspection and copying at  
17 the request of the court or any other party. In the event this second method of  
18 submitting documents electronically under penalty of perjury is used, the  
19 following conditions apply:
- 20
- 21 (A) At any time after the electronic version of the document is filed, any  
22 party may serve a demand for production of the original signed  
23 document. The demand must be served on all other parties but need not  
24 be filed with the court.
- 25
- 26 (B) Within five days of service of the demand under (A), the party or other  
27 person on whom the demand is made must make the original signed  
28 document available for inspection and copying by all other parties.
- 29
- 30 (C) At any time after the electronic version of the document is filed, the  
31 court may order the filing party or other person to produce the original  
32 signed document in court for inspection and copying by the court. The  
33 order must specify the date, time, and place for the production and must  
34 be served on all parties.
- 35
- 36 (D) Notwithstanding (A)–(C), local child support agencies may maintain  
37 original, signed pleadings by way of an electronic copy in the statewide  
38 automated child support system and must maintain them only for the  
39 period of time stated in Government Code section 68152(a). If the local  
40 child support agency maintains an electronic copy of the original,  
41 signed pleading in the statewide automated child support system, it may  
42 destroy the paper original.
- 43

1       *(Subd (b) relettered and amended effective January 1, 2019; adopted as subd (a);*  
2       *previously amended effective January 1, 2007, July 1, 2016, and January 1, 2018.)*

3  
4       ~~(b)~~(c) \* \* \*

5  
6       *(Subd (c) relettered effective January 1, 2019; adopted as subd (b); previously amended*  
7       *effective January 1, 2007.)*

8  
9       ~~(c)~~(d) \* \* \*

10  
11       *(Subd (d) relettered effective January 1, 2019; adopted as subd (c); previously amended*  
12       *effective January 1, 2007, and January 1, 2018.)*

13  
14       ~~(d)~~(e) \* \* \*

15  
16       *(Subd (e) relettered effective January 1, 2019; adopted as subd (d).)*

17  
18       ~~(e)~~(f) \* \* \*

19  
20       *(Subd (f) relettered effective January 1, 2019; adopted as subd (e) effective January 1,*  
21       *2008.)*

22  
23       *Rule 2.257 amended effective January 1, 2019; adopted as rule 2057 effective January 1, 2003;*  
24       *previously amended and renumbered effective January 1, 2007; previously amended effective*  
25       *January 1, 2008, July 1, 2016, and January 1, 2018.*

26  
27                               **~~Advisory Committee Comment~~**

28  
29       ~~**Subdivision (a)(1).** The standards and guidelines for electronic signatures that satisfy the~~  
30       ~~requirements for an electronic signature under penalty of perjury are contained in the Trial Court~~  
31       ~~Records Manual.~~

32  
33       **Rule 2.500. Statement of purpose**

34  
35       **(a) Intent**

36  
37       The rules in this chapter are intended to provide the public, parties, parties'  
38       attorneys, legal organizations, court-appointed persons, and government entities  
39       with reasonable access to trial court records that are maintained in electronic form,  
40       while protecting privacy interests.

41  
42       *(Subd (a) amended effective January 1, 2019.)*

1 **(b) Benefits of electronic access**

2  
3 Improved technologies provide courts with many alternatives to the historical  
4 paper-based record receipt and retention process, including the creation and use of  
5 court records maintained in electronic form. Providing ~~public~~ access to trial court  
6 records that are maintained in electronic form may save the courts, ~~and the public,~~  
7 parties, parties' attorneys, legal organizations, court-appointed persons, and  
8 government entities time, money, and effort and encourage courts to be more  
9 efficient in their operations. Improved access to trial court records may also foster  
10 in the public a more comprehensive understanding of the trial court system.

11  
12 *(Subd (b) amended effective January 1, 2019.)*

13  
14 **(c) No creation of rights**

15  
16 The rules in this chapter are not intended to give the public, parties, parties'  
17 attorneys, legal organizations, court-appointed persons, and government entities a  
18 right of access to any record that they are not otherwise legally entitled to access.  
19 ~~The rules do not create any right of access to records that are sealed by court order~~  
20 ~~or confidential as a matter of law.~~

21  
22 *(Subd (c) amended effective January 1, 2019; previously amended effective January 1,*  
23 *2007.)*

24  
25 *Rule 2.500 amended effective January 1, 2019; adopted as rule 2070 effective July 1, 2002;*  
26 *previously amended and renumbered effective January 1, 2007.*

27  
28  
29 **Advisory Committee Comment**

30  
31 The rules in this chapter acknowledge the benefits that electronic ~~court~~ records provide but  
32 attempt to limit the potential for unjustified intrusions into the privacy of individuals involved in  
33 litigation that can occur as a result of remote access to electronic ~~court~~ records. The proposed  
34 rules take into account the limited resources currently available in the trial courts. It is  
35 contemplated that the rules may be modified to provide greater electronic access as ~~the~~ courts'  
36 technical capabilities improve and ~~with the~~ knowledge is gained from the experience of ~~the courts~~  
37 ~~in~~ providing electronic access under these rules.

38  
39  
40 **Rule 2.501. Application, and scope, and information to the public**

41  
42 **(a) Application and scope**

43

1 The rules in this chapter apply only to trial court records as defined in rule  
2 2.502(3). They do not apply to statutorily mandated reporting between or within  
3 government entities, or any other documents or materials that are not court records.

4  
5 *(Subd (a) amended effective January 1, 2019; adopted as subd (b) effective July 1, 2002;*  
6 *amended and relettered effective January 1, 2007.)*

7  
8 **(b) ~~Access by parties and attorneys~~ Information to the public**

9  
10 ~~The rules in this chapter apply only to access to court records by the public. They~~  
11 ~~do not limit access to court records by a party to an action or proceeding, by the~~  
12 ~~attorney of a party, or by other persons or entities that are entitled to access by~~  
13 ~~statute or rule.~~

14  
15 The website for each trial court must include a link to information that will inform  
16 the public of who may access their electronic records under the rules in this chapter  
17 and under what conditions they may do so. This information will be posted publicly  
18 on the California Courts website at [www.courts.ca.gov](http://www.courts.ca.gov). Each trial court may post  
19 additional information, in plain language, as necessary to inform the public about  
20 the level of access that the particular trial court is providing.

21  
22 *(Subd (b) amended effective January 1, 2019; adopted as subd (c) effective July 1, 2002;*  
23 *amended and relettered effective January 1, 2007.)*

24  
25 *Rule 2.501 amended effective January 1, 2019; adopted as rule 2017 effective July 1, 2002;*  
26 *amended and renumbered effective January 1, 2007.*

27  
28 **Advisory Committee Comment**

29  
30 The rules on remote access do not apply beyond court records to other types of documents,  
31 information, or data. Rule 2.502 defines a court record as “any document, paper, or exhibit filed  
32 in an action or proceeding; any order or judgment of the court; and any item listed in Government  
33 Code section 68151(a)—excluding any reporter’s transcript for which the reporter is entitled to  
34 receive a fee for any copy—that is maintained by the court in the ordinary course of the judicial  
35 process. The term does not include the personal notes or preliminary memoranda of judges or  
36 other judicial branch personnel, statutorily mandated reporting between government entities,  
37 judicial administrative records, court case information, or compilations of data drawn from court  
38 records where the compilations are not themselves contained in a court record.” (Cal. Rules of  
39 Court, rule 2.502(3).) Thus, courts generate and maintain many types of information that are not  
40 court records and to which access may be restricted by law. Such information is not remotely  
41 accessible as court records, even to parties and their attorneys. If parties and their attorneys are  
42 entitled to access to any such additional information, separate and independent grounds for that  
43 access must exist.

1  
2 **Rule 2.502. Definitions**  
3

4 As used in this chapter, the following definitions apply:  
5

6 (1) “Authorized person” means a person authorized by a legal organization, qualified  
7 legal services project, or government entity to access electronic records.  
8

9 (2) “Brief legal services” means legal assistance provided without, or before, becoming  
10 a party’s attorney. It includes giving advice, having a consultation, performing  
11 research, investigating case facts, drafting documents, and making limited third  
12 party contacts on behalf of a client.  
13

14 ~~(1)(3)~~ “Court record” is any document, paper, or exhibit filed by the parties to in an action  
15 or proceeding; any order or judgment of the court; and any item listed in  
16 Government Code section 68151(a),—excluding any reporter’s transcript for which  
17 the reporter is entitled to receive a fee for any copy—that is maintained by the court  
18 in the ordinary course of the judicial process. The term does not include the  
19 personal notes or preliminary memoranda of judges or other judicial branch  
20 personnel, statutorily mandated reporting between or within government entities,  
21 judicial administrative records, court case information, or compilations of data  
22 drawn from court records where the compilations are not themselves contained in a  
23 court record.  
24

25 (4) “Court case information” refers to data that is stored in a court’s case management  
26 system or case histories. This data supports the court’s management or tracking of  
27 the action and is not part of the official court record for the case or cases.  
28

29 ~~(4)(5)~~ “Electronic access” means computer access by electronic means to court records  
30 available to the public through both public terminals at the courthouse and  
31 remotely, unless otherwise specified in the rules in this chapter.  
32

33 ~~(2)(6)~~ “Electronic record” is a computerized court record, regardless of the manner in  
34 which it has been computerized that requires the use of an electronic device to  
35 access. The term includes both a document record that has been filed electronically  
36 and an electronic copy or version of a record that was filed in paper form. The term  
37 does not include a court record that is maintained only on microfiche, paper, or any  
38 other medium that can be read without the use of an electronic device.  
39

40 (7) “Government entity” means a legal entity organized to carry on some function of  
41 the State of California or a political subdivision of the State of California.

Government entity also means a federally recognized Indian tribe or a reservation, department, subdivision, or court of a federally recognized Indian tribe.

(8) “Legal organization” means a licensed attorney or group of attorneys, nonprofit legal aid organization, government legal office, in-house legal office of a nongovernmental organization, or legal program organized to provide for indigent criminal, civil, or juvenile law representation.

(9) “Party” means a plaintiff, defendant, cross-complainant, cross-defendant, petitioner, respondent, intervenor, objector, or anyone expressly defined by statute as a party in a court case.

(10) “Person” means a natural human being.

~~(3)~~(11) “The public” means an individual a person, a group, or an entity, including print or electronic media, or the representative of an individual, a group, or an entity regardless of any legal or other interest in a particular court record.

(12) “Qualified legal services project” has the same meaning under the rules of this chapter as in Business and Professions Code section 6213(a).

(13) “Remote access” means electronic access from a location other than a public terminal at the courthouse.

(14) “User” means an individual person, a group, or an entity that accesses electronic records.

*Rule 2.502 amended and renumbered effective January 1, 2019; adopted as rule 2072 effective July 1, 2002; previously amended and renumbered effective January 1, 2007.*

### **Rule 2.503. ~~Public access~~ Application and scope**

#### **(a) General right of access by the public**

(1) All electronic records must be made reasonably available to the public in some form, whether in electronic or in paper form, except those that are sealed by court order or made confidential by law.

(2) The rules in this article apply only to access to electronic records by the public.

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2007.)*

1  
2 **(b) Electronic access required to extent feasible**

3  
4 A court that maintains the following records in electronic form must provide  
5 electronic access to them, both remotely and at the courthouse, to the extent it is  
6 feasible to do so:

7  
8 (1) Registers of actions (as defined in Gov. Code, § 69845), calendars, and  
9 indexes in all cases; and

10  
11 (2) All court records in civil cases, except those listed in (c)(1)–(9)(11).

12  
13 *(Subd (b) amended effective January 1, 2019; previously amended effective July 1, 2004,*  
14 *January 1, 2007, January 1, 2008, and January 1, 2010.)*

15  
16 **(c) Courthouse electronic access only**

17  
18 A court that maintains the following records in electronic form must provide  
19 electronic access to them at the courthouse, to the extent it is feasible to do so, but  
20 may not provide public remote ~~electronic~~ access to these records ~~only to the records~~  
21 ~~governed by (b)~~:

22  
23 (1) Records in a proceeding under the Family Code, including proceedings for  
24 dissolution, legal separation, and nullity of marriage; child and spousal  
25 support proceedings; child custody proceedings; and domestic violence  
26 prevention proceedings;

27  
28 (2) Records in a juvenile court proceeding;

29  
30 (3) Records in a guardianship or conservatorship proceeding;

31  
32 (4) Records in a mental health proceeding;

33  
34 (5) Records in a criminal proceeding;

35  
36 (6) Records in proceedings to compromise the claims of a minor or a person with  
37 a disability;

38  
39 ~~(6)(7)~~Records in a civil harassment proceeding under Code of Civil Procedure  
40 section 527.6;

41  
42 ~~(7)(8)~~Records in a workplace violence prevention proceeding under Code of Civil  
43 Procedure section 527.8;

1  
2 ~~(8)(9)~~Records in a private postsecondary school violence prevention proceeding  
3 under Code of Civil Procedure section 527.85;  
4

5 ~~(9)(10)~~Records in an elder or dependent adult abuse prevention proceeding under  
6 Welfare and Institutions Code section 15657.03; and  
7

8 ~~(10) Records in proceedings to compromise the claims of a minor or a person with~~  
9 ~~a disability.~~  
10

11 (11) Records in a gun violence prevention proceeding under Penal Code sections  
12 18100–18205.  
13

14 *(Subd (c) amended effective January 1, 2019; previously amended effective July 1, 2004,*  
15 *January 1, 2007, January 1, 2008, January 1, 2010, and January 1, 2012.)*  
16

17 **(d) \* \* \***  
18

19 **(e) Remote ~~electronic~~ access allowed in extraordinary criminal cases**  
20

21 Notwithstanding (c)(5), the presiding judge of the court, or a judge assigned by the  
22 presiding judge, may exercise discretion, subject to (e)(1), to permit remote  
23 ~~electronic~~ access by the public to all or a portion of the public court records in an  
24 individual criminal case if (1) the number of requests for access to documents in  
25 the case is extraordinarily high and (2) responding to those requests would  
26 significantly burden the operations of the court. An individualized determination  
27 must be made in each case in which such remote ~~electronic~~ access is provided.  
28

29 (1) In exercising discretion under (e), the judge should consider the relevant  
30 factors, such as:  
31

32 (A) \* \* \*  
33

34 (B) The benefits to and burdens on the parties in allowing remote ~~electronic~~  
35 access, including possible impacts on jury selection; and  
36

37 (C) \* \* \*  
38

39 (2) The court should, to the extent feasible, redact the following information  
40 from records to which it allows remote access under (e): driver license  
41 numbers; dates of birth; social security numbers; Criminal Identification and  
42 Information numbers and National Crime Information Center numbers;  
43 addresses and phone numbers of parties, victims, witnesses, and court



1 personnel; medical or psychiatric information; financial information; account  
2 numbers; and other personal identifying information. The court may order  
3 any party who files a document containing such information to provide the  
4 court with both an original unredacted version of the document for filing in  
5 the court file and a redacted version of the document for remote ~~electronic~~  
6 access. No juror names or other juror identifying information may be  
7 provided by remote ~~electronic~~ access. This subdivision does not apply to any  
8 document in the original court file; it applies only to documents that are  
9 available by remote ~~electronic~~ access.

10  
11 (3) Five days' notice must be provided to the parties and the public before the  
12 court makes a determination to provide remote ~~electronic~~ access under this  
13 rule. Notice to the public may be accomplished by posting notice on the  
14 court's ~~Web site~~ website. Any person may file comments with the court for  
15 consideration, but no hearing is required.

16  
17 (4) The court's order permitting remote ~~electronic~~ access must specify which  
18 court records will be available by remote ~~electronic~~ access and what  
19 categories of information are to be redacted. The court is not required to  
20 make findings of fact. The court's order must be posted on the court's ~~Web~~  
21 site website and a copy sent to the Judicial Council.

22  
23 *(Subd (e) amended effective January 1, 2019; adopted effective January 1, 2005;*  
24 *previously amended effective January 1, 2007.)*

25  
26 **(f)–(i)** \* \* \*

27  
28 *Rule 2.503 amended effective January 1, 2019; adopted as rule 2073 effective July 1, 2002;*  
29 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
30 *July 1, 2004, January 1, 2005, January 1, 2008, January 1, 2010, and January 1, 2012.*

31  
32 **Advisory Committee Comment**

33  
34 The rule allows a level of access by the public to all electronic records that is at least equivalent  
35 to the access that is available for paper records and, for some types of records, is much greater. At  
36 the same time, it seeks to protect legitimate privacy concerns.

37  
38 **Subdivision (c).** This subdivision excludes certain records (those other than the register, calendar,  
39 and indexes) in specified types of cases (notably criminal, juvenile, and family court matters)  
40 from public remote ~~electronic~~ access. The committee recognized that while these case records are  
41 public records and should remain available at the courthouse, either in paper or electronic form,  
42 they often contain sensitive personal information. The court should not publish that information  
43 over the Internet. However, the committee also recognized that the use of the Internet may be

appropriate in certain criminal cases of extraordinary public interest where information regarding a case will be widely disseminated through the media. In such cases, posting of selected nonconfidential court records, redacted where necessary to protect the privacy of the participants, may provide more timely and accurate information regarding the court proceedings, and may relieve substantial burdens on court staff in responding to individual requests for documents and information. Thus, under subdivision (e), if the presiding judge makes individualized determinations in a specific case, certain records in criminal cases may be made available over the Internet.

**Subdivisions (f) and (g).** These subdivisions limit electronic access to records (other than the register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records. These limitations are based on the qualitative difference between obtaining information from a specific case file and obtaining bulk information that may be manipulated to compile personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or other purposes unrelated to the operations of the courts, at the expense of privacy rights of individuals.

Courts must send a copy of the order permitting remote ~~electronic~~ access in extraordinary criminal cases to: Criminal Justice Services, Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688.

## **Rules 2.504–2.507 \* \* \***

### **Article 3. Remote Access by a Party, Party’s Designee, Party’s Attorney, Court-Appointed Person, or Authorized Person Working in a Legal Organization or Qualified Legal Services Project**

#### **Rule 2.515. Application and scope**

##### **(a) No limitation on access to electronic records available under article 2**

The rules in this article do not limit remote access to electronic records available under article 2. These rules govern access to electronic records where remote access by the public is not allowed.

