

FRESNO COUNTY SUPERIOR COURT

CHAPTER 4. MISCELLANEOUS RULES

RULE 4.1 RULES OF GENERAL APPLICATION

4.1.2 Electronic Filing

A. Mandatory Electronic Filing

Pursuant to Code of Civil Procedure § 1010.6(g), documents filed by represented parties or entities, including but not limited to an attorney representing the public interest such as the District Attorney's office, the Attorney General's office and the Department of Child Support Services, in all civil (including unlawful detainer initial filings), family law, and probate actions must be filed electronically unless the Court excuses parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service.

B. Permissive Electronic Filing of Charging Documents in Criminal Cases

1. Charging Documents in Criminal Cases: A prosecuting agency may electronically file charging documents. Specifically, the criminal complaint, information, and/or indictment, in adult or juvenile criminal cases may be filed electronically. Except as provided in part (B)(2) below regarding infraction cases, no other types of documents may be electronically filed in adult or juvenile criminal cases.

2. Permissive Electronic Filing for Infraction Cases: Any party to an infraction case, or law enforcement agency, may electronically file documents, unless prohibited under 4.1.2C, Prohibited Electronic Filing.

3. DSS Filings: Department of Social Services (DSS) may electronically file documents in dependency cases.

C. Prohibited Electronic Filing

No electronic filing is permitted for criminal or juvenile cases, other than those filings described in 4.1.2B, or subsequent filings into confidential case types including confidential name change, developmentally disabled and dangerous, forfeiture of confiscated weapon, involuntary medication, mental health, Murphy LPS conservatorship, petition to consent for medical treatment, petition for Electroconvulsive Therapy (ECT), Riese hearing, relief of firearm prohibition, TB petition, petition for consent LPS conservatorship, writ of habeas corpus, adoption, appointment of confidential intermediary, petition to declare minor free, petition to establish parental relationship, set aside declaration of paternity, surrogacy, termination of parental rights, and unseal birth records. This also includes probate and unlawful detainer subsequent

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filings if within the first sixty (60) days of the file date until such time the case is no longer confidential.

D. Rules Applicable to Eligible Case Types

1. Method. The electronic filing of documents must be effected using the Court's electronic service providers. Electronic service provider information is available on the Court's website at www.fresno.courts.ca.gov

2. Costs. If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.

3. Confidential Documents. Documents filed as confidential shall be designated as such by selecting the "confidential security group" security option on the filing details prompt in the Court's electronic system. This rule is subject to the provisions set forth in Code of Civil Procedure § 1010.6, California Rules of Court, rules 2.250 through 2.259 and Local Rules 4.1.3 and 4.1.4.

4. Time deemed filed. For purposes of electronic filing of documents, pursuant to Code of Civil Procedure § 1010.6(b)(3), any document received electronically by the Court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a non-court day shall be deemed filed on the next court day. This provision concerns only the method and effective date of filing; any document that is electronically filed must satisfy all other legal filing deadlines and requirements. This rule does not affect the timing requirements for any documents that must be filed by a set time on the due date.

5. Format. The Court requires that electronic filing of documents be effected using a fully searchable .pdf file and include electronic bookmarks to each heading, subheading and component (including the table of contents, table of authorities, petition, verification, points and authorities, declaration, and proof of service if included), and to the first page of each exhibit or attachment, if any. Each bookmark to an exhibit or attachment shall include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index of the contents of the file.

6. Conformed copies. When electronically filing Family Law documents required to be mailed by the court to the opposing party (such as Request to Enter Default, Notice of Entry of Judgment, Request for Status Conference, etc.) the Court requests that the following be provided to and received by the Court no later than the day prior to electronically filing:

- a. Two printed copies of document(s) to be conformed.

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b. Envelopes with sufficient postage addressed to both parties, or their attorney.

7. Remote Appearance. The Notice of Remote Appearance (form RA-010), along with the Declaration of Notice or a proof of service, shall be filed in a separate e-filing envelope. A proposed order must also be filed with the Notice of Remote Appearance in all Civil and Family Law matters.

E. Limitations on Filings

Notwithstanding any other provision of law or this rule, the following documents may not be filed electronically.

1. Affidavit re: Real Property of Small Value;
2. Bonds (except as detailed in Local Rule 4.1.2G);
3. Documents for cases under seal;
4. Labor Commissioner deposit of cash or check (see Local Rule 4.1.13G for details);
5. Subpoenaed documents;
6. Undertakings (except as detailed in Local Rule 4.1.2G); and
7. Wills/Codicils; or
8. Any exhibits that cannot be accurately transmitted via electronic filing due to size or type.

F. Upon e-filing a petition to Probate a Decedent's Estate, a Spousal or Domestic Partner Property Petition or a Petition to Determine Succession to Real Property, the original will must be deposited with the clerk's office within ten (10) court days to avoid the fee associated for depositing a will.

G. Labor Commissioner Appeals

Upon e-filing an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action has obtained a bond or undertaking, the bond or undertaking documentation must be e-filed with the initiated case in order to comply with Labor Code § 98.2(b). Pursuant to California Rules of Court 2.252(e), the original bond or undertaking must then be delivered to the Court within ten (10) court days. Failure to do so can have consequences on the ability of the appeal to move forward.

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A party filing such an appeal of a decision, order, or other award of the Labor Commissioner in the Civil Division pursuant to Labor Code § 98.2(a), where the filing party is initiating the action will be depositing cash or a check to satisfy the requirements of Labor Code § 98.2(b) will be excused from the mandatory e-filing requirements set forth in Rule 4.1.2A. Such a filing must be directly filed with the Court outside of the e-filing system. (Effective September 15, 2022; adopted as Rule 4.1.13 effective January 1, 2016)