



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-167*

For business meeting on: September 25, 2020

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**Title**

Civil Practice and Procedure: Sealing Previously  
Filed Papers Under Code of Civil Procedure  
Section 367.3

**Rules, Forms, Standards, or Statutes Affected**

Adopt forms SH-020, SH-022, SH-025, SH-030,  
SH-032; approve forms SH-035 and SH-020-  
INFO

**Recommended by**

Civil and Small Claims Advisory Committee  
Hon. Ann I. Jones, Chair

**Agenda Item Type**

Action Required

**Effective Date**

January 1, 2021

**Date of Report**

September 2, 2020

**Contact**

Ingrid Leverett  
916-643-7073 phone  
[ingrid.leverett@jud.ca.gov](mailto:ingrid.leverett@jud.ca.gov)

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends seven new forms for Judicial Council adoption and approval to help implement recently enacted Code of Civil Procedure section 367.3. That law provides that a person who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the protected person as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new forms allow participants in the Safe at Home program who are proceeding pseudonymously in civil court actions to (1) request that a court place under seal any previously filed documents that disclose the participant's identifying characteristics, and (2) make an ex parte application that this request be heard on shortened time.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt the following forms:

- *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020);
- *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022);
- *Order on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-025);
- *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-030); and
- *Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-032).

2. Approve the following forms:

- *Instructions for Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020-INFO); and
- *Order on Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-035).

The new forms are attached at pages 10–25.

### **Relevant Previous Council Action**

The Safe at Home address confidentiality program administered by the Secretary of State is intended to protect the privacy and safety of individuals who have been subject to domestic violence, sexual assault, stalking, human trafficking, or elder or dependent abuse. (Gov. Code, § 6205.) Effective September 1, 2020, the Judicial Council adopted *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001) as the first step in implementing new section 367.3 of the Code of Civil Procedure, which provides that a person who is an active participant in the Safe at Home program may appear in a civil action under a pseudonym and may exclude or redact from all documents filed in that action any identifying characteristics, including name, address, etc. Under that new statute, the form recently adopted by the council must be filed with the court by the pseudonymous filer and served on all other parties to the proceeding.

In response to the invitation to comment that circulated in connection with the confidential information form (SH-001) adopted during the winter rules cycle, multiple commenters

responded that forms should be developed to permit a retroactive motion to seal for previously filed documents. These responses gave rise to the current proposal.

## **Analysis/Rationale**

Under Code of Civil Procedure section 367.3, anyone appearing in a civil action who is a Safe at Home participant (defined in the statute as a “protected person”)—whether a plaintiff, defendant, petitioner, respondent, objector, or any other party—may proceed pseudonymously in order to protect the party’s identity and address. When doing so, they must serve and file *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001), in which the protected persons (1) attest to their active participation in the Safe at Home address confidentiality program, and (2) confidentially provide to courts and to the other parties in a civil action their true names and all other identifying characteristics redacted from their pleadings.

Once a party to a proceeding has been served with the confidential information form, that party and that party’s attorneys must use the protected person’s pseudonym in all pleadings and other documents thereafter filed or served in the action. All parties must redact or exclude any of the pseudonymous party’s identifying characteristics from any documents thereafter filed in the case, and at the same time must provide the information in confidence by serving and filing the redacted documents in question with the confidential information form, form SH-001, which contains the redacted factual information. (Code Civ. Proc., § 367.3(b)(2).)

The confidential information form (form SH-001) only covers information contained in contemporaneously filed documents: its service and filing does not address a Safe at Home participant’s identifying information that has been disclosed in documents previously filed by another party. A protected person who wishes to appear pseudonymously in a civil matter that has already begun faces a potential problem that a similarly situated plaintiff does not. Before the defendant or other party in a civil action has appeared or has had any opportunity to advise the court of the party’s desire to proceed pseudonymously under the new law, the plaintiff will likely have publicly disclosed the defendant’s (or other party’s) identifying information in a complaint, petition, or other paper filed in court.

With the current proposal, the committee seeks to address the potential need to seal previously filed documents that disclose a protected person’s identifying characteristics. The committee has concluded that the new law authorizes the proposed forms. Code of Civil Procedure section 367.3 expressly provides that any protected person may file a motion to seal all or part of a record in accordance with rules 2.500 and 2.551 of the California Rules of Court. (Code Civ. Proc., § 367.3(b)(4).) The committee has determined that this provision authorizes retroactively sealing the name and identifying characteristics of a protected party that have been included in court files accessible to the public. (See also Code Civ. Proc., § 367.3(e) [authorizing the Judicial Council to adopt rules and forms, as appropriate, to implement the new statute].)

The committee anticipates that many of those likely to take advantage of the pseudonymous filing provisions of the Safe at Home program under Code of Civil Procedure section 367.3 will

be self-represented litigants. In the committee’s view, without forms and instructions, self-represented parties would likely find it confusing and difficult to avail themselves of the protections of Code of Civil Procedure section 367.3. Adoption and approval of the identified forms would facilitate a request by a protected person to remove identifying information from previously filed documents in a civil action, as authorized by Code of Civil Procedure section 367.3 and California Rules of Court, rules 2.550 and 2.551. Specifically, the proposed forms would permit a pseudonymous party to (1) identify previously filed documents that disclose the protected person’s identifying characteristics, and request that they be sealed and replaced in the public file with redacted versions of those documents; and (2) seek shortened time for hearing this request via *ex parte* application if desired.

The protection of the new law may be invoked in all civil cases. For this reason, the forms list the types of parties as “plaintiff/petitioner,” “defendant/respondent/objector,” and “other party/parent” in the captions and in items asking for a party’s identity. The proposal also includes an information sheet (form SH-020-INFO), consisting of comprehensive instructions tailored to a self-represented party on how to complete, file, and serve the forms, and on how to submit a redacted set of the previously filed documents that the protected person wants the court to retroactively seal (and which, if the request is granted, will become the public set).

The two sets of recommended forms are described below.

### **Forms for motion to retroactively seal previously filed documents (forms SH-020, SH-022, and SH-025)**

Code of Civil Procedure section 367.3 expressly authorizes a protected person to file a motion to seal all or part of a court record (see Code Civ. Proc., § 367.3(b)(4)). The proposed motion forms are intended to be used by a protected person to move to retroactively seal documents already filed in a case. A protected person seeking to seal documents already in the public file—typically, but not always, a defendant—would serve and file the *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020) and the *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022) to ask the court to seal, and to maintain as confidential, previously filed documents that disclose the protected person’s true name and identifying characteristics. Such documents might include a complaint or petition, a summons, a civil cover sheet, a proof of service, etc. The documents to be retroactively sealed would be listed on the motion form, which includes a checklist of the most likely types.

- ***The forms may be used by any party.*** Although the new forms—the motion (form SH-020) and the supporting declaration (form SH-022)—would likely be used primarily by defendants or respondents seeking to seal documents previously filed by plaintiffs or petitioners, plaintiffs or petitioners may also have occasion to use them.<sup>1</sup> Such would be the case if, for

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<sup>1</sup> Because the protection of the new law may be invoked in all civil cases, the committee intends that a protected party in any type of civil case be able to use the proposed forms. For this reason, the forms list the types of parties as

example, a plaintiff joins the Safe at Home program and becomes a protected person only *after* filing a complaint. The new forms accommodate the possibility that the party filing them may be any party in a civil action.

- ***Status as an active participant constitutes “specific facts” sufficient to support the motion.*** Rule 2.550 of the California Rules of Court requires that the court “specifically state the facts” that support its findings to place a document under seal. (Cal. Rules of Court, rule 2.550(e).) The committee concluded that the applicant’s status as an active participant in the Safe at Home program under Code of Civil Procedure section 367.3, itself, constitutes the “specific facts” supporting the motion necessary to retroactively seal documents.
- ***The new forms allow for a request to change the public register of actions to replace the protected party’s true name with a pseudonym.*** The new motion (form SH-020) and the *Order on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-025) both prompt the moving party and the court, respectively, to request or order that the public register of actions be changed to replace the pseudonymous party’s true name with a pseudonym.
- ***Ordering that previously filed documents be sealed.*** The order form (form SH-025) includes an item in which the court may order that previously filed documents be placed under seal. It also includes a separate item in which a court may order that the redacted versions of documents submitted by the protected party replace the sealed documents (see bullet point immediately below).
- ***The protected party would submit redacted versions of documents to be sealed.*** The protected person would, while filing the motion to seal, also prepare, serve, and lodge with the court redacted versions of the previously filed documents that the party is requesting be sealed. If the motion to retroactively seal is granted, the court clerk would then substitute the redacted versions for the originals of those documents in the public file and place those original documents under seal.

### **Forms for ex parte application to shorten time (forms SH-030, SH-032, and SH-035)**

Unless the moving party applies for an ex parte order shortening time to hear the motion to retroactively place documents under seal, the hearing on the sealing request could take place weeks or even months after the motion to seal is filed. During that period, the protected person’s identifying characteristics would be a matter of public record.

For this reason, the committee proposed forms that would facilitate a protected person’s ex parte request to shorten time on the hearing for the sealing motion. These ex parte application forms—an application, declaration of notice, and order form—track California Rules of Court, rules 3.1203–3.1207 (rules governing ex parte applications). The court’s ex parte order (assuming it is

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“plaintiff/petitioner,” “defendant/respondent/objector,” and “other party/parent” in the captions and in items asking for a party’s identity.

granted and an expedited hearing is set) would serve as notice of the hearing on the retroactive sealing motion. The applicant would need only to arrange to have the ex parte order served on the other parties along with the motion papers.

### **Instructions for Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home) (form SH-020-INFO)**

The instructions provide detailed guidance on how a protected person should complete, serve, and file both an ex parte application shortening time and the underlying motion to seal previously filed documents. The instructions are stated in plain terms so that a self-represented litigant can understand them. A separate sheet of instructions is warranted given that a protected person will need to redact documents and submit them to the court in addition to filing and serving multiple documents.

### **Policy implications**

Section 367.3 of the Code of Civil Procedure expressly authorizes any party to an action who is a protected person under the Safe at Home program to proceed in a civil action using a pseudonym, and keep all identifying characteristics included in the papers in such an action confidential and out of the public record. The law also authorizes a court to order that any record or part of a record in such an action be sealed on the motion of the protected party. This proposal has no separate policy implications; it merely implements the policy already set by the Legislature.