##### **(b) Who may access**

The rules in this article apply to remote access to electronic records by:

(1) A person who is a party;

(2) A designee of a person who is a party;

- 1           (3) A party's attorney;  
2  
3           (4) An authorized person working in the same legal organization as a party's  
4           attorney;  
5  
6           (5) An authorized person working in a qualified legal services project providing  
7           brief legal services; and  
8  
9           (6) A court-appointed person.

10  
11 *Rule 2.515 adopted effective January 1, 2019.*  
12

13                           **Advisory Committee Comment**  
14

15 Article 2 allows remote access in most civil cases, and the rules in article 3 are not intended to  
16 limit that access. Rather, the article 3 rules allow broader remote access—by parties, parties'  
17 designees, parties' attorneys, authorized persons working in legal organizations, authorized  
18 persons working in a qualified legal services project providing brief services, and court-appointed  
19 persons—to those electronic records where remote access by the public is not allowed.  
20

21 Under the rules in article 3, a party, a party's attorney, an authorized person working in the same  
22 legal organization as a party's attorney, or a person appointed by the court in the proceeding  
23 basically has the same level of access to electronic records remotely that he or she would have if  
24 he or she were to seek to inspect the records in person at the courthouse. Thus, if he or she is  
25 legally entitled to inspect certain records at the courthouse, that person could view the same  
26 records remotely; on the other hand, if he or she is restricted from inspecting certain court records  
27 at the courthouse (e.g., because the records are confidential or sealed), that person would not be  
28 permitted to view the records remotely. In some types of cases, such as unlimited civil cases, the  
29 access available to parties and their attorneys is generally similar to the public's but in other types  
30 of cases, such as juvenile cases, it is much more extensive (see Cal. Rules of Court, rule 5.552).  
31

32 For authorized persons working in a qualified legal services program, the rule contemplates  
33 services offered in high-volume environments on an ad hoc basis. There are some limitations on  
34 access under the rule for qualified legal services projects. When an attorney at a qualified legal  
35 services project becomes a party's attorney and offers services beyond the scope contemplated  
36 under this rule, the access rules for a party's attorney would apply.  
37  
38

39 **Rule 2.516. Remote access to extent feasible**  
40

41 To the extent feasible, a court that maintains records in electronic form must provide  
42 remote access to those records to the users described in rule 2.515, subject to the  
43 conditions and limitations stated in this article and otherwise provided by law.

1  
2 *Rule 2.516 adopted effective January 1, 2019.*

3  
4 **Advisory Committee Comment**

5  
6 This rule takes into account the limited resources currently available in some trial courts. Many  
7 courts may not have the financial means, security resources, or technical capabilities necessary to  
8 provide the full range of remote access to electronic records authorized by this article. When it is  
9 more feasible and courts have had more experience with remote access, these rules may be  
10 amended to further expand remote access.

11  
12 This rule is not intended to prevent a court from moving forward with the limited remote access  
13 options outlined in this rule as such access becomes feasible. For example, if it were only feasible  
14 for a court to provide remote access to parties who are persons, it could proceed to provide  
15 remote access to those users only.

16  
17 **Rule 2.517. Remote access by a party**

18  
19 **(a) Remote access generally permitted**

20  
21 A person may have remote access to electronic records in actions or proceedings in which  
22 that person is a party.

23  
24 **(b) Level of remote access**

25  
26 (1) In any action or proceeding, a party may be provided remote access to the  
27 same electronic records that he or she would be legally entitled to inspect at  
28 the courthouse.

29  
30 (2) This rule does not limit remote access to electronic records available under  
31 article 2.

32  
33 (3) This rule applies only to electronic records. A person is not entitled under  
34 these rules to remote access to documents, information, data, or other  
35 materials created or maintained by the courts that are not electronic records.

36  
37 *Rule 2.517 adopted effective January 1, 2019.*

38  
39 **Advisory Committee Comment**

40  
41 Because this rule permits remote access only by a party who is a person (defined under rule 2.501  
42 as a natural human being), remote access would not apply to parties that are organizations, which

1 would need to gain remote access under the party's attorney rule or, for certain government  
2 entities with respect to specified electronic records, the rules in article 4.

3  
4 A party who is a person would need to have the legal capacity to agree to the terms and  
5 conditions of a court's remote access user agreement before using a system of remote access. The  
6 court could deny access or require additional information if the court knew the person seeking  
7 access lacked legal capacity or appeared to lack capacity—for example, if identity verification  
8 revealed the person seeking access was a minor.

9  
10 **Rule 2.518. Remote access by a party's designee**

11  
12 **(a) Remote access generally permitted**

13  
14 A person who is a party in an action or proceeding may designate other persons to  
15 have remote access to electronic records in that action or proceeding.

16  
17 **(b) Level of remote access**

18  
19 (1) Except for criminal electronic records, juvenile justice electronic records, and  
20 child welfare electronic records, a party's designee may have the same access  
21 to a party's electronic records that a member of the public would be entitled  
22 to if he or she were to inspect the party's court records at the courthouse. A  
23 party's designee is not permitted remote access to criminal electronic records,  
24 juvenile justice electronic records, and child welfare electronic records.

25  
26 (2) A party may limit the access to be afforded a designee to specific cases.

27  
28 (3) A party may limit the access to be afforded a designee to a specific period of  
29 time.

30  
31 (4) A party may modify or revoke a designee's level of access at any time.

32  
33 **(c) Terms of access**

34  
35 (1) A party's designee may access electronic records only for the purpose of  
36 assisting the party or the party's attorney in the action or proceeding.

37  
38 (2) Any distribution for sale of electronic records obtained remotely under the  
39 rules in this article is strictly prohibited.

40  
41 (3) All laws governing confidentiality and disclosure of court records apply to  
42 the records obtained under this article.

43

- 1           (4) Party designees must comply with any other terms of remote access required  
2           by the court.  
3  
4           (5) Failure to comply with these rules may result in the imposition of sanctions,  
5           including termination of access.  
6

7                                   **Advisory Committee Comment**  
8

9           A party must be a natural human being with the legal capacity to agree to the terms and  
10          conditions of a user agreement with the court to authorize designees for remote access. Under rule  
11          2.501, for purposes of the rules, “person” refers to natural human beings. Accordingly, the party’s  
12          designee rule would not apply to parties that are organizations, which would need to gain remote  
13          access under the party’s attorney rule or, for certain government entities with respect to specified  
14          electronic records, under the rules in article 4.  
15

16          *Rule 2.518 adopted effective January 1, 2019.*  
17

18          **Rule 2.519. Remote access by a party’s attorney**  
19

20          **(a) Remote access generally permitted**  
21

- 22               (1) A party’s attorney may have remote access to electronic records in the party’s  
23               actions or proceedings under this rule or under rule 2.518. If a party’s  
24               attorney gains remote access under rule 2.518, the requirements of rule 2.519  
25               do not apply.  
26  
27               (2) If a court notifies an attorney of the court’s intention to appoint the attorney  
28               to represent a party in a criminal, juvenile justice, child welfare, family law,  
29               or probate proceeding, the court may grant remote access to that attorney  
30               before an order of appointment is issued by the court.  
31

32          **(b) Level of remote access**  
33

34               A party’s attorney may be provided remote access to the same electronic records in  
35               the party’s actions or proceedings that the party’s attorney would be legally entitled  
36               to view at the courthouse.  
37

38          **(c) Terms of remote access applicable to an attorney who is not the attorney of**  
39          **record**  
40

41               An attorney who represents a party, but who is not the party’s attorney of record in  
42               the party’s actions or proceedings, may remotely access the party’s electronic  
43               records, provided that the attorney:

- 1  
2 (1) Obtains the party's consent to remotely access the party's electronic records;  
3 and  
4  
5 (2) Represents to the court in the remote access system that he or she has  
6 obtained the party's consent to remotely access the party's electronic records.  
7

8 **(d) Terms of remote access applicable to all attorneys**  
9

- 10 (1) A party's attorney may remotely access the electronic records only for the  
11 purpose of assisting the party with the party's court matter.  
12  
13 (2) A party's attorney may not distribute for sale any electronic records obtained  
14 remotely under the rules in this article. Such sale is strictly prohibited.  
15  
16 (3) A party's attorney must comply with any other terms of remote access  
17 required by the court.  
18  
19 (4) Failure to comply with these rules may result in the imposition of sanctions,  
20 including termination of access.  
21

22 **Advisory Committee Comment**  
23

24 **Subdivision (c).** An attorney of record will be known to the court for purposes of remote access.  
25 However, a person may engage an attorney other than the attorney of record for assistance in an  
26 action or proceeding in which the person is a party. For example, a party may engage an attorney  
27 to (1) prepare legal documents but not appear in the party's action (e.g., provide limited-scope  
28 representation); (2) assist the party with dismissal or sealing of a criminal record when the  
29 attorney did not represent the party in the criminal proceeding; or (3) represent the party in an  
30 appellate matter when the attorney did not represent the party in the trial court. Subdivision (c)  
31 provides a mechanism for an attorney not of record to be known to the court for purposes of  
32 remote access.  
33

34 Because the level of remote access is limited to the same court records that an attorney would be  
35 entitled to access if he or she were to appear at the courthouse, an attorney providing undisclosed  
36 representation would only be able to remotely access electronic records that the public could  
37 access at the courthouse. The rule essentially removes the step of the attorney having to go to the  
38 courthouse.  
39

40 *Rule 2.519 adopted effective January 1, 2019.*  
41

1 **Rule 2.520. Remote access by persons working in the same legal organization as a**  
2 **party's attorney**

3  
4 **(a) Application and scope**

5  
6 (1) This rule applies when a party's attorney is assisted by others working in the  
7 same legal organization.

8  
9 (2) "Working in the same legal organization" under this rule includes partners,  
10 associates, employees, volunteers, and contractors.

11  
12 (3) This rule does not apply when a person working in the same legal  
13 organization as a party's attorney gains remote access to records as a party's  
14 designee under rule 2.518.

15  
16 **(b) Designation and certification**

17  
18 (1) A party's attorney may designate that other persons working in the same  
19 legal organization as the party's attorney have remote access.

20  
21 (2) A party's attorney must certify that the other persons authorized for remote  
22 access are working in the same legal organization as the party's attorney and  
23 are assisting the party's attorney in the action or proceeding.

24  
25 **(c) Level of remote access**

26  
27 (1) Persons designated by a party's attorney under (b) must be provided access to  
28 the same electronic records as the party.

29  
30 (2) Notwithstanding (b), when a court designates a legal organization to  
31 represent parties in criminal, juvenile, family, or probate proceedings, the  
32 court may grant remote access to a person working in the organization who  
33 assigns cases to attorneys working in that legal organization.

34  
35 **(d) Terms of remote access**

36  
37 (1) Persons working in a legal organization may remotely access electronic  
38 records only for purposes of assigning or assisting a party's attorney.

39  
40 (2) Any distribution for sale of electronic records obtained remotely under the  
41 rules in this article is strictly prohibited.

42



- 1       (3) All laws governing confidentiality and disclosure of court records apply to  
2       the records obtained under this article.  
3  
4       (4) Persons working in a legal organization must comply with any other terms of  
5       remote access required by the court.  
6  
7       (5) Failure to comply with these rules may result in the imposition of sanctions,  
8       including termination of access.  
9

10 *Rule 2.520 adopted effective January 1, 2019.*  
11

12                               **Advisory Committee Comment**  
13

14 Subdivision (b). The designation and certification outlined in this subdivision need only be done  
15 once and can be done at the time the attorney establishes his or her remote access account with  
16 the court.  
17  
18

19 **Rule 2.521. Remote access by a court-appointed person**  
20

21 **(a) Remote access generally permitted**  
22

- 23       (1) A court may grant a court-appointed person remote access to electronic  
24       records in any action or proceeding in which the person has been appointed  
25       by the court.  
26  
27       (2) Court-appointed persons include an attorney appointed to represent a minor  
28       child under Family Code section 3150; a Court Appointed Special Advocate  
29       volunteer in a juvenile proceeding; an attorney appointed under Probate Code  
30       section 1470, 1471, or 1474; an investigator appointed under Probate Code  
31       section 1454; a probate referee designated under Probate Code section 8920;  
32       a fiduciary, as defined in Probate Code section 39; an attorney appointed  
33       under Welfare and Institutions Code section 5365; or a guardian ad litem  
34       appointed under Code of Civil Procedure section 372 or Probate Code section  
35       1003.  
36

37 **(b) Level of remote access**  
38

39 A court-appointed person may be provided with the same level of remote access to  
40 electronic records as the court-appointed person would be legally entitled to if he or  
41 she were to appear at the courthouse to inspect the court records.  
42

1 **(c) Terms of remote access**

- 2
- 3 (1) A court-appointed person may remotely access electronic records only for
- 4 purposes of fulfilling the responsibilities for which he or she was appointed.
- 5
- 6 (2) Any distribution for sale of electronic records obtained remotely under the
- 7 rules in this article is strictly prohibited.
- 8
- 9 (3) All laws governing confidentiality and disclosure of court records apply to
- 10 the records obtained under this article.
- 11
- 12 (4) A court-appointed person must comply with any other terms of remote access
- 13 required by the court.
- 14
- 15 (5) Failure to comply with these rules may result in the imposition of sanctions,
- 16 including termination of access.
- 17

18 *Rule 2.521 adopted effective January 1, 2019.*

19

20 **Rule 2.522. Remote access by persons working in a qualified legal services project**

21 **providing brief legal services**

22

23 **(a) Application and scope**

24

- 25 (1) This rule applies to qualified legal services projects as defined in Business
- 26 and Professions Code section 6213(a).
- 27
- 28 (2) “Working in a qualified legal services project” under this rule includes
- 29 attorneys, employees, and volunteers.
- 30
- 31 (3) This rule does not apply to a person working in or otherwise associated with
- 32 a qualified legal services project who gains remote access to court records as
- 33 a party’s designee under rule 2.518.
- 34

35 **(b) Designation and certification**

36

- 37 (1) A qualified legal services project may designate persons working in the
- 38 qualified legal services project who provide brief legal services, as defined in
- 39 rule 2.501, to have remote access.
- 40
- 41 (2) The qualified legal services project must certify that the authorized persons
- 42 work in their organization.
- 43

1 **(c) Level of remote access**

2  
3 Authorized persons may be provided remote access to the same electronic records  
4 that the authorized person would be legally entitled to inspect at the courthouse.  
5

6 **(d) Terms of remote access**

7  
8 (1) Qualified legal services projects must obtain the party's consent to remotely  
9 access the party's electronic records.  
10

11 (2) Authorized persons must represent to the court in the remote access system  
12 that the qualified legal services project has obtained the party's consent to  
13 remotely access the party's electronic records.  
14

15 (3) Qualified legal services projects providing services under this rule may  
16 remotely access electronic records only to provide brief legal services.  
17

18 (4) Any distribution for sale of electronic records obtained under the rules in this  
19 article is strictly prohibited.  
20

21 (5) All laws governing confidentiality and disclosure of court records apply to  
22 electronic records obtained under this article.  
23

24 (6) Qualified legal services projects must comply with any other terms of remote  
25 access required by the court.  
26

27 (7) Failure to comply with these rules may result in the imposition of sanctions,  
28 including termination of access.  
29

30 *Rule 2.522 adopted effective January 1, 2019.*  
31

32 **Advisory Committee Comment**

33  
34 The rule does not prescribe any particular method for capturing the designation and certification  
35 of persons working in a qualified legal services project. Courts and qualified legal services  
36 projects have flexibility to determine what method would work for both entities. For example, the  
37 information could be captured in a remote access system if an organizational-level account could  
38 be established, or the information could be captured in a written agreement between the court and  
39 the qualified legal services project.  
40

41 The rule does not prescribe any particular method for a qualified legal services project to  
42 document the consent it obtained to access a person's electronic records. Qualified legal services  
43 projects have flexibility to adapt the requirement to their regular processes for making records.

1 For example, the qualified legal services project could obtain a signed consent form for its  
2 records or could obtain consent over the phone and make an entry to that effect in its records, or  
3 the court and the qualified legal services project could enter into an agreement to describe how  
4 consent will be obtained and recorded.

6 **Rule 2.523. Identity verification, identity management, and user access**

8 **(a) Identity verification required**

10 Except for remote access provided to a party's designee under rule 2.518, before  
11 allowing a person who is eligible under the rules in article 3 to have remote access  
12 to electronic records, a court must verify the identity of the person seeking access.

14 **(b) Responsibilities of the court**

16 A court that allows persons eligible under the rules in article 3 to have remote  
17 access to electronic records must have an identity verification method that verifies  
18 the identity of, and provides a unique credential to, each person who is permitted  
19 remote access to the electronic records. The court may authorize remote access by a  
20 person only if that person's identity has been verified, the person accesses records  
21 using the credential provided to that individual, and the person complies with the  
22 terms and conditions of access, as prescribed by the court.

24 **(c) Responsibilities of persons accessing records**

26 A person eligible to be given remote access to electronic records under the rules in  
27 article 3 may be given such access only if that person:

- 29 (1) Provides the court with all information it directs in order to identify the  
30 person to be a user;  
31  
32 (2) Consents to all conditions for remote access required under article 3 and by  
33 the court; and  
34  
35 (3) Is authorized by the court to have remote access to electronic records.

37 **(d) Responsibilities of the legal organizations or qualified legal services projects**

- 39 (1) If a person is accessing electronic records on behalf of a legal organization or  
40 qualified legal services project, the organization or project must approve  
41 granting access to that person, verify the person's identity, and provide the  
42 court with all the information it directs in order to authorize that person to  
43 have access to electronic records.

(2) If a person accessing electronic records on behalf of a legal organization or qualified legal services project leaves his or her position or for any other reason is no longer entitled to access, the organization or project must immediately notify the court so that it can terminate the person's access.

**(e) Vendor contracts, statewide master agreements, and identity and access management systems**

A court may enter into a contract with a vendor to provide identity verification, identity management, or user access services. Alternatively, courts may use a statewide identity verification, identity management, or access management system, if available, or a statewide master agreement for such systems, if available.

*Rule 2.523 adopted effective January 1, 2019.*

### **Advisory Committee Comment**

**Subdivisions (a) and (d).** A court may verify user identities under (a) by obtaining a representation from a legal organization or qualified legal services project that the legal organization or qualified legal services project has verified the user identities under (d). No additional verification steps are required on the part of the court.

