

Information on Title IV-D Remote Appearances in Department 416

It is a priority of the court that both parents be involved in Title IV-D child support hearings, as participation by both parents is important for fair and accurate child support orders. Remote appearances are encouraged with the option for anyone to appear in person. Here is some general information on remote appearances in Dept 416.

For what types of hearings may I appear remotely?

Remote appearances by telephone or video have been authorized generally by the court in Title IV-D child support proceedings pursuant to Local Rule 11.7 D. 4) c (eff. 1/1/2022). While there is an individual process set up for filing a formal Notice of Remote Appearance to appear remotely by the filing of a form under CA Rules of Court (CRC), Rule 3.672 (also eff. 1/1/2022), *it is not necessary to do so in proceedings in Department 416 for all regularly scheduled law and motion matters, such as motions for modification of child support, motions for judgment, hearings on wage assignments, etc.*) Notice and specific instructions for appearing remotely (or in person) are sent with all motions and requests for orders set for hearing in Department 416. **Please note that parties always have the option of appearing in person if they wish (again, no formal notice is required).** For any party wishing to raise an objection to remote appearance(s), please see the information below on opposing any remote appearance(s).

There are limited exceptions where one may not be able to appear before the court remotely, unless the parties follow the procedures set forth in CRC, Rule 3.672. They are: any contested long cause matters or trials (unless the court authorized it when the long cause or trial matter was set and there are no objections), contempt hearings, orders of examination, and any matter in which a party or witness has been subpoenaed to appear in person. In addition, a remote hearing may not be allowed in any hearing or conference where the Court has determined that a personal appearance would materially assist it and is necessary and has so notified the parties.

NOTE: If at any time *during* a hearing that may be occurring remotely, the court determines that a personal appearance is necessary, the court may continue the matter and require a personal appearance.

How do I request to appear remotely? Given Department 416's authorization to appear remotely in most matters pursuant to local rule, it is generally not necessary to formally request or file anything. However, if a party must formally give notice to appear remotely (e.g. it falls within one of the limited exceptions noted above), you must file the formal notice pursuant to CRC, Rule 3.672, including using Judicial Council Form RA-010 developed to implement CCP 367.75. The form is available on the CA courts website at www.courts.ca.gov, or through this court's self-help ACCESS Center in-person or online at <https://www.sfsuperiorcourt.org/self-help>.

How long before the hearing do I need to file a Notice to Appear Remotely? If a formal Notice is necessary, it must be filed with the court clerk in accordance with the time frames set forth CRC, Rule 3.672 (depending on the type of hearing), and served on all other parties, the local child support agency, and any attorneys.

How can I serve the other party or parties? If a formal notice is required, service instructions can be found on the Judicial Council Form RA-010, and service can be by personal delivery, electronic notice, mail, or any other means that will ensure delivery to the other parties, as required by the CRC, Rule 3.672.

Can another party oppose my request to appear remotely or the authorization to appear remotely? Yes. Any opposition must be made on the Judicial Council Form RA-015, filed with the court and served in accordance with CRC, Rule 3.672. The form is available on the CA courts website at www.courts.ca.gov, or through this court's self-help ACCESS Center in-person or online at <https://www.sfsuperiorcourt.org/self-help>. Service deadlines can be found on the Judicial Council Form RA-015, and service can be by personal delivery, electronic notice, mail, or any other means that will ensure delivery to the other parties, as required by the CRC, Rule 3.672. The court may also allow opposition to be raised orally if appropriate.

How will I know if the court grants my request for a remote appearance? In cases where a formal request is required and made (e.g. cases involving the limited exceptions noted above), the court will notify you, all other parties, and any attorneys involved of its decision in accordance CRC, Rule 3.672. The court may also direct the local child support agency, a party, or an attorney to provide the notification. Notification will be given by telephone, electronically, express mail, or any other means that will ensure timely notification.

Can I change my mind after filing a notice of remote appearance, and appear in person? Yes. Department 416 allows all parties the option of appearing in person. Failure to appear on time (as specifically noticed in the motion or request for order) may result in the matter proceeding by default.