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# EMERGENCY LOCAL RULES OF COURT

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In light of the national COVID-19 pandemic and current state of emergency, and in conjunction with Executive Order N-38-20, signed by the Governor on March 27, 2020, and the March 23 and March 30, 2020 statewide Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, the Court adopted these Emergency Local Rules of Court effective April 6, 2020 and as amended on April 10, 2020, April 29, 2020, May 15, 2020, July 14, 2020, August 15, 2020, October 1, 2020, November 23, 2020, February 19, 2021, March 1, 2021, June 21, 2021, and August 30, 2021. These rules will remain in effect unless amended, rescinded or otherwise specified in this specific emergency rule.

**AMENDED EFFECTIVE AUGUST 30, 2021**  
(EMERGENCY RULES AMENDED ON JUNE 21, 2021 REMAIN IN EFFECT  
UNTIL AUGUST 27, 2021)  
PLACER SUPERIOR COURT

Table of Contents

**RULE 10.28 REMOTE APPEARANCES** \_\_\_\_\_ **3**

## RULE 10.28 REMOTE APPEARANCES

### A. Definition and Authorization

This RULE is effective August 30, 2021 and shall remain in effect for the duration of the COVID-19 State of Emergency declared by the California Governor and up to 90 days after it has been lifted.

While this rule remains in effect, the following rules are suspended: Rule 10.24, Rule 20.1.7 Section (F), Rule 20.1.10 Section (D), Rule 20.8, Rule 30.15, Rule 30.16 Section (B), Rule 30.17 Sections (A), (B), and (C), and Rule 80.1.2.

In the event of a conflict between these rules and the California Rules of Court, Emergency Rules, rules 3 and 5, the California Rules of Court prevail. For example, should these rules required judicial pre-approval but the California Rules of Court Emergency Rules require a court to allow a remote appearance, such approval shall be granted by operation of the California Rules of Court Emergency Rules.

“Remote appearances” refer to appearances at a court hearing made by telephone or by video by a party or an attorney to a case. All rules of courtroom civility and decorum apply to a remote appearance and a remote appearance is the equivalent of an in-person appearance. Any actions that occur in the hearing are subject to all applicable rules, statutes and law, including but not limited to, the law of contempt.

### B. Eligibility and Scheduling Remote Appearances

Parties, defendants and attorneys wishing to appear remotely may be required to obtain judicial approval to appear remotely depending on the hearing type.

Eligibility for each hearing type is listed on the Court’s website (<http://www.placer.courts.ca.gov/RAS.shtml>).

When remote appearances requiring judicial approval are granted, the Court will notify the attorney and/or self-represented defendant and/or self-represented party by scheduling the remote appearance. If denied, the attorney, self-represented defendant and/or self-represented party must appear in person.

All parties or attorneys who are eligible to make a remote appearance without judicial approval must schedule themselves for the appearance through the remote appearance page of the Court’s public website no later than one (1) court day before the hearing unless otherwise noted in this rule.

### C. Remote Appearance Fees

1. Fees for each telephonic appearance in general civil, probate, and unlawful detainer cases are charged pursuant to California Rules of Court, Rule 3.670. There may be an additional charge for appearances scheduled less than two (2)

court days prior to the scheduled hearing. Charges for telephonic appearances must be paid by credit card or electronic funds transfer through the Court's telephonic appearance reservation website.

2. Fees for each video appearance in general civil, probate, and unlawful detainer cases are charged the same as fees for telephone appearances.
3. Parties and attorneys with a fee waiver in general civil cases, unlawful detainer, or probate cases, and all parties and attorneys in family law, criminal, juvenile, and traffic cases shall not be charged fees for remote appearances.
4. All remote appearance fees must be paid through the Court's remote appearance scheduling system before the hearing date. If the fee is not paid, the appearance shall be in person.

D. Remote Appearance in Civil, Probate, and Small Claims Proceedings

1. Remote Appearance Not Allowed

Remote appearances are not allowed in the following hearing types:

- Civil harassment matters;
- Court Trials (Includes Probate and Unlawful Detainer trials. Witnesses are permitted to appear remotely with court approval and notice, as stated in section (D)(2));
- Jury Trials;
- LPS hearings;
- Order of examinations, and;
- Small Claims Trials De Novo.