### **Rule 2.524. Security of confidential information**

**(a) Secure access and encryption required**

If any information in an electronic record that is confidential by law or sealed by court order may lawfully be provided remotely to a person or organization described in rule 2.515, any remote access to the confidential information must be provided through a secure platform and any electronic transmission of the information must be encrypted.

**(b) Vendor contracts and statewide master agreements**

A court may enter into a contract with a vendor to provide secure access and encryption services. Alternatively, if a statewide master agreement is available for secure access and encryption services, courts may use that master agreement.

*Rule 2.524 adopted effective January 1, 2019.*

### Advisory Committee Comment

This rule describes security and encryption requirements; levels of access are provided for in rules 2.517–2.522.

**Rule 2.525. Searches; unauthorized access**

**(a) Searches by case number or caption**

A user authorized under this article to remotely access a party’s electronic records may search for the records by case number or case caption.

**(b) Access level**

A court providing remote access to electronic records under this article must ensure that authorized users are able to access the electronic records only at the access levels provided in this article.

**(c) Unauthorized access**

If a user gains access to an electronic record that he or she is not authorized to access under this article, the user must:

- (1) Report the unauthorized access to the court as directed by the court for that purpose;
- (2) Destroy all copies, in any form, of the record; and
- (3) Delete from his or her web browser history all information that identifies the record.

*Rule 2.525 adopted effective January 1, 2019.*

**Rule 2.526. Audit trails**

**(a) Ability to generate audit trails**

The court should have the ability to generate an audit trail that contains one or more of the following elements: what electronic record was remotely accessed, when it was remotely accessed, who remotely accessed it, and under whose authority the user gained access.

**(b) Limited audit trails available to authorized users**

1       (1) A court providing remote access to electronic records under this article  
2       should make limited audit trails available to authorized users under this  
3       article.

4  
5       (2) A limited audit trail should identify the user who remotely accessed  
6       electronic records in a particular case, but must not identify which specific  
7       electronic records were accessed.

8  
9       *Rule 2.526 adopted effective January 1, 2019.*

10  
11                               **Advisory Committee Comment**

12  
13       The audit trail is a tool to assist the courts and users in identifying and investigating any potential  
14       issues or misuse of remote access. The user's view of the audit trail is limited to protect sensitive  
15       information.

16  
17       To facilitate the use of existing remote access systems, rule 2.526 is currently not mandatory, but  
18       may be amended to be mandatory in the future.

19  
20  
21       **Rule 2.527. Additional conditions of access**

22  
23       To the extent consistent with these rules and other applicable law, a court must impose  
24       reasonable conditions on remote access to preserve the integrity of its records, prevent the  
25       unauthorized use of information, and limit possible legal liability. The court may choose  
26       to require each user to submit a signed, written agreement enumerating those conditions  
27       before it permits that user to remotely access electronic records. The agreements may  
28       define the terms of access, provide for compliance audits, specify the scope of liability,  
29       and provide for sanctions for misuse up to and including termination of remote access.

30  
31       *Rule 2.527 adopted effective January 1, 2019.*

32  
33       **Rule 2.528. Termination of remote access**

34  
35       **(a) Remote access is a privilege**

36  
37       Remote access to electronic records under this article is a privilege and not a right.

38  
39       **(b) Termination by court**

40  
41       A court that provides remote access may, at any time and for any reason, terminate  
42       the permission granted to any person eligible under the rules in article 3 to remotely  
43       access electronic records.

1  
2 *Rule 2.528 adopted effective January 1, 2019.*

3  
4 **Article 4. Remote Access by Government Entities**

5  
6 **Rule 2.540. Application and scope**

7  
8 **(a) Applicability to government entities**

9  
10 The rules in this article provide for remote access to electronic records by  
11 government entities described in (b). The access allowed under these rules is in  
12 addition to any access these entities or authorized persons working for such entities  
13 may have under the rules in articles 2 and 3.

14  
15 **(b) Level of remote access**

- 16  
17 (1) A court may provide authorized persons from government entities with  
18 remote access to electronic records as follows:  
19  
20 (A) Office of the Attorney General: criminal electronic records and juvenile  
21 justice electronic records.  
22  
23 (B) California Department of Child Support Services: family electronic  
24 records, child welfare electronic records, and parentage electronic  
25 records.  
26  
27 (C) Office of a district attorney: criminal electronic records and juvenile  
28 justice electronic records.  
29  
30 (D) Office of a public defender: criminal electronic records and juvenile  
31 justice electronic records.  
32  
33 (E) Office of a county counsel: criminal electronic records, mental health  
34 electronic records, child welfare electronic records, and probate  
35 electronic records.  
36  
37 (F) Office of a city attorney: criminal electronic records, juvenile justice  
38 electronic records, and child welfare electronic records.  
39  
40 (G) County department of probation: criminal electronic records, juvenile  
41 justice electronic records, and child welfare electronic records.  
42



- (H) County sheriff's department: criminal electronic records and juvenile justice electronic records.
- (I) Local police department: criminal electronic records and juvenile justice electronic records.
- (J) Local child support agency: family electronic records, child welfare electronic records, and parentage electronic records.
- (K) County child welfare agency: child welfare electronic records.
- (L) County public guardian: criminal electronic records, mental health electronic records, and probate electronic records.
- (M) County agency designated by the board of supervisors to provide conservatorship investigation under chapter 3 of the Lanterman-Petris-Short Act (Welf. & Inst. Code, §§ 5350–5372): criminal electronic records, mental health electronic records, and probate electronic records.
- (N) Federally recognized Indian tribe (including any reservation, department, subdivision, or court of the tribe) with concurrent jurisdiction: child welfare electronic records, family electronic records, juvenile justice electronic records, and probate electronic records.
- (O) For good cause, a court may grant remote access to electronic records in particular case types to government entities beyond those listed in (b)(1)(A)–(N). For purposes of this rule, “good cause” means that the government entity requires access to the electronic records in order to adequately perform its statutory duties or fulfill its responsibilities in litigation.
- (P) All other remote access for government entities is governed by articles 2 and 3.
- (2) Subject to (b)(1), the court may provide a government entity with the same level of remote access to electronic records as the government entity would be legally entitled to if a person working for the government entity were to appear at the courthouse to inspect court records in that case type. If a court record is confidential by law or sealed by court order and a person working for the government entity would not be legally entitled to inspect the court record at the courthouse, the court may not provide the government entity with remote access to the confidential or sealed electronic record.

1  
2 (3) This rule applies only to electronic records. A government entity is not  
3 entitled under these rules to remote access to any documents, information,  
4 data, or other types of materials created or maintained by the courts that are  
5 not electronic records.

6  
7 **(c) Terms of remote access**  
8

9 (1) Government entities may remotely access electronic records only to perform  
10 official duties and for legitimate governmental purposes.

11  
12 (2) Any distribution for sale of electronic records obtained remotely under the  
13 rules in this article is strictly prohibited.

14  
15 (3) All laws governing confidentiality and disclosure of court records apply to  
16 electronic records obtained under this article.

17  
18 (4) Government entities must comply with any other terms of remote access  
19 required by the court.

20  
21 (5) Failure to comply with these requirements may result in the imposition of  
22 sanctions, including termination of access.

23  
24 *Rule 2.540 adopted effective January 1, 2019.*

25  
26 **Advisory Committee Comment**  
27

28 The rule does not restrict courts to providing remote access only to local government entities in  
29 the same county in which the court is situated. For example, a court in one county could allow  
30 remote access to electronic records by a local child support agency in a different county.

31  
32 **Subdivision (b)(3).** As to the applicability of the rules on remote access only to electronic  
33 records, see the advisory committee comment to rule 2.501.

34  
35  
36 **Rule 2.541. Identity verification, identity management, and user access**  
37

38 **(a) Identity verification required**  
39

40 Before allowing a person or entity eligible under the rules in article 4 to have  
41 remote access to electronic records, a court must verify the identity of the person  
42 seeking access.  
43

1 **(b) Responsibilities of the courts**

2  
3 A court that allows persons eligible under the rules in article 4 to have remote  
4 access to electronic records must have an identity verification method that verifies  
5 the identity of, and provides a unique credential to, each person who is permitted  
6 remote access to the electronic records. The court may authorize remote access by a  
7 person only if that person's identity has been verified, the person accesses records  
8 using the name and password provided to that individual, and the person complies  
9 with the terms and conditions of access, as prescribed by the court.

10  
11 **(c) Responsibilities of persons accessing records**

12  
13 A person eligible to remotely access electronic records under the rules in article 4  
14 may be given such access only if that person:

- 15  
16 (1) Provides the court with all of the information it needs to identify the person  
17 to be a user;  
18  
19 (2) Consents to all conditions for remote access required by article 4 and the  
20 court; and  
21  
22 (3) Is authorized by the court to have remote access to electronic records.

23  
24 **(d) Responsibilities of government entities**

- 25  
26 (1) If a person is accessing electronic records on behalf of a government entity,  
27 the government entity must approve granting access to that person, verify the  
28 person's identity, and provide the court with all the information it needs to  
29 authorize that person to have access to electronic records.  
30  
31 (2) If a person accessing electronic records on behalf of a government entity  
32 leaves his or her position or for any other reason is no longer entitled to  
33 access, the government entity must immediately notify the court so that the  
34 court can terminate the person's access.

35  
36 **(e) Vendor contracts, statewide master agreements, and identity and access**  
37 **management systems**

38  
39 A court may enter into a contract with a vendor to provide identity verification,  
40 identity management, or user access services. Alternatively, courts may use a  
41 statewide identity verification, identity management, or access management  
42 system, if available, or a statewide master agreement for such systems, if available.  
43

1 *Rule 2.541 adopted effective January 1, 2019.*

2  
3 **Rule 2.542. Security of confidential information**

4  
5 **(a) Secure access and encryption required**

6  
7 If any information in an electronic record that is confidential by law or sealed by  
8 court order may lawfully be provided remotely to a government entity, any remote  
9 access to the confidential information must be provided through a secure platform,  
10 and any electronic transmission of the information must be encrypted.

11  
12 **(b) Vendor contracts and statewide master agreements**

13  
14 A court may enter into a contract with a vendor to provide secure access and  
15 encryption services. Alternatively, if a statewide master agreement is available for  
16 secure access and encryption services, courts may use that master agreement.

17  
18 *Rule 2.542 adopted effective January 1, 2019.*

19  
20 **Rule 2.543. Audit trails**

21  
22 **(a) Ability to generate audit trails**

23  
24 The court should have the ability to generate an audit trail that contains one or more  
25 of the following elements: what electronic record was remotely accessed, when it  
26 was accessed, who accessed it, and under whose authority the user gained access.

27  
28 **(b) Audit trails available to government entity**

29  
30 (1) A court providing remote access to electronic records under this article  
31 should make limited audit trails available to authorized users of the  
32 government entity.

33  
34 (2) A limited audit trail should identify the user who remotely accessed  
35 electronic records in a particular case, but must not identify which specific  
36 electronic records were accessed.

37  
38 *Rule 2.543 adopted effective January 1, 2019.*

39  
40 **Advisory Committee Comment**

41

1 The audit trail is a tool to assist the courts and users in identifying and investigating any potential  
2 issues or misuse of remote access. The user's view of the audit trail is limited to protect sensitive  
3 information.

4  
5 To facilitate the use of existing remote access systems, rule 2.526 is currently not mandatory, but  
6 may be amended to be mandatory in the future.

7  
8  
9 **Rule 2.544. Additional conditions of access**

10  
11 To the extent consistent with these rules and other applicable law, a court must impose  
12 reasonable conditions on remote access to preserve the integrity of its records, prevent the  
13 unauthorized use of information, and limit possible legal liability. The court may choose  
14 to require each user to submit a signed, written agreement enumerating those conditions  
15 before it permits that user to access electronic records remotely. The agreements may  
16 define the terms of access, provide for compliance audits, specify the scope of liability,  
17 and provide for sanctions for misuse up to and including termination of remote access.

18  
19 *Rule 2.544 adopted effective January 1, 2019.*

20  
21 **Rule 2.545. Termination of remote access**

22  
23 **(a) Remote access is a privilege**

24  
25 Remote access to electronic records under this article is a privilege and not a right.

26  
27 **(b) Termination by court**

28  
29 A court that provides remote access may, at any time and for any reason, terminate  
30 the permission granted to any person or entity eligible under the rules in article 4 to  
31 remotely access electronic records

32  
33 *Rule 2.545 adopted effective January 1, 2019.*

34  
35 **Rule 2.1009. Permanent medical excuse from jury service**

36  
37 **(a) Definitions**

38  
39 As used in this rule:

- 40  
41 (1) "Applicant" means a "person with a disability" or their authorized  
42 representative.

- 1           (2) “Authorized representative” means a conservator, agent under a power of  
2 attorney (attorney-in-fact), or any other individual designated by the person  
3 with a disability.  
4
- 5           (3) “Capable of performing jury service” means a person can pay attention to  
6 evidence, testimony, and other court proceedings for up to six hours per day,  
7 with a lunch break and short breaks in the morning and afternoon, with or  
8 without disability-related accommodations, including auxiliary aids and  
9 services.  
10
- 11          (4) “Health care provider” means a doctor of medicine or osteopathy, podiatrist,  
12 dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner,  
13 nurse-midwife, clinical social worker, therapist, physician’s assistant,  
14 Christian Science Practitioner, or any other medical provider, facility, or  
15 organization that is authorized and performing within the scope of the  
16 practice of their profession in accordance with state or federal law and  
17 regulations.  
18
- 19          (5) “Permanent medical excuse” means a release from jury service granted by the  
20 jury commissioner to a person with a disability whose condition is unlikely to  
21 resolve and who, with or without disability-related accommodations,  
22 including auxiliary aids or services, is not capable of performing jury service.  
23
- 24          (6) “Person with a disability” means an individual covered by Civil Code section  
25 51 et seq., the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101 et  
26 seq.), or other applicable state and federal laws. This definition includes a  
27 person who has a physical or mental medical condition that limits one or  
28 more of the major life activities, has a record of such a condition, or is  
29 regarded as having such a condition.  
30

31 **(b) Policy**  
32

- 33          (1) This rule is intended to allow a person with a disability whose condition is  
34 unlikely to resolve and who is unable for the foreseeable future to serve as a  
35 juror to seek a permanent medical excuse from jury service. This rule does  
36 not impose limitations on or invalidate the remedies, rights, and procedures  
37 accorded to persons with disabilities under state or federal law.  
38
- 39          (2) It is the policy of the courts of this state to ensure that persons with  
40 disabilities have equal and full access to the judicial system, including the  
41 opportunity to serve as jurors. No eligible jurors who can perform jury  
42 service, with or without disability-related accommodations, including

1           auxiliary aids or services, may be excused from jury service due solely to  
2           their disability.

3  
4   **(c) Process for requesting permanent medical excuse**

5  
6   The process for requesting a permanent medical excuse from jury service is as  
7   follows:

- 8  
9   (1) An applicant must submit to the jury commissioner a written request for  
10   permanent medical excuse with a supporting letter, memo, or note from a  
11   treating health care provider. The supporting letter, memo, or note must be on  
12   the treating health care provider's letterhead, state that the person has a  
13   permanent disability that makes the person incapable of performing jury  
14   service, and be signed by the provider.
- 15  
16   (2) The applicant must submit the request and supporting letter, memo, or note to  
17   the jury commissioner on or before the date the person is required to appear  
18   for jury service.
- 19  
20   (3) In the case of an incomplete application, the jury commissioner may require  
21   the applicant to furnish additional information in support of the request for  
22   permanent medical excuse.
- 23  
24   (4) The jury commissioner must keep confidential all information concerning the  
25   request for permanent medical excuse, including any accompanying request  
26   for disability-related accommodation, including auxiliary aids or services,  
27   unless the applicant waives confidentiality in writing or the law requires  
28   disclosure. The applicant's identity and confidential information may not be  
29   disclosed to the public but may be disclosed to court officials and personnel  
30   involved in the permanent medical excuse process. Confidential information  
31   includes all medical information pertaining to the applicant, and all oral or  
32   written communication from the applicant concerning the request for  
33   permanent medical excuse.

34  
35   **(d) Response to request**

36  
37   The jury commissioner must respond to a request for a permanent medical excuse  
38   from jury service as follows:

- 39  
40   (1) The jury commissioner must promptly inform the applicant in writing of the  
41   determination to grant or deny a permanent medical excuse request.  
42

(2) If the request is granted, the jury commissioner must remove the person from the rolls of potential jurors as soon as it is practicable to do so.

(3) If the request is denied, the jury commissioner must provide the applicant a written response with the reason for the denial.

**(e) Denial of request**

Only when the jury commissioner determines the applicant failed to satisfy the requirements of this rule may the jury commissioner deny the permanent medical excuse request.

**(f) Right to reapply**

A person whose request for permanent medical excuse is denied may reapply at any time after receipt of the jury commissioner's denial by following the process in (c).

**(g) Reinstatement**

A person who has received a permanent medical excuse from jury service under this rule may be reinstated to the rolls of potential jurors at any time by filing a signed, written request with the jury commissioner that the permanent medical excuse be withdrawn.

*Rule 2.1009 adopted effective January 1, 2019.*

**Rule 3.1160 ~~3.1152~~. Requests for protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse**

**(a)–(e) \* \* \***

*Rule 3.1160 renumbered effective January 1, 2019; adopted as rule 363 effective January 1, 1984; previously amended effective January 1, 1993, July 1, 1995, January 1, 2000, January 1, 2002, and January 1, 2012; previously amended and renumbered as rule 3.1152 effective January 1, 2007.*

**Rule 3.1161. Request to make minor's information confidential in civil harassment protective order proceedings**

**(a) Application of rule**



1        This rule applies to requests and orders made under Code of Civil Procedure  
2        section 527.6(v) to keep a minor's information confidential in a civil harassment  
3        protective order proceeding.

4  
5        Wherever used in this rule, "legal guardian" means either parent if both parents  
6        have legal custody, or the parent or person having legal custody, or the guardian, of  
7        a minor.

8  
9        **(b) Information that may be made confidential**

10  
11        The information that may be made confidential includes:

- 12  
13        (1)    The minor's name;  
14  
15        (2)    The minor's address;  
16  
17        (3)    The circumstances surrounding the protective order with respect to the minor.  
18        These include the allegations in the *Request for Civil Harassment Retraining*  
19        *Orders* (form CH-100) that involve conduct directed, in whole or in part,  
20        toward the minor; and  
21  
22        (4)    Any other information that the minor or legal guardian believes should be  
23        confidential.

