

SEP 28 2020

By: A. HUSTED, Deputy

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

**IN RE: PROCEDURES REGARDING
ELECTRONICALLY IMAGED COURT
RECORDS, ELECTRONIC FILING, AND
ACCESS TO ELECTRONIC COURT
RECORDS IN FAMILY LAW CASES** } **GENERAL ORDER OF THE
PRESIDING DEPARTMENT**
} **ORDER NO. 052220-55A**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

I. Imaging Family Court Program

On August 24, 2015, the San Diego Superior Court ("Court") began an Imaging Program in the Family Court ("Imaging Program") designed to reduce paper filing and storage and facilitate electronic access to family court files. The ultimate goal of the Imaging Program is to create a paperless or electronic file in all family law cases.

The Court has scanned documents in all cases filed on or after August 24, 2015, in all Family Court cases. The imaged documents are being stored in an electronic court file that can be viewed in any of the Family Court's business offices.

II. Electronic Filing in Family Court Cases

On May 26, 2020, the San Diego Superior Court began permissive electronic filing of documents directly with the court in specific family law cases. "Odyssey eFileCA" is the official San Diego Superior Court eFiling portal for family law cases, which allows court documents to be directly and securely transmitted to the court via the internet. "E-Filing Service Providers" (EFSPs) are companies/organizations that provide an online service to assist with filing documents with the court.

Effective October 19, 2020, e-filing access is being expanded to allow e-filing in Family Support Division cases.

III. Family Law Cases Included in the Imaging Program

The following cases have been or will be imaged and stored in an electronic file, and are considered Imaged Program cases:

A. Family Law cases, in all Divisions, initiated on or after August 24, 2015 and assigned to Family Law Departments;

B. Family Support Division cases initiated on or after August 24, 2015.

IV. Filing and Service Requirements in Imaged Family Law Cases

A. Service of Notice: All parties filing new actions assigned to the Imaging Program shall serve on all parties a copy of the "Notice of Electronic Case File and Imaged Documents" with the complaint, petition, or other case initiating pleading. A copy of this notice will be provided to the filing party by the court clerk when case originating filings are processed.

B. "Imaged" Identifier: On all pleadings filed after the initial case originating filing, all parties must, to the extent it is feasible to do so, place the words "IMAGED FILE" in all caps immediately under the case number on all subsequent pleadings filed in the action.

C. Original Documents: Original documents relevant to a case should not be attached as exhibits to filed documents or filed in any other manner. Original documents should be lodged with the court, as necessary, under the procedures set forth in paragraph IV(G) below. Any original document filed in a case in the Imaged Program will be imaged and destroyed in accordance with this Order.

D. Proposed Orders: Proposed orders should only be submitted with initial pleadings for ex parte hearings or motion hearings in which proposed orders are statutorily required. Proposed Orders should not be submitted for a noticed Request for Order hearing until after the hearing is completed, unless requested otherwise by a judicial officer.

E. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit tabs located at the bottom of the respective documents, in accordance with California Rules of Court, rule 3.1110(f). Each exhibit must be preceded by a cover page that contains solely the word "Exhibit" and the exhibit's identifying number or letter.

1 F. Confidential Documents: Any documents classified or considered confidential pursuant to
2 statute, rule of court or local rule shall be filed with the court and will be imaged and
3 destroyed in accordance with this order. Access to the imaged confidential document(s)
4 shall be as set forth in paragraph X(C) below.

5 G. Lodged Documents: The Notice of Lodgment itself must be filed with the court. In
6 accordance with California Rules of Court, rule 3.1302(b), the documents submitted with
7 the notice must be lodged and not filed. The lodged documents will not be imaged, will
8 not be part of the official court file, and will be returned in the manner requested or recycled
9 if no manner of return is specified.

10 V. The Electronic Court File in Imaged Cases is the Official Court Record.

11 Pursuant to Government Code section 68150 and California Rules of Court, rule 2.504, the
12 electronic court file is certified as the official record of the court. The paper filings that are imaged
13 and stored electronically will be physically stored by the court for 30 days after filing, after which
14 time they will be shredded and recycled. During this 30-day period, these documents will not be
15 stored in a manner that will allow a party or its attorney to access them, and access will only be
16 granted by order of the court upon a showing of good cause.

17 VI. Permissive Electronic Filing.

18 Pursuant to Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.252,
19 on or after May 26, 2020, documents may be electronically filed with the court in Family Law
20 cases using Odyssey e-FileCA.

21 Electronic filing is encouraged and must be completed through an approved EFSP. Further
22 information and an approved list of court approved EFSPs can be found on the court's website at
23 www.sdcourt.ca.gov. The court will continue to accept documents in person, via U.S. Mail, in
24 court drop boxes and private courier service at the appropriate courthouses.

