

## Circulated Changes January 2023

1.10 ~~TELEPHONIC REMOTE~~ APPEARANCES (*Effective 7-1-02, as amended 7-1-08, as amended 4-2-20, as amended 4-23-20, as amended 5-18-20, as amended 7-21-20, as amended 10-26-20, as amended 7-8-21, as amended 7-1-22, as amended 1-1-23*)

(a) Remote appearances are generally authorized pursuant to CCP 367.75 and CRC 3.672 for civil cases, as defined by CRC 3.672(c)(1), and shall remain in effect concurrently with CCP 367.75 and CRC 3.672.

(b) Remote appearances are generally authorized pursuant to CRC 3.672(i) and CRC 3.672 for juvenile dependency cases and shall remain in effect concurrently with CCP 367.75 and CRC 3.672.

(c) The Court provides for telephonic appearances as follows:

1. In Civil matters, the Court provides CourtCall as the conference call provider, to be contacted at 1-888-882-6878. Parties may give notice of their telephonic appearance orally at the time of the hearing.
2. In Juvenile Dependency matters, the Court may permit telephonic appearances and provides CourtCall as the conference call provider. Parties must submit a request at least five (5) calendar days prior to the hearing by either:
  - a. Contacting the Court by phone at 1-530-532-7010; or
  - b. Submitting a written request.

(d) The Court provides for video appearances using Zoom as the platform.

1. In Civil matters:
  - a. The Court may permit appearance by Zoom. Parties must file and serve a *Notice of Remote Appearance* (form RA-010) at least ten (10) court days before the hearing for an evidentiary hearing or small claims trial, or five (5) court days before all other hearings.
  - b. In response to a notice of a remote appearance by video for an evidentiary hearing or small claims trial, a party may file and serve an *Opposition to Remote Proceedings at Evidentiary Hearing or Trial* (form RA-015) at least five (5) court days before the proceeding.
2. In Juvenile Dependency matters:
  - a. The Court may permit appearance by Zoom. Parties must file and serve a *Request to Appear Remotely-Juvenile Dependency* (form RA-025) at least ten (10) court days before the hearing, except for hearings set to take place with less than ten (10) days' advance notice, wherein parties must file and serve notice of their intent to appear remotely no later than 2:00 p.m. on the court day before the proceeding.
  - b. In response to a request for remote appearance by video, a party may file and serve a *Request to Compel Physical Presence-Juvenile Dependency* (form RA-030) at least five (5) court days before the proceeding, except for hearings set to take place with less than ten (10) days' advance notice, wherein parties

must file and serve notice of their objection no later than 2:00 p.m. on the court day before the proceeding.

3. If a video appearance is authorized, the Court will schedule the Zoom conference and provide connection information to involved parties and/or attorneys.

(e) In the event the Court authorizes and provides for a video appearance, any recording of said appearance is prohibited. *(Effective 7-1-02, as amended 7-1-08, as amended 4-2-20, as amended 4-23-20, as amended 5-18-20, as amended 7-21-20, as amended 10-26-20, as amended 7-8-21, 7-1-22, as amended 1-1-23)*

1.13 REMOTE ACCESS TO COURT PROCEEDINGS *(Effective 6-15-20, as amended 1-1-23)*

- (a) Scope of rule: To the extent permitted by available technology and resource limitations, this rule applies generally to non-confidential court proceedings that would otherwise be open to the public. It is not intended to apply to confidential proceedings, informal proceedings, or to matters not typically open to the public.
- (b) Remote Access to Court Proceedings via live streaming video: At the discretion of the Court, and on a case-by-case basis, certain proceedings may be broadcast by the Court online via live streaming video or audio. Any proceedings so broadcast will be identified on the Court's website with a link to the live stream site.
- (c) Prohibition on recording or broadcasting: No member of the public or the media shall have the right to record, broadcast, or rebroadcast any audio, video, or live stream of a court proceeding under this rule without advanced written permission. Requests to record, broadcast, or rebroadcast any audio, video, or live stream must be made in conformance with rule 1.150 of the California Rules of Court, and must be filed with the Court no later than 5 court days in advance of the proceeding in question.
- (d) Violations: Any violation of this rule, or of rule 1.150 of the California Rules of Court, is an unlawful interference with the court proceedings and may be the basis for immediate exclusion, future access prohibition, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law. *(Effective 6-15-20, as amended 1-1-23)*