24  
25        **(c) Requests for confidentiality**

- 26  
27        (1)    *Person making request*

28  
29        A request for confidentiality may be made by a minor or legal guardian.

- 30  
31        (2)    *Number of minors*

32  
33        A request for confidentiality by a legal guardian may be made for more than  
34        one minor. "Minor," as used in this rule, refers to all minors for whom a  
35        request for confidentiality is made.

36  
37        **(d) Procedures for making request**

- 38  
39        (1)    *Timing of requests*

40  
41        A request for confidentiality may be made at any time during the case.

- 42  
43        (2)    *Submission of request*

1  
2 The person submitting a request must complete and file *Request to Keep*  
3 *Minor's Information Confidential* (form CH-160), a confidential form.  
4

5 (3) *Ruling on request*  
6

7 (A) *Ruling on request without notice*  
8

9 The court must determine whether to grant a request for confidentiality  
10 without requiring that any notice of the request be given to the other  
11 party, or both parties if the minor is not a party in the proceeding. No  
12 adversarial hearing is to be held.  
13

14 (B) *Request for confidentiality submitted at the same time as a request for*  
15 *restraining orders*  
16

17 If a request for confidentiality is submitted at the same time as a request  
18 for restraining orders, the court must consider both requests consistent  
19 with Code of Civil Procedure section 527.6(e) and must consider and  
20 rule on the request for confidentiality before the request for restraining  
21 order is filed.  
22

23 Documents submitted with the restraining order request must not be  
24 filed until after the court has ruled on the request for confidentiality and  
25 must be consistent with (C) below.  
26

27 (C) *Withdrawal of request for restraining order*  
28

29 If a request for confidentiality under (B) made by the person asking for  
30 the restraining order is denied and the requester seeks to withdraw the  
31 request for restraining orders, all of the following apply:  
32

33 (i) The court must not file the request for restraining order and the  
34 accompanying proposed order forms and must return the  
35 documents to the requester personally, destroy the documents,  
36 or delete the documents from any electronic files;  
37

38 (ii) The order denying confidentiality must be filed and maintained  
39 in a public file; and  
40

41 (iii) The request for confidentiality must be filed and maintained in a  
42 confidential file.  
43

1           (4) Need for additional facts

2  
3           If the court finds that the request for confidentiality is insufficiently specific  
4           to meet the requirements under Code of Civil Procedure section 527.6(v)(2)  
5           for granting the request, the court may take testimony from the minor, or  
6           legal guardian, the person requesting a protective order, or other competent  
7           witness, in a closed hearing in order to determine if there are additional facts  
8           that would support granting the request.  
9

10       (e) Orders on request for confidentiality

11  
12       (1) Rulings

13  
14           The court may grant the entire request, deny the entire request, or partially  
15           grant the request for confidentiality.  
16

17       (2) Order granting request for confidentiality

18  
19       (A) Applicability

20  
21           An order made under Code of Civil Procedure section 527.6(v) applies  
22           in this case and in any other civil case to all registers of actions, indexes,  
23           court calendars, pleadings, discovery documents, and other documents  
24           filed or served in the action, and at hearings, trial, and other court  
25           proceedings that are open to the public.  
26

27       (B) Minor's name

28  
29           If the court grants a request for confidentiality of the minor's name and:  
30

31           (i) If the minor is a party to the action, the court must use the initials  
32           of the minor or other initials, at the discretion of the court. In  
33           addition, the court must use only initials to identify both parties  
34           to the action if using the other party's name would likely reveal  
35           the identity of the minor.  
36

37           (ii) If the minor is not a party to the action, the court must not include  
38           any information that would likely reveal the identity of the minor,  
39           including whether the minor lives with the person making the  
40           request for confidentiality.  
41

42       (C) Circumstances surrounding protective order (statements related to  
43           minor)

1  
2 If the court grants a request for confidentiality, the order must  
3 specifically identify the information about the minor in *Request for Civil*  
4 *Harassment Restraining Orders* (form CH-100) and any other  
5 applicable document that must be kept confidential. Information about  
6 the minor ordered confidential by the court must not be made available  
7 to the public.

8  
9 (D) Service

10  
11 The other party, or both parties if the person making the request for  
12 confidentiality is not a party to the action, must be served with a copy of  
13 the *Request to Keep Minor's Information Confidential* (form CH-160),  
14 *Order on Request to Keep Minor's Information Confidential* (form CH-  
15 165) and *Notice of Order Protecting Information of Minor* (form CH-  
16 170), redacted if required under (f)(4).

17  
18 (3) Order denying request for confidentiality

19  
20 (A) The order denying confidentiality must be filed and maintained in a  
21 public file. The request for confidentiality must be filed and maintained  
22 in a confidential file.

23  
24 (B) Notwithstanding denial of a request to keep the minor's address  
25 confidential, the address may be confidential under other statutory  
26 provisions.

27  
28 (C) Service

29  
30 (i) If a request for confidentiality is denied and the request for  
31 restraining order has been withdrawn, and if no other action is  
32 pending before the court in the case, then the *Request to Keep*  
33 *Minor's Information Confidential* (form CH-160) and *Order on*  
34 *Request to Keep Minor's Information Confidential* (form CH-  
35 165) must not be served on the other party, or both parties if the  
36 person making the request for confidentiality is not a party to  
37 the action.

38  
39 (ii) If a request for confidentiality is denied and the request for  
40 restraining order has not been withdrawn, or if an action  
41 between the same parties is pending before the court, then the  
42 *Request to Keep Minor's Information Confidential* (form CH-  
43 160) and *Order on Request to Keep Minor's Information*

1 Confidential (form CH-165) must be served on the other party,  
2 or both parties if the person making the request for  
3 confidentiality is not a party to the action.  
4

5 **(f) Procedures to protect confidential information when request is granted**  
6

7 (1) If a request for confidentiality is granted in whole or in part, the court, in its  
8 discretion, and taking into consideration the factors stated in (g), must ensure  
9 that the order granting confidentiality is maintained in the most effective  
10 manner by:

11  
12 (A) The judicial officer redacting all information to be kept confidential  
13 from all applicable documents;

14  
15 (B) Ordering the requesting party or the requesting party's attorney to  
16 prepare a redacted copy of all applicable documents and submit all  
17 redacted copies to the court for review and filing; or

18  
19 (C) Ordering any other procedure that facilitates the prompt and accurate  
20 preparation of a redacted copy of all applicable documents in  
21 compliance with the court's order granting confidentiality, provided the  
22 selected procedure is consistent with (g).  
23

24 (2) The redacted copy or copies must be filed and maintained in a public file, and  
25 the unredacted copy or copies must be filed and maintained in a confidential  
26 file.  
27

28 (3) Information that is made confidential from the public and the restrained  
29 person must be filed in a confidential file accessible only to the minor or  
30 minors who are subjects of the order of confidentiality, or the legal guardian  
31 who requested confidentiality, law enforcement for enforcement purposes  
32 only, and the court.  
33

34 (4) Any information that is made confidential from the restrained person must be  
35 redacted from the copy that will be served on the restrained person.  
36

37 **(g) Factors in Selecting Redaction Procedures**  
38

39 In determining the procedure to follow under (f), the court must consider the  
40 following factors:  
41

42 (1) Whether the requesting party is represented by an attorney;  
43

- 1       (2) Whether the requesting party has immediate access to a self-help center or  
2       other legal assistance;  
3  
4       (3) Whether the requesting party is capable of preparing redacted materials  
5       without assistance;  
6  
7       (4) Whether the redactions to the applicable documents are simple or complex;  
8       and  
9  
10      (5) When applicable, whether the selected procedure will ensure that the orders  
11      on the request for restraining order and the request for confidentiality are  
12      issued and redacted in an expeditious and timely manner.  
13

14      **(h) Sharing of information about a protected minor**  
15

16      (1) Sharing of information with the respondent  
17

18           Information about a protected minor must be shared with the respondent only  
19           as provided in Code of Civil Procedure section 527.6(v)(4)(B), limited to  
20           information necessary to allow the respondent to respond to the request for  
21           the protective order, and to comply with the confidentiality order and the  
22           protective order.  
23

24      (2) Sharing of information with law enforcement  
25

26           Information about a protected minor must be shared with law enforcement  
27           only as provided in Code of Civil Procedure section 527.6(v)(4)(A).  
28

29      **(i) Protecting information in subsequent filings and other civil cases**  
30

31      (1) Filings made after an order granting confidentiality  
32

33           (A) A party seeking to file a document or form after an order for  
34           confidentiality has been made must submit the *Cover Sheet for*  
35           *Confidential Information* (form CH-175) attached to the front of the  
36           document to be filed.  
37

38           (B) Upon receipt of form CH-175 with attached documents, the court must:  
39

- 40                   (i) Order a procedure for redaction consistent with the procedures  
41                   stated in (f);  
42

(ii) File the unredacted document in the confidential file pending receipt of the redacted document if the redacted document is not prepared on the same court day; and

(iii) File the redacted document in the public file after it has been reviewed and approved by the court for accuracy.

(2) Other civil case

(A) Information subject to an order of confidentiality issued under Code of Civil Procedure section 527.6(v) must be kept confidential in any other civil case.

(B) The minor or person making the request for confidentiality and any person who has been served with a notice of confidentiality must submit a copy of the order of confidentiality (form CH-165) in any other civil case involving the same parties.

*Rule 3.1161 adopted effective January 1, 2019.*

**Advisory Committee Comment**

**Subdivisions (a)–(e).** The process described in this rule need not be used for minors if the request for confidentiality is merely to keep an address confidential and a petitioning minor has a mailing address which need not be kept private that can be listed on the forms. The restraining order forms do not require the address of a nonpetitioning minor.

This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to seal a record. The standard as reflected in Code of Civil Procedure section 527.6(v)(2) is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First Amendment right of access to documents used at trial or as a basis of adjudication.

**Rule 3.2300. Review under Penal Code section 186.35 of law enforcement agency denial of request to remove name from shared gang database**

**(a)–(c) \* \* \***

1     **(d)   Petition**

2  
3         **(1)   Form**

4  
5             (A)   Except as provided in (i) and (ii), ~~Request~~ Petition for Review of Denial  
6                   of Request to Remove Name From Gang Database (form MC-1000)  
7                   must be used to seek review under Penal Code section 186.35 of a law  
8                   enforcement agency’s decision denying a request to remove a person’s  
9                   name from a shared gang database.

10  
11             (i)   A petition filed by an attorney need not be on form MC-1000.  
12                   For good cause the court may also accept a petition from a  
13                   nonattorney that is not on form MC-1000.

14  
15             (ii)  Any petition that is not on form MC-1000 must contain the  
16                   information specified in form MC-1000 and must bear the name  
17                   “Petition for Review of Denial of Request to Remove Name  
18                   From Gang Database.”

19  
20             (B)   The person seeking review must attach to the petition under (A) either:

21  
22             (i)   The law enforcement agency’s written verification, if one was  
23                   received, of its decision denying the person’s request under Penal  
24                   Code section 186.34 to remove his or her name—or, if the  
25                   request was filed by a parent or guardian on behalf of a child  
26                   under 18, the name of the child—from the shared gang database;  
27                   or

28  
29             (ii)  If the law enforcement agency did not provide written  
30                   verification responding to the person’s request under Penal Code  
31                   section 186.34 within 30 days of submission of the request, a  
32                   copy of the request and written documentation submitted to the  
33                   law enforcement agency contesting the designation.

34  
35             (2)–(5) \* \* \*

36  
37             *(Subd (d) amended effective January 1, 2019; previously amended effective January 1,*  
38             *2018.)*

39  
40     **(e)   Record**

41  
42         **(1)   Filing**

43



- 1 (A) The law enforcement agency must serve the record on the person filing  
2 the petition and must file the record in the superior court in which the  
3 petition was filed.  
4  
5 (B) The record must be served and filed within 15 days after the date the  
6 petition is served on the law enforcement agency as required by  
7 subdivision (d)(5) of this rule.  
8  
9 (C) If the record contains any documents that are part of a juvenile case file  
10 or are ~~sealed or~~ confidential under Welfare and Institutions Code  
11 section 827 or have been sealed, the law enforcement agency must  
12 include a coversheet that states “Confidential Filing – Juvenile Case  
13 File Enclosed.”  
14  
15 (D) The procedures set out in rules 2.550 and 2.551 apply to any record  
16 sought to be filed under seal in a proceeding under this rule.  
17

18 (2) *Contents*  
19

20 The record is limited to the documents required by Penal Code section  
21 186.35(c).  
22

23 (3) *Format*  
24

- 25 (A) The cover or first page of the record must:  
26  
27 (i) Clearly identify it as the record in the case;  
28  
29 (ii) Clearly indicate if the record includes any documents that are  
30 ~~sealed or~~ confidential under Welfare and Institutions Code  
31 section 827 or have been sealed;  
32  
33 (iii) State the title and court number of the case; and  
34  
35 (iv) Include the name, mailing address, telephone number, fax  
36 number (if available), e-mail address (if available), and California  
37 State Bar number (if applicable) of the attorney or other person  
38 filing the record on behalf of the law enforcement agency. The  
39 court will use this as the name, mailing address, telephone  
40 number, fax number, and e-mail address of record for the agency  
41 unless the agency informs the court otherwise in writing.  
42  
43 (B) All documents in the record must have a page size of 8.5 by 11 inches;

- 1  
2 (C) The text must be reproduced as legibly as printed matter;  
3  
4 (D) The contents must be arranged chronologically;  
5  
6 (E) The pages must be consecutively numbered; and  
7  
8 (F) The record must be ~~bound on the left margin~~ stapled and two-hole  
9 punched at the top of the page.  
10

11 (4) *Failure to file the record*  
12

13 If the law enforcement agency does not timely file the required record, the  
14 superior court clerk must serve the law enforcement agency with a notice  
15 indicating that the agency must file the record within five court days of  
16 service of the clerk's notice or the court may order the law enforcement  
17 agency to remove the name of the person from the shared gang database.  
18

19 (*Subd (e) amended effective January 1, 2019; previously amended effective January 1,*  
20 *2018.*)  
21

22 (f) **Written argument**  
23

24 (1) *Contents*  
25

- 26 (A) The person filing the petition may include in the petition or separately  
27 serve and file a written argument about why, based on the record  
28 specified in Penal Code section 186.35(c), the law enforcement agency  
29 has failed to establish by clear and convincing evidence the active gang  
30 membership, associate status, or affiliate status of the person so  
31 designated or to be so designated by the law enforcement agency in the  
32 shared gang database.  
33  
34 (B) The law enforcement agency may serve and file a written argument  
35 about why, based on the record specified in Penal Code section  
36 186.35(c), it has established by clear and convincing evidence the  
37 active gang membership, associate status, or affiliate status of the  
38 person.  
39  
40 (C) If an argument refers to something in the record, it must provide the  
41 page number of the record where that thing appears or, if the record has  
42 not yet been filed, the page number of the relevant document.  
43

(D) Except for any required attachment to a petition, when an argument is included in the petition, nothing may be attached to an argument and an argument must not refer to any evidence that is not in the record.

(2) *Time to serve and file*

Any written argument must be served and filed within 15 days after the date the record is served.

(3) *Format and length of argument*

(A) The cover or first page of any argument must:

- (i) Clearly identify it as the argument of the person filing the petition or of the law enforcement agency;
- (ii) State the title and, if assigned, court number of the case; and
- (iii) Include the name, mailing address, telephone number, fax number (if available), e-mail address (if available), and California State Bar number (if applicable) of the attorney or other person filing the argument.

(B) An argument must not exceed 10 pages.

(C) The pages must be consecutively numbered.

*(Subd (f) amended effective January 1, 2019; previously amended effective January 1, 2018.)*

**(g)–(i) \* \* \***

*Rule 3.2300 amended effective January 1, 2019; adopted effective January 20, 2017; previously amended effective January 1, 2018.*

**Rule 4.131. Probable cause determinations under section 1368.1(a)(2)**

**(a) Notice of a request for a determination of probable cause**

The prosecuting attorney must serve and file notice of a request for a determination of probable cause on the defense at least 10 court days before the time appointed for the proceeding.

1 **(b) Judge requirement**

2  
3 A judge must hear the determination of probable cause unless there is a stipulation  
4 by both parties to having the matter heard by a subordinate judicial officer.  
5

6 **(c) Defendant need not be present**

7  
8 A defendant need not be present for a determination of probable cause to proceed.  
9

10 **(d) Application of section 861**

11  
12 The one-session requirement of section 861 does not apply.  
13

14 **(e) Transcript**

15  
16 A transcript of the determination of probable cause must be provided to the  
17 prosecuting attorney and counsel for the defendant consistent with the manner in  
18 which a transcript is provided in a preliminary examination.  
19

20 *Rule 4.131 adopted effective January 1, 2019.*  
21

22 **Rule 5.97. Time frames for transferring jurisdiction**

23  
24 **(a) Application**

25 This rule applies to family law actions or family law proceedings for which a  
26 transfer of jurisdiction has been ordered under part 2 of title 4 of the Code of Civil  
27 Procedure.  
28

29 **(b) Payment of fees; fee waivers**

30 Responsibility for the payment of court costs and fees for the transfer of  
31 jurisdiction as provided in Government Code section 70618 is subject to the  
32 following provisions:  
33

- 34 (1) If a transfer of jurisdiction is ordered in response to a motion made under title  
35 4 of the Code of Civil Procedure by a party, the responsibility for costs and  
36 fees is subject to Code of Civil Procedure section 399(a). If the fees are not  
37 paid within the time specified in section 399(a), the court may, on a duly  
38 noticed motion by any party or on its own motion, dismiss the action without  
39 prejudice to the cause of action. Except as provided in (e), no other action on  
40 the cause may be commenced in another court before satisfaction of the  
41 court's order for fees and costs or a court-ordered waiver of such fees and  
42 costs.  
43

1       (2) If a transfer of jurisdiction is ordered by the court on its own motion, the  
2 court must specify in its order which party is responsible for the Government  
3 Code section 70618 fees. If that party has not paid the fees within five days  
4 of service of notice of the transfer order, any other party interested in the  
5 action or proceeding may pay the costs and fees and the clerk must transmit  
6 the case file. If the fees are not paid within the time period set forth in Code  
7 of Civil Procedure section 399, the court may, on a duly noticed motion by  
8 any party or on its own motion, dismiss the action without prejudice to the  
9 cause or enter such other orders as the court deems appropriate. Except as  
10 provided in (e), no other action on the cause may be commenced in the  
11 original court or another court before satisfaction of the court's order for fees  
12 and costs or a court-ordered waiver of such fees and costs.

