

## **EMERGENCY LOCAL RULES: FAMILY**

The Court adopts the following as Emergency Local Rules (“Rules”) intended to address the impact of the COVID-19 pandemic, under the authority granted the Court by the March 23, 2020, Order of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Order”). These Rules are effective April 6, 2020, subject to the limitations imposed by the Order, and shall remain in effect until either rescinded by this Court or by withdrawal or change to the Order.

- 1. Application.** These rules shall apply only to Family cases. During the period of closure pursuant to the COVID-19 emergency, Family departments will be available to hear emergency requests only.
  
- 2. Filing of Papers.** Whenever practical, attorneys and self-represented litigants are strongly encouraged to submit documents by mail, fax, and email as provided below. The Court encourages all parties and attorneys to avoid in-person travel to the courthouse when reasonably possible.
  - a. *Submission of documents for filing that require filing fees*
    - i. Attorneys and litigants shall submit documents requiring filing fees for filing either by US mail or drop box. The drop box will be located in front of the Peter Spinetta Family Law Building, Monday through Friday from 9:00 a.m. – 3:00 p.m.
    - ii. Filing fees must be enclosed with the paperwork via check or money order.
    - iii. All documents shall contain a mailing address, email address, and phone number.
    - iv. Documents will be returned either by email, fax or mail. Attorneys and litigants should specify how documents are to be returned. If no return information is provided documents will not be returned. If attorneys or litigants request that documents be returned by mail, then they must provide a self-

addressed stamped envelope with the paperwork. However, emergency orders may be picked up by attorneys and litigants as described in section c, below.

- b. *Filing documents that do not require a filing fee, or filings that do require a fee waiver but the moving party has a fee waiver on file.*
  - i. Attorneys and litigants may submit filings that do not require a filing fee (except for judgments), or filings that do require a filing fee but the moving party has a fee waiver on file, by mail, email, fax, or drop box.
  - ii. DCSS may submit filings by mail or through batch drop-offs to be coordinated with the clerk's office.
  - iii. All documents submitted by mail or drop box shall contain a return mailing address, email address, and phone number.
  - iv. Documents submitted by email or fax will be returned by email or fax. Documents submitted by mail or drop box will be returned by email, fax, or mail. Attorneys and litigants should specify how documents are to be returned. When requesting filed documents be mailed back please include a self-addressed stamped envelope. If no return information is provided documents will not be returned. However, emergency orders may be picked up by attorneys and litigants as described below in section c.
- c. *Emergency Orders (Domestic Violence Restraining Orders or Ex Parte Temporary Emergency Orders).* These orders may be picked up from the Peter Spinetta Family Law Building at 751 Pine Street from 9:00 a.m. to 3:00 p.m. Attorneys and litigants may call the court to ascertain if their documents are ready for pick up. When picking up documents, attorneys and litigants shall not approach the deputy sheriff stationed outside the building and shall stay at least 6 feet away from the deputy. The attorney and litigant may give the deputy the case name and the deputy will retrieve the

filed documents and place documents outside for the litigants to retrieve. DO NOT approach the deputy. If you have questions about your orders you may call the court to request assistance.

Domestic Violence Restraining Order documents can be completed using an online step-by-step tool at:

[https://california.tylerhost.net/SRL/SRL/Start?legalProcessKey=Domestic\\_Violence\\_Restraining\\_Order\\_Request](https://california.tylerhost.net/SRL/SRL/Start?legalProcessKey=Domestic_Violence_Restraining_Order_Request) .

When using this online tool, first create an account to save your documents. E-filing is not available, but completed documents can be attached to an email for submission or printed and submitted by fax, mail or by drop box.

Domestic Violence Restraining Order forms packets can be downloaded for printing. Packet A is required to be completed. Packet B must be completed only if the parties have minor children together:

Packet A - <http://www.cc-courts.org/forms/packets/FamLaw19-DomesticViolencePacket-A.pdf>.