1.14 JURY SELECTION – HARDSHIPS *(Effective 7-10-20, as amended 1-1-23)*

- (a) Scope of rule: This rule applies to all Jurors summonsed to appear at either the Butte County Courthouse in Oroville or the North Butte County Courthouse in Chico ~~for appearance dates on or after July 13, 2020,~~ and shall remain in effect until repealed or modified by the Court.
- (b) All prospective Jurors summonsed for appearance dates ~~on or after August 3, 2020,~~ shall be mailed, in conjunction with their Summons, a Hardship Request Form that informs the Juror of the available reasons for requesting a Hardship excuse as provided for in California Rule of Court 2.1008. The Form shall provide the Juror with the opportunity to respond in writing, under penalty of perjury, prior to their date of service if requesting a Hardship.
- (c) All prospective Jurors ~~required to appear for service between July 13, 2020 and July 27, 2020~~ shall be provided the Hardship Request form in the Jury Assembly Room(s) when they appear for service.
- (d) Written Requests for Hardships will only be considered if signed under penalty of perjury, preferably on the Form provided to the Juror by the Jury Commissioner.
- (e) In general, Written Requests for Hardships may be granted by the Jury Commissioner if the requirements for Hardship excusal under CRC 2.1008 are met. Hardship requests requiring a qualitative assessment (e.g. Financial Hardship) may be made by the Jury Commissioner only if they meet the guidelines established by the Court. Other qualitative requests shall be referred to a Judicial Officer for review.
- (f) Prior to denying any written Hardship Request, the Jury Commissioner shall obtain secondary review by a Judicial Officer.
- (g) Written Requests for Hardship must be submitted to the Jury Commissioner at least five Court days prior to the Juror's scheduled Service Date in order to allow sufficient time for review and response. All Requests received less than five Court days prior to the Service date shall be addressed when the Juror appears for service.
- (h) Written Requests for Hardship, whether granted or denied, shall be kept in the Jury Commissioner's files for the statutory time periods required for all other Juror records. *(Effective 7-10-20, as amended 1-1-23)*

12.1 GENERAL *(Effective 7-1-98, as amended 7-1-99, as amended 7-1-12, as amended 1-1-14, as amended 1-1-21, as amended 1-1-23)*

(a) TIMELINESS OF PAPERS PRESENTED FOR FILING

1. It is the duty of the attorney (or the party appearing without an attorney) to timely prepare and submit all documents related to an upcoming hearing. All documents in relation to the hearing (e.g., Proof of Publication, Status Reports, etc...) are to be filed no later than seven (7) calendar days prior to the hearing date. Failure to do so may result in the issuance of an Order to Show Cause and subsequent sanctions.

***2. In general, final distribution hearings are set one (1) year from the date the Court appoints a personal representative to administer an estate. In the event counsel, or the pro per administrator is unable to file the petition for final distribution seven (7) calendar days prior to any final distribution hearing, a status update shall be filed seven (7) calendar days prior to the final distribution hearing. The status update shall address the reasons that the petition for final distribution hearing cannot be filed, when the petition will be filed, and the date requested for the continued hearing on final distribution. Failure to file a timely status update may result in the issuance of an Order to Show Cause and subsequent sanctions.***

(b) FORM OF PAPERS PRESENTED FOR FILING

1. It is the duty of the attorney (or the party appearing without an attorney) to prepare and submit the supporting documents and proposed orders for all matters. All such documents shall include the time and date of the hearing, typed under the caption of the front page.

2. If a Judicial Council form is available for the particular form of relief sought, that form shall be used. The form is to be used in the same format as prescribed and printed by the Judicial Council. Only current Judicial Council forms are acceptable for filing.

3. A proposed form of order is to be submitted with each petition or motion for relief. Any petition or motion filed without such proposed form of order will not be calendared for hearing until such time as the proposed form of order is submitted.

(c) PROCEDURES FOR EX PARTE MATTERS

1. If the ex parte matter is contested the petition shall so specify. If necessary, the Clerk will contact the attorney of record so the matter can be added to the next available calendar for hearing.

(a) All applications for ex parte orders must contain a list of any and all requests for special notice which have been filed in the proceedings or contain an allegation that no special notice has been requested. If any such notice has been requested, a waiver must accompany the petition.

