

MAY 20 2022

By: A. Cabrales

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

**IN RE PROCEDURES REGARDING) GENERAL ORDER OF THE PRESIDING
ELECTRONICALLY IMAGED COURT) DEPARTMENT
RECORDS, ELECTRONIC FILING, AND) ORDER NO. 010122-23 (A)
ACCESS TO ELECTRONIC COURT)
RECORDS IN FAMILY LAW CASES)**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

In 2015, the San Diego Superior Court (“court”) began an Imaging Program in the Family Court (“Imaging Program”), whereby cases initiated and assigned to the family law departments or the family support division, filed on or after August 24, 2015, were imaged and stored electronically. All such cases are currently designated as “Imaged Cases.” In 2020, the court also began allowing electronic filing (“e-filing”) of these “Imaged Cases” using the e-filing portal “Odyssey eFileCA.” Exempt from the Imaging Program and e-filing were cases filed prior to August 24, 2015.

Effective June 1, 2022, this exemption will no longer exist. Cases that were filed prior to August 24, 2015, will be partially imaged as follows: Documents filed prior to June 1, 2022, will remain in paper format. However, documents filed after June 1, 2022, will be imaged. These cases will be designated as “Partial-Imaged cases.”

Parties will be permitted to e-file documents in Imaged and Partial-Imaged cases. E-filing is encouraged, but not mandated. All e-filers must comply with California Rules of Court, rules 2.250 through 2.261, California Code of Civil Procedure section 1010.6, and the court’s e-filing requirements listed in San Diego Superior Court Form (“SDSC”) number D-305, which is available on the court’s website www.sdcourt.ca.gov. Below are some of the applicable rules, but parties

1 should refer to SDSC Form number D-305 for the most up-to-date requirements.

2 **A. Electronic Court File in Imaged / Partial-Imaged Cases – the Official Court Record**

3 Pursuant to Government Code section 68150 and California Rules of Court, rule 2.504, the
4 official court record of the case file is as follows:

- 5 1. Partial-Imaged Cases: The paper portion of the file containing documents filed before June
6 1, 2022, and the electronic portion of the file in Odyssey containing documents imaged after
7 June 1, 2022, are together certified as the official record of the court.
- 8 2. Imaged Cases: The electronic court file in Odyssey is certified as the official record of the
9 court.
- 10 3. All other cases: For all matters filed on or before August 22, 2015, in which no documents
11 become part of the case file on or after June 1, 2022, the paper portion of the case file is
12 certified as the official record of the court.

13 **B. Filing and Service Requirements in Imaged and Partial-Imaged Family Law Cases**

- 14 1. E-filing Service Providers: E-filing must be completed through a court approved Electronic
15 Service Provider (“EFSP”). Further information and an approved list of court approved
16 EFSPs can be found on the court’s website at www.sdcourt.ca.gov. The court also continues
17 to accept documents in person, via U.S. Mail, in court drop boxes, and via private courier
18 service at the appropriate courthouses.
- 19 2. Service of Imaged Case Notice: Parties filing new actions that are assigned to the Imaging
20 Program as Imaged Cases shall serve on all parties a copy of the “Notice of Electronic Case
21 File and Imaged Documents” with the complaint, petition, or other case initiating pleading.
22 A copy of this notice will be provided to the filing party by the court clerk when case
23 originating filings are processed.
- 24 3. “Imaged” and “Partial-Imaged” Identifiers: For all pleadings filed in Imaged Cases, all
25 parties must, place the words “IMAGED FILE” in all caps immediately under the case
26 number. For Partial-Imaged Cases, all parties must place the words, “PARTIAL-IMAGED
27 FILE” in all caps immediately under the case number on all pleadings filed on or after June
28 1, 2022.