Packet B - <http://www.cc-courts.org/forms/packets/FamLaw22-DomesticViolencePacket-B.pdf>.

Emergency Ex Parte Order forms packets can be downloaded for printing at: <http://www.cc-courts.org/forms/packets/FamLaw007-RequestForOrderEmergencyPacket.pdf>.

- d. *Protocol for submitting documents for filing by email.*
  - i. All email submissions must be submitted as a PDF file and emailed to [familylawemergency@contracosta.courts.ca.gov](mailto:familylawemergency@contracosta.courts.ca.gov).
  - ii. Any email submission must contain in the subject line the case name and case number, if one exists.

- iii. Declarations will be strictly limited to 10 one-side pages. Typed declarations must be at least 12-point font.
- iv. Filings submitted by email will be filed despite voluminous exhibits being attached. However, a maximum of 10 total pages of exhibit(s) will be printed and placed in file. For exhibit(s) totaling more than 10 pages to be placed in the file, attorneys or litigants must mail a hard copy of the exhibits to the court. All exhibits must be served on the other party.
  - a. All email submissions shall contain the moving party's email address in the left corner of petition or request for order unless a protected party requests such email address remain private.
  - b. All responses emailed to the court must be copied (cc'd) to the moving party. Copying the other party on a response submitted by email will satisfy proof of service requirements if 1) the other party is represented by an attorney or 2) there is sufficient proof the self-represented litigant opened the email.
- e. *Priority Matters.* Domestic Violence Restraining Orders and ex parte temporary emergency orders will be given priority in processing for filing. To ensure prompt review of Domestic Violence Restraining Orders and ex parte temporary emergency orders such requests should be submitted for filing via email, fax or drop box.
- f. *Judgments.* Judgments (pinks) may be placed in the drop box or mailed to the court only. The requirements for submitting judgments will remain the same. Judgments will be returned by mail only. Please submit a self-addressed stamped envelope for the judgment and a self-addressed stamped envelope for the notice of entry of judgment.

- g. *E-signature Accepted.* The Court will accept an e-signature as an original signature on all documents submitted for filing.

### **3. Emergency Requests (Domestic Violence Restraining Orders and Ex Parte Temporary Emergency Orders)**

- a. Requests for emergency orders will be reviewed by a legal technician.
- b. If all documents are in order documents will be promptly submitted to the assigned judge for review.
- c. If documents are not in order, a legal technician will contact the attorney or litigant to explain the issue. Once documents are in order paperwork will be submitted to the assigned judge.

### **4. Proofs of Service**

- a. Attorneys shall accept electronic service (email or fax service) on all filed documents otherwise required to be served by mail or in person.
- b. Except cases where a self-represented litigant lacks access to email and fax, electronic (fax and email) service shall suffice for any documents otherwise required to be served by mail or in person.
  - i. The proof of service shall include the read receipt confirmation for documents served by email.
  - ii. The proof service shall include the fax receipt confirmation for documents served by fax.
  - iii. The proof of service shall include an information form provided by the court on how the responding party shall notify the court of his/her intent to appear through Zoom or telephonically and of his/her contact information.

## 5. Hearings

### a. *Emergency Hearings*

- i. Emergency hearings shall be calendared within the time periods required by law.
- ii. Non-emergency hearings generally will not be calendared for at least 60 days. However, judges will review filed motions assigned to their department to determine if an earlier date shall be set.
- iii. All non-emergency hearings scheduled from April 6, 2020 to June 5, 2020 will be vacated and continued for at least 60 days.
- iv. All matters that were vacated during the court closure will be reset by the assigned department. Emergency requests will be given priority.
- v. All trials will be continued for at least 60 days.

### b. *Telephonic/Video Hearings*. Hearings via video or telephone will occur as follows:

- i. Once Zoom is ready for use all family law proceedings will occur through Zoom. All parties will receive information as to how to access Zoom prior to the hearing. Telephonic hearings will occur until and unless Zoom is ready for use.
- ii. Documents/exhibits shall be exchanged prior to the Zoom hearing. The court shall receive a copy of the document/exhibits prior to the hearing. The document may be delivered to the department via email, fax, or mail. Please identify case name, case number and date and time of hearing on any

documents/exhibits delivered to the court prior to the Zoom hearing.