### **Comments**

This proposal was circulated for public comment from April 10 to June 9, 2020, as part of the spring rules cycle. The committee received comments from 10 entities including three courts, the Superior Courts of San Diego, Los Angeles, and Orange<sup>2</sup> Counties; the California Department of Child Support Services; the Child Support Directors Association; the Family Violence Appellate Project; the Trial Court Presiding Judges Advisory Committee/Court Executive Advisory Committee Joint Rules Subcommittee; the Public Law Center; and the Orange County Bar Association.<sup>3</sup> The committee also received comments relevant to this proposal indirectly from commenters who were responding to the invitation to comment on the proposal for the confidential information form (SH-001) circulated over the 2019–2020 winter rules cycle.<sup>4</sup>

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<sup>2</sup> Two divisions of the Superior Court of Orange County commented separately.

<sup>3</sup> All comments received in connection with this proposal and the advisory committee's responses to them are included in the comment chart provided with this report.

<sup>4</sup> In response to the invitation to comment that circulated in connection with the confidential information form (SH-001) adopted during the winter rules cycle, multiple commenters responded that forms should be developed to permit a retroactive motion to seal for previously filed documents. These responses gave rise to the current proposal. Other comments on the confidential information form (form SH-001) relevant to this proposal were as follows:

- That all forms relevant to the Safe at Home address-confidentiality program should bear the "SH-" prefix (multiple commenters); and

The commenters that answered the questions posed in the invitation to comment all supported the proposal and indicated that it appropriately addressed the stated purpose, and that the public-facing forms (forms SH-020, SH-022, SH-030, and SH-032) should be mandatory. The courts indicated that implementation efforts may be extensive and will require significant staff training efforts as well as changes to courts' case management systems.

The committee considered all comments. Discussed below are the most significant issues raised by the comments.

### **General comments**

#### ***Suggesting that the proposal does not comply with federal law.***

The California Department of Child Support Services (CDCSS) pointed out a potential conflict between federal law and California law relating to information relevant in child support matters. Specifically, CDCSS explained that title 42 of the United States Code section 666, subdivision (c)(1)(G) requires that all states permit the state agency responsible for enforcement of child support obligations (in California, CDCSS) to secure a child support obligor's assets on an expedited basis, i.e., "without the necessity of obtaining an order from any other judicial or administrative tribunal." (42 U.S.C. § 666(c)(1).) The commenters asserted that the referenced requirement of the federal law may conflict with Code of Civil Procedure section 367.3 and the sealing provisions in California Rules of Court, rules 2.550 and 2.551 insofar as the California statute and rules make no provision for expedited relief to CDCSS from any sealing order that a court may enter under Code of Civil Procedure section 367.3 in an action that may involve an obligor's assets. The committee concluded that any potential conflict between state and federal legislation is outside the scope of this proposal, but that it will refer the issue to the Family and Juvenile Law Advisory Committee for consideration as to whether to recommend any amendments to relevant California statutes or rules of court.

#### ***Suggesting consolidation of the forms.***

The Family Violence Appellate Project (FVAP) suggested that all of the forms intended for use by a protected party (forms SH-020, SH-022, SH-030, and SH-032) be consolidated into a single form, and that the two orders (forms SH-025 and SH-035) similarly be consolidated into one form. FVAP contended that navigating the six forms underlying the present proposal would be unduly burdensome for a self-represented Safe at Home participant, and pointed out that a number of form sets currently in use in family law and domestic violence cases incorporate a declaration supporting an emergency request within the motion form.

The committee considered but rejected the suggestion to consolidate the forms. The committee concluded that the multiple separate forms are necessitated by the detailed and exacting notice requirements of the ex parte application process (reflected on the ex parte declaration, form SH-032), along with the detailed requirements of the declaration supporting the motion to seal

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- That participants in the Safe at Home program should have the opportunity to obtain a court order that the register of actions be amended to substitute the protected party's name with a pseudonym (Public Law Center).

(reflected in form SH-022), which are set out in rule 2.550 and based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The committee concluded that the existing separate forms would actually be less burdensome for a self-represented party than a single long form that includes all the required information, and that the instructional form (form SH-020-INFO) explains clearly and in detail how an unrepresented party should complete, file, and serve the forms.

### **Comments on specific forms**

Based on the comments received, the committee revised the forms following circulation as follows:

- On all the forms: revised the captions to add an item for “other party/parent” to make it easier to use in family law cases.
- Form SH-020 INFO: revised and broadened the definition of “civil cases” on the instructional form to ensure all applicable cases are included, and expanded the instructions for appearing telephonically at the hearing.
- Form SH-020: shortened the title of the form, expanded the definition of “pseudonymous party,” moved the item in which the Doe name is selected closer to the beginning of the form, and expanded the space for listing documents to be redacted.
- Form SH-022: clarified language in the declaration so that self-represented parties could better understand the interests at stake.
- Form SH-025: made the order form mandatory to ensure uniformity and to make the forms easily identifiable, and added a finding that the protected party is a participant in the Safe at Home program.

The committee declined to follow the suggestions from the Department of Child Support Services (CDCSS) that the order form (form SH-025) include findings as to whether support orders had been entered and ordering that the clerk transmit certain documents to the CDCSS, and that the CDCSS have access to all records sealed under the order. Such modifications are not authorized or contemplated by Code of Civil Procedure section 367.3 or any other authority of which the committee is aware. As noted above, the concerns of CDCSS will be referred to the Family and Juvenile Law Advisory Committee for potential future actions as appropriate and as time and resources allow.

### **Alternatives considered**

The committee considered the option of not recommending any forms, but rejected it quickly because it would be extremely difficult for self-represented parties—which Safe at Home participants frequently are—to obtain the benefits of the new law otherwise. Even lawyers can find the complexities of sealing documents challenging. Self-represented parties are unlikely to meet all the requirements, especially for retroactively sealing documents, without assistance.

In addition to considering all the alternatives suggested in the comments addressed above, the committee also considered but rejected not recommending forms for an ex parte application to shorten time. However, without such forms, the applicant would have to be instructed on the complexities of how to file such an application, including complying with the detailed provisions of rules 3.1203–3.1207 of the California Rules of Court. The committee concluded that forms dedicated to this purpose would simplify matters for self-represented parties in particular, and, presumably, also for courts.

### **Fiscal and Operational Impacts**

This proposal for new forms is intended to assist parties and courts in complying with new procedures authorized by statute. Because of the new statute, clerks, judicial officers, and court legal services and self-help offices will require training on the new pseudonymous filing process permitted for participants in the Safe at Home program, on the level of confidentiality to be accorded to certain information relating to such parties, and on verifying with the Secretary of State that the party submitting the proposed forms is a participant in the Safe at Home program. The recommended forms are intended to ease this impact.

### **Attachments and Links**

1. Forms SH-020, SH-020-INFO, SH-022, SH-025, SH-030, SH-032, and SH-035
2. Comment chart

<i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i> ATTORNEY NAME: _____ STATE BAR NUMBER: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>  <b>07-029-2020</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<i>(Use Doe name where appropriate)</i> PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT/ESTATE OF: _____ OTHER PARTY/PARENT: _____	
<b>MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b>	CASE NUMBER: _____

*Before completing this form, read instructions for how to apply to the court to place documents under seal (make them confidential) if you are under the Safe at Home address confidentiality program; the instructions are found on the information sheet entitled Instructions for Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home) (form SH-020-INFO).*

*A Confidential Information Form (form SH-001) must be filed with this form.*

1. The person filing this motion (*Doe name that you select in item 2 of this form*): \_\_\_\_\_ (pseudonymous party) is an active participant in the Secretary of State's address confidentiality program (Safe at Home) and is a (*check one*):
  - a. ☐ Plaintiff/Petitioner
  - b. ☐ Defendant/Respondent/Objector
  - c. ☐ Other party/parent (*specify*): \_\_\_\_\_
 in this action.
  
2. The pseudonymous party requests that the court change the public register of actions to replace pseudonymous party's true name with pseudonym (*check all that apply*):
  - a. ☐ John Doe
  - b. ☐ Jane Doe
  - c. ☐ Doe
  - d. ☐ If more than one party is using a Doe name, designation of the Doe in question (for example, Doe A or Doe B, etc.): \_\_\_\_\_

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

3. Pseudonymous party requests that the court place under seal (make confidential) the following documents that were previously filed in this action (*check all that apply*):
- a. ☐ Complaint
  - b. ☐ Petition
  - c. ☐ Summons
  - d. ☐ Proof of Service
  - e. ☐ Civil Cover Sheet
  - f. ☐ Notice
  - g. ☐ Order
  - h. ☐ Other document (*specify by document name and, if applicable, by form number*):

☐ Continued on attachment (*if you need more space, attach form MC-025*).

4. The purpose of this motion is to ask the court to maintain the confidentiality of the pseudonymous party's name and identifying characteristics on documents that have already been filed in the court, as provided by Code of Civil Procedure section 367.3.
5. The facts that support this motion to place the documents checked above under seal are stated in the *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022), filed with this document.
6. Pseudonymous party has prepared a redacted version (a version with true names and identifying characteristics blacked out) of each of the documents checked above and is lodging it with the court. The information redacted from these documents is limited to the pseudonymous party's true name and identifying characteristics as defined in Code of Civil Procedure section 367.3(a).
7. Pseudonymous party requests that the redacted versions of the documents identified above be placed in the public court file in place of the original documents that the pseudonymous party is asking the court to place under seal.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)  
(Party without attorney should use Doe name)

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)  
(Pseudonymous party should sign with Doe name)

**INSTRUCTIONS FOR MOTION TO PLACE DOCUMENTS UNDER SEAL  
UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)**

*(Note: This form may be used only in cases in which one or more parties are enrolled in the Safe at Home program and using a pseudonym under Code of Civil Procedure section 367.3.)*

1. **Applicable Law.** The Safe At Home program is an address confidentiality program run by the Secretary of State. Active participants in that program who are parties in a civil court proceeding (a civil court case—any court case or proceeding that is not a criminal case) may use a pseudonym (Jane Doe, John Doe, or Doe) in place of the party's true name in the civil court proceeding. Pseudonymous parties (parties using a Doe name in a civil court proceeding) may exclude or redact (black out) their true names and identifying characteristics (defined below) from documents they file in court, as provided in Code of Civil Procedure section 367.3 by using the *Confidential Information Form* (SH-001) to provide the information to the court confidentially.
2. **Purpose of Motion to Seal.** The purpose of the *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020) is to enable a person who is an active participant in the Safe at Home address confidentiality program and who wishes to appear under a pseudonym (a Doe name) in a civil court case—any court case or proceeding that is not a criminal case—but whose name is already in the case files, to have the person's name and identifying characteristics removed from the public record by sealing documents that have already been filed in that case. If the court grants the motion, documents that were previously filed with the court and that disclose the Safe at Home participant's name and identifying characteristics will be replaced by versions of those documents with that information redacted (blackened out).