- 1 4. Original Documents: Original documents should not be filed with the court. Original
2 documents should be lodged with the court, as necessary, under the procedures set forth in
3 paragraph nine (9) below. Any original document filed will be imaged and destroyed in
4 accordance with this order.
- 5 5. Proposed Orders: Proposed orders should only be submitted with initial pleadings for ex-
6 parte hearings or motion hearings in which proposed orders are statutorily required.
7 Proposed Orders should not be submitted for a noticed "Request for Order" hearing until
8 after the hearing is completed, unless requested otherwise by a judicial officer or through in-
9 person submission in compliance with San Diego Local Rules, rule 5.5.2.
- 10 6. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit tabs
11 located at the bottom of the respective documents, in accordance with California Rules of
12 Court, rule 3.1110. Each exhibit must be preceded by a cover page that contains solely the
13 word "Exhibit" and the exhibit's identifying number or letter.
- 14 7. Confidential Documents: Any documents classified or considered confidential pursuant to
15 statute, rule of court, or local rule filed with the court will be imaged and destroyed in
16 accordance with this order. Access to the imaged confidential document(s) shall be as set
17 forth in paragraph (C)(3) below.
- 18 8. Redactions - Confidential Information: Pursuant to California Rules of Court, rule 1.201, it
19 is the submitting party's responsibility to redact confidential information, such as social
20 security numbers and financial account numbers.
- 21 9. Lodged Documents: The Notice of Lodgment itself must be filed with the court. In
22 accordance with California Rules of Court, rule 3.1302(b), the documents submitted with the
23 notice must be lodged, not filed, and will be returned in the manner requested by the party or
24 recycled if no manner of return is specified.
- 25 10. Format: All documents e-filed with the court must be in a text-searchable format (e.g. PDF,
26 OCR). The court is unable to accept documents that do not comply with these requirements,
27 or documents that include, inter alia: digitized signatures, fillable forms, or negative image.
- 28 11. Fees: The e-filing fee is governed by Code of Civil Procedure section 1010.6. If a party

1 with a fee waiver files documents electronically, that party is exempt from the fees and costs
2 associated with e-filing.

3 12. Filing Date: The receipt and filing of documents submitted electronically is governed by
4 Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.259. The
5 court's filing deadline is 11:59:59 p.m. (Pacific Time) on court days. The electronic
6 transmission of a document to the court can take time, so waiting until shortly before the
7 deadline to electronically transmit a filing is not advised, as it could be received by the court
8 after 11:59:59 p.m. and deemed filed the next court day. Per California Rules of Court, rule
9 2.259, the e-filer is responsible for verifying that the court received and filed any document
10 submitted electronically. Please see the applicable EFSP's website for filing instructions.
11 To the extent any San Diego Superior Court Local Rule sets forth a different deadline for
12 filing electronic documents, the applicable portions of the Local Rule are no longer valid
13 with respect to Family Law Division filings.

14 **C. Enhanced Electronic Access to Official Court File and Court Documents**

- 15 1. Access in Clerk's Business Offices: Public kiosks providing free access to the official
16 electronic record of the court file in Imaged and Partial-Imaged cases are available in the
17 Family Business Offices identified below:
18 a. North County: 235 South Melrose Drive, Vista, California, 92081.
19 b. Central Courthouse and Family Support Division: 1100 Union Street, San Diego,
20 California, 92101.
21 c. East County: 250 East Main Street, El Cajon, California, 92020.
22 d. South County: 500 Third Avenue, Chula Vista, California, 91910.

23 Members of the public may access and view all public portions of the files as they currently
24 do with paper court files. If there are people waiting to use the kiosks, a time limit of 15 minutes
25 will be imposed. Additional time will be permitted after waiting in line again to use one of the
26 kiosks. Any changes to this policy will be made by the Presiding Judge or the Family Law Division
27 Supervising Judge and the new policy will be posted in the applicable Business Offices.

28 Copies, including certified copies, of any documents contained in the electronic court file

1 may be obtained by paying the applicable fee. The court's Fee Schedule is available on the court's
2 website at www.sdcourt.ca.gov. (See SDSC Form #ADM-001.)