- iii. Documents may be shown and exchanged via Zoom at the judge's discretion.
- iv. The judicial officer may not appear on camera.
- v. All parties must be dressed appropriately for court when appearing by Zoom. No hats or sunglasses shall be worn by litigants.
- vi. Parties appearing by Zoom should wear a headset to reduce background noise.
- vii. A court reporter may be provided for domestic violence restraining order hearings and AB 1058 cases, if available. The court reporter may appear remotely.
- viii. All family law proceedings will occur through Zoom unless a self-represented litigant does not have access to Zoom technology and timely requests, in advance, that the hearing be held telephonically.
- ix. All other family law proceedings may not be recorded by a court reporter until further order of court.

*c. Scheduling of Hearings*

- i. On Mondays and Tuesdays, telephonic/video conferences will be scheduled in Department 32 and 29. Domestic Violence Restraining Orders will be scheduled in the morning and ex parte temporary emergency orders will be scheduled in the afternoon. Department 11 will hear Domestic Violence Restraining Orders Monday and Tuesday morning and afternoon.

- ii. On Wednesdays and Thursdays, telephonic/video conferences will be scheduled in Departments 16 and 18. Domestic Violence Restraining Order hearings will be scheduled in the morning and ex parte temporary emergency orders will be scheduled in the afternoon.
- iii. Department 19 matters will be evenly distributed among the family law judges.
- iv. Each department will review submitted requests daily. Judges shall review every submitted emergency request within 24 hours of being received by the court.
- v. Department 52 will hear cases via Zoom Mondays through Thursdays.
- vi. The court will initiate all Zoom hearings.

d. *Orders*

- i. Attorneys will promptly prepare orders after hearing. Orders may be submitted by fax, mail, or email directly to the assigned department. Orders submitted by email shall be sent as an attached PDF document.
- ii. Cases involving self-represented litigants will be routed to the family law facilitators for preparation of order.
- iii. In cases heard by Department 52, orders will be prepared through usual procedures.
- iv. For purposes of a signature, a judge's signature done via fax or scan shall be deemed an original for purposes of filing.

**6. Stipulations.** Stipulations may be submitted to the assigned judge by email, fax, or mail to the department. Stipulations submitted via email



shall be submitted as an attached PDF document with the \$20 filing fee or a fee waiver request.

**7. Family Court Services.** Mediators/Child Custody Recommending Counselors will be available to provide video/telephonic appointments for ex parte temporary emergency orders involving child custody issues and domestic violence restraining orders involving children. Mediators/Child Custody Recommending Counselors may provide recommendations when such video/telephonic mediations occur as a result of ex parte temporary emergency orders or domestic violence restraining order (temporary or permanent).

**8. Family Law Facilitators.** Facilitators will be available to assist self-represented litigants via telephone or email. The Facilitators can be reached at: [selfhelpfamilylaw@contracosta.courts.ca.gov](mailto:selfhelpfamilylaw@contracosta.courts.ca.gov) or (925) 608-2067.

**9. Family Law Contact Information.**

- a. Filings submitted by email should be sent to [familylawemergency@contracosta.courts.ca.gov](mailto:familylawemergency@contracosta.courts.ca.gov).
- b. Filings submitted by fax should be sent to: (925) 608-2111.
- c. Filings submitted by mail should be sent to: Family Law, 751 Pine Street, Martinez, CA 94553.

**10. Miscellaneous.** Domestic Violence Restraining Order forms packets are also available at Contra Costa Family Justice Centers, [www.cocofamilyjustice.org](http://www.cocofamilyjustice.org). For hours of operation, please call the respective center: Richmond (510) 974-7200; Concord (925) 521-6366; Antioch (925) 281-0970