

MAY 22 2020

By: M. Johnson, 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. 052220-55)
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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

Effective May 26, 2020, the San Diego Superior Court will begin 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.

1 III. Family Cases Included in the Imaging Program

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

- 4 A. Family Law cases, in all Divisions, initiated on or after August 24, 2015 and assigned to
5 Family Law Departments;
- 6 B. Family Support Division cases initiated on or after August 24, 2015.

7 IV. Filing and Service Requirements in Imaged Family Law Cases

- 8 A. Service of Notice: All parties filing new actions assigned to the Imaging Program shall
9 serve on all parties a copy of the "Notice of Electronic Case File and Imaged Documents"
10 with the complaint, petition, or other case initiating pleading. A copy of this notice will
11 be provided to the filing party by the court clerk when case originating filings are
12 processed.
- 13 B. "Imaged" Identifier: On all pleadings filed after the initial case originating filing, all parties
14 must, to the extent it is feasible to do so, place the words "IMAGED FILE" in all caps
15 immediately under the case number on all subsequent pleadings filed in the action.
- 16 C. Original Documents: Original documents relevant to a case should not be attached as
17 exhibits to filed documents or filed in any other manner. Original documents should be
18 lodged with the court, as necessary, under the procedures set forth in paragraph V(G)
19 below. Any original document filed in a case in the Imaged Program will be imaged and
20 destroyed in accordance with this Order.
- 21 D. Proposed Orders: Proposed orders should only be submitted with initial pleadings for ex
22 parte hearings or motion hearings in which proposed orders are statutorily required.
23 Proposed Orders should not be submitted for a noticed Request for Order hearing until after
24 the hearing is completed.
- 25 E. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit
26 tabs located at the bottom of the respective documents, in accordance with California Rules
27 of Court, rule 3.1110(f). Each exhibit must be preceded by a cover page that contains
28 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 VI(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 will only be granted
16 by order of the court upon a showing of good cause.

17 V. 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 VI. 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 but are not limited to: digitized

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

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

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

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

11 VII. Filing Date.

12 The receipt and filing of documents submitted electronically is governed by Code of Civil
13 Procedure section 1010.6 and California Rule of Court, rule 2.259. The court's filing deadline is
14 11:59:59 p.m. (Pacific Time) on court days. The electronic transmission of a document to the court
15 can take time, so waiting until shortly before the deadline to electronically transmit a filing is not
16 advised, as it could be received by the court after 11:59:59 p.m. and deemed filed the next court
17 day. Per California Rule of Court, rule 2.259(a)(4), the e-filer is responsible for verifying that the
18 court received and filed any document submitted electronically. Please see the applicable EFSP's
19 website for filing instructions. To the extent any San Diego Superior Court Local rules set forth a
20 different time deadline for filing electronic documents, the applicable portions of the Local Rules
21 are no longer valid with respect to Family Court filings.

22 VIII. Case Types and Documents Not Accepted for Electronic Filing.

23 1. The following case types cannot be e-filed:

- 24 a. Domestic Violence (DVPA) cases
- 25 b. Surrogacy cases
- 26 c. Family Support Division cases

27 2. The following documents will not be accepted for e-filing:

- 28 a. Application for Order for Publication/Posting
- b. Earnings Assignment Orders/Income Withholding Orders

- c. Ex Parte Filings
- d. Findings and Orders After Hearing
- e. Judgments
- f. Mandatory Settlement Conference Briefs
- g. Notice of Lodgments and Accompanying Exhibits
- h. Order on Request to Continue Hearing
- i. Proposed Orders
- j. QDROs
- k. Request for Dismissal
- l. Request to Continue Hearing
- m. Requests to Appear Telephonically
- n. Stipulations and Orders
- o. Subpoenaed Documents
- p. Trial Exhibits
- q. Writs and Abstracts

IX. 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.

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

7 B. Notice Regarding Electronic Access: In accordance with California Rules of Court, rule
8 2.504(d), the Manager of Family Operations, or his or her designee, is the court staff
9 member who may be contacted about the requirements for accessing the court's records
10 electronically in all divisions of the court.

11 C. Access to Confidential Documents: Court documents classified or considered confidential
12 pursuant to statute or rule of court shall remain confidential and may not be released except
13 to the extent necessary to comply with the law. Requests to view confidential documents
14 must be made to the clerks in the Family Court Business Offices.

15 D. Access to the Official Record: The electronic records of cases within the Imaged Program
16 are the official records of the court. There is no charge for accessing or viewing court files
17 in the Business Offices. Copies of any documents in an electronic court file may be
18 obtained by paying the copy fees of \$0.50 per page (Govt. Code § 70627(a)). A certified
19 copy of a Family Court Judgment requires the payment of an additional \$15.00 fee.
20 Certified copies of other types of documents may be obtained by payment of an additional
21 fee as set forth in the Court's fee schedule (Govt. Code § 70626(a)(4)). Instructions about
22 obtaining printed copies of records from the electronic court file will be provided at the
23 kiosk locations in the applicable Business Offices.

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

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

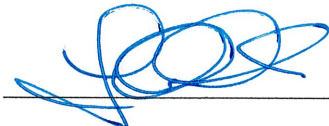
1 G. Remote Electronic Access of Program Cases: The Register of Actions will be available
2 for viewing remotely and can be accessed by visiting the court's website at
3 www.sdcourt.ca.gov. No other documents in cases within the Imaged Program will be
4 available for viewing and printing remotely. California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

6 This Order rescinds and supersedes General Order No. 010120-23, In re Procedures Regarding
7 Electronically Imaged Court Records and Access to Electronic Court Records in Family Court,
8 dated December 31, 2019.

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

10 **IT IS SO ORDERED.**

11 DATED: May 22, 2020



12
13 **HON. LORNA A. ALKSNE**

14 **PRESIDING JUDGE**
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