**Important:** Form SH-020 and related papers are not to be used when a party is filing the party's own documents, because the party can redact the party's name and other information from the documents to be included in the public file and use a *Confidential Information Form* (form SH-001) to provide the information in confidence to the court and keep it out of the public files. If at the time the pseudonymous party is filing documents, the party wants to have such documents sealed as well (as permitted under the statute), the party must follow the procedures stated in California Rules of Court, rules 2.550 and 2.551. Form SH-020 and related papers are to be used only when a pseudonymous party wants the court to seal documents that were *previously* filed.

3. **What Documents Should Be Sealed.** Documents that may have already been filed in court and that are likely to disclose the pseudonymous party's name and identifying characteristics may include any or all of the following:

- Complaint or petition
- Summons
- Civil cover sheet
- Order or notice from the court
- Proof of service

This list gives only some possible examples of documents that could be in the public court file and disclose your true name and identifying characteristics. There may be other documents also, not listed here, that fit this description and so should be sealed. "Identifying characteristics" that the party using the pseudonym may keep confidential include, but are not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to another party, race or ethnic background, telephone number, email address, social media profiles, online identifiers, contact information, or any other information, including images of the party using a pseudonym, from which that party's identity can be discerned. (Code Civ. Proc., § 367.3(a)(1).) (See Code Civ. Proc., § 367.3(a)(2) for a list of "online identifiers.")

4. **How to Ask the Court to Seal the Documents.** To ask the court to seal the documents, the pseudonymous party needs to complete the following:
  - *Confidential Information Form* (form SH-001). The pseudonymous party will write on this form the party's true name and any identifying characteristics that the party is redacting (blacking out) on any of the other forms or documents to be filed because the party wishes to keep that information confidential.
  - *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020). The pseudonymous party should use the pseudonym (Doe name) and should not include any identifying characteristics on this form, including when identifying the plaintiff/petitioner or the defendant/respondent at the top of the form. The party should sign the form using the pseudonym.
  - *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022). The pseudonymous party should use the pseudonym (Doe name) and should not include any identifying characteristics on this form, including when identifying the plaintiff/petitioner or the defendant/respondent at the top of the form. The party should sign the form using the pseudonym.
  - *Redacted versions of the documents.* The pseudonymous party must create copies of the documents the party wants the court to seal because they disclose identifying characteristics, including the party's true name. On these copies, the party must redact (black out) identifying characteristics, including the party's true name. If the court grants the motion to seal, the redacted versions of the documents submitted by the party will be substituted in the court's file for the original versions of those documents. The original versions of the documents that disclose the party's identifying characteristics will be confidential and will not be available to the public.

5. **How to Ask the Court to Seal the Documents as Soon as Possible.** To remove the name and identifying characteristics from the public record as quickly as possible, the pseudonymous party should ask the court to schedule a hearing sooner than is normally done. To do so, the party should file an *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-030) asking the court to set an early date for a hearing on the motion to place the documents under seal. Steps for filing the ex parte application to shorten time are as follows:

- The ex parte application to shorten time must be filed in the court where the case has been filed. The applicant can determine which court this is from the documents that have already been filed in the case.
- The applicant must check with that court for local rules as to when and where the applicant must appear for the court to consider the ex parte application for an order shortening time.
- The applicant must follow the rules relating to ex parte applications that are set out in California Rules of Court, rules 3.1203--3.1207. These rules describe the following requirements:
  - o **Notice of the ex parte application to shorten time.** The applicant must let the other party or parties in the civil court proceeding know that the applicant is filing an ex parte application to shorten time for a hearing on the *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020). Notice to the other party or parties may be given in person or by phone, fax, overnight mail, or email (if emailed notice is permitted in the case already). The other party or parties must be informed by 10 a.m. the day before the court is to consider the ex parte application to shorten time, unless there is a good reason such notice could not or should not be given.
  - o **Service of papers.** Copies of the ex parte application to shorten time and all related papers must be given to the other party or parties in the civil court proceeding as soon as reasonable, and before the ex parte court appearance, if possible.
  - o **Appearance at court.** The applicant must appear in court at the time and place specified in the court's local rules for ex parte applications.

6. **Forms to Complete for Ex Parte Application.** Before the time the court is scheduled to hear the ex parte application to shorten time, the pseudonymous party must complete and file the following forms with the court:

- *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-030); and
- *Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-032).

Wherever the forms ask for the pseudonymous party's name, the party should use the pseudonym (Doe name) and should not include any identifying characteristics---including the party's true name. If the pseudonymous party is not represented by an attorney, the party should sign the forms using the pseudonym.

7. **Filing With the Court.** The completed ex parte application forms should be filed with the court clerk. When filing the ex parte application forms, the applicant may (but is not required to) attach the completed forms requesting sealing of documents (listed in instruction 4) to the ex parte documents described in instruction 6. (The court will not file the forms requesting sealing until after the court has scheduled a hearing on the motion to seal (form SH-020).)

There will be a filing fee unless the party is eligible for a fee waiver. (If the party cannot afford the fee and has not already received a fee waiver, the party may file a *Request to Waive Court Fees* (form FW-001) with the other forms.)

The applicant should take the original of each of the forms to be filed to the court clerk, along with two extra copies of each form. The clerk will file the original forms and will stamp and give back the copies.

8. **What to Do After Court Makes an Order.** When the court decides on the applicant's ex parte application to shorten time for a hearing on the motion to place previously filed documents under seal (form SH-030 and related papers), the court will usually make a written order.
- **If the court's order sets a hearing date.** If the parties to the case are present at the ex parte application hearing, the order and copies of all the documents for the motion to place documents under seal (forms SH-020, SH-022, and SH-025) may be given to them at that time. If some or all parties are not present at the ex parte hearing, the applicant must arrange for another person to serve (deliver to) the absent parties a copy of the court's written order and the papers listed in instruction 4. The person serving the documents must be over 18 years old and cannot be a party to the court proceeding. The person serving the documents must fill out and sign a proof of service, which may be done using the form *Proof of Service—Civil* (form POS-040). The proof of service must be filed with the court, typically by the applicant.
  - **If the court's order does not set a hearing date.** The court's order may not set a hearing date on the motion to seal documents (form SH-020 and related papers). If this is the case, the pseudonymous party will have to ask the court clerk's office for a date, time, and location on the court's regular law and motion hearing calendar for a hearing on the motion to place documents under seal (form SH-020). The pseudonymous party will also need to prepare a notice of hearing in accordance with California Rules of Court, rule 3.1110, and arrange to have someone serve the notice of hearing on the other parties in the case, along with the other documents listed in instruction 4. Finally, the pseudonymous party will need to arrange for someone else to serve these documents on (deliver them to) the other parties. The person serving the documents must be over 18 years old and cannot be a party to the court proceeding. The person serving the documents must fill out and sign a proof of service, which may be done using the form *Proof of Service—Civil* (form POS-040). The proof of service must be filed in court, typically by the pseudonymous party.
  - On the date the court sets for the hearing on the motion to place documents under seal (form SH-020), the pseudonymous party should appear at the hearing either in person or by phone. If by phone, notice must be given in advance to the court and the other side. There are different ways to give that notice:
    - In civil and probate cases, serve on all parties (as described above) and file with the court a completed *Notice of Intent to Appear by Telephone* (form CIV-020) at least two work days before the hearing.
    - In child support cases in which a governmental agency is involved, serve on all parties (as described above) and file with the court a completed *Request for Telephone Appearance* (form FL-679) at least 12 work days before the hearing (you must ensure that it is delivered to the other parties no later than the day after you file it).
    - In all other family law cases, parties should check the court's local rules to see what type of notice is required to appear by telephone.
  - Once the court makes an order on the motion to place documents under seal (form SH-025 or an order prepared by the court), the pseudonymous party should arrange for someone to serve the other parties with this order as soon as possible.
  - If the court determines that the pseudonymous party is not an active participant in the Safe at Home program and denies the motion to place documents under seal, then those documents and the name of the party who made the motion to place documents under seal will be available in the public record.

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p>	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p>   <p style="text-align: center;"><b>DRAFT</b></p> <p style="text-align: center;"><b>07-29-2020</b></p> <p style="text-align: center;"><b>Not approved by the Judicial Council</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b></p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p> <p>OTHER PARTY/PARENT: _____</p>	
<p style="text-align: center;"><b>DECLARATION IN SUPPORT OF MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b></p>	<p>CASE NUMBER: _____</p>

*This form must be filed any time a Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home) (form SH-020) is filed.*

I declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would testify competently to those facts.
2. I am an active participant in the Secretary of State's confidential address program, Safe at Home.
3. I am seeking to have the court place under seal (make confidential) the documents identified on the *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020).
4. Facts showing that there is an overriding interest in my safety or confidentiality that overcomes the right of public access to the records in this proceeding and that this overriding interest supports placing the documents under seal in this proceeding are as follows (*specify*):
  - a. I am participating in the Safe at Home program.
  - b. Because of my participation, Code of Civil Procedure section 367.3 authorizes my name and identifying characteristics to be kept confidential in any civil action.
  - c. ☐ Other (*specify*): \_\_\_\_\_

☐ Continued on Attachment 4 (*If you need more space, attach form MC-025.*)

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

5. Facts showing that there is a substantial probability that the overriding interest in my safety or confidentiality described in item 4 will be prejudiced (harmed or impaired) if the records in this proceeding are not sealed (made confidential) are *(specify)*:

☐ Continued on Attachment 5. *(If you need more space, attach form MC-025.)*

6. The fact showing that an order sealing the records in this action is narrowly tailored to protect that overriding interest is that the versions of the documents that pseudonymous party has lodged (submitted) with the court redact (black out) only the pseudonymous party's identifying characteristics as provided under Code of Civil Procedure section 367.3.
7. The fact showing that there is no less restrictive means to protect that overriding interest than placing the record under seal is that the versions of the documents that the pseudonymous party has lodged (submitted) with the court do not redact (black out) any information other than the pseudonymous party's identifying characteristics as provided under Code of Civil Procedure section 367.3.