(b) If it is reasonably likely there will be a dispute or contest as evidenced by documents on file in the proceeding, then all parties must be notified pursuant to California Rule of Court §3.1200-3.1207 of the time and place where the

application for the ex parte order will be made. Proof by the attorney's declaration of such notification shall accompany the petition.

2. For good cause, the Court may require a noticed hearing before approval of any matter. *(Effective 7-1-98, as amended 7-1-99, as amended 7-1-12, as amended 1-1-14, as amended 1-1-21, as amended 1-1-23)*

16.5 RESTRAINING ORDERS, EX PARTE REQUEST FOR RESTRAINING ORDERS, ORDER SHORTENING TIME FOR SERVICE/HEARING (*Effective date 7-1-90, as amended 01-01-04, as amended 7-1-04, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-15, as amended 6-12-20, as amended 1-1-21, as amended 7-1-21, as amended 1-1-23*)

- (a) Requests for ex parte temporary restraining orders in domestic violence, civil harassment, workplace violence, elder abuse, and dependent adult abuse actions:
1. NOTICE: Requests for ex parte restraining orders in the actions referenced in (a) above may be made without notice to the opposing party. Upon the requisite showing being made by way of affidavit or declaration a temporary restraining order may be issued without notice.
    - a. The required showing in a domestic violence, elder abuse and dependent adult abuse action is reasonable proof of a past act or acts of abuse by the defendant against the plaintiff. FC §6300, W & I. C, §15657.03(c).
    - b. The required showing in a civil harassment action is reasonable proof of harassment of the plaintiff by the defendant and that great or irreparable harm would result to the plaintiff. CCP §527.6(c).
    - c. The required showing in a workplace violence action is reasonable proof that the employee suffered unlawful violence or a credible threat of violence by the defendant and that great or irreparable harm would result to an employee. CCP §527.8(e).
  2. The court has discretion to require notice to an opposing party/defendant of any request for an ex parte temporary restraining order in any of the actions listed in 16.5(a) above.
- (b) Requests for ex parte temporary restraining orders in:
1. Marital litigation (i.e., dissolution, nullity and legal separation actions)
  2. domestic partnership litigation (i.e., where custody/visitation is an issue in domestic partnership dissolution, nullity or legal separation actions)
  3. an action under the uniform parentage act to determine custody or visitation
  4. a proceeding to determine custody or visitation in an action brought by the Department of Child Support Services pursuant to FC§17404
  5. a grandparent visitation action by joinder, or
  6. an independent action for visitation by a former legal guardian:
    - a. NOTICE: Unless it appears from the facts presented in the applicant's declaration that reasons exist for the applicant to be excused from the notice requirements of CRC 3.1203(a) [see CRC 3.1204(b)(3)], notice of an intent to seek an ex parte restraining order in any actions referenced in (b) above must be given pursuant to California Rules of Court 3.1203, 3.1204 and 3.1206.
- (c) Ex parte hearings are held each court day at 3:00 pm at the North Butte County Courthouse, 1775 Concord Avenue in Chico. The party requesting the ex parte temporary order(s) must file the moving papers (Request for Order) at or before 10:00am on the day of the hearing.

- (d) All requests for temporary orders in the actions referenced in (b) above must include a declaration containing the information as set forth in *Declaration Re: Notice of Ex Parte Application for Order and/or Orders Shortening Time* (form LM.010) and the reasons why an order shortening time for service and hearing will not suffice in lieu of an ex parte order pending hearing.
- (e) Ex parte requests for modification of existing custody and visitation orders or for custody and visitation orders will not issue absent a clear showing of risk of immediate harm to the child(ren), or immediate risk the child(ren) will be removed from the State of California. The showing must be made by affidavit or declaration and shall include a full, detailed description of the most recent incident(s) of physical harm, threats of harm or threats to remove the child(ren) from the state and must specify the date of each incident. There is an absolute duty to advise the Court what the existing custody and visitation arrangement is and how it will be changed by the requested ex parte order. Further, if there is an existing Court order relative to child custody and visitation, the date and provisions of that order must be set forth as part of the supporting declaration. (*Effective date 7-1-90, as amended 01-01-04, as amended 7-1-04, as amended 7-1-09, as amended 7-1-11, as amended 1-1-12, as amended 7-1-12 as amended 7-1-15, as amended 6-12-20, as amended 1-1-21, as amended 7-1-21, as amended 1-1-23*)