The Court retains discretion to allow a party or attorney to make a remote appearance in these hearing types only in unusual or extraordinary circumstances. Parties and attorneys may seek leave to file a request for a remote appearance pursuant to section (D)(2) via an oral or written application to the Court. If leave is granted the attorney or party must comply with section (D)(2).

The Court also retains discretion to pre-authorize a remote appearance and reflect the authorization in the minutes of any hearing. If pre-authorization is granted, the requesting party must file form PL-CW010 and comply with section (D)(2).

2. Permissible Remote Appearance with Judicial Approval and Notice

Remote appearances are allowed in the following hearing types; however, notice to all parties and court approval is required:

- Settlement conferences
- Court Trials (Witnesses only)
- For the hearing types listed in section (D)(1) only if the court grants leave to a party or attorney to file a request.

A party or attorney may request to appear remotely by filing Local Form PL-CW010 – Request for Remote Appearance at least ten (10) court days before the hearing/trial. This request must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the remote appearance request when it is filed. Parties must comply with California Rules of Court, rule 3.670, where applicable, and any other applicable California Rule of Court.

The party served with the Request for Remote Appearance may file a response on Local Form PL-CW011 – Request for Remote Appearance: Response at least five (5) court days before the hearing/trial. This response must be served on the party requesting the remote appearance before filing the form with the Court. The completed proof of service must be attached to the Request for Remote Appearance: Response when it is filed.

### 3. Permissible Remote Appearance with Judicial Approval

Remote appearances are allowed, however, judicial approval is required for attorneys/parties in the following hearing types:

- Adoption hearings

A party or attorney may request to appear remotely by filing Local Form PL-CW010 – Request for Remote Appearance by noon the court day before the hearing. Parties must provide notice per California Rules of Court, rule 3.670, where applicable, and any other applicable California Rule of Court.

### 4. Voluntary Remote Appearance – No Approval Required

Remote appearances are allowed in the following eligible hearing types without judicial approval:

- Civil law and motion matters and case management conferences
- Conservatorship hearings
- Guardianship hearings
- Probate law and motion matters and case management conferences
- Small Claims hearings and trials (excluding Trials De Novo)

Parties and/or attorney must schedule their own appearance no later than one (1) court day before the hearing for hearing types that fall within this subdivision. If the party and/or attorney does not meet the deadline for scheduling a remote

appearance the party and/or attorney must appear in person if they want to participate in the hearing.

Parties and attorneys must notice all parties pursuant to the California Rules of Court, rule 3.670, where applicable, and any other applicable California Rule of Court.

#### 5. Mandatory Video Appearances

Video appearances are mandatory for civil habeas corpus (Cirby Hills) hearings. A party may request a personal appearance upon a good cause showing using Local Form PL-CV014 – Request To Appear In Person: Civil.

#### E. Remote Appearance in Criminal Proceedings

In person appearances are encouraged, however, the following remote appearance procedures apply to criminal proceedings. When both counsel and the defendant are appearing remotely, counsel is strongly encouraged to be co-located in that remote location with their client to facilitate communication. By choosing to appear remotely, the attorney and/or defendant who appear remotely understand and agree the court does not provide a means to communicate privately and confidentially and it is the sole responsibility of counsel and client to make such arrangements. The attorney and/or defendant confirm they have established a means to communicate privately and confidentially with one another so that they will not engage in conversations over the remote appearance platform while the hearing is in session.

##### 1. Remote Appearance Not Allowed

Remote appearances are not allowed for defendants in the following hearing types:

- Arraignments;
- Collaborative court hearings and conferences;
- Court Trials;
- Pre-trial status conferences for felony cases without a P.C. § 977 appearance waiver on file, or in those cases where the court has ordered an in person appearance notwithstanding a P.C. § 977 waiver;
- Jury Trials;
- Matters involving the issuance of a Criminal Protective Order or the modification and re-issuance of a Criminal Protective Order.
- Preliminary hearings;
- Sentencings;
- Surrender on warrant hearings, and;
- Violation of probation hearings.

Remote appearances are not allowed for attorneys in the following hearing types:

- Contested violation of probation hearings;
- Court Trials;
- Jury Trials, and;
- Preliminary hearings.