☐ The number of pages attached is:

*(The pseudonymous party must sign here)*

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date:

\_\_\_\_\_  
(TYPE OR PRINT DOE NAME)

 \_\_\_\_\_  
(SIGN DOE NAME)

<i>(Use Doe name where appropriate)</i> ATTORNEY NAME: _____ STATE BAR NUMBER: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR <i>(name)</i> : _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b>  <b>07-29-2020</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
<i>(Use Doe name where appropriate)</i> PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT/ESTATE OF: _____ OTHER PARTY/PARENT: _____	
<b>ORDER ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b>	CASE NUMBER: _____

1. The motion was duly considered
- a. ☐ at the hearing on *(date)*: \_\_\_\_\_ in Department: \_\_\_\_\_ of the above-entitled court.
- b. ☐ without hearing.

#### THE COURT FINDS

2. a. As to whether the following factors apply to the documents for which placement under seal has been requested,
- (1) an overriding interest that overcomes the right of public access to the record ☐ does ☐ does not exist.
- (2) the overriding interest ☐ does ☐ does not support sealing the record.
- (3) a substantial probability ☐ does ☐ does not exist that the overriding interest will be prejudiced if the record is not sealed.
- (4) the proposed order to seal this record ☐ is ☐ is not narrowly tailored.
- (5) a less restrictive means to achieve the overriding interest ☐ does ☐ does not exist.
- b. The pseudonymous party ☐ is ☐ is not an active participant in the Safe at Home program.
- c. ☐ Other findings or orders *(if any)*:

#### THE COURT ORDERS

3. ☐ The motion to place documents under seal is **denied**.

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

4. ☐ The motion to place documents under seal is **granted**.
- a. The following documents must be placed under seal and kept confidential:
1. ☐ Complaint
  2. ☐ Petition
  3. ☐ Summons
  4. ☐ Proof of Service
  5. ☐ Civil Cover Sheet
  6. ☐ Notice
  7. ☐ Order
  8. ☐ Other document (*specify by document name and, if applicable, by form number*):
- b. ☐ Redacted versions of the documents identified above, and submitted to the court by the pseudonymous party, must be placed in the public court file in place of the original documents that the pseudonymous party has asked the court to seal.
5. The register of actions ☐ must ☐ must not be revised as necessary to replace the pseudonymous party's true name with the pseudonym (the Doe name) (*check all that apply*):
- a. ☐ John Doe
  - b. ☐ Jane Doe
  - c. ☐ Doe
  - d. ☐ If more than one party is using a Doe name, designation of the Doe in question (for example, Doe A or Doe B, etc.) and to indicate that specified materials have been placed under seal.
6. ☐ Other orders (*if any*):

Date: \_\_\_\_\_

JUDICIAL OFFICER

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p>	<p><b>FOR COURT USE ONLY</b></p> <p><b>DRAFT</b></p> <p><b>07-29-2020</b></p> <p><b>Not approved by the Judicial Council</b></p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b></p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p>	
<p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p> <p>OTHER PARTY/PARENT: _____</p>	
<p><b>EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b></p>	<p>CASE NUMBER: _____</p>

*Read Instructions for Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home) (SH-020-INFO) before filing this application. That instruction sheet describes the requirements for giving notice of this application.*

- The person filing this motion (*Doe name*): \_\_\_\_\_ (pseudonymous party) is an active participant in the Secretary of State's address confidentiality program (Safe at Home) and is a (*check one*):
  - ☐ Plaintiff/Petitioner
  - ☐ Defendant/Respondent/Objector
  - ☐ Other party/parent (*specify*): \_\_\_\_\_ in this action.
- Applicant requests a court order shortening time for a hearing on *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020) and related papers.
- Applicant is an active participant in the Safe at Home address confidentiality program and is appearing in this case under a pseudonym (*Doe name*) under Code of Civil Procedure section 367.3.
- Certain documents currently in the court's public file disclose the applicant's true name and/or other identifying characteristics of a protected person who has the right to keep this information confidential under Code of Civil Procedure section 367.3.
- The applicant intends to file a *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020) in order to have the protected person's true name and/or other identifying characteristics removed from the public court file.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME)  
*(Party without attorney should use Doe name)*



\_\_\_\_\_  
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)  
*(Pseudonymous party should sign with Doe name)*

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

### Declaration by Pseudonymous Party

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT DOE NAME)



\_\_\_\_\_  
SIGN DOE NAME

<p><i>(Party without an attorney should provide this information on Confidential Information Form (form SH-001))</i></p> <p>ATTORNEY NAME: _____ STATE BAR NUMBER: _____</p> <p>FIRM NAME: _____</p> <p>STREET ADDRESS: _____</p> <p>CITY: _____ STATE: _____ ZIP CODE: _____</p> <p>TELEPHONE NO.: _____ FAX NO.: _____</p> <p>EMAIL ADDRESS: _____</p> <p>ATTORNEY FOR (name): _____</p> <hr/> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> <p>STREET ADDRESS: _____</p> <p>MAILING ADDRESS: _____</p> <p>CITY AND ZIP CODE: _____</p> <p>BRANCH NAME: _____</p> <hr/> <p><i>(Use Doe name where appropriate)</i></p> <p>PLAINTIFF/PETITIONER: _____</p> <p>DEFENDANT/RESPONDENT/ESTATE OF: _____</p> <p>OTHER PARTY/PARENT: _____</p> <hr/> <p style="text-align: center;"><b>DECLARATION REGARDING NOTICE AND SERVICE OF EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b></p>	<p><b>FOR COURT USE ONLY</b></p>          <p><b>DRAFT</b></p> <p><b>07-29-2020</b></p> <p><b>Not approved by the Judicial Council</b></p>          <p>CASE NUMBER: _____</p>
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*This form must be filed any time an ex parte application (form SH-030) is filed.*

1. I am (select all that apply): ☐ attorney for ☐ Plaintiff/Petitioner ☐ Defendant/Respondent/Objector  
☐ Other (specify): \_\_\_\_\_
  
2. I ☐ did ☐ did not give notice that papers will be submitted to the court on the date, time, and location below asking a judicial officer to shorten time for (expedite) a hearing on a *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020), which is supported by applicant's *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022).
 

a. Date: \_\_\_\_\_ Time: \_\_\_\_\_ ☐ Dept.: \_\_\_\_\_

b. Address of court: ☐ same as noted above ☐ other (specify): \_\_\_\_\_
  
3. **NOTICE** (If you gave notice, complete item 3a. If you did not give notice, complete item 3b or 3c.)
  - a. ☐ I gave notice as described in items (1) through (5):
    - (1) I gave notice to (select all that apply):
 

☐ Plaintiff/Petitioner  
☐ Defendant/Respondent/Objector  
☐ Attorney for Plaintiff/Petitioner  
☐ Attorney for Defendant/Respondent/Objector  
☐ Other (specify): \_\_\_\_\_

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

3. a. (2) I gave notice on *(date)*: \_\_\_\_\_ at: ☐ a.m. ☐ p.m. \_\_\_\_\_, California.
- ☐ personally at *(location)*: \_\_\_\_\_
- ☐ by telephone using telephone no.: \_\_\_\_\_
- ☐ by fax using fax no.: \_\_\_\_\_
- ☐ by voicemail using voicemail no.: \_\_\_\_\_
- ☐ by electronic means *(if permitted) (specify electronic service address of person)*: \_\_\_\_\_
- ☐ by overnight mail or other overnight carrier  
*(specify address of delivery)*: \_\_\_\_\_

(3) I gave notice *(select one)*:

- ☐ by 10 a.m. the court day before this ex parte appearance.
- ☐ after 10 a.m. the court day before this ex parte appearance because of the following exceptional circumstances *(specify)*:

(4) I notified the person in 3a(1) that an order shortening time is being requested for a hearing on the applicant's *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020).

(5) The person in 3a(1) responded as follows:

(6) I ☐ do ☐ do not believe that the person in 3a(1) will oppose the ex parte application.

- b. ☐ **Request for waiver of notice.** I did not give notice about the ex parte application for order shortening time. I ask that the court waive notice to the other party for the following reasons *(identify the exceptional circumstances)*:

☐ Attachment 3b

- c. ☐ **Unable to provide notice.** I did not give notice about the ex parte application for order shortening time. I used my best efforts to tell the opposing party when and where this hearing would take place but was unable to do so. The efforts I made to inform the other person were *(specify below)*:

☐ Attachment 3c

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

4. ☐ **SERVICE OF FORMS**

- a. An unfiled copy of *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020) and related documents were served on:

- ☐ Plaintiff/Petitioner  
☐ Defendant/Respondent/Objector  
☐ Attorney for Plaintiff/Petitioner  
☐ Attorney for Defendant/Respondent/Objector  
☐ Other (specify):

- b. Documents were served on (date): \_\_\_\_\_ at: ☐ a.m. ☐ p.m.  
☐ personally at (location): \_\_\_\_\_, California.  
☐ by fax using fax no.: \_\_\_\_\_  
☐ by electronic means (if permitted) (specify electronic service address of person): \_\_\_\_\_  
☐ by overnight mail or other overnight carrier  
(specify address of delivery): \_\_\_\_\_

- c. ☐ Documents were not served on the opposing party because of the circumstances specified in:  
☐ 3b ☐ 3c ☐ below:

(If the pseudonymous party is signing this form, sign here.)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct. I agree that when I sign this declaration using my Doe name, I sign as the party identified on the *Confidential Information Form* (form SH-001).

Date:

(TYPE OR PRINT DOE NAME)

(SIGN DOE NAME)

(If someone other than the pseudonymous party's attorney is signing this form, sign here.)

