



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-146

For business meeting on October 24, 2025

Title

Civil Practice and Procedure: Rules
Regarding Telephonic Appearances

Report Type

Action Required

Effective Date

January 1, 2026

Date of Report

September 18, 2025

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 3.670, 5.9,
5.324, 5.531, and 5.900

Recommended by

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Executive Summary

Code of Civil Procedure section 367.75 authorizes courts to conduct proceedings using remote technology in all civil matters. Assembly Bill 170 (Stats. 2024, ch. 51) extends the sunset date of that statute from January 1, 2026, to January 1, 2027. Judicial Council staff recommend that the council amend several rules of court regarding telephonic appearances to reflect the extended sunset date of January 1, 2027, as provided in section 367.75.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective January 1, 2026, amend California Rules of Court, rules 3.670, 5.9, 5.324, 5.531, and 5.900 to reflect the new sunset date in Code of Civil Procedure section 367.75.

The proposed amended rules are attached at pages 4–5.

Relevant Previous Council Action

In September 2021, the Legislature enacted Senate Bill 241 (Stats. 2021, ch. 214) authorizing courts to conduct proceedings in all civil matters using remote technology under section 367.75 of the Code of Civil Procedure.¹ As mandated by that statute, the Judicial Council adopted California Rules of Court, rule 3.672, effective January 1, 2022, to create procedures for remote proceedings in all civil cases.

Code of Civil Procedure section 367.75 does not distinguish between types of remote technology platforms, such as telephonic (audio alone) or videoconference (both audio and video, or either). For that reason, when it adopted rule 3.672, the council suspended the prior telephone appearance rules (previously authorized under Code of Civil Procedure section 367.5, which was limited to telephone only) to the extent the provisions in those rules limit remote hearings and provide specific rules regarding notice of such hearings, noting that they have been replaced with the provisions in rule 3.672. Specifically, the council suspended the general civil rule (3.670), family law rules (5.9 and 5.324), Indian Child Welfare Act rule (5.482), and juvenile rules (5.531 and 5.900). The suspension of those rules was initially set to expire on July 1, 2023, the original sunset date of section 367.75, but was later extended to January 1, 2026, after the Legislature extended the sunset date of section 367.75 by enacting Senate Bill 133 (Stats. 2023, ch. 34).

Analysis/Rationale

AB 170 (see Link A) extended the sunset date of Code of Civil Procedure section 367.75 to January 1, 2027. Staff therefore recommend extending the suspension dates in rules 3.670, 5.9, 5.324, 5.531, and 5.900 to January 1, 2027.²

Policy implications

The key policy implication is to ensure that the California Rules of Court correctly reflect the law. The recommended rule amendments are therefore consistent with the *Strategic Plan for California's Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

Comments

Public comments were not solicited for this proposal because the Rules Committee determined that the recommendations are within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

¹ SB 241 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB241.

² This recommendation does not include rule 5.482, which addresses remote appearances by tribal representatives in proceedings subject to the Indian Child Welfare Act. These appearances are now governed by Welfare and Institutions Code section 224.2(k) rather than Code of Civil Procedure section 367.75. The council amended rule 5.482 in 2023 to implement Welfare and Institutions Code section 224.2(k), which has no sunset provision. Judicial Council of Cal., Staff Rep., *Civil Practice and Procedure: Remote Appearances* (July 24, 2023), <https://jcc.legistar.com/View.ashx?M=M&ID=1115295&GUID=2C41992A-D45E-4756-86C6-64F12B256198>.

Alternatives considered

Staff did not consider the alternative of taking no action because the rules will not reflect current law unless they are amended.

Fiscal and Operational Impacts

Any impacts are the result of the statutory change to the sunset provision, not the rule amendments themselves, which merely reflect that change. Staff anticipates that this proposal will have minimal impact because it merely extends the existing suspension of rules 3.670, 5.9, 5.324, 5.531, and 5.900.

Attachments and Links

1. Cal. Rules of Court, rules 3.670, 5.9, 5.324, 5.531, and 5.900, at pages 4–5
2. Link A: Assem. Bill 170 (Stats. 2024, ch. 51),
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB170

Rules 3.670, 5.9, 5.324, 5.531, and 5.900 of the California Rules of Court are amended, effective January 1, 2026, to read:

Title 3. Civil Rules

Rule 3.670. Telephone appearance

(a) * * *

(b) Application

Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to January 1, ~~2026~~ 2027, during which time the provisions in rule 3.672 apply in their place. This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

(c)–(o) * * *

Title 5. Family and Juvenile Rules

Rule 5.9. Appearance by telephone

(a) Application

Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that time, the provisions in rule 3.672 apply in their place. This rule applies to all family law cases, except for actions for child support involving a local child support agency and cases governed by the Indian Child Welfare Act. Rule 5.324 governs telephone appearances in governmental child support cases. Welfare and Institutions Code section 224.2(k) governs telephone appearances in cases under the Indian Child Welfare Act.

(b)–(d) * * *

Rule 5.324. Telephone appearance in title IV-D hearings and conferences

(a) Purpose

This rule is suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that time, the provisions in rule 3.672 apply in its place.

(b)–(k) * * *

1 **Rule 5.531. Appearance by telephone (§ 388; Pen. Code, § 2625)**

2
3 **(a) Application**

4
5 Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to
6 January 1, ~~2026~~ 2027. During that time, the applicable provisions in rule 3.672 or
7 Welfare and Institutions Code sections 224.2(k) or 679.5, and any rules
8 implementing those statutes, govern remote appearances and proceedings in
9 juvenile court. The standards in (b) apply to any appearance or participation in
10 court by telephone, videoconference, or other digital or electronic means authorized
11 by law.

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13 **(b)–(c) * * ***

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15
16 **Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303,**
17 **366, 366.3, 388, 391, 607(a))**

18
19 **(a)–(d) * * ***

20
21 **(e) Telephone appearance**

22
23 Paragraph (1) below is suspended from January 1, 2022, to January 1, ~~2026~~ 2027.
24 During that period, the juvenile dependency provisions in rule 3.672 apply in its
25 place.

26
27 **(1)–(3) * * ***

28
29 **(f) * * ***