3 Additional instructions about obtaining printed copies of records from the electronic case
4 file will be provided at the kiosk locations in the applicable Business Offices; instructions are also
5 available at the court's website listed above.

6 2. Remote Electronic Access of Imaged Documents: The court also has an online Register of
7 Actions for family law cases (ROA Family) that permits users to identify and order non-
8 confidential case documents that have been imaged, including certified and exemplified
9 copies, for a fee. Upon ordering and paying the appropriate fees (including postage fees)
10 online, the documents will be mailed to users at their designated mailing address. While the
11 ROA Family allows users to identify and order available documents, users cannot view the
12 documents online remotely. (See Cal. Rules of court, rule 2.503 [prohibiting public remote
13 access to family court records].) In addition, the ROA Family cannot process requests for
14 documents without collecting a fee by credit card. Therefore, parties with a valid fee waiver
15 on file must request copies in person and present a valid government-issued photo
16 identification for the court to be able to apply the fee waiver.

17 3. Access to Non-Imaged Documents: Non-imaged documents will not be accessible online
18 nor at the public kiosks, nor will information and documents that are confidential by
19 operation of law or have been ordered sealed. Requests for non-imaged documents must be
20 made in person at the Family Law Business Office at the court location where the case
21 resides.

22 4. Access to Confidential or Sealed Documents: Court documents that are confidential by
23 operation of law shall remain confidential and may not be released except as legally
24 permitted. Requests to view confidential documents must be made to the clerks in the
25 Family Law Division Business Office. Individuals who are legally permitted to access the
26 records must present valid government-issued photo identification. Case documents that
27 have been ordered sealed require a court order to unseal. Absent a court order and valid
28 government-issued photo identification they will not be released.

- 1 5. Notice Regarding Electronic Access: In accordance with California Rules of Court, the
2 Manager of Family Operations, or their designee, is the court staff member who may be
3 contacted about the requirements for accessing the court's records electronically in all
4 divisions of the court.
- 5 6. Damage to or Alteration of Official Record: Any person who willfully destroys or alters any
6 court record maintained in any form is subject to the penalties imposed by Government
7 Code section 6201.
- 8 7. Photography or Other Imaging of Record: No person shall photograph or otherwise record
9 any digital images of documents displayed on the kiosk screens in the Business Offices.

10 **D. Amendments to and Suspension of Local Rules to Implement This Order**

- 11 1. Suspension of Local Rules: In accordance with the changes indicated herein intended to
12 facilitate imaging and e-filing for all documents filed on or after June 1, 2022, the court
13 hereby rescinds the following San Diego Superior Court Local Rules:
- 14 a. Rule 5.5.4(A): tabbing for RFO pleadings shall no longer be used.
- 15 b. Rule 5.6.1(A): green paper shall no longer be used.
- 16 c. Rule 5.12.1(B)(1)-(2): brown and pink paper shall no longer be used.
- 17 2. Amendment to Local Rules: In accordance with the changes indicated herein intended to
18 facilitate imaging and e-filing for all documents filed on or after June 1, 2022, the court
19 hereby amends the following San Diego Superior Court Local Rule:
- 20 Rule 5.5.5(B)(2): amended to include partial imaged cases:

21 For imaged **and partial-imaged** cases, the court's copy of exhibits
22 filed in paper format must not include overhanging tabs or dividers.
23 Copies for counsel, the judicial officer, and witnesses should have
24 tabs/dividers and should be BATES stamped or numbered
25 consecutively.

26 This Order shall become effective at 12:00 a.m. on June 1, 2022, and expire at midnight on
27 December 31, 2022, unless otherwise ordered by this court.

28 **IT IS SO ORDERED.**

DATED: May 20, 2022



HON. MICHAEL T. SMYTH
PRESIDING JUDGE