13  
14       (3) If the party responsible for the fees has been granted a fee waiver by the  
15 sending court, the case file must be transmitted as if the fees and costs were  
16 paid and the fee waiver order must be transmitted with the case file in lieu of  
17 the fees and costs. If a partial fee waiver has been granted, the party  
18 responsible for the fees and costs must pay the required portion of the fees  
19 and costs before the case will be transmitted. In any case involving a fee  
20 waiver, the court receiving the case file has the authority under Government  
21 Code section 68636 to review the party's eligibility for a fee waiver based on  
22 additional information available to the court or pursuant to a hearing at final  
23 disposition of the case.

24  
25       (4) At the hearing to transfer jurisdiction, the court must address any issues  
26 regarding fees. If a litigant indicates they cannot afford to pay the fees, a fee  
27 waiver request form should be provided by the clerk and the court should  
28 promptly rule on that request.

29  
30       **(c) Time frame for transfer of jurisdiction**

31 After a court orders the transfer of jurisdiction over the action or proceeding, the  
32 clerk must transmit the case file to the clerk of the court to which the action or  
33 proceeding is transferred within five court days of the date of expiration of the 20-  
34 day time period to petition for a writ of mandate. If a writ is filed, the clerk must  
35 transmit the case file within five court days of the notice that the order is final. The  
36 clerk must send notice stating the date of the transmittal to all parties who have  
37 appeared in the action or proceeding and the court receiving the transfer.

38  
39       **(d) Time frame to assume jurisdiction over transferred matter**

40 Within 20 court days of the date of the transmittal, the clerk of the court receiving  
41 the transferred action or proceeding must send notice to all parties who have  
42 appeared in the action or proceeding and the court that ordered the transfer stating  
43 the date of the filing of the case and the number assigned to the case in the court.

1  
2 **(e) Emergency orders while transfer is pending**

3 Until the clerk of the receiving court sends notice of the date of filing, the  
4 transferring court retains jurisdiction over the matter to make orders designed to  
5 prevent immediate danger or irreparable harm to a party or the children involved in  
6 the matter, or immediate loss or damage to property subject to disposition in the  
7 matter. When an emergency order is requested, the transferring court must send  
8 notice to the receiving court that it is exercising its jurisdiction and must inform the  
9 receiving court of the action taken on the request. If the court makes a new order in  
10 the case, it must send a copy of the order to the receiving court if the case file has  
11 already been transmitted. The transferring court retains jurisdiction over the request  
12 until it takes action on it.

13  
14 *Rule 5.97 adopted effective January 1, 2019.*

15  
16 **Rule 5.382. Request to make minor's information confidential in domestic violence**  
17 **protective order proceedings**

18  
19 **(a) Application of rule**

20  
21 This rule applies to requests and orders made under Family Code section 6301.5 to  
22 keep a minor's information confidential in a domestic violence protective order  
23 proceeding.

24  
25 Wherever used in this rule, "legal guardian" means either parent if both parents  
26 have legal custody, or the parent or person having legal custody, or the guardian, of  
27 a minor.

28  
29 **(b) Information that may be made confidential**

30  
31 The information that may be made confidential includes:

- 32  
33 (1) The minor's name;  
34  
35 (2) The minor's address;  
36  
37 (3) The circumstances surrounding the protective order with respect to the minor.  
38 These include the allegations in the *Request for Domestic Violence*  
39 *Retraining Order* (form DV-100) that involve conduct directed, in whole or  
40 in part, toward the minor; and  
41  
42 (4) Any other information that the minor or legal guardian believes should be  
43 confidential.

1  
2 **(c) Requests for confidentiality**

3  
4 **(1) Person making request**

5  
6 A request for confidentiality may be made by a minor or legal guardian.

7  
8 **(2) Number of minors**

9  
10 A request for confidentiality by a legal guardian may be made for more than  
11 one minor. “Minor,” as used in this rule, refers to all minors for whom a  
12 request for confidentiality is made.

13  
14 **(d) Procedures for making request**

15  
16 **(1) Timing of requests**

17  
18 A request for confidentiality may be made at any time during the case.

19  
20 **(2) Submission of request**

21  
22 The person submitting a request must complete and file *Request to Keep*  
23 *Minor’s Information Confidential* (form DV-160), a confidential form.

24  
25 **(3) Ruling on request**

26  
27 **(A) Ruling on request without notice**

28  
29 The court must determine whether to grant a request for confidentiality  
30 without requiring that any notice of the request be given to the other  
31 party, or both parties if the minor is not a party in the proceeding. No  
32 adversarial hearing is to be held.

33  
34 **(B) Request for confidentiality submitted at the same time as a request for**  
35 **restraining orders**

36  
37 If a request for confidentiality is submitted at the same time as a request  
38 for restraining orders, the court must consider both requests consistent  
39 with Family Code section 6326, and must consider and rule on the  
40 request for confidentiality before the request for restraining order is  
41 filed.  
42

1 Documents submitted with the restraining order request must not be  
2 filed until after the court has ruled on the request for confidentiality and  
3 must be consistent with (C) below.

4  
5 (C) Withdrawal of request

6  
7 If a request for confidentiality under (B) made by the person asking for  
8 the restraining order is denied and the requester seeks to withdraw the  
9 request for restraining orders, all of the following apply:

10  
11 (i) The court must not file the request for restraining order and the  
12 accompanying proposed order forms and must return the  
13 documents to the requester personally, destroy the documents, or  
14 delete the documents from any electronic files;

15  
16 (ii) The order denying confidentiality must be filed and maintained in  
17 a public file; and

18  
19 (iii) The request for confidentiality must be filed and maintained in a  
20 confidential file.

21  
22 (4) Need for additional facts

23  
24 If the court finds that the request for confidentiality is insufficiently specific  
25 to meet the requirements under Family Code section 6301.5(b) for granting  
26 the request, the court may take testimony from the minor, or legal guardian,  
27 the person requesting a protective order, or other competent witness, in a  
28 closed hearing in order to determine if there are additional facts that would  
29 support granting the request.

30  
31 (e) Orders on request for confidentiality

32  
33 (1) Rulings

34  
35 The court may grant the entire request, deny the entire request, or partially  
36 grant the request for confidentiality.

37  
38 (2) Order granting request for confidentiality

39  
40 (A) Applicability

41  
42 An order made under Family Code section 6301.5 applies in this case  
43 and in any other civil case to all registers of actions, indexes, court



1 calendars, pleadings, discovery documents, and other documents filed  
2 or served in the action, and at hearings, trial, and other court  
3 proceedings that are open to the public.  
4

5 (B) Minor's name  
6

7 If the court grants a request for confidentiality of the minor's name and:  
8

- 9 (i) If the minor is a party to the action, the court must use the initials  
10 of the minor, or other initials at the discretion of the court. In  
11 addition, the court must use only initials to identify both parties  
12 to the action if using the other party's name would likely reveal  
13 the identity of the minor.  
14  
15 (ii) If the minor is not a party to the action, the court must not include  
16 any information that would likely reveal the identity of the minor,  
17 including whether the minor lives with the person making the  
18 request for confidentiality.  
19

20 (C) Circumstances surrounding protective order (statements related to  
21 minor)  
22

23 If the court grants a request for confidentiality, the order must  
24 specifically identify the information about the minor in Request for  
25 Domestic Violence Restraining Order (form DV-100) and any other  
26 applicable document that must be kept confidential. Information about  
27 the minor ordered confidential by the court must not be made available  
28 to the public.  
29

30 (D) Service and copies  
31

32 The other party, or both parties if the person making the request for  
33 confidentiality is not a party to the action, must be served with a copy  
34 of the Request for Domestic Violence Restraining Order (form DV-  
35 160), Order on Request to Keep Minor's Information Confidential  
36 (form DV-165), and Notice of Order Protecting Information of Minor  
37 (form DV-170), redacted if required under (f)(4).  
38

39 The protected person and the person requesting confidentiality (if not  
40 the protected person) must be provided up to three copies of redacted  
41 and unredacted copies of any request or order form.  
42

43 (3) Order denying request for confidentiality

1  
2 (A) The order denying confidentiality must be filed and maintained in a  
3 public file. The request for confidentiality must be filed and maintained  
4 in a confidential file.

5  
6 (B) Notwithstanding denial of a request to keep the minor's address  
7 confidential, the address may be confidential under other statutory  
8 provisions

9  
10 (C) Service

11  
12 (i) If a request for confidentiality is denied and the request for  
13 restraining order has been withdrawn, and if no other action is  
14 pending before the court in the case, then the *Request to Keep*  
15 *Minor's Information Confidential* (form DV-160) and *Order on*  
16 *Request to Keep Minor's Information Confidential* (form DV-  
17 165) must not be served on the other party, or both parties if the  
18 person making the request for confidentiality is not a party to the  
19 action.

20  
21 (ii) If a request for confidentiality is denied and the request for  
22 restraining order has not been withdrawn, or if an action between  
23 the same parties is pending before the court, then the *Request to*  
24 *Keep Minor's Information Confidential* (form DV-160) and  
25 *Order on Request to Keep Minor's Information Confidential*  
26 (form DV-165) must be served on the other party, or both parties  
27 if the person making the request for confidentiality is not a party  
28 to the action.

29  
30 (f) **Procedures to protect confidential information when order is granted**

31  
32 (1) If a request for confidentiality is granted in whole or in part, the court, in its  
33 discretion, and taking into consideration the factors stated in (g), must ensure  
34 that the order granting confidentiality is maintained in the most effective  
35 manner by:

36  
37 (A) The judicial officer redacting all information to be kept confidential  
38 from all applicable documents;

39  
40 (B) Ordering the requesting party or the requesting party's attorney to  
41 prepare a redacted copy of all applicable documents and submit all  
42 redacted copies to the court for review and filing; or  
43

1           (C) Ordering any other procedure that facilitates the prompt and accurate  
2           preparation of a redacted copy of all applicable documents in  
3           compliance with the court's order granting confidentiality, provided the  
4           selected procedure is consistent with (g).

6           (2) The redacted copy or copies must be filed and maintained in a public file, and  
7           the unredacted copy or copies must be filed and maintained in a confidential  
8           file.

10          (3) Information that is made confidential from the public and the restrained  
11          person must be filed in a confidential file accessible only to the minor or  
12          minors who are subjects of the order of confidentiality, or legal guardian who  
13          requested confidentiality, law enforcement for enforcement purposes only,  
14          and the court.

16          (4) Any information that is made confidential from the restrained person must be  
17          redacted from the copy that will be served on the restrained person.

19       **(g) Factors in selecting redaction procedures**

21       In determining the procedures to follow under (f), the court must consider the  
22       following factors:

24          (1) Whether the requesting party is represented by an attorney;

26          (2) Whether the requesting party has immediate access to a self-help center or  
27          other legal assistance;

29          (3) Whether the requesting party is capable of preparing redacted materials  
30          without assistance;

32          (4) Whether the redactions to the applicable documents are simple or complex;  
33          and

35          (5) When applicable, whether the selected procedure will ensure that the orders  
36          on the request for restraining order and the request for confidentiality are  
37          entered in an expeditious and timely manner.

39       **(h) Sharing of information about a protected minor**

41          (1) Sharing of information with the respondent

1 Information about a protected minor must be shared with the respondent only  
2 as provided in Family Code section 6301.5(d)(2), limited to information  
3 necessary to allow the respondent to respond to the request for the protective  
4 order, and to comply with the confidentiality order and the protective order.

5  
6 (2) Sharing of information with law enforcement

7  
8 Information about a protected minor must be shared with law enforcement  
9 only as provided in Family Code section 6301.5(d)(1).

10  
11 (i) **Protecting information in subsequent filings and other civil cases**

12  
13 (1) Filings made after an order granting confidentiality

14  
15 (A) A party seeking to file a document or form after an order for  
16 confidentiality has been made must submit the *Cover Sheet for*  
17 *Confidential Information* (form DV-175) attached to the front of the  
18 document to be filed.

19  
20 (B) Upon receipt of form DV-175 with attached documents, the court must:

21  
22 (i) Order a procedure for redaction consistent with the procedures  
23 stated in (f);

24  
25 (ii) File the unredacted document in the confidential file pending  
26 receipt of the redacted document if the redacted document is not  
27 prepared on the same court day; and

28  
29 (iii) File the redacted document in the public file after it has been  
30 reviewed and approved by the court for accuracy.

31  
32 (2) Other civil case

33  
34 (A) Information subject to an order of confidentiality issued under Family  
35 Code section 6301.5 must be kept confidential in any other civil case.

36  
37 (B) The minor or person making the request for confidentiality and any  
38 person who has been served with a notice of confidentiality must  
39 submit a copy of the order of confidentiality (form DV-165) in any  
40 other civil case involving the same parties.

41  
42 **Advisory Committee Comment**  
43

**Subdivisions (a), (b), (d), and (e).** The process described in this rule need not be used if the request for confidentiality is merely to keep an address confidential and the minor has a mailing address which does not need to be kept private that can be listed on the forms, or if the minor's address can be made confidential under Family Code section 3429. In addition, the address need not be listed on the protective order for enforcement purposes under Family Code section 6225. The restraining order forms do not require the address of the nonpetitioning minor.

This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to seal a record. The standard as reflected in Family Code section 6301.5 is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First Amendment right of access to documents used at trial or as a basis of adjudication.

*Rule 5.382 adopted effective January 1, 2019.*

## **Rule 5.526. Citation to appear; warrants of arrest; subpoenas**

### **(a) Citation to appear (§§ 338, 661)**

In addition to the notice required under rule 5.524, the court may issue a citation directing a parent or guardian to appear at a hearing as specified in section 338 or 661.

~~(1) The citation must state that the parent or guardian may be required to participate in a counseling program, and the citation may direct the child's present caregiver to bring the child to court.~~

~~(2) The citation must be personally served at least 24 hours before the time stated for the appearance.~~

*(Subd (a) amended effective January 1, 2019; previously amended effective January 1, 2006, and January 1, 2007.)*

### **(b) Warrant of arrest (§§ 339, 662)**

The court may order a warrant of arrest to issue against the parent, guardian, or present custodian of the child ~~if~~ as specified in section 339 or 662.

~~(1) The citation cannot be served;~~

~~(2) The person served does not obey it; or~~

~~(3) The court finds that a citation will probably be ineffective.~~

(Subd (b) amended effective January 1, 2019.)

**(c) Protective custody or warrant of arrest for child (§§ 340, 663)**

The court may order a protective custody warrant or a warrant of arrest for a child ~~if the court finds that:~~ as specified in section 340 or 663.

~~(1) The conduct and behavior of the child may endanger the health, person, welfare, or property of the child or others; or~~

~~(2) The home environment of the child may endanger the health, person, welfare, or property of the child.~~

(Subd (c) amended effective January 1, 2019.)

**(d) Subpoenas (§§ 341, 664)**

On the court's own motion or at the request of the petitioner, child, parent, guardian, or present caregiver, the clerk must issue subpoenas ~~requiring attendance and testimony of witnesses and the production of papers at a hearing. If a witness appears in response to a subpoena, the court may order the payment of witness fees as a county charge in the amount and manner prescribed by statute. as specified in~~ section 341 or 664.

(Subd (d) amended effective January 1, 2019; previously amended effective January 1, 2006.)

*Rule 5.526 amended effective January 1, 2019; adopted as rule 1408 effective January 1, 1991; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007.*

**Rule 5.552. Confidentiality of records (§§ 827, 827.12, 828)**

**(a) \* \* \***

**(b) Petition**

Juvenile case files may be obtained or inspected only in accordance with sections 827, 827.12, and 828. They may not be obtained or inspected by civil or criminal subpoena. With the exception of those persons permitted to inspect juvenile case files without court authorization under sections 827 and 828, and the specific requirements for accessing juvenile case files provided in section 827.12(a)(1), every person or agency seeking to inspect or obtain juvenile case files must petition

1 the court for authorization using *Request for Disclosure of Juvenile Case File* (form  
2 7JV-570). A chief probation officer seeking juvenile court authorization to access  
3 and provide data from case files in the possession of the probation department  
4 under section 827.12(a)(2) must comply with the requirements of subdivision (e) of  
5 this rule.

6  
7 (1)–(2) \* \* \*

8  
9 (c)–(g) \* \* \*

10  
11 **Chapter 7. Intercounty Transfers and Placements; Interstate Compact on the**  
12 **Placement of Children**

13  
14 **Rule 5.610. Transfer-out hearing**

15  
16 **(a) Determination of residence—special rule on intercounty transfers (§§ 375,**  
17 **750)**

18  
19 (1) For purposes of rules 5.610, ~~and 5.612, and 5.614,~~ the residence of the child  
20 is the residence of the person who has the legal right to physical custody of  
21 the child according to prior court order, including:

22  
23 (A) A juvenile court order under section 361.2; and

24  
25 (B) An order appointing a guardian of the person of the child.

26  
27 (2)–(4) \* \* \*

28  
29 (*Subd (a) amended effective January 1, 2019; previously amended effective January 1,*  
30 *2004, and January 1, 2007.*)

31  
32 **(b) \* \* \***

33  
34 **(c) Transfer to county of child's residence (§§ 375, 750)**

35  
36 (1) After making its jurisdictional finding, the court may order the case  
37 transferred to the juvenile court of the child's residence ~~if:~~ as specified in  
38 section 375 or section 750.

39  
40 (A) ~~The petition was filed in a county other than that of the child's~~  
41 ~~residence; or~~  
42

(B) ~~The child's residence was changed to another county after the petition was filed.~~

(2) If the court decides to transfer a delinquency case, the court must order the transfer before beginning the disposition hearing without adjudging the child to be a ward.

(3) If the court decides to transfer a dependency case, the court may order the transfer before or after the disposition hearing.