25 VII. General E-Filing Requirements.

26 All e-filers must comply with California Rules of Court, rules 2.250 through 2.261 and
27 California Code of Civil Procedure section 1010.6. All documents e-filed with the court must be
28 in a text searchable format (e.g. PDF, OCR). The court is unable to accept documents that do not
comply with these requirements, or documents that include, inter alia: digitized signatures, fillable

forms, or a negative image. E-filers are required to comply with the provisions of the E-filing Requirements Documents, located on the court's website at www.sdcourt.ca.gov. Family e-filing requirements can be found on the Family Law Division's E-Filing page.

Pursuant to California Rules of Court, rule 1.201, it is the submitting party's responsibility to redact confidential information, such as social security number and financial account numbers.

The e-filing fee is governed by Code of Civil Procedure section 1010.6, subdivision (d)(2). If a party with a fee waiver files documents electronically, that party is exempt from the fees and costs associated with the electronic filing.

Additional and more specific information on electronic filing can be found on the court's website at www.sdcourt.ca.gov.

VIII. Filing Date.

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

IX. Case Types and Documents Not Accepted for Electronic Filing.

Case types and documents that cannot be accepted for e-filing are located on the court's website at www.sdcourt.ca.gov.

X. Enhanced Electronic Access to Official Court File and Court Documents

A. Access in Clerk's Business Offices: Public kiosks providing free access to the official electronic record of the court files for cases being handled under the Imaging Program are available in the Business Offices identified below:

1. North County Family Business Office, located at 325 South Melrose Drive, Vista, California 92081.
2. Central Court Family Business Office, located at 1100 Union Street, San Diego, California 92101.
3. Family Support Division, located at 1100 Union Street, San Diego, California 92101.
4. East County Family Business Office, located at 250 East Main Street, El Cajon, California 92020.
5. South County Family Business Office, located at 500 Third Avenue, Chula Vista, California 91910.

The public may access and view all public portions of the files as they currently do with paper court files. If there are people waiting to use the kiosks, a time limit of 20 minutes will be imposed. Additional time will be permitted after waiting in line again to use one of the kiosks. Any changes to this policy will be made by the Presiding Judge and/or the Family Court Supervising Judge and the new policy will be posted in the applicable Business Offices.

- B. Notice Regarding Electronic Access: In accordance with California Rules of Court, rule 2.504(d), the Manager of Family Operations, or his or her designee, is the court staff member who may be contacted about the requirements for accessing the court's records electronically in all divisions of the court.
- C. Access to Confidential Documents: Court documents classified or considered confidential pursuant to statute or rule of court shall remain confidential and may not be released except to the extent necessary to comply with the law. Requests to view confidential documents must be made to the clerks in the Family Court Business Offices.
- D. Access to the Official Record: The electronic records of cases within the Imaged Program are the official records of the court. There is no charge for accessing or viewing court files in the Business Offices. Copies of any documents in an electronic court file may be obtained by paying the copy fees of \$0.50 per page (Govt. Code § 70627(a)). A certified copy of a Family Court Judgment requires the payment of an additional \$15.00 fee. Certified copies of other types of documents may be obtained by payment of an additional

1 fee as set forth in the Court's fee schedule (Govt. Code § 70626(a)(4)). Instructions about
2 obtaining printed copies of records from the electronic court file will be provided at the
3 kiosk locations in the applicable Business Offices.

4 E. Damage to or Alteration of Official Record: Any person who willfully destroys or alters
5 any court record maintained in any form, including electronic form is subject to the
6 penalties imposed by Government Code section 6201.

7 F. Photography or Other Imaging of Record: No person shall photograph or otherwise record
8 any digital images of documents displayed on the kiosk screens in the Business Offices.

9 G. Remote Electronic Access of Program Cases: The Register of Actions will be available
10 for viewing remotely and can be accessed by visiting the court's website at
11 www.sdcourt.ca.gov. No other documents in cases within the Imaged Program will be
12 available for viewing and printing remotely. California Rules of Court, rule 2.503(c)
13 prohibits remote access to these files and documents.

14 General Order No. 010120-23, In re Procedures Regarding Electronically Imaged Court
15 Records and Access to Electronic Court Records in Family Court is rescinded as moot.

16 This Order amends, supersedes and replaces General Order No. 052220-55, In re Procedures
17 Regarding Electronically Imaged Court Records, Electronic Filing, and Access to Electronic Court
18 Records in Family Law cases, in its entirety.

19 This Order shall expire on December 31, 2020, unless otherwise ordered by this court.

20 **IT IS SO ORDERED.**

21 DATED: September 28, 2020



22
23 **HON. LORNA A. ALKSNE**

24 **PRESIDING JUDGE**
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