

FRESNO COUNTY SUPERIOR COURT

CHAPTER 7. PROBATE RULES

RULE 7.2 PROBATE APPEARANCES

7.2.2 Remote Appearances

A. This Local Rule is adopted pursuant to Code of Civil Procedure section 367.75 and California Rules of Court, rule 3.672.

B. The Probate department currently utilizes the Zoom platform for remote appearances. The platform supports both video and audio capabilities. Appearances through Zoom are available at no cost.

C. Remote appearances are permitted for a party in a Probate action. A “party” is defined as a petitioner, respondent, or their attorney of record. It also includes a parent or child in a guardianship proceeding and a conservatee in a conservatorship proceeding.

D. To request a remote appearance, a party must do the following:

1. File a Notice of Remote Appearance form (RA-010), at least five court days prior to the hearing. Forms received after five court days will be considered untimely and remote appearance will not be permitted.

2. Include an e-mail address on the Notice of Remote Appearance (RA-010) form. An e-mail address is required in order to receive confirmation of approval and Zoom link information by the Probate Clerk’s office. If an e-mail address is not provided, the form will not be accepted for filing.

3. When e-filing the Notice of Remote Appearance (RA 010), it must be e-filed as a separate document. Additional documents shall not be included in the same electronic envelope. Unless a specific code for the Notice of Remote Appearance exists, the document shall be filed as a general notice with “Remote Appearance” indicated as the description. Failure to submit the form according to this process may inhibit timely processing and consideration by the Court.

4. When submitting the Notice of Remote Appearance (RA-010) by mail or over the counter, it must be submitted for filing as a separate document or placed at the top of the forms packet. Failure to submit the form according to this process may inhibit timely processing and consideration by the Court.

5. Requests for remote appearance in evidentiary hearings, such as a trial, will be directed to the assigned judicial officer for that proceeding.

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E. Court Discretion to Require In-Person Appearance

Notwithstanding the other provisions of this rule and the availability of remote technology, the Court in its discretion and consistent with Code of Civil Procedure section 367.75, may:

1. Require a party, attorney, or other participant to personally appear in court; or
2. On its own motion, conclude a remote proceeding and require a party, their attorney or other participant to personally appear at a subsequent or continued hearing; or
3. On its own motion, terminate an authorized remote appearance and continue the matter for an in-person appearance for any of the following reasons:
 - a. Technical or audibility issues that interfere with the judicial officer's ability to make a determination required by the hearing.
 - b. Interference with a court reporter's ability to make an accurate record.
 - c. Interference with counsel's ability to provide effective representation.
 - d. Interference with an interpreter's ability to provide language access.
 - e. In-person appearance is determined necessary to assist in the interests of justice.

F. Notice and Waiver for Duration of Case

1. Notice of Remote Appearance (RA-010) is to be given to the court and all persons entitled to receive notice of the proceeding as set forth in the Declaration of Notice section of the form.
2. A party may provide notice to the court and all other parties that they are requesting to appear remotely for the duration of the case by filing the Notice of Remote Appearance (RA-010), at least five court days prior to the next hearing.
3. Parties to a case may agree to waive notice of remote appearance through written stipulation filed with the court or through an oral stipulation made during a proceeding.

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G. Recording

Pursuant to California Rules of Court, rule 1.150, any recording, reproduction or re-broadcasting of a court proceeding held remotely, including transcription, screenshots or other visual or audio copying of a hearing, is strictly prohibited unless approved by the judicial officer. (Effective September 15, 2022; Rule 7.2.2 renumbered effective January 1, 2006; adopted as Rule 71.2 effective January 1, 2004)