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements on all attachments, is true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

(Use Doe name where appropriate) ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NUMBER: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (name): _____	FOR COURT USE ONLY   <b>DRAFT</b>  <b>07-29-2020</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
(Use Doe name where appropriate) PLAINTIFF/PETITIONER: _____ DEFENDANT/RESPONDENT/ESTATE OF: _____ OTHER PARTY/PARENT: _____	
<b>ORDER ON EX PARTE APPLICATION FOR ORDER SHORTENING TIME FOR HEARING ON MOTION TO PLACE DOCUMENTS UNDER SEAL UNDER CODE OF CIVIL PROCEDURE SECTION 367.3 (SAFE AT HOME)</b>	CASE NUMBER: _____

1. Applicant applied ex parte for an order shortening time for a hearing on *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020).
2. The court, having reviewed the application, makes the following ruling.
3. ☐ **Application Denied.** The court denies the application.
  - a. ☐ The application is incomplete.
  - b. ☐ The application did not meet the requirements for providing notice or service of the application.
  - c. ☐ Other:
4. ☐ **Shortening Time.** The court finds that delay in ruling would result in prejudice to the applicant's rights under Code of Civil Procedure section 367.3. A hearing will be held on the application, as follows:
  - a. The hearing will be on the date, time, and location indicated below:
 

Date: _____	Time: _____	<input type="checkbox"/> Dept.: _____	<input type="checkbox"/> Room: _____
Address of court: <input type="checkbox"/> same as noted above <input type="checkbox"/> other (specify): _____			
  - b. Applicant must serve this order and the *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (SH-020), and related papers, including the *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (SH-022), on all other parties by (date): \_\_\_\_\_
  - c. Any papers in opposition must be served on all other parties and filed by (date): \_\_\_\_\_

(Use Doe name where appropriate)

PLAINTIFF/PETITIONER:

DEFENDANT/RESPONDENT/ESTATE OF:

OTHER PARTY/PARENT:

CASE NUMBER:

**5. Other Rulings.**

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

## SPR20-08

### Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Subcommittee Responses
1.	California Department of Child Support Services By Leslie Carmona, Attorney IV	AM	<p><i>IV-D Child Support Program Access to Court Records as Mandated by Federal Law</i></p> <p>Under federal law, any court procedure adopted to remove sensitive information from public court records must ensure the IV-D child support program in its state continues to have access to the information without having to file a motion with the court to get the information needed to administer the IV-D program. (See Title 42, United States Code (USC), §666(c)(1)(G).) It is noted that SPR20-08 does not identify the IV-D child support program as an entity that has a legal right to access to this information notwithstanding any order made by the court to seal it under Code of Civil Procedure section 367.3. As such, we are concerned that this proposal:</p> <ul style="list-style-type: none"><li>(1) Lacks necessary specificity;</li><li>(2) Does not protect the Department's ability to secure prompt, reliable, and uniform statewide access to any such information in court records; and</li><li>(3) Is vulnerable to being implemented by local courts in a manner that conflicts with federal law.</li></ul> <p>Federal law gives the IV-D child support program this critical access for two main reasons. The principal reason is that the child support program needs to know whether any parentage and support</p>	<p>The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.</p> <p>Although this comment does not affect or require changes to the proposed forms under section 367.3, the committee acknowledges that the referenced requirement of federal law may conflict with section 367.3 and the sealing provisions in California Rules of Court, rules 2.550 and 2.551, insofar as section 367.3 and rules 2.550 and 2.551 make no provision for expedited relief to CDCSS—the agency empowered to secure a child support obligor's assets in California—from any sealing order a court may enter under section 367.3 in an action that involves the assets of a child support obligor.</p> <p>The committee acknowledges this potential conflict and has referred this issue to the Family and Juvenile Law Advisory Committee for consideration as to whether changes to California statutes or rules of court may be necessary.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

## SPR20-08

### Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Subcommittee Responses
			<p>orders have already been established for a child—to get support to children timely, to avoid the entry of conflicting judgments, and to ensure a child does not lose the right to receive support because a void support order was issued in error. Second, it has an obligation to enforce any support order obtained effectively, and therefore also needs to know if there are any other court proceedings in the state that involve persons ordered to pay support where monies may be paid to them that could be used to bring them current in their court-ordered support obligation.</p> <p><i>Both the Department and the Local Child Support Agencies Have a Legal Right to Collect Court Case Information</i></p> <p>By law, the Department specifically has both a legal right to collect information about all support orders issued in California and a duty to maintain a statewide index to locate any court cases in which child support orders have been issued. (See Cal. Fam. Code §17391 et seq that implements federal requirements found at Title 42, USC, §§653, 663, and 654a as clarified by Title 45, Code of Federal Regulations (CFR), §§303.21, 303.69, 303.70, and 307.11.) The Department is provided information by courts and the court case participants in order to create and maintain said statewide index under current law. (See Cal. Fam. Code §4014 and 17391 et seq. as well as California Rules of Court, rule 5.330.)</p>	<p>The committee acknowledges the comment and thanks the commenter.</p>

**SPR20-08****Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3**

All comments are verbatim unless indicated by an asterisk (\*).

	Commenter	Position	Comment	DRAFT Subcommittee Responses
			<p>The Department is also required to make this centralized information available to in-state local child support agencies doing the day-to-day IV-D case work in California, to similarly situated out-of-state IV-D child support agencies, and to other authorized persons recognized under federal law when appropriate. (See Cal. Fam Code §§17391 et seq and 17506 implementing federal requirements found in Title 42, USC, §§653, 663, and 654a as clarified by Title 45, Code of Federal Regulations (CFR), §§303.21, 303.69, 303.70, and 307.11.)</p> <p>This centralized information is used by local child support agencies in a variety of ways to discharge their own separate statutory IV-D duties that require them to independently research and collect information about support obligations for those families they are helping from all appropriate in-state sources (including courts) that are statutorily mandated to cooperate with them under various provisions of state law that include, but are not necessarily limited to, Family Code sections 17505 and 17512 before initiating any administrative or judicial legal action to establish or enforce support. (See Cal. Fam. Code §§17400, 17406, and 17526(c).)</p> <p>Local child support agencies also regularly need to research and access other court records that are governed by this procedure to enforce support for families by locating potential assets that may be distributed to persons ordered to pay support in unrelated civil lawsuits and probate proceedings.</p>	<p>The committee acknowledges the comment and thanks the commenter.</p>

**SPR20-08****Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3**

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			<p>As proposed, there is nothing in the procedure that requires the sealed case-specific information to be shared with the Department and the local child support agencies or that expressly recognizes that the court clerk must still give this information to any person acting on behalf of the IV-D program upon request in the event it is needed without further relief of court. As such, the Department, is respectfully requesting that this Committee encourage the Judicial Council to, at a minimum, make amendments to specified forms. It would also encourage the Committee to considering amending California Rules of Court, Rule 2.551 as well.</p> <p>Suggested edits to forms are found in Attachment 1 to this letter. *[The letter from the California Department of Child Support Services and Attachment 1 are submitted with this comment chart. Attachment 1 proposes edits to three forms, only one of which (the final one shown in Attachment 1) is involved in the present proposal. The relevant Attachment 1 item proposes adding additional items to the order (form SH-025). The proposed additions are:</p> <ul style="list-style-type: none"><li>• Inserting a new item 2.b. prompting the court to indicate whether a previous sealing order has been entered in the case;</li><li>• Inserting a new item 2.c. that asks the court to indicate whether support orders have been made in California for children of any of the parties to the action;</li><li>• Adding a new item 6 stating that “[a]ll parties identified in 2.c. are hereby ordered to file a State Case Registry Form (FL-191)</li></ul>	<p>The committee declines to adopt the suggested changes to the proposed order form (form SH-025) shown in the attachment to the commenter’s letter because the suggested changes would impose burdens on judicial officers and court staff that are not authorized or contemplated by Code of Civil Procedure section 367.3 or any other authority of which the committee is aware.</p>

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			<p>with the court within ten (10) days when a local child support agency is not involved in securing support for any of their children;</p> <ul style="list-style-type: none"><li>• Adding a new item 7 stating that the court clerk must transmit <i>the Confidential Information Form</i> (SH-001) filed with the court in the action to the California Department of Child Support Services when “it is the first such order made in this case and the court has found in 2.c. that support order(s) have been made in California for any of their child(ren).”</li><li>• Adding a new item 8 stating “Any person discharging IV-D child support services for the California Department of Child Support Services or any local child support agency, as defined in Family Code section 17304, is authorized to inspect and copy all record(s) sealed under this order upon request without need for further leave of court.”]</li></ul> <p>The proposed amendment to Rule 2.551 is to:</p> <ul style="list-style-type: none"><li>• Add a new subsection (i) that provides, as follows:<ul style="list-style-type: none"><li>(i) Notwithstanding subsection (h), any person discharging IV-D child support services for the California Department of Child Support Services or any local child support agency, as defined in Family Code section 17304, is authorized to inspect and copy any and all records(s) sealed by the court under Code of Civil Procedure section 367.3 and shall be given access to this</li></ul></li></ul>	<p>This suggestion goes beyond the scope of the current proposal. As noted above, the identified potential conflict between title 32 United States Code, section 666(c)(1)(G) and section 367.3 have been referred to the Family and Juvenile Law Advisory Committee.</p>

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			<p>information by the court clerk upon request without any further leave of court.</p> <p><b>The Department's Responses to the Committee's Specific Solicitations</b></p> <p><i>The Department believes the court captions for all the Code of Civil Procedure Section 367.3 Safe at Home forms should be revised to include other parent.</i></p> <p>When the local child support agencies seek to establish support in court under Family Code section 17400, the name of the parent that applied for aid or asked for support services needs to be listed on the caption even when they have not been made a party to the case. As such, the caption on all these proposed forms to implement Assembly Bill (AB) 800 should be revised to include the "Other Parent" reference that is found on the captions for all Family Law-Governmental Child Support FL-600-699 Forms.</p> <p><i>The Department concurs with the Committee's assessment that all the forms promulgated by the Judicial Council to implement AB 800 should be adopted for mandatory statewide use.</i></p> <p>As the Committee has explained, as part of this proposal and its W20-04 proposal, all the forms implementing AB 800 are intended to allow people who could not otherwise safely access the courts before to do so, and the persons to be protected under the new law can ask for this type of protection</p>	<p>The committee agrees with this comment from multiple commenters and has adopted this suggestion.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			<p>in family law and probate matters—proceedings which, overall, tend to include a very high number of unrepresented litigants. Based on our vast experience working with unrepresented family law litigants, we have found that where, as here, the procedural rules for seeking relief in court are highly complex and specialized they are not able to satisfy them on their own—thereby denying them access to the courts in situations like this one where they really need it.</p> <p>The Department also believes that adopting these forms for mandatory use is necessary in order to ensure the orders entered by the court granting this type relief are uniformly entered in a manner that conforms with all the mandates imposed by both federal law and California Rule of Court, Rule 2.251, subd. (e)(3).</p> <p><i>The Department would encourage the Committee to consider making further revisions to the AB 800 “Safe at Home” forms for purposes of helping a protected party in any case type understand that they can use the forms.</i></p> <p>Since unrepresented persons in family law proceedings are one of at least two new groups identified by the Committee as being eligible for such relief in its prior proposal (W20-04), the Department would encourage the Committee to consider expressly stating which cases types qualify for this type of relief on the following proposed forms:</p>	<p>.</p> <p>The committee thanks the commenter for these comments. See responses below to comments regarding the specific forms identified.</p>