The Court retains the discretion to grant a party leave to appear remotely. The application may be oral or in writing as required by the judicial officer presiding over the case.

Notwithstanding the above, defendants who are located in a detention facility may appear remotely if subject to a health-related quarantine in those facilities.

## 2. Permissible Remote Appearance with Judicial Approval

Judicial approval is required for defendants to appear remotely in the following hearing types:

- Law and motion hearings
- Pre-trial status conferences
- Post judgment proof hearings

Attorneys, on behalf of their client, and self-represented defendants may request to appear remotely by filing Local Form PL-CR012 – Request for Remote Appearance: Criminal at least ~~five (5)~~ **two (2)** court days before the hearing.

The Court retains discretion to pre-authorize a remote appearance and reflect the authorization in the minutes of any hearing. If pre-authorization is granted, the requesting attorney or self-represented defendant must file form PL-CR012 at least ~~five (5)~~ **two (2)** court days before the hearing.

## 3. Voluntary Remote Appearance – No Approval Required

Remote appearances for defendants are allowed in the following eligible hearing types without judicial approval:

- Probation transfer out motions

Remote appearances for attorneys are allowed in the following eligible hearing types without judicial approval:

- Arraignments;
- Collaborative court hearings and conferences;
- Law and motion hearings;
- Pre-trial status conferences;

- Probation transfer out motions;
- Sentencings;
- Surrender on warrant hearings, and;
- Violation of probation hearings.

Except for a victim who has been lawfully subpoenaed to testify at a hearing, victims of a crime may make a remote appearance in all hearing types without judicial approval.

Attorneys and self-represented defendants must file Local Form PL-CR012 – Request for Remote Appearance: Criminal at least ~~five (5)~~ **two (2)** court days before the hearing to be scheduled for a remote appearance.

A victim advocate on behalf of a victim or victim's family member, or a victim or victim's family member must file form PL-CR015 – Confidential Request for Remote Appearance: Victim / Victim Advocate at least ~~five (5)~~ **two (2)** court days before the hearing to be scheduled for a remote appearance.

#### 4. Remote Appearances – Witnesses

Excluding Mental Health Court matters, any requests for witnesses to appear remotely must be made on the record with parties present.

For Mental Health Court matters, remote appearances are allowed for witnesses, however, judicial approval is required.

For Mental Health Court matters, attorneys and self-represented defendants must file Local Form PL-CR012 – Request for Remote Appearance: Criminal at least ~~five (5)~~ **two (2)** court days before the hearing to request witnesses appear remotely.

#### 5. Remote Appearances – Document Submissions and Document Copies

- Attorneys and defendants who request, and are granted, a voluntary remote appearance must submit any and all documents that may be required for the court hearing no later than 3:00 pm on the court day prior to the scheduled court hearings. Any documents submitted to the court in advance of the court hearing must be served on the opposing party prior to the court hearing. Documents must be submitted to the court through the court's online eDelivery system.
- Attorneys and defendants who request, and are granted, a voluntary remote appearance may obtain copies of minute orders or other documents filed during the hearing by accessing their online case file via the court's online case portal or by contacting the Court Clerk's Office after the hearing has concluded.

6. **Remote Appearance Options for Misdemeanor Proceeding Continued by Standing Order 21-09**

**For all matters where the Court has continued a hearing pursuant to Standing Order 21-09, the court will allow defense counsel or self-represented defendants to set themselves on a temporary remote calendar and appear by video, as allowed by California Rules of Court, Emergency Rule 3.**

**Defense counsel or self-represented defendants may request a hearing be set during this time period by filing Local Form PL-CR012 – Request for Remote Appearance: Criminal at least two (2) court days prior to the calendar they are requesting to be set on.**

- **Remote hearings will be held on Wednesdays for cases normally heard at the Tahoe City Courthouse.**
- **Remote hearings will be held on Thursdays for cases normally heard at the Gibson Courthouse.**

**The Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or the defendant’s attorney noted on the record.**

**This temporary policy shall sunset October 1, 2021. While this subsection remains in effect, subsections (E)(1) through (5) are suspended only for applicable misdemeanor cases.**

F. **Remote Appearance in Family Law and Family Support Proceedings**

1. **Remote Appearance Not Allowed**

Remote appearances are not allowed in the following hearing types:

- Contempt hearings and trials;
- Default judgments;
- Evidentiary hearings;
- Trials;
- Fee waiver hearings;
- Restraining order hearings and trials, and;
- Settlement conferences.