*(Subd (c) amended effective January 1, 2019; previously amended effective January 1, 2004, and January 1, 2007.)*

**(d)–(j) \* \* \***

*Rule 5.610 amended effective January 1, 2019; adopted as rule 1425 effective January 1, 1990; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1992, January 1, 1993, July 1, 1999, January 1, 2004, January 1, 2015, and January 1, 2017.*

**Rule 5.614. Courtesy supervision (§§ 380, 755)**

~~The court may authorize a child placed on probation, a ward, or a dependent child to live in another county and to be placed under the supervision of the other county's county welfare agency or probation department with the consent of the agency or department. The court in the county ordering placement retains jurisdiction over the child.~~

*Rule 5.614 repealed effective January 1, 2019; adopted as rule 1427 effective January 1, 1990; previously amended and renumbered effective January 1, 2007.*

**Rule 5.614. Intercounty Placements**

**(a) Procedure**

Whenever a social worker intends to place a dependent child outside the child's county of residence, the procedures in section 361.2(h) must be followed.

**(b) Participants to be served with notice**

Unless the requirements for emergency placement in section 361.4 are met, before placing a child out of county, the agency must notify the following participants of the proposed removal:



- 1       (1)   The participants listed in section 361.2(h);
- 2
- 3       (2)   The Indian child's identified Indian tribe, if any;
- 4
- 5       (3)   The Indian child's Indian custodian, if any; and
- 6
- 7       (4)   The child's CASA program, if any.
- 8

9   **(c)   Form of notice**

10

11   The social worker may provide the required written notice to the participants in (b)  
12   on *Notice of Intent to Place Child Out of County* (form JV-555). If form JV-555 is  
13   used, the social worker must also provide a blank copy of *Objection to Out-of-*  
14   *County Placement and Notice of Hearing* (form JV-556).

15

16   **(d)   Method of Service**

17

18   The agency must serve notice of its intent to place the child out of county as  
19   follows:

- 20
- 21   (1)   Notice must be served by either first-class mail, sent to the last known  
22       address of the person to be noticed; electronic service in accordance with  
23       Welfare and Institutions Code section 212.5; or personal service at least 14  
24       days before the placement, unless the child's health or well-being is  
25       endangered by delaying the action or would be endangered if prior notice  
26       were given;
  - 27
  - 28   (2)   Notice to the child's identified Indian tribe and Indian custodian must comply  
29       with the requirements of section 224.2; and
  - 30
  - 31   (3)   *Proof of Notice* (form JV-326) must be filed with the court before any  
32       hearing on the proposed out-of-county placement.
  - 33

34   **(e)   Objection to proposed out-of-county placement**

35

36   Each participant who receives notice under (b)(1)–(3) may object to the proposed  
37   removal of the child, and the court must set a hearing as required by section  
38   361.2(h).

- 39
- 40   (1)   An objection to the proposed intercounty placement may be made by using  
41       *Objection to Out-of-County Placement and Notice of Hearing* (form JV-556).
  - 42
  - 43   (2)   An objection must be filed no later than seven days after receipt of the notice.

1  
2 **(f) Notice of hearing on proposed removal**

3  
4 If an objection is filed, the clerk must set a hearing, and notice of the hearing must  
5 be as follows:

- 6  
7 (1) If the party objecting to the removal is not represented by counsel, the clerk  
8 must provide notice of the hearing to the agency and the participants listed in  
9 (b);  
10  
11 (2) If the party objecting to the removal is represented by counsel, that counsel  
12 must provide notice of the hearing to the agency and the participants listed in  
13 (b);  
14  
15 (3) Notice must be by either first-class mail, sent to the last known address of the  
16 person to be noticed; electronic service in accordance with Welfare and  
17 Institutions Code section 212.5; or personal service; and  
18  
19 (4) Proof of Notice (form JV-326) must be filed with the court before the hearing  
20 on the proposed removal.

21  
22 **(g) Burden of proof**

23  
24 At a hearing on an out-of-county placement, the agency intending to move the child  
25 must prove by a preponderance of the evidence that the standard in section 361.2(h)  
26 is met.

27  
28 **(h) Emergency placements**

29  
30 If the requirements for emergency placement in section 361.4 are met, the agency  
31 must provide notice as required in section 16010.6.

32  
33 *Rule 5.614 adopted effective January 1, 2019.*

34  
35 **Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts;**  
36 **detention alternatives**

37  
38 **(a) Findings in support of detention (§ 319; 42 U.S.C. § 672 § 600 et seq.)**

39  
40 The court must order the child released from custody unless the court finds that:  
41 makes findings as specified in section 319(b).  
42

1 ~~(1) A prima facie showing has been made that the child is described by section~~  
2 ~~300;~~

3  
4 ~~(2) Continuance in the home of the parent or guardian is contrary to the child's~~  
5 ~~welfare; and~~

6  
7 ~~(3) Any of the following grounds exist:~~

8  
9 ~~(A) There is a substantial danger to the physical health of the child or the~~  
10 ~~child is suffering severe emotional damage, and there are no reasonable~~  
11 ~~means to protect the child's physical or emotional health without~~  
12 ~~removing the child from the parent's or guardian's physical custody;~~

13  
14 ~~(B) The child is a dependent of the juvenile court who has left a placement;~~

15  
16 ~~(C) The parent, guardian, or responsible relative is likely to flee the~~  
17 ~~jurisdiction of the court with the child; or~~

18  
19 ~~(D) The child is unwilling to return home and the petitioner alleges that a~~  
20 ~~person residing in the home has physically or sexually abused the child.~~

21  
22 *(Subd (a) amended effective January 1, 2019; previously amended effective July 1, 2002*  
23 *and January 1, 2007.)*

24  
25 **(b) Factors to consider**

26  
27 In determining whether to release or detain the child under (a), the court must  
28 consider the ~~following:~~ factors in section 319(d).

29  
30 ~~(1) Whether the child can be returned home if the court orders services to be~~  
31 ~~provided, including services under section 306; and~~

32  
33 ~~(2) Whether the child can be returned to the custody of his or her parent who is~~  
34 ~~enrolled in a certified substance abuse treatment facility that allows a~~  
35 ~~dependent child to reside with his or her parent.~~

36  
37 *(Subd (b) amended effective January 1, 2019; previously amended effective July 1, 2002,*  
38 *January 1, 2007, and January 1, 2016.)*

39  
40 **(c) Findings of the court—reasonable efforts (§ 319; 42 U.S.C. § 672 ~~§ 600 et seq.~~)**

41

(1) Whether the child is released or detained at the hearing, the court must determine whether reasonable efforts have been made to prevent or eliminate the need for removal and must make one of the following findings:

(A) Reasonable efforts have been made; or

(B) Reasonable efforts have not been made.

(2) The court must also determine whether services are available that would prevent the need for further detention.

~~(2)~~(3) The court must not order the child detained unless the court, after inquiry regarding available services, finds that there are no reasonable services that would prevent or eliminate the need to detain the child or that would permit the child to return home.

~~(3)~~(4) If the court orders the child detained, the court must: proceed under section 319(d)–(e).

~~(A) Determine if there are services that would permit the child to return home pending the next hearing and state the factual bases for the decision to detain the child;~~

~~(B) Specify why the initial removal was necessary; and~~

~~(C) If appropriate, order services to be provided as soon as possible to reunify the child and the child's family.~~

*(Subd (c) amended effective January 1, 2019; adopted as subd (d); previously amended and relettered effective July 1, 2002; previously amended effective January 1, 2007.)*

**(d) Orders of the court (§ 319; 42 U.S.C. § 672 ~~§ 600 et seq.~~)**

If the court orders the child detained, the court must order that temporary care and custody of the child be vested with the county welfare department pending disposition or further order of the court: and must make the other findings and orders specified in section 319(e) and (f)(3).

*(Subd (d) amended effective January 1, 2019; adopted effective July 1, 2002.)*

**(e) Detention alternatives (§ 319)**

1 The court may order the child detained in the approved home of a relative, an  
2 emergency shelter, another suitable licensed home or facility, a place exempt from  
3 licensure if specifically designated by the court, or the approved home of a  
4 nonrelative extended family member as defined in section 362.7. as specified in  
5 section 319(f).  
6

7 (1) ~~In determining the suitability of detention with a relative or a nonrelative~~  
8 ~~extended family member, the court must consider the recommendations of~~  
9 ~~the social worker based on the approval of the home of the relative or~~  
10 ~~nonrelative extended family member, including the results of checks of~~  
11 ~~criminal records and any prior reports of alleged child abuse.~~  
12

13 (2) ~~The court must order any parent and guardian present to disclose the names,~~  
14 ~~residences (if known), and any identifying information of any maternal or~~  
15 ~~paternal relatives of the child.~~  
16

17 *(Subd (e) amended effective January 1, 2019; adopted effective January 1, 1999;*  
18 *previously amended effective July 1, 2002, and January 1, 2007.)*  
19

20 *Rule 5.678 amended effective January 1, 2019; repealed and adopted as rule 1446 effective*  
21 *January 1, 1998; previously amended and renumbered as rule 5.678 effective January 1, 2007;*  
22 *previously amended effective January 1, 1999, July 1, 2002, and January 1, 2016.*  
23

## 24 **Rule 5.690. General conduct of disposition hearing**

25  
26 (a)-(b) \* \* \*

### 27 28 (c) **Case plan (§ 16501.1)**

29  
30 Whenever child welfare services are provided, the social worker must prepare a  
31 case plan.  
32

33 (1) A written case plan must be completed and filed with the court by the date of  
34 disposition or within 60 calendar days of initial removal or of the in-person  
35 response required under section 16501(f) if the child has not been removed  
36 from his or her home, whichever occurs first.  
37

38 (2) For a child of any age, The the court must consider the case plan and must  
39 find as follows:  
40

41 (A) The case plan meets the requirements of section 16501.1; or  
42

1 (B) The case plan does not meet the requirements of section 16501.1, in  
2 which case the court must order the agency to comply with the  
3 requirements of section 16501.1; and  
4

5 (A) (C) The social worker solicited and integrated into the case plan the  
6 input of the child; the child's family; the child's identified Indian  
7 tribe, including consultation with the child's tribe on whether tribal  
8 customary adoption as defined in section 366.24 is an appropriate  
9 permanent plan for the child if reunification is unsuccessful; and other  
10 interested parties; or  
11

12 (B) (D) The social worker did not solicit and integrate into the case plan  
13 the input of the child, the child's family, the child's identified Indian  
14 tribe, and other interested parties. ~~If the court finds that the social~~  
15 ~~worker did not solicit and integrate into the case plan the input of the~~  
16 ~~child, the child's family, the child's identified Indian tribe, and other~~  
17 ~~interested parties, in which case~~ the court must order that the social  
18 worker solicit and integrate into the case plan the input of the child, the  
19 child's family, the child's identified Indian tribe, and other interested  
20 parties, unless the court finds that each of these participants was unable,  
21 unavailable, or unwilling to participate.  
22

23 (3) For a child 12 years of age or older and in a permanent placement, the court  
24 must consider the case plan and must also find as follows:  
25

26 (A) The child was given the opportunity to review the case plan, sign it, and  
27 receive a copy; or  
28

29 (B) The child was not given the opportunity to review the case plan, sign it,  
30 and receive a copy. ~~If the court makes such a finding, in which case~~ the  
31 court must order the agency to give the child the opportunity to review  
32 the case plan, sign it, and receive a copy.  
33

34 (C) ~~Whether the case plan was developed in compliance with and meets the~~  
35 ~~requirements of section 16501.1(g). If the court finds that the~~  
36 ~~development of the case plan does not comply with section 16501.1(g)~~  
37 ~~the court must order the agency to comply with the requirements of~~  
38 ~~section 16501.1(g).~~  
39

40 *(Subd (c) amended effective January 1, 2019; adopted effective January 1, 2007;*  
41 *previously amended effective January 1, 2009, July 1, 2010, and January 1, 2017.)*  
42

1 Rule 5.690 amended effective January 1, 2019; adopted as rule 1455 effective January 1, 1991;  
2 previously amended and renumbered effective January 1, 2007; previously amended effective  
3 July 1, 1995, January 1, 2000, January 1, 2009, July 1, 2010, January 1, 2011, and January 1,  
4 2017.

5  
6 **Rule 5.695. Findings and orders of the court—disposition**

7  
8 **(a)–(b)** \* \* \*

9  
10 **(c) Removal of custody—required findings (§ 361)**

11  
12 (1) The court may not order a dependent removed from the physical custody of a  
13 parent or guardian with whom the child resided at the time the petition was  
14 filed, unless the court makes one or more of the findings in ~~subdivision (e)~~ of  
15 section 361(c) by clear and convincing evidence.

16  
17 (2) The court may not order a dependent removed from the physical custody of a  
18 parent with whom the child did not reside at the time the petition was  
19 initiated unless the juvenile court makes both of the findings in ~~subdivision~~  
20 ~~(d)~~ of section 361(d) by clear and convincing evidence.

21  
22 *(Subd (c) amended effective January 1, 2019; adopted as subd (c); previously relettered as*  
23 *subd (d) effective July 1, 1995; previously amended effective July 1, 1997, July 1, 1999,*  
24 *July 1, 2002, and January 1, 2007; previously amended and relettered effective January 1,*  
25 *2017.)*

26  
27 **(d)–(i)** \* \* \*

28  
29 *Rule 5.695 amended effective January 1, 2019; adopted as rule 1456 effective January 1, 1991;*  
30 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
31 *January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996,*  
32 *January 1, 1997, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July*  
33 *1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011,*  
34 *January 1, 2014, January 1, 2015, and January 1, 2017.*

35  
36 **Rule 5.708. General review hearing requirements**

37  
38 **(a)–(d)** \* \* \*

39  
40 **(e) Case plan (§§ 16001.9, 16501.1)**

41  
42 The court must consider the case plan submitted for the hearing and must  
43 ~~determine:~~ find as follows:

- (1) The case plan meets the requirements of section 16501.1; or
- (2) The case plan does not meet the requirements of section 16501.1, in which case the court must order the agency to comply with the requirements of section 16501.1; and
- ~~(1)(3)~~ Whether The child was actively involved, as age- and developmentally appropriate, in the development of the case plan and plan for permanent placement; or
- (4) The child was not actively involved, as age- and developmentally appropriate, in the development of the case plan and plan for permanent placement. If the court finds the child was not appropriately involved, in which case the court must order the agency to actively involve the child in the development of the case plan and plan for permanent placement, unless the court finds the child is unable, unavailable, or unwilling to participate; and
- ~~(2)(5)~~ Whether Each parent or legal guardian was actively involved in the development of the case plan and plan for permanent placement; or
- (6) Each parent or legal guardian was not actively involved in the development of the case plan and plan for permanent placement. If the court finds that any parent or guardian was not actively involved, in which case the court must order the agency to actively involve that parent or legal guardian in the development of the case plan and plan for permanent placement, unless the court finds that the parent or legal guardian is unable, unavailable, or unwilling to participate; and
- ~~(3)(7)~~ In the case of an Indian child, ~~whether~~ the agency consulted with the Indian child's tribe, as defined in rule 5.502, and the tribe was actively involved in the development of the case plan and plan for permanent placement, including consideration of tribal customary adoption as an appropriate permanent plan for the child if reunification is unsuccessful; or
- (8) The agency did not consult with the Indian child's tribe, as defined in rule 5.502, and the tribe was not actively involved in the development of the case plan and plan for permanent placement, including consideration of tribal customary adoption as an appropriate permanent plan for the child if reunification is unsuccessful. If the court finds that the agency did not consult the Indian child's tribe, in which case the court must order the agency to do



1 so, unless the court finds that the tribe is unable, unavailable, or unwilling to  
2 participate; and

3  
4 ~~(4)(9)~~ For a child 12 years of age or older in a permanent placement, ~~whether~~ the  
5 child was given the opportunity to review the case plan, sign it, and receive a  
6 copy; or

7  
8 (10) The child was not given the opportunity to review the case plan, sign it, and  
9 receive a copy. If the court finds that the child was not given this opportunity  
10 in which case the court must order the agency to give the child the  
11 opportunity to review the case plan, sign it, and receive a copy.

12  
13 ~~(5) Whether the case plan was developed in compliance with and meets the~~  
14 ~~requirements of section 16501.1(g). If the court finds that the development of~~  
15 ~~the case plan does not comply with section 16501.1(g), the court must order~~  
16 ~~the agency to comply with the requirements of section 16501.1(g).~~

17  
18 *(Subd (e) amended effective January 1, 2019; adopted as subd (g); previously amended*  
19 *effective July 1, 2010, January 1, 2014, and January 1, 2016; amended and relettered*  
20 *effective January 1, 2016.)*

21  
22 **(f)–(i) \* \* \***

23  
24 **(j) Appeal of order setting section 366.26 hearing**

25  
26 An appeal of any order setting a hearing under section 366.26 is subject to the  
27 limitation stated in subdivision (I) of section 366.26 and must follow the procedures  
28 in rules 8.400–8.416.

29  
30 *(Subd (j) amended effective January 1, 2019; adopted as subd (o); relettered as subd (j)*  
31 *effective January 1, 2017.)*

32  
33 *Rule 5.708 amended effective January 1, 2019; adopted effective January 1, 2010; previously*  
34 *amended effective July 1, 2010, January 1, 2014, January 1, 2015, January 1, 2016, July 1, 2016,*  
35 *and January 1, 2017.*

36  
37 **Rule 5.764 \* \* \***

38  
39 **Chapter 13. Cases Petitioned Under Sections 601 and 602**

40  
41 **Article 2. Fitness Hearings on Transfer of Jurisdiction to Criminal Court**

42  
43

1 **Rule 5.811. Modification to transition jurisdiction for a ward older than 17 years**  
2 **and 5 months with a petition subject to dismissal (Welf. & Inst. Code, §§ 450,**  
3 **451, 727.2(i)–(j), 778; Pen. Code, § 236.14)**  
4

5 **(a) Purpose**  
6

7 This rule provides the procedures that must be followed to modify delinquency  
8 jurisdiction to transition jurisdiction for a young person who is older than 17 years,  
9 5 months of age and:  
10

- 11 (1) Is under a foster care placement order;  
12
- 13 (2) Wants to remain in extended foster care under the transition jurisdiction of the  
14 juvenile court;  
15
- 16 (3) Is not receiving reunification services;  
17
- 18 (4) Does not have a hearing set for termination of parental rights or establishment  
19 of guardianship; and  
20
- 21 (5) The underlying adjudication establishing wardship over the young person is  
22 subject to vacatur under Penal Code section 236.14.  
23

24 **(b) Setting and conduct of hearing**  
25

- 26 (1) The probation officer must request a hearing for the court to modify  
27 delinquency jurisdiction to transition jurisdiction and vacate the underlying  
28 adjudication.  
29
- 30 (2) The hearing must be held before a judicial officer and recorded by a court  
31 reporter.  
32
- 33 (3) The hearing must be continued for no more than five court days for the  
34 submission of additional evidence if the court finds that the report and, if  
35 required, the Transitional Independent Living Case Plan submitted by the  
36 probation officer do not provide the information required by (d), and the court  
37 is unable to make all the findings required by (e).  
38

39 **(c) Notice of hearing**  
40

- 41 (1) The probation officer must serve written notice of the hearing in the manner  
42 provided in section 295.  
43

1       (2) Proof of service of notice must be filed by the probation officer at least five  
2       court days before the hearing.