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			<p>(1) The <i>Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)</i>-(SH-020 Info) in the “Applicable Law” section;</p> <p>(2) <i>Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)</i>-(SH-020) in the instructional box immediately under the court case caption; and</p> <p>(3) <i>Confidential Information Form Under Code of Civil Procedure Section 367.3</i> (SH-001) in the instructional box immediately under the court case caption.</p> <p>While the use of the term “civil action” throughout the proposed forms is legally accurate, it has been our experience that unrepresented persons in family law proceedings, in particular, typically do not readily understand when they can and/or must use other civil forms to ask the court for what they need. And, as such, there is a risk that some parties in need may not know they can use them to protect their families.</p> <p><i>The Department believes that, overall, this proposal appropriately achieves its intended purpose to adopt forms for use in all civil case types where the new AB 800 “Safe at Home” relief is available within the strict time constraints imposed by statute.</i></p>	<p>The committee agrees and has added the following language at items 1 and 2 of form SH-020-INFO after the existing text “civil court case”: “—any court case or proceeding that is not a criminal case.”</p> <p>The committee declines to adopt this suggestion to form SH-020 because the instructional box at the top of the form already directs protected parties to the instructions on form SH-020-INFO, which now include (at items 1 and 2) the requested clarifying language (see comment immediately above).</p> <p>The committee thanks the commenter for this suggestion, which the committee will consider as a potential future revision to form SH-001, the <i>Confidential Information Form</i>.</p> <p>The committee agrees and has revised the forms in an effort to make it clear that unrepresented persons in any case or proceeding that is not a criminal case may use the proposed forms.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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	<b>Commenter</b>	<b>Position</b>	<b>Comment</b>	<b>DRAFT Subcommittee Responses</b>
			<p>Given the strict implementation timeframe, the Department fully appreciates that the Committee may, in the future, also want to explore the following:</p> <p>(1) Adopting a new rule in Title 2 that codifies the procedures for these forms that are captured in “The Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home)-(SH-020 Info),” using a format similar to that found in California Rule of Court, Rule 5.92, as that model has worked well for this population;</p> <p>(2) Investigating at that time whether there would be any other added benefits to adopting a form set for this purpose that is more similar to that being used under the Request for Order (FL-300) process applicable to proceedings under the Family Code; and</p> <p>(3) Soliciting additional information from stakeholders about whether a separate AB 800 form set should be adopted by the Judicial Council for proceedings initiated under the Family Code.</p>	The committee will refer proposal (3) to the Family and Juvenile Law Advisory Committee for future consideration.
2.	Child Support Directors Association Judicial Council Forms Committee By Ronald Ladage, Chair	AM	The Committee generally agrees with the proposed changes to the forms and believes the proposals appropriately address the stated purpose. However, the Committee recommends modifying the language on the forms as follows:	The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.

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			<ul style="list-style-type: none"><li>• SH-020, SH-020 INFO, SH-022, SH-030, SH-030, SH-032 and SH-035 – The form’s caption box be modified to include “Other Parent.” (See attached SH-020, SH020 INFO, SH-022, SH-030, SH-032 and SH-035 draft example).</li><li>• SH-025<ul style="list-style-type: none"><li>○ The form’s caption box be modified to include “Other Parent.”</li><li>○ On page 1 of 2 footer change “Approved for Optional Use” to “Adopted for Mandatory Use.”</li><li>○ On page 2 of 2 change existing number 6. to number 7.</li><li>○ Add a new 6 with the following language: “The court clerk shall send a copy of the order granting the motion to seal and the completed Confidential Information Form SH-001 to the California Department of Child Support Services to maintain for future proceedings pursuant to state and federal law.” (See attached SH-025 draft example)</li></ul></li></ul> <p>These proposed changes will allow the form to be used in IV-D cases, most all of which require the “Other Parent” to be identified in the caption box. In addition, it is important for the Department of Child Support Services (DCSS) be able to identify any cases where the protected person is involved for many reasons, including the safety of the protected</p>	<p>The committee agrees with this suggestion from multiple commenters and has added a party title of “other party/ parent” in the caption on all the forms included in this proposal.</p> <p>The committee agrees with this comment as noted above.</p> <p>The committee agrees with this comment from multiple commenters and has adopted this suggestion.</p> <p>The committee declines to make this change. Please see the response immediately below.</p> <p>The new statute does not provide authority for court clerks to send a copy of orders on form SH-025 or completed form SH-001 to the California Department of Child Support Services. Because the statute requires that the information be kept confidential, the committee declines to make this change.</p> <p>See response above; the committee agrees with this comment from multiple commenters and has added a selection for “other party/parent” to the captions on all of the public-facing forms. The committee also agrees that form SH-025 should be made mandatory, as noted above.</p>

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			<p>litigant. The reason we suggest the SH-025 form be adopted for mandatory use, instead of approved for optional use, is for clarity and uniformity and so the form is easily identifiable to DCSS.</p> <p>We are also suggesting that the SH-025 form be required to be sent to California DCSS. Without that provision in the order, DCSS will have no way of easily tracking and properly protecting these litigants.</p> <p>DCSS is required by state and federal law to take specific action to establish and enforce support obligations. In order to properly undertake those responsibilities, DCSS must be able to identify all cases in which the parent in our caseload is involved. Otherwise, DCSS could obtain conflicting judgments and orders when unaware of the other cases. Also, without notice of the order sealing the case information, DCSS may be unaware of the parent's protected person status and may take action that it would not otherwise take.</p> <p>Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed rules and form changes. If you have any questions or concerns regarding this matter, please contact Ronald Ladage at 530-642-7375.</p>	<p>The new statute does not provide authority for court clerks to send a copy of orders on form SH-025 to the California Department of Child Support Services. Because the statute requires that the information be kept confidential, the committee declines to make this change.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>
3.	Family Violence Appellate Project By Cory Hernandez, Staff Attorney	AM	We support the idea behind SPR20-08, but think <b>significant modifications are needed</b> . [Emphasis in original.] SPR20-08 proposes creating seven new court forms (SH-020, SH-022, SH-025, SH-030,	The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter. The Committee considered, but declines to adopt, the suggestion that the two sets

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			<p>SH-032, and SH-035) and one new informational form (SH-020-INFO). However, only two new court forms (SH-020 and SH-025) and one new informational form (SH-020-INFO) are, in practical reality, needed. Reducing the number of forms means less work for the Council and the courts, less training needed for judicial officers and court staff, and less time and energy a survivor of domestic violence (or another Safe at Home program-qualifying crime) needs to spend on making one request. The fewer hurdles for litigants accessing the courts, the better.</p> <p><b><i>Forms SH-022, SH-030, and SH-032 should be combined into one form, form SH-020.</i></b></p> <p>A lot of the same information is requested on these four forms. Much of the stated language on form SH-022 (such as items 1, 2, 4(b), 4(c), 6, and 7) is generally good and can simply be moved over to form SH-020, with checkboxes that allow the requestor to check to ensure all statements apply to them. The additional information requested on form SH-022 can be moved over to form SH-020. Item 3 on form SH-022 is unnecessary if the form is moved into form SH-020. Item 4 on form SH-020 can be modified to provide space for a declaration of supporting facts, as is done on extant forms DV-100, DV-115, DV-160, and FL-300. And items 4 and 5 on form SH-022 are quite difficult to understand, even to someone trained in the law; here is suggested alternative language: “Facts showing</p>	<p>of forms be consolidated into two forms—a single public-facing form and a single order form. Consolidating the motion, the declaration supporting the motion, the ex parte application and the declaration showing notice of the ex parte application into a single form would result in lengthy form that would necessarily be more confusing and more difficult for an unrepresented party to navigate than the two separate sets of forms proposed. This added complexity would make an already intimidating process even more difficult for an unrepresented litigant to understand, let alone complete, and would make errors in the process more likely.</p> <p>The primary reason for the separate set of ex parte forms (SH-030, SH-032 and SH-035) is the exacting and detailed ex parte notice requirements of California Rules of Court, rule 3.1204. This complexity is reflected on the ex parte declaration (SH-032). The committee believes that the instructions on form SH-020-INFO are sufficiently detailed and clear to enable most self-represented litigants to understand, adequately complete, file, and serve the forms.</p> <p>The committee agrees that language in the declaration in support of retroactive sealing, form SH-022, at items 4 and 5, is difficult to understand. The committee has revised item 4 to state: “Facts showing that there is an overriding interest in my safety or confidentiality that overcomes the right of public access . . . .” The</p>

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			<p>there is an interest greater than the right of public access to these records, and this greater interest supports putting the documents under seal (<i>specify</i>):”</p> <p><i>Moreover, item 4(a) on form SH-022 is absolutely unnecessary and may deter requestors from completing the form, as they may not want to disclose why they are registered in the Safe at Home Program. No law or rule requires a requestor disclose their reason for being registered before they can take advantage of AB 800.</i></p> <p>Additionally, form SH-030 does not solicit any information that is not already gathered on form SH-020. Form SH-020 should be modified to include an additional item with a checkbox that lists out items 2-5 on form SH-030. While form SH-032 solicits some new information, it is only needed if the requestor is seeking an order shortening time, so that can be added to form SH-020 with an explanatory note that the requestor can skip that item if it does not apply. Already we see initial request forms contain a separate item to request an order shortening time, such as extant forms DV-100 and FL-300. Thus, only one request form, SH-020, is needed, and additional information found on other forms should simply be moved to form SH-020.</p> <p>Form <b>SH-020</b>, itself, could also be improved in at least five ways.</p>	<p>committee has also revised item 5 to state: “Facts showing that there is a substantial probability that the overriding interest in my safety or confidentiality described in item 4 will be prejudiced . . . .”</p> <p>The committee agrees and has adopted this suggestion.</p> <p>See the first response to the commenter, above; the committee declines to consolidate the forms for the reasons stated. Consequently, some redundancy is unavoidable for the sake of each form’s completeness.</p>