The Court retains discretion to allow a party or attorney to make a remote appearance in these hearing types only in unusual or extraordinary circumstances. Parties and attorneys may seek leave to file a request for a remote appearance pursuant to section (F)(2) via an oral or written application to the Court. If leave is granted the party or attorney must comply with section (F)(2).

The Court also retains discretion to pre-authorize a remote appearance and reflect the authorization in the minutes of any hearing. If pre-authorization is granted, the requesting party must file form PL-CW010 and comply with section (F)(2).

## 2. Permissible Remote Appearance with Judicial Approval and Notice

Remote appearances are allowed in the following hearing types; however, notice to all parties and court approval is required:

- Trial Confirming Conferences
- The hearing types listed in section (F)(1) only if the Court grants leave to a party or attorney to file a request.

A party or attorney may request to appear remotely by filing Local Form PL-CW010 – Request for Remote Appearance at least ten (10) court days before the hearing/trial. This request must be served on all parties before filing the form with the Court. The completed proof of service must be attached to the remote appearance request when it is filed. Parties must comply with California Rules of Court, rules 3.670, 5.9 or 5.324(e) when applicable and any other applicable California Rule of Court.

The party served with the Request for Remote Appearance may file a response on Local Form PL-CW011 – Request for Remote Appearance: Response at least five (5) court days before the hearing/trial. This response must be served on the party requesting the remote appearance before filing the form with the Court. The completed proof of service must be attached to the Request for Remote Appearance: Response when it is filed.

## 3. Permissible Remote Appearance with Judicial Approval

Remote appearances are allowed, however, judicial approval is required for parties and attorneys in the following hearing types:

- Emergency Request Hearing
- Request for Order Shortening Time
- UCCJEA Hearings

A party or attorney may request to appear remotely by filing Local Form PL-CW010 – Request for Remote Appearance by noon the court day before the hearing. Parties must provide notice per California Rules of Court, rules 3.670, 5.9 or 5.324(e) where applicable in those rules and when any other applicable California Rule of Court requires notice. If required, the proof of service must be attached to the remote appearance request when it is filed.

## 4. Voluntary Remote Appearances – No Approval Required

Remote appearances are allowed in the following eligible hearing types without judicial approval:

- Family Centered Case Resolution Conferences
- Request for Order Hearings (Including continuances of the initial R.F.O. hearing and those hearings involving child custody held on the law and motion calendar after meeting with a child custody professional.)
- Trial Assignment

Parties and/or attorney must schedule their own appearance no later than one (1) court day before the hearing for hearing types that fall within this subdivision. If the party and/or attorney does not meet the deadline for scheduling a remote appearance the party and/or attorney must appear in person if they want to participate in the hearing.

Parties and attorneys must notice all parties pursuant to the California Rules of Court, rules 3.670, 5.9 or 5.324(e), where applicable, and when any other applicable California Rule of Court requires notice.

#### G. Remote Appearance in Juvenile Proceedings

##### 1. Remote Appearance in Juvenile Justice Proceedings

Remote appearances are not allowed in the following hearing types:

- Arraignments
- Jurisdiction Hearings
- Disposition Hearings
- Contested Hearings

The Court retains the discretion to grant a party leave to appear remotely. The application may be oral or in writing as required by the judicial officer presiding over the case.

With approval of the hearing judge, remote appearances are allowed for all parties in all other Juvenile Justice proceedings for special circumstances.

Remote appearances are allowed for attorneys without judicial approval for continuances and other non-substantive matters.

For all remote appearance requests in Juvenile Justice proceedings, the party or attorney must file PL-JV006 – Remote Appearance Request: Juvenile at least three (3) court days before the hearing.

##### 2. Remote Appearance in Juvenile Dependency Proceedings

Remote appearances are not allowed in the following hearing types:

- Detentions
- Jurisdiction Hearings
- Disposition Hearings
- Contested Hearings

The Court retains the discretion to grant a party leave to request a remote appearance. The application may be oral or in writing as required by the judicial officer presiding over the case.