3  
4       **(d) Reports**

5  
6       At least 10 calendar days before the hearing, the probation officer must submit a  
7       report to the court that includes information regarding:

8  
9       (1) Whether the young person is subject to an order for foster care placement and  
10      is older than 17 years, 5 months of age and younger than 18 years of age;

11  
12      (2) Whether the young person is a nonminor who was subject to an order for  
13      foster care placement on the day of the young person's 18th birthday and is  
14      within the age eligibility requirements for extended foster care;

15  
16      (3) Whether the young person was removed from the physical custody of his or  
17      her parents, adjudged to be within the jurisdiction of the juvenile court under  
18      section 725, and ordered into foster care placement; or whether the young  
19      person was removed from the custody of his or her parents as a dependent of  
20      the court with an order for foster care placement in effect at the time the court  
21      adjudged him or her to be within the jurisdiction of the juvenile court under  
22      section 725 and was ordered into a foster care placement, including the date of  
23      the initial removal findings—"continuance in the home is contrary to the  
24      child's welfare" and "reasonable efforts were made to prevent removal"—as  
25      well as whether the young person continues to be removed from the parents or  
26      legal guardian from whom the young person was removed under the original  
27      petition;

28  
29      (4) Whether each parent or legal guardian is currently able to provide the care,  
30      custody, supervision, and support the child requires in a safe and healthy  
31      environment;

32  
33      (5) Whether the young person signed a mutual agreement with the probation  
34      department or social services agency for placement in a supervised setting as a  
35      transition dependent and, if so, a recommendation as to which agency should  
36      be responsible for placement and care of the transition dependent;

37  
38      (6) Whether the young person plans to meet at least one of the conditions in  
39      section 11403(b) and what efforts the probation officer has made to help the  
40      young person meet any of these conditions;

41

1       (7) When and how the young person was informed of the benefits of remaining  
2       under juvenile court jurisdiction as a transition dependent and the probation  
3       officer's assessment of the young person's understanding of those benefits;  
4

5       (8) When and how the young person was informed that he or she may decline to  
6       become a transition dependent and have the juvenile court terminate  
7       jurisdiction at a hearing under section 391 and rule 5.555; and  
8

9       (9) When and how the young person was informed that if juvenile court  
10       jurisdiction is terminated, he or she can file a request to return to foster care  
11       and have the court resume jurisdiction over him or her as a nonminor.  
12

13       **(e) Findings**  
14

15       At the hearing, the court must make the following findings:  
16

17       (1) Whether notice has been given as required by law;  
18

19       (2) Whether the underlying adjudication is subject to vacatur under Penal Code  
20       section 236.14;  
21

22       (3) Whether the young person has been informed that he or she may decline to  
23       become a transition dependent and have juvenile court jurisdiction terminated  
24       at a hearing set under rule 5.555;  
25

26       (4) Whether the young person intends to sign a mutual agreement with the  
27       probation department or social services agency for placement in a supervised  
28       setting as a nonminor dependent;  
29

30       (5) Whether the young person was informed that if juvenile court jurisdiction is  
31       terminated, the young person can file a request to return to foster care and  
32       may have the court resume jurisdiction over the young person as a nonminor  
33       dependent;  
34

35       (6) Whether the benefits of remaining under juvenile court jurisdiction as a  
36       nonminor dependent were explained and whether the young person  
37       understands them;  
38

39       (7) Whether the young person's Transitional Independent Living Case Plan  
40       includes a plan for the young person to satisfy at least one of the conditions in  
41       section 11403(b); and  
42

1       (8) Whether the young person has had an opportunity to confer with his or her  
2       attorney.

3  
4       In addition to the findings listed above, for children who are older than 17  
5       years, 5 months of age but younger than 18 years of age, the court must make  
6       the following findings:

7  
8       (A) Whether the young person's return to the home of his or her parent or  
9       legal guardian would create a substantial risk of detriment to the young  
10      person's safety, protection, or physical or emotional well-being—the  
11      facts supporting this finding must be stated on the record;

12  
13      (B) Whether reunification services have been terminated; and

14  
15      (C) Whether the young person's case has been set for a hearing to terminate  
16      parental rights or establish a guardianship.

17  
18   (f) **Orders**

19  
20   The court must enter the following orders:

21  
22   (1) An order adjudging the young person a transition dependent as of the date of  
23   the hearing or pending his or her 18th birthday and granting status as a  
24   nonminor dependent under the general jurisdiction of the court. The order  
25   modifying the court's jurisdiction must contain all of the following provisions:

26  
27   (A) A statement that "continuance in the home is contrary to the child or  
28   nonminor's welfare" and that "reasonable efforts have been made to  
29   prevent or eliminate the need for removal";

30  
31   (B) A statement that the child continues to be removed from the parents or  
32   legal guardian from whom the child was removed under the original  
33   petition; and

34  
35   (C) Identification of the agency that is responsible for placement and care of  
36   the child based on the modification of jurisdiction.

37  
38   (2) An order vacating the underlying adjudication and dismissing the associated  
39   delinquency petition under Penal Code section 236.14.

40  
41   (3) An order directing the Department of Justice and any law enforcement agency  
42   that has records of the arrest to seal those records and, three years from the

1           date of the arrest or one year after the order to seal, whichever occurs later,  
2           destroy them.

3  
4           (4) An order continuing the appointment of the attorney of record, or appointing a  
5           new attorney as the attorney of record for the nonminor dependent.

6  
7           (5) An order setting a nonminor dependent status review hearing under section  
8           366.31 and rule 5.903 within six months of the last hearing held under section  
9           727.2 or 727.3.

10  
11       *Rule 5.811 adopted effective January 1, 2019.*

12  
13       **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**  
14       **child in foster care and for status review or dispositional hearing for child**  
15       **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**

16  
17       **(a) Hearings subject to this rule**

18  
19           \* \* \*

20  
21       **(b) Conduct of the hearing**

22  
23           \* \* \*

24  
25       **(c) Reports**

26  
27           (1) In addition to complying with all other statutory and rule requirements  
28           applicable to the report prepared by the probation officer for a hearing  
29           described in (a)(1)–(4), the report must state whether the child was provided  
30           with the notices and information required under section 607.5 and include a  
31           description of:

32  
33           (A) The child’s progress toward meeting the case plan goals that will enable  
34           him or her to be a law-abiding and productive member of his or her  
35           family and the community. This information is not required if dismissal  
36           of delinquency jurisdiction and vacatur of the underlying adjudication is  
37           based on Penal Code section 236.14.

38  
39           (B)–(E) \* \* \*

40  
41           (F) For a child other than a dual status child, including a child whose  
42           underlying adjudication is subject to vacatur under Penal Code section  
43           236.14, the probation officer’s recommendation regarding the

modification of the juvenile court's jurisdiction over the child from that of a ward under section 601 or 602 to that of a dependent under section 300 or to that of a transition dependent under section 450 and the facts in support of his or her recommendation.

(2) \* \* \*

*(Subd (c) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

**(d) Findings**

(1) At the hearing described in (a)(1)–(4), in addition to complying with all other statutory and rule requirements applicable to the hearing, the court must make the following findings in the written documentation of the hearing:

(A) Whether the rehabilitative goals for this child have been met and juvenile court jurisdiction over the child as a ward is no longer required. The facts supporting the finding must be stated on the record. This finding is not required where dismissal of delinquency jurisdiction is based on Penal Code section 236.14.

(B)–(C) \* \* \*

(D) For a child other than a dual status child:

(i) Who was not subject to the court's dependency jurisdiction at the time he or she was adjudged a ward and is currently subject to an order for a foster care placement, including a child whose underlying adjudication is subject to vacatur under Penal Code section 236.14, whether the child appears to come within the description of section 300 and cannot be returned home safely. The facts supporting the finding must be stated on the record;

(ii)–(v) \* \* \*

(2) \* \* \*

*(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 2012, and January 1, 2014.)*

**(e) Orders**

(1)–(3) \* \* \*

(4) For a child who was not subject to the court's dependency jurisdiction at the time he or she was adjudged a ward and is currently subject to an order for a foster care placement, including a child whose underlying adjudication is subject to vacatur under Penal Code section 236.14, the court must:

(A) Order the probation department or the child's attorney to submit an application under section 329 to the county child welfare services department to commence a proceeding to declare the child a dependent of the court by filing a petition under section 300 if the court finds:

(i) The child does not come within the description of section 450(a);

(ii) The rehabilitative goals for the child included in his or her case plan have been met and delinquency jurisdiction is no longer required; or the underlying adjudication is subject to vacatur under Penal Code section 236.14; and

(iii) The child appears to come within the description of section 300 and a return to the home of the parents or legal guardian may be detrimental to his or her safety, protection, or physical or emotional well-being.

(B)–(C) \* \* \*

*(Subd (e) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

**(f) Modification of jurisdiction—conditions**

(1) Whenever the court modifies its jurisdiction over a dependent or ward under section 241.1, 607.2, or 727.2, the court must ensure that all of the following conditions are met:

(A) The petition under which jurisdiction was taken at the time the dependent or ward was originally removed from his or her parents or legal guardian and placed in foster care is not dismissed until after the new petition is sustained; and

(B) The order modifying the court's jurisdiction contains all of the following provisions:

(i) A reference to the original removal findings, the date those findings were made, and a statement that the finding "continuation



1 in the home is contrary to the child’s welfare” and the finding  
2 “reasonable efforts were made to prevent removal” made at that  
3 hearing remain in effect;  
4

5 (ii) A statement that the child continues to be removed from the  
6 parents or legal guardian from whom the child was removed under  
7 the original petition; and  
8

9 (iii) Identification of the agency that is responsible for placement and  
10 care of the child based upon the modification of jurisdiction.  
11

12 (2) Whenever the court modifies jurisdiction over a young person under section  
13 450(a)(1)(B), the court must ensure that all of the following conditions are  
14 met:  
15

16 (A) The order modifying the court’s jurisdiction must be made before the  
17 underlying petition is vacated;  
18

19 (B) The order modifying jurisdiction must contain the following provisions:  
20

21 (i) Continuance in the home is contrary the child’s welfare, and  
22 reasonable efforts were made to prevent removal;  
23

24 (ii) The child continues to be removed from the parents or legal  
25 guardians;  
26

27 (iii) Identification of the agency that is responsible for placement and  
28 care of the young person based on modification of jurisdiction;  
29

30 (iv) A statement that the underlying adjudication is vacated and the  
31 arrest upon which it was based is expunged; and  
32

33 (v) An order directing the Department of Justice and any law  
34 enforcement agency that has records of the arrest to seal those  
35 records and destroy them three years from the date of the arrest or  
36 one year after the order to seal, whichever occurs later.  
37

38 *(Subd (f) amended effective January 1, 2019; previously amended effective July 1, 2012.)*  
39

40 *Rule 5.812 amended effective January 1, 2019; adopted effective January 1, 2012; previously*  
41 *amended effective July 1, 2012, January 1, 2014, and January 1, 2016.*  
42

1 **Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1,**  
2 **366.3, 366.31)**

3  
4 **(a) Purpose**

5  
6 The primary purpose of the nonminor dependent status review hearing is to focus  
7 on the goals and services described in the nonminor dependent's Transitional  
8 Independent Living Case Plan and the efforts and progress made toward achieving  
9 independence and establishing lifelong connections with caring and committed  
10 adults.

11  
12 **(b) Setting and conduct of a nonminor dependent status review hearing**

13  
14 (1)–(2) \* \* \*

15  
16 (3) The hearing may be attended, as appropriate, by participants invited by the  
17 nonminor dependent in addition to those entitled to notice under (c). If  
18 delinquency jurisdiction is dismissed in favor of transition jurisdiction under  
19 Welfare and Institutions Code section 450, the prosecuting attorney is not  
20 permitted to appear at later review hearings for the nonminor dependent.

21  
22 (4)–(5) \* \* \*

23  
24 *(Subd (b) amended effective January 1, 2019.)*

25  
26 **(c) Notice of hearing (§ 295)**

27  
28 \* \* \*

29  
30 **(d) Reports**

31  
32 \* \* \*

33  
34 **(e) Findings and orders**

35  
36 \* \* \*

37  
38 *Rule 5.903 amended effective January 1, 2019; adopted effective January 1, 2012; previously*  
39 *amended effective January 1, 2014.*

40  
41 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**  
42 **(§§ 224.1(b), 303, 388(e), 388.1)**  
43

1   **(a) Purpose**

2  
3       \* \* \*

4  
5   **(b) Contents of the request**

6  
7       \* \* \*

8  
9   **(c) Filing the request**

10  
11       \* \* \*

12  
13   **(d) Determination of prima facie showing**

- 14  
15       (1) Within three court days of the filing of form JV-466 with the clerk of the  
16           juvenile court of general jurisdiction, a juvenile court judicial officer must  
17           review the form JV-466 and determine whether a prima facie showing has  
18           been made that the nonminor meets all of the criteria set forth below in  
19           (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).

20  
21           (A) ~~The nonminor was previously under juvenile court jurisdiction subject to~~  
22               ~~an order for foster care placement on the date he or she attained 18 years~~  
23               ~~of age, or the nonminor is eligible to seek assumption of dependency~~  
24               ~~jurisdiction pursuant to the provisions of subdivision (c) of section~~  
25               ~~388.1; The nonminor is eligible to seek assumption of dependency~~  
26               jurisdiction under the provisions of subdivision (c) of section 388.1, or  
27               the nonminor was previously under juvenile court jurisdiction subject to  
28               an order for foster care placement on the date he or she attained 18 years  
29               of age, including a nonminor whose adjudication was vacated under  
30               Penal Code section 236.14.

31  
32           (B)–(D) \* \* \*

33  
34       (2)–(3) \* \* \*

35  
36       *(Subd (d) amended effective January 1, 2019; previously amended effective July 1, 2012,*  
37       *January 1, 2014, and January 1, 2016.)*

38  
39   **(e) Appointment of attorney**

40  
41       \* \* \*

1 **(f) Setting the hearing**

2  
3 \* \* \*

4  
5 **(g) Notice of hearing**

6  
7 (1) The juvenile court clerk must serve notice as soon as possible, but no later  
8 than five court days before the date the hearing is set, as follows:

9  
10 (A) The notice of the date, time, place, and purpose of the hearing and a  
11 copy of the form JV-466 must be served on the nonminor, the  
12 nonminor's attorney, the child welfare services agency, the probation  
13 department, or the Indian tribal agency that was supervising the  
14 nonminor when the juvenile court terminated its delinquency,  
15 dependency, or transition jurisdiction over the nonminor, and the  
16 attorney for the child welfare services agency, the probation department,  
17 or the Indian tribe. Notice must not be served on the prosecuting  
18 attorney if delinquency jurisdiction has been dismissed, and the  
19 nonminor's petition is for the court to assume or resume transition  
20 jurisdiction under Welfare and Institutions Code section 450.

21  
22 (B)–(D) \* \* \*

23  
24 (2)–(4) \* \* \*

25  
26 *(Subd (g) amended effective January 1, 2019; previously amended effective July 1, 2012.)*

27  
28 **(h) Reports**

29  
30 \* \* \*

31  
32 **(i) Findings and orders**

33  
34 \* \* \*

35  
36 *Rule 5.906 amended effective January 1, 2019; adopted effective January 1, 2012; previously*  
37 *amended effective July 1, 2012, January 1, 2014, and January 1, 2016.*

38  
39 **Rule 8.45. General provisions**

40  
41 **(a)–(c) \* \* \***

42

1 **(d) Transmission of and access to sealed and confidential records**

2  
3 (1) A sealed or confidential record must be transmitted in a secure manner that  
4 preserves the confidentiality of the record.

5  
6 ~~(1)(2)~~ Unless otherwise provided by ~~(2)–(4)(3)–(5)~~ or other law or court order, a  
7 sealed or confidential record that is part of the record on appeal or the  
8 supporting documents or other records accompanying a motion, petition for a  
9 writ of habeas corpus, other writ petition, or other filing in the reviewing  
10 court must be transmitted only to the reviewing court and the party or parties  
11 who had access to the record in the trial court or other proceedings under  
12 review and may be examined only by the reviewing court and that party or  
13 parties. If a party’s attorney but not the party had access to the record in the  
14 trial court or other proceedings under review, only the party’s attorney may  
15 examine the record.

16  
17 ~~(2)(3)~~ Except as provided in ~~(3)(4)~~, if the record is a reporter’s transcript or any  
18 document related to any in-camera hearing from which a party was excluded  
19 in the trial court, the record must be transmitted to and examined by only the  
20 reviewing court and the party or parties who participated in the in-camera  
21 hearing.