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			<p>First, the name of the document is confusing and somewhat misleading: “Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe at Home).” We suggest changing the second “Under” to “for” or “due to.” Having two “under”s so close together makes it harder to read for the average user. And the motion to place the documents under seal is technically under AB 800, not under the Safe at Home program, so the title is a bit misleading.</p> <p>Second, the italicized language between the caption and item 1 on form SH-020 is good and useful but the second sentence, “A Confidential Information Form (form SH-001) must be filed with this form,” is slightly buried and can be hard to miss (I missed it when I first read it, for instance). This should be bolded and/or place on a separate line to emphasize the information.</p> <p>Third, we suggest considering using “requesting party” or something similar instead of “pseudonymous party,” since it seems likely the average user will not know what “pseudonymous” means. Perhaps “Doe party” would be best, because that is clear and understandable and would signal to the user the need to use the “Doe” name instead of their actual name. While there may be multiple “Doe” parties in a given case, any potential confusion should be mitigated or eliminated by the fact that an SH-001 form must accompany each request here. Plus, the same potential confusion could arise using “pseudonymous party” because in</p>	<p>The committee agrees and has changed the name of the form to “<i>Motion to Place Documents Under Seal Under Code of Civil Procedure section 367.3 (Safe at Home).</i>”</p> <p>The committee agrees and has adopted this change.</p> <p>The committee declines to make this change. The term denotes a protected party under Code of Civil Procedure section 367.3 who is invoking the statute’s pseudonymous filing provisions by way of these forms under Code of Civil Procedure 367.3(b)(1) (“A protected person who is a party in a civil proceeding may proceed using a pseudonym[.]”). The term “pseudonymous party” is defined within the forms themselves, including in item 1 of the motion form (SH-020) and item 1 of the information form (SH-020-INFO) (to which the motion form refers users in the instructional box immediately above item 1). The definition of “pseudonymous party” in item 1 of the motion</p>

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			<p>that same example, each of those “Doe” parties would also be a “pseudonymous party.”</p>	<p>form further appears in a parenthetical (“pseudonymous party”) appearing immediately after the blank for the protected party to identify themselves using their “Doe name.” (The provided blank is followed by the parenthetical “(pseudonymous party).”) For further clarity, however, the committee has modified item 1 on the motion (form SH-020) which asks the protected person to fill in the provided blank with “(Doe name)”. The committee has inserted the following language inside the parenthetical after “Doe name”: “that you select in item 2 of this form.” (The referenced item 2 of form SH-020—which was formerly item 6 of that form—asks the protected person to select a Doe name from a checklist consisting of “John Doe,” “Jane Doe,” “Doe” or other (where more than one party is using a Doe name).)</p>
			<p>Fourth, item 1 on form SH-020 is confusing when it asks for “The person filing this motion (<i>Doe name</i>),” because it seems to be asking for whether the requestor is using John Doe, Jane Doe, or Doe, but then that same form does not always specify whether it is asking for the Doe name elsewhere, such as in the caption (“Attorney for (<i>name</i>)”). In fact, it might be simplest to have a universal instruction on form SH-020, in bold at the top, saying to never use the real name on this form and only use the Doe name. After all, although some parts of the caption say, “Use Doe name where appropriate,” a self-represented litigant is not likely going to know when it is and is not “appropriate” to use the Doe name, especially since they have not been to court yet on</p>	<p>See comment immediately above. The committee has modified item 1 as described to address this comment.</p>

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			<p>their request, and form SH-020-INFO is dense and difficult to read. Plus, it is not until item 6 that the requestor even knows what the options are for selecting a pseudonym; item 6 should be one of the first items on form SH-020.</p> <p>Fifth, as stated above, item 4 on form SH-020 should be modified to allow for a declaration of supporting facts for the request. Requiring someone to use multiple forms to make one straightforward request is unnecessary and likely to result in some applicants failing to complete all the necessary forms. A multitude of other request forms already allow for space to support the request, such as extant forms FL-300, DV-100, DV-115, DV-160, and DV-700. Yes, form SH- 020 will be longer, but it is much better to have one longer form than multiple short forms.</p> <p><i>Form SH-035 should be combined into form <b>SH-025</b>.</i></p> <p>If the above suggestion is heeded, then the order form for the order shortening time (SH- 035) should be combined with the order form for the order on the request (SH-025). Examples of extant forms that combine these types of orders include forms FL-300, DV-109, and DV-116.</p> <p>Moreover, item 6 should say “Other orders” instead of “Other findings” because item 6 is for orders and item 2 is for findings; item 2(b) specifically already asks for “Other findings,” and no other item asks for “other orders.”</p>	<p>The committee declines to make this change for the reasons described in the first response to this commenter, above. Consolidating the declaration form (SH-022) and the motion form (SH-020) would result in an overly complex single form likely to confuse or overwhelm an unrepresented party.</p> <p>The committee declines to adopt this suggestion given that, for the reasons previously explained, it is declining to consolidate the two sets of forms, i.e., SH-020, SH-022, SH-030 and SH-032.</p> <p>The committee has revised form SH-025 at former item 6 (now re-numbered as item 7) to state: “Other orders.”</p>

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4.	Orange County Bar Association By Scott B. Garner, President	A	<ul style="list-style-type: none"><li>The proposal appropriately addresses the stated purpose, as it will provide a method for protecting Safe at Home participants if their names or information are disclosed in public filings.</li><li>It is unclear whether the forms would work satisfactorily in probate and family law cases; there are no obvious differences about these types of cases that would require modification to the proposed forms or procedures.</li><li>The forms should be mandatory. If the goal is to protect the applicants, then having one way to have the information sealed and be able to proceed under a pseudonym will minimize chances of any confusion by court staff or the applicants when filing the forms.</li></ul> <p><b>Additional Comments:</b></p> <ul style="list-style-type: none"><li>The OCBA is concerned about the redaction procedures for pro se parties who are members of the Safe At Home program. The Judicial Council recognizes that it will often be pro se parties completing these forms. Nevertheless, the Council proposes that as part of the forms, the pro se party must file redacted versions of the documents sought to be sealed. This seems contradictory, as many pro se parties will have no idea or ability to redact documents properly using electronic means (it seems unlikely that the courts would allow a party to print a document, redact information with a marker,</li></ul>	<p>The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.</p> <p>The committee has revised the instructional form, SH-020-INFO, at items 1 and 2 to include language clarifying that a “civil case” is any court case or proceeding that is not a criminal case.</p> <p>The committee appreciates the comment and thanks the commenter.</p> <p>The committee declines to adopt this suggestion. The instructions form (form SH-020-INFO) instructs protected parties as to how they should redact copies of previously filed documents and provide those as part of the motion. Those redacted copies are what will be scanned by the courts and made part of the public record, while the previously scanned ones will be made confidential by the courts. The commenter recommends imposing a requirement on courts that the new statute does not authorize. Code of Civil Procedure section 367.3(b)(3) states: “This</p>

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			<p>and then have the document re-scanned as the public version of the document). The OCBA recommends modifying the form to have a space for the parties, if appearing pro se, to identify the documents and places within the documents that need to be redacted. This would impose a burden on the court staff, but, given the interest at issue, seems appropriate.</p> <ul style="list-style-type: none"> <li>The OCBA is also concerned that the documents containing the personal information for the Safe At Home participant will remain available to the public while the application to seal the documents is pending. Under the current sealing rules outside this context, parties are permitted to file documents conditionally under seal. Given the interests to be protected here, and that disclosure of a Safe at Home participant's address could cause substantial, immediate harm, it is appropriate to have the identified documents placed conditionally under seal upon the participant filing the motion. Once the court rules on the requests, the documents would either be sealed or publicly available again. It is problematic to afford more protections for confidential business information or trade secrets than for parties who may be under an actual threat of violence.</li> </ul>	<p>section does not require the court to review pleadings or other papers for compliance.”</p> <p>The committee declines to adopt this suggestion because the documents at issue will already be in the public file. The provisions in California Rules of Court, rule 2.551, permitting parties to submit records conditionally under seal during the pendency of a motion to seal, apply only to documents not yet in the public record. The new law (Code of Civil Procedure section 367.3) does not give courts the authority to conditionally seal documents that have already been filed. The committee is unaware of authority that would permit (let alone require) a party to conditionally remove documents from public access.</p>
5.	Public Law Center By Leigh E. Ferrin, Director of Litigation and Pro Bono	AM	PLC appreciates that the Council rejected the ex parte process due to complexity concerns. That would have been the focus of our comments had the ex parte process been adopted.	The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.

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			While we do support the use of a mandatory form, we have concerns that self-represented litigants may not understand the full requirements. PLC encourages an educational component to accompany the implementation of this rule such that if a self-represented litigant[] requests sealing not on the mandatory form, that the judicial officer provides the litigant an opportunity to refile on the mandatory form, rather than outright rejecting the request.	The committee is confident that judges entertaining motions to retroactively seal documents made by Safe at Home participants under Code of Civil Procedure section 367.3 will not deny such motions with prejudice on the ground that the protected person failed to use the mandatory form. However the committee will make sure that the Committee on Judicial Education and Research is made aware of the new procedure and the likelihood of its use by self-represented parties, so that appropriate education can be considered.
6.	Superior Court of Los Angeles County	A	<ul style="list-style-type: none"> <li>Does the proposal appropriately address the stated purpose?</li> </ul> <p>Answer: Yes.</p> <ul style="list-style-type: none"> <li>Would the proposed forms—and particularly the forms’ captions—work satisfactorily in probate and family law cases in which a protected person files under Code of Civil Procedure section 367.3? If not, how should they be revised?</li> </ul> <p>Answer: Yes.</p> <ul style="list-style-type: none"> <li>The forms (other than the order forms) are proposed as mandatory forms. Should they be optional instead and, if so, why?</li> </ul> <p>Answer: They should be mandatory. Many will be filled out by unrepresented litigants, who are likely to omit pertinent information without a</p>	<p>The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.</p> <p>The committee acknowledges the comment and thanks the commenter.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			<p>mandatory form. The forms include important instructions that filers must follow.</p> <ul style="list-style-type: none"> <li>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</li> </ul> <p>Answer: Training for judicial officers and staff; changes to case management systems.</p> <ul style="list-style-type: none"> <li>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</li> </ul> <p>Answer: No. In the current environment, 6 months should be allowed.</p>	<p>The committee acknowledges the comment and thanks the commenter.</p> <p>Given that Code of Civil Procedure section 367.3 has been in effect since January 1, 2020, the committee believes these forms are necessary to provide access to the new relief and that three months provides sufficient time for implementation.</p>
7.	Superior Court of Orange County Family Law Division By Vivian Tran	AM	<p><i>Confidentiality Program (Safe At Home) (Form SH-020):</i></p> <ul style="list-style-type: none"> <li>Item #2 - Lists the various filings that may be redacted. In Family Law, there are multiple forms that may have been previously filed in a case after case initiation or previously filed in a case before a party has become a member in the Safe at Home</li> </ul>	The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.