Remote appearances are allowed without judicial approval for attorneys and parties in all other Juvenile Dependency proceedings. To request a remote appearance be scheduled, Local Form PL-JV006 – Remote Appearance Request: Juvenile must be filed at least three (3) court days before the hearing.

#### H. Remote Appearance in Traffic Proceedings

##### 1. Mandatory In Person Appearances

Remote appearances are not allowed in the following hearing types:

- Officer Court Trials

A court retains the discretion to grant a party leave to appear remotely. The application may be oral or in writing as required by the judicial officer presiding over the case.

##### 2. Voluntary Remote Appearance – No Approval Required

Remote appearances are allowed for attorneys and self-represented defendants without judicial approval for the following hearing types:

- Traffic Arraignments
- Further Proceedings

##### 3. **Voluntary Remote Appearance – No Approval Required, Advancing Existing Hearing Date Option**

**During time periods where, by Standing Order, the court is continuing all in-person non-trial traffic proceedings, the court will allow parties and attorneys to advance their hearing dates and appear by video, as allowed by California Rules of Court, Emergency Rule 3. The court publishes available remote hearing times for traffic proceedings on its website. Parties must review and follow procedures for requesting a remote proceeding as outlined on the court’s website. Requesting a remote appearance via the**

**court's website is considered consent to a remote appearance per California Rules of Court, Emergency Rule 5.**

**The Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or the defendant's attorney noted on the record.**

I. Telephonic and Video Appearance General Rules

By choosing to voluntarily appear remotely for any case type, all parties, defendants and/or attorneys acknowledge and agree to the following general rules regarding a telephonic or video appearance:

1. When making a remote appearance, a party to a case may not receive assistance from anyone other than an attorney, a court certified interpreter or individual appointed by or approved by the Court. A support person may accompany a party when allowed by law, however, the support person may not speak for or assist the party making the appearance.
2. All rules of courtroom civility and decorum apply to a remote appearance. A remote appearance is the equivalent of an in-person appearance and any actions that occur in the hearing are subject to all applicable rules, statutes and laws and are enforceable in the same manner as if the attendee was in the courtroom.
3. It is the sole responsibility of the party appearing remotely, either by telephone or video, to ensure they have sufficient internet speed and/or connectivity as well as an appropriate indoor location with no background noise or disruptions. By voluntarily appearing remotely, the person appearing remotely agrees to appear from an indoor location free from distraction or other noise. The Court retains the discretion to terminate the remote appearance if there is a disruption, noise, misconduct, a communication problem, a technical problem, or other issue, including termination in the interest of justice.
4. If the party and/or attorney making the remote appearance is not connected at the time the Court calls the case, the Court will consider the failure of connection a failure to appear and the case may be dropped from calendar and/or the Court may proceed with the hearing and/or make rulings in the absence of an appearance, including the issuance of a warrant in a criminal matter.
5. The Court retains discretion to continue the hearing and require an in-person appearance if there is insufficient connectivity resulting in the inability of the Court or other party to appropriately hear and/or understand the party making the remote appearance. If the Court continues a hearing as a result of the insufficient connectivity, the party with the insufficient connectivity may be responsible for fees and/or costs associated with the continuance.

6. Parties and/or attorneys shall not have any scheduling conflicts when making a remote appearance and shall be available to participate in the hearing when the case is called by the Court.
  7. Parties and/or attorneys shall not be engaged in any other activity while participating in the scheduled hearing.
  8. If the Court terminates the hearing or the connection due to noncompliance with Local Rule 10.28, the Court will consider the termination a failure to appear and the case may be dropped from calendar and/or the Court may proceed with the hearing and/or make rulings in the absence of an appearance.
- J. Notwithstanding any other provision of Local Rule 10.28, the Court retains discretion to order personal appearances by all parties, attorney of record, or witnesses.

[Adopted April 6, 2020, Amended April 10, 2020, Amended April 29, 2020, Amended May 15, 2020, Amended July 14, 2020, Amended Effective October 1, 2020, Amended Effective November 23, 2020, Amended February 19, 2021, Amended March 1, 2021, Amended June 21, 2021, **Amended August 30, 2021**]