22  
23 ~~(3)(4)~~ \* \* \*

24  
25 ~~(4)(5)~~ \* \* \*

26  
27 *(Subd (d) amended effective January 1, 2019.)*

28  
29 *Rule 8.45 amended effective January 1, 2019; adopted effective January 1, 2014; previously*  
30 *amended effective January 1, 2016.*

31  
32 **Advisory Committee Comment**

33  
34 **Subdivision (a).** \* \* \*

35  
36 **Subdivision (b)(5).** \* \* \*

37  
38 **Subdivisions (c) and (d).** \* \* \*

39  
40 **Subdivision (c)(1)(C).** \* \* \*

41  
42 **Subdivision (c)(2).** \* \* \*

43

1 Subdivision (c)(3). \* \* \*

2  
3 Subdivision (d). \* \* \*

4  
5 Subdivision (d)(1)(2) and (2)(3). \* \* \*

6  
7 Subdivision (d)(4)(5). \* \* \*

8  
9 **Rule 8.46. Sealed records**

10  
11 **(a)–(c) \* \* \***

12  
13 **(d) Record not filed in the trial court; motion or application to file under seal**

14  
15 (1)–(6) \* \* \*

16  
17 (7) If the court denies the motion or application to seal the record, ~~the clerk must~~  
18 ~~not place the lodged record in the case file but must return it to the submitting~~  
19 ~~party unless that party notifies the clerk in writing that the record is to be~~  
20 ~~filed. Unless otherwise ordered by the court, the submitting party must notify~~  
21 ~~the clerk within 10 days after the order denying the motion or application the~~  
22 ~~lodging party may notify the court that the lodged record is to be filed~~  
23 ~~unsealed. This notification must be received within 10 days of the order~~  
24 ~~denying the motion or application to seal, unless otherwise ordered by the~~  
25 ~~court. On receipt of this notification, the clerk must unseal and file the record.~~  
26 ~~If the lodging party does not notify the court within 10 days of the order, the~~  
27 ~~clerk must (1) return the lodged record to the lodging party if it is in paper~~  
28 ~~form, or (2) permanently delete the lodged record if it is in electronic form.~~

29  
30 (8)–(9) \* \* \*

31  
32 *(Subd (d) amended effective January 1, 2019; adopted as subd (e); previously amended*  
33 *effective July 1, 2002, January 1, 2004, January 1, 2007, and January 1, 2016; previously*  
34 *amended and relettered as subd (d) effective January 1, 2014.)*

35  
36 **(e) Challenge to an order denying a motion or application to seal a record**

37  
38 Notwithstanding the provisions in (d)(1)–(2), when an appeal or original  
39 proceeding challenges an order denying a motion or application to seal a record, the  
40 appellant or petitioner must lodge the subject record labeled as conditionally under  
41 seal in the reviewing court as provided in (d)(3)–(5), and the reviewing court must  
42 maintain the record conditionally under seal during the pendency of the appeal or  
43 original proceeding. Once the reviewing court’s decision on the appeal or original

proceeding becomes final, the clerk must (1) return the lodged record to the lodging party if it is in paper form, or (2) permanently delete the lodged record if it is in electronic form.

*(Subd (e) adopted effective January 1, 2019.)*

**(e)(f) Unsealing a record in the reviewing court**

(1)–(2) \* \* \*

(3) If the reviewing court proposes to order a record unsealed on its own motion, the court must send notice to the parties stating the reason for unsealing the record. Unless otherwise ordered by the court, any party may serve and file an opposition within 10 days after the notice is sent, and any other party may serve and file a response within 5 days after an opposition is filed.

(4)–(7) \* \* \*

*(Subd (f) amended and relettered effective January 1, 2019; adopted as subd (f); previously amended effective January 1, 2004, January 1, 2007, and January 1, 2016; previously amended and relettered as subd (e) effective January 1, 2014.)*

**(f)(g) Disclosure of nonpublic material in public filings prohibited**

(1) \* \* \*

(2) If it is necessary to disclose material contained in a sealed record in a filing in the reviewing court, two versions must be filed:

(A) \* \* \*

(B) An unredacted version. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as “May Not Be Examined Without Court Order—Contains material from sealed record.” Sealed material disclosed in this version must be identified as such in the filing and accompanied by a citation to the court order sealing that material.

(C) \* \* \*

(3) If it is necessary to disclose material contained in a conditionally sealed record in a filing in the reviewing court:

(A) \* \* \*

(B) An unredacted version must be lodged. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of this version, and if applicable the envelope or other container, must identify it as “May Not Be Examined Without Court Order—Contains material from conditionally sealed record.” Conditionally sealed material disclosed in this version must be identified as such in the filing.

(C) \* \* \*

(D) If the court denies the motion or application to seal the record, ~~the clerk must not place the unredacted version lodged under (B) in the case file but must return it to the party who filed the application or motion to seal unless that party notifies the clerk that the record is to be publicly filed, as provided in (d)(7)~~ the party who filed the motion or application may notify the court that the unredacted version lodged under (B) is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the lodged unredacted version. If the party who filed the motion or application does not notify the court within 10 days of the order, the clerk must (1) return the lodged unredacted version to the lodging party if it is in paper form, or (2) permanently delete the lodged unredacted version if it is in electronic form.

*(Subd (g) amended and relettered effective January 1, 2019; adopted as subd (g); previously amended effective January 1, 2007; previously amended and relettered as subd (f) effective January 1, 2014.)*

*Rule 8.46 amended effective January 1, 2019; repealed and adopted as rule 12.5 effective January 1, 2002; previously amended and renumbered as rule 8.160 effective January 1, 2007; previously renumbered as rule 8.46 effective January 1, 2010; previously amended effective July 1, 2002, January 1, 2004, January 1, 2006, January 1, 2014, and January 1, 2016.*

#### **Advisory Committee Comment**

\* \* \*



1 **Subdivision (e).** This subdivision is not intended to expand the availability of existing appellate  
2 **review for any person aggrieved by a court's denial of a motion or application to seal a record.**

3  
4 **Rule 8.47. Confidential records**

5  
6 **(a)** \* \* \*

7  
8 **(b) Records of *Marsden* hearings and other in-camera proceedings**

9  
10 (1) \* \* \*

11  
12 (2) Except as provided in (3), if the defendant raises a *Marsden* issue or an issue  
13 related to another in-camera hearing covered by this rule in a brief, petition,  
14 or other filing in the reviewing court, the following procedures apply:

15  
16 (A) The brief, including any portion that discloses matters contained in the  
17 transcript of the in-camera hearing, and other documents filed or lodged  
18 in connection with the hearing, must be filed publicly. The requirement  
19 to publicly file this brief does not apply in juvenile cases; rule 8.401  
20 governs the format of and access to such briefs in juvenile cases.

21  
22 (B) The People may serve and file an application requesting a copy of the  
23 reporter's transcript of, and documents filed or lodged by a defendant  
24 in connection with, the in-camera hearing.

25  
26 (C) \* \* \*

27  
28 (D) If the defendant does not timely serve and file opposition to the  
29 application, the reviewing court clerk must send to the People a copy of  
30 the reporter's transcript of, and documents filed or lodged by a  
31 defendant in connection with, the in-camera hearing.

32  
33 (3) A defendant may serve and file a motion or application in the reviewing court  
34 requesting permission to file under seal a brief, petition, or other filing that  
35 raises a *Marsden* issue or an issue related to another in-camera hearing  
36 covered by this subdivision, and requesting an order maintaining the  
37 confidentiality of the relevant material from the reporter's transcript of, or  
38 documents filed or lodged in connection with, the in-camera hearing.

39  
40 (A) \* \* \*

41  
42 (B) The declaration accompanying the motion or application must contain  
43 facts sufficient to justify an order maintaining the confidentiality of the

relevant material from the reporter's transcript of, or documents filed or lodged in connection with, the in-camera hearing and sealing of the brief, petition, or other filing.

(C) At the time the motion or application is filed, the defendant must:

(i) \* \* \*

(ii) Lodge an unredacted version of the brief, petition, or other filing that he or she is requesting be filed under seal. The filing must be transmitted in a secure manner that preserves the confidentiality of the filing being lodged. If this version is in paper format, it must be placed in a sealed envelope or other appropriate sealed container. The cover of the unredacted version of the document, and if applicable the envelope or other container, must identify it as "May Not Be Examined Without Court Order—Contains material from conditionally sealed record." Conditionally sealed material disclosed in this version must be identified as such in the filing.

(D) If the court denies the motion or application to file the brief, petition, or other filing under seal, ~~the clerk must not place the unredacted brief, petition, or other filing lodged under (C)(ii) in the case file but must return it to the defendant unless the defendant notifies the clerk in writing that it is to be filed. Unless otherwise ordered by the court, the defendant must notify the clerk within 10 days after the order denying the motion or application~~ the defendant may notify the court that the unredacted brief, petition, or other filing lodged under (C)(ii) is to be filed unsealed. This notification must be received within 10 days of the order denying the motion or application to file the brief, petition, or other filing under seal, unless otherwise ordered by the court. On receipt of this notification, the clerk must unseal and file the lodged unredacted brief, petition, or other filing. If the defendant does not notify the court within 10 days of the order, the clerk must (1) return the lodged unredacted brief, petition, or other filing to the defendant if it is in paper form, or (2) permanently delete the lodged unredacted brief, petition, or other filing if it is in electronic form.

*(Subd (b) amended effective January 1, 2019; previously amended effective January 1, 2016.)*

**(c) Other confidential records**

1 Except as otherwise provided by law or order of the reviewing court:

2  
3 (1) \* \* \*

4  
5 (2) To maintain the confidentiality of material contained in a confidential record,  
6 if it is necessary to disclose such material in a filing in the reviewing court, a  
7 party may serve and file a motion or application in the reviewing court  
8 requesting permission for the filing to be under seal.  
9

10 (A)–(C) \* \* \*

11  
12 (D) If the court denies the motion or application to file the brief, petition, or  
13 other filing under seal, ~~the clerk must not place the unredacted brief,~~  
14 ~~petition, or other filing lodged under (C)(ii) in the case file but must~~  
15 ~~return it to the lodging party unless the party notifies the clerk in~~  
16 ~~writing that it is to be filed. Unless otherwise ordered by the court, the~~  
17 ~~party must notify the clerk within 10 days after the order denying the~~  
18 ~~motion or application~~ the party who filed the motion or application may  
19 notify the court that the unredacted brief, petition, or other filing lodged  
20 under (C)(ii) is to be filed unsealed. This notification must be received  
21 within 10 days of the order denying the motion or application to file the  
22 brief, petition, or other filing under seal, unless otherwise ordered by  
23 the court. On receipt of this notification, the clerk must unseal and file  
24 the lodged unredacted brief, petition, or other filing. If the party who  
25 filed the motion or application does not notify the court within 10 days  
26 of the order, the clerk must (1) return the lodged unredacted brief,  
27 petition, or other filing to the lodging party if it is in paper form, or  
28 (2) permanently delete the lodged unredacted brief, petition, or other  
29 filing if it is in electronic form.  
30

31 **Advisory Committee Comment**

32  
33 **Subdivisions (a) and (c).** \* \* \*

34  
35 **Subdivision (c)(1).** \* \* \*

36  
37 **Subdivision (c)(2).** Note that when a record has been sealed by court order, rule 8.46~~(f)~~(g)(2)  
38 requires a party to file redacted (public) and unredacted (sealed) versions of any filing that  
39 discloses material from the sealed record; it does not require the party to make a motion or  
40 application for permission to do so. By contrast, this rule requires court permission before  
41 redacted (public) and unredacted (sealed) filings may be made to prevent disclosure of material  
42 from confidential records.  
43

1           *(Subd (c) amended effective January 1, 2019; previously amended effective January 1,*  
2           *2016.)*

3  
4           *Rule 8.47 amended effective January 1, 2019; adopted effective January 1, 2014; previously*  
5           *amended effective January 1, 2016.*

6  
7           **Rule 8.887. Decisions**

8  
9           **(a)   \* \* \***

10  
11          **(b)   Filing the decision**

12  
13           The appellate division clerk must promptly file all opinions and orders of the court  
14           and ~~promptly on the same day~~ send copies (by e-mail where permissible under rule  
15           2.251) showing the filing date to the parties and, when relevant, to the trial court.

16  
17           *(Subd (b) amended effective January 1, 2019.)*

18  
19          **(c)   \* \* \***

20  
21           *Rule 8.887 amended effective January 1, 2019; adopted effective January 1, 2009; previously*  
22           *amended effective January 1, 2011, March 1, 2014, and January 1, 2018.*

23  
24          **Rule 8.888. Finality and modification of decision**

25  
26          **(a)   Finality of decision**

27  
28           (1)   Except as otherwise provided in this rule, an appellate division decision,  
29           including an order dismissing an appeal involuntarily, is final 30 days after  
30           the decision is ~~filed~~ sent by the court clerk to the parties.

31  
32           (2)   If the appellate division certifies a written opinion for publication or partial  
33           publication after its decision is filed and before its decision becomes final in  
34           that court, the finality period runs from the ~~filing~~ date of the order for  
35           publication is sent by the court clerk to the parties.

36  
37           (3)   \* \* \*

38  
39           *(Subd (a) amended effective January 1, 2019.)*

40  
41          **(b)   Modification of judgment**

42  
43           (1)   \* \* \*

- 1  
2 (2) An order modifying a decision must state whether it changes the appellate  
3 judgment. A modification that does not change the appellate judgment does  
4 not extend the finality date of the decision. If a modification changes the  
5 appellate judgment, the finality period runs from the ~~filing~~ date of the  
6 modification order is sent by the court clerk to the parties.

7  
8 *(Subd (b) amended effective January 1, 2019.)*  
9

10 **(c) \* \* \***

11  
12 *Rule 8.888 amended effective January 1, 2019; adopted effective January 1, 2009; previously*  
13 *amended effective January 1, 2016.*  
14

15 **Rule 8.889. Rehearing**

16  
17 **(a) \* \* \***

18  
19 **(b) Petition and answer**

- 20  
21 (1) A party may serve and file a petition for rehearing within 15 days after the  
22 following, whichever is later:

- 23  
24 (A) The decision is ~~filed~~ sent by the court clerk to the parties;  
25  
26 (B) A publication order restarting the finality period under rule 8.888(a)(2),  
27 if the party has not already filed a petition for rehearing, is sent by the  
28 court clerk to the parties;  
29  
30 (C) A modification order changing the appellate judgment under rule  
31 8.888(b) is sent by the court clerk to the parties; or  
32  
33 (D) ~~The filing of A~~ consent is filed under rule 8.888(c).  
34

35 (2)–(4) \* \* \*

36  
37 *(subd (b) amended effective January 1, 2019.)*  
38

39 **(c)–(d) \* \* \***

40  
41 *Rule 8.889 amended effective January 1, 2019; adopted effective January 1, 2009.*  
42

1 **Rule 8.935. Filing, finality, and modification of decisions; rehearing; remittitur**

2  
3 **(a) Filing of decision**

- 4  
5 (1) The appellate division clerk must promptly file all opinions and orders of the  
6 court and ~~promptly~~ on the same day send copies (by e-mail where  
7 permissible under rule 2.251) showing the filing date to the parties and, when  
8 relevant, to the trial court.  
9

- 10 (2) \* \* \*

11  
12 *(Subd (a) amended effective January 1, 2019; adopted effective January 1, 2014.)*  
13

14 **(b) Finality of decision**

- 15  
16 (1) \* \* \*

- 17  
18 (2) Except as otherwise provided in (3), all other appellate division decisions in a  
19 writ proceeding are final 30 days after the decision is ~~filed~~ sent by the court  
20 clerk to the parties.  
21

- 22 (3) \* \* \*

23  
24 **(c)–(e) \* \* \***

25  
26 *(Subd (b) amended effective January 1, 2019; adopted as subd (a); previously amended*  
27 *and relettered effective January 1, 2014.)*  
28

29 *Rule 8.935 amended effective January 1, 2019; adopted effective January 1, 2009; previously*  
30 *amended effective January 1, 2014.*  
31

32 **Rule 8.976. Filing, finality, and modification of decisions; remittitur**

33  
34 **(a) Filing of decision**

35  
36 The appellate division clerk must promptly file all opinions and orders in  
37 proceedings under this chapter and ~~promptly~~ on the same day send copies (by  
38 e-mail where permissible under rule 2.251) showing the filing date to the parties  
39 and, when relevant, to the small claims court.  
40

41 *(Subd (a) amended effective January 1, 2019.)*  
42

1   **(b)   Finality of decision**

2  
3       (1)   \* \* \*

4  
5       (2)   Except as otherwise provided in (3), all other decisions in a writ proceeding  
6           under this chapter are final 30 days after the decision is ~~filed~~ sent by the court  
7           clerk to the parties.

8  
9       (3)   \* \* \*

10  
11       *(Subd (b) amended effective January 1, 2019.)*

12  
13   **(c)–(d)       \* \* \***

14  
15   *Rule 8.976 amended effective January 1, 2019; adopted effective January 1, 2016.*

16  
17   **Rule 8.1005.   Certification for transfer by the appellate division**

18  
19   **(a)       \* \* \***

20  
21   **(b)       Application for certification**

22  
23       (1)   A party may serve and file an application asking the appellate division to  
24           certify a case for transfer at any time after the record on appeal is filed in the  
25           appellate division but no later than 15 days after:

26  
27           (A)   The decision is ~~filed~~ sent by the court clerk to the parties;

28  
29           (B)   A publication order restarting the finality period under rule 8.888(a)(2)  
30           is sent by the court clerk to the parties;

31  
32           (C)   A modification order changing the appellate judgment under rule  
33           8.888(b) is sent by the court clerk to the parties; or

34  
35           (D)   ~~The filing of a~~ A consent is filed under rule 8.888(c).

36  
37       (2)–(5)       \* \* \*

38  
39       *(Subd (b) amended effective January 1, 2019; previously amended effective January 1,*  
40       *2011.)*

41  
42   **(c)–(e)       \* \* \***

1 *Rule 8.1005 amended effective January 1, 2019; repealed and adopted as rule 63 effective*  
2 *January 1, 2003; previously amended and renumbered effective January 1, 2007; previously*  
3 *amended effective January 1, 2010, January 1, 2011, and January 1, 2018.*

4  
5  
6 **Rule 10.64. Trial Court Budget Advisory Committee**

7  
8 **(a)–(b)** \* \* \*

9  
10 **(c) Membership**

11  
12 (1) The advisory committee consists of an equal number of trial court presiding  
13 judges and court executive officers reflecting diverse aspects of state trial  
14 courts, including urban, suburban, and rural locales; the size and adequacy of  
15 budgets; and the number of authorized judgeships. For purposes of this rule,  
16 “presiding judge” means a current presiding judge or ~~an immediate past a~~  
17 judge who has served as a presiding judge within six years of the year of the  
18 appointment as a committee member. An existing presiding judge or past  
19 presiding judge member is eligible to be reappointed.

20  
21 (2)–(4) \* \* \*

22  
23 (5) The Judicial Council’s ~~chief of staff~~, chief administrative officer, ~~chief~~  
24 ~~operating officer~~, and director of ~~Finance~~ Budget Services serve as ~~non-~~  
25 ~~voting~~ nonvoting members.

26  
27 *(Subd (c) amended effective January 1, 2019; previously amended effective October 28,*  
28 *2014.)*

29  
30 *Rule 10.64 amended effective January 1, 2019; adopted effective February 20, 2014; previously*  
31 *amended effective October 28, 2014.*