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			<p>Program. These may need to be redacted as well as they also list the name of the party and/or identifying characteristics besides the usual forms like petition/response, summons and proof of service. Just to name a few for example:</p> <ul style="list-style-type: none"><li>-Notice of Related Cases (form L-1120),</li><li>-Decl. under UCCJEA (form FL-105),</li><li>-Requests for Orders/Motions (form FL-300 and attachments),</li><li>-Income and Expense Declaration (form FL-150)/Financial Statement (Simplified) (form FL-155),</li><li>-Responsive Declaration to Request for Order (form FL-320).</li></ul> <p>As shown on the current draft, there may not be enough space afforded to Item# 2.h. for the listing of all the additional documents needing redaction. Recommend adding a box for an attachment or giving more space in Item 2.h. to identify/specify more “other documents” if needed.</p>	<p>The committee agrees and has modified both (1) form SH-020, item 3 (formerly item 2) and (2) form SH-025, item 4 to state, in the final item listed, “Other document (<i>specify by document name and, if applicable, by form number</i>),” followed by additional space to permit a protected party to specify other filings, and an advisement (on form SH-020) that the applicant may use an attachment to list additional documents. The committee declines to list any additional documents that may have been previously filed (and that may contain the applicant’s identifying information), however, because there are too many such documents to easily list on the form, and the exclusion of any particular document or form could give a protected party the erroneous impression that the document or form is excluded</p>

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			<p>NEW Form - Instructions for Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home) (<b>Form SH-020-INFO</b>):</p> <p>• <b>Item #1 – Applicable Law. 2nd Sentence “... Active participants in that program who are parties in a civil court proceeding (a civil court case) ...”</b></p> <p>Recommend that if this is a form geared towards self-represented parties, they might not be able to identify that a probate or family law case is also “a civil court proceeding”. Adding these types of cases may help the parties to understand that this request/motion may also be filed in these cases as well. Recommended revision: (a civil, probate or family law court case)</p> <p>• <b>Item #8 – If the court’s order sets a hearing date – first bullet - last sentence.</b> “The proof of service must be filed in court, typically by the applicant.”</p> <p>Recommend changing “must be filed in court” to “must be filed with the court” as this may represent that the proof of service must only be filed in the courtroom or at the time of the hearing when there are other options for filing the proof of service prior to the hearing date (i.e., mailing, filing in the clerk’s office, eFiling, etc.)</p> <p>• <b>Item #8 - Third bullet – only sentence -</b> “The pseudonymous party should appear at the hearing in</p>	<p>from the protections of Code of Civil Procedure section 367.3.</p> <p>The committee agrees and has modified the term “a civil court case” with this clarifying language: “—any court case or proceeding that is not a criminal case.”</p> <p>The committee agrees and has made this change.</p> <p>The committee agrees and has modified the third bullet of item 8 accordingly. The new language</p>

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			<p>person or by phone (if by phone, notice must be given in advance to the court or the other side.)” For Family Law cases, there is a process to request a telephonic appearance at court and it typically includes the filing of a mandatory Judicial Council Form, <i>Request for Telephone Appearance</i> (form FL-679).</p> <p><b>Recommend adding this form information to this sentence.</b></p> <p>NEW Form - Declaration in Support of Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home) (Form SH-022)</p> <ul style="list-style-type: none"><li>• No comments.</li></ul> <p>NEW Form - Order on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home) (Form SH-025)</p> <ul style="list-style-type: none"><li>• No comments.</li></ul> <p>NEW Form - Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents under Seal Under Address Confidentiality Program (Safe at Home) (Form SH-030):</p> <ul style="list-style-type: none"><li>• No comments.</li></ul> <p>NEW Form - Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home) (Form SH-032)</p>	<p>explains that the way an applicant should request a telephone hearing depends on the type of civil case in question, and that the form CIV-020 should be used in general civil and probate cases, form FL-679 in governmental child support cases, and that the applicant should check the court’s local rules for any direction as to how to give notice of a telephone appearance in other types of family law cases.</p> <p>The committee thanks the commenter for reviewing forms SH-022, SH-025, SH-030, SH-032 and SH-035.</p>

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			<ul style="list-style-type: none"><li>• No comments.</li></ul> <p>NEW Form - Order on Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Address Confidentiality Program (Safe At Home) (new Form SH0-035)</p> <ul style="list-style-type: none"><li>• No comments.</li></ul> <p><i>Request for Specific Comments</i></p> <p><i>Comments on the proposal as a whole:</i></p> <p>This proposal is a welcome addition for even more security for the members of the Safe at Home Program. The issue of redacting identifying information is an important issue afforded in the addition of Code of Civil Procedure section 367.3. Rule 2.551 (rule for sealing of records) and CCP section 367.3 do not really address the sealing/redacting of past filings/register of actions in a case nor the expediting of the sealing/redacting of these past court filings/records. I am so glad that Judicial Council has realized the need to also include the interpretation that previously filed filings or the court's register of actions are also vulnerable if left unredacted. It is imperative that previously filed documents and/or the court's public register of actions, with identifying names and/or characteristics, be blocked from public view at the earliest time possible! Without this extra protection in effect and a chance to expedite the retroactivity redaction process, Safe at Home program members might have their identifying information available</p>	<p>The committee appreciates the responses to the specific questions included in the Invitation to Comment. The committee also acknowledges and appreciates the comments on the proposal as a whole.</p>

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			<p>for public viewing which can lead to unforeseen dangerous and/or harmful circumstances for them.</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes, the proposal appropriately addresses the stated purpose. This proposal provides new forms that will make it easier and more efficient for the Safe at Home program members to understand the process and to be awarded these additional critical protections from the court.</p> <p>Would the proposed forms – and particularly the forms’ captions – work satisfactorily in probate and family law cases in which a protected person files under Code of Civil Procedure section 367.3? If not, how should they be revised?</p> <p>In Family Law, some case captions may include a selection for an Other Parent/Party. The Case Caption for these new SH forms could be revised to work in the family law cases with an additional “Other Party” selection. Some of these new SH forms actually list an “Other” selection in Item #1 of the form. Proposed Case Caption for all new SH forms:</p> <p>*[As an example, the commenter inserts screenshot exemplars of</p> <p>(1) a case caption in a family law case, which lists “Petitioner,” “Respondent,” and “<b>Other Party</b>,” and</p>	<p>The committee agrees and has added to the caption on all fillable forms (i.e., to forms SH-020, SH-022, SH-025, SH-030, SH-032 and SH-035) a selection for “other party/parent ”</p>

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			<p>(2) a hypothetical/suggested case caption on the forms that adds “<b>Other Party.</b>”]</p> <p>The forms (other than the order forms) are proposed as mandatory forms. Should they be optional instead and, if so, why?</p> <p>Since the new forms are so specific to the Safe at Home program, I feel they should be mandatory forms. The new forms are easily identifiable for self represented parties and the language is representative of the issues from Code of Civil Procedure section 367.3. With all the hundreds of available forms, especially for Family Law cases, it is nice to have these forms separated from the rest. If the goal of the proposal is to create less confusion and difficulty for the Safe at Home program members, I believe that these new forms should be mandatory to accomplish this goal.</p> <p>What would the implementation requirements be for courts, for example: training staff (positions and hours), revising procedures and process (describe), changing docket codes in case management system, or modifying case management systems:</p> <p>This may be an extensive implementation process as training will need to reach most of Orange County Superior Court Family Law Division courtroom and case processing staff including judicial officers, legal research staff and self help staff. It will mean adding new event codes to the</p>	<p>The committee appreciates the commenter’s responses to the specific questions included in the Invitation to Comment.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			<p>Odyssey case management system and new macros to Odyssey Clerk Edition. A few procedures on Confidential Addresses and Domestic Violence filings will need to be revised as the program is reflected in them or it may have to become a new procedure just for the new Safe at Home Program processes/forms.</p> <p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation:</p> <p>Yes, 3 months should be enough time for implementation. Orange County Superior Court’s leaders have been working diligently to ensure this court will be able to continue to request changes to our case management systems and resume training, remotely, even if the court does not go back to a “normal” way of conducting business after this proposal has been approved.</p> <p>How well would this proposal work in courts of different size:</p> <p>Orange County Superior Court – Family Law Division currently does not see a large volume of Safe at Home filings. Even though we have the Domestic Violence Assistance Program (DVAP) office as an official enrolling agency for the program, we also have a process in place that allows victims of domestic violence to keep their addresses confidential on these filings without having to be a member of the Safe</p>	<p>The committee acknowledges the comment and thanks the commenter.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			at Home Program. I would like to think that there will not be any issues in other courts, but I cannot attest to the volume of Safe at Home program filings or the number of current members in the program within those counties.	
8.	Superior Court of Orange County, Training and Analyst Group Team	AM	<p>1. Does the proposal appropriately address the stated purpose? Yes</p> <p>2. Would the proposed forms—and particularly forms’ captions—work satisfactorily in probate and family law cases in which a protected person files under Code of Civil Procedure section 367.3? If not, how should they be revised?</p> <p>Yes, but maybe adding a line/box on SH-020 (Motion form) in #2 under “Other” where the party can mark, “Continued on Attachment (<i>if you need more space, attach form MC-025</i>),” if the party is requesting to make additional documents that were filed in the case confidential, like an Ex Parte, or another Motion, and all of its supporting documents.</p>	<p>The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.</p> <p>The committee agrees and has modified both (1) form SH-020, item 3 (formerly item 2) and (2) SH-025, item 4 to include state, in the final item listed, “Other document (<i>specify <b>by document name and, if applicable, by form number</b></i>),” followed by additional space to permit a protected party to specify other filings, and an advisement (on form SH-020) that the applicant may use an attachment to list additional documents.</p>

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			<p>3. The forms (other than the order forms) are proposed as mandatory forms. Should they be optional instead and, if so, why?</p> <p>No, the forms should be mandatory to make things easier for the self-represented parties.</p> <p>4. What are the implementation requirements for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management system, or modifying case management system.</p> <p>Procedures will need to be updated/written. The case management system will need to be configured to the new forms. Legal processing and courtroom staff will need to be informed/trained on the new forms, what to look for, and the resulting impacts. Setting aside a few hours to review and discuss with staff should be sufficient to emphasize the importance of keeping information deemed confidential on the order, confidential. Most staff are familiar with similar processes and Safe at Home orders, so this should be straight forward.</p> <p>5. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes</p> <p>6. How well would this proposal work in courts of different sizes?</p>	<p>The committee appreciates the responses to the specific questions included in the Invitation to Comment.</p> <p>The committee acknowledges the comment and thanks the commenter.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			This proposal should work well in courts of different sizes but will have more of an impact on larger courts. Larger courts may be more likely to see these documents due to the volume of filings. Also, since forms are being created to assist litigants, it will make it easier for parties to file under these circumstances.	The committee acknowledges the comment and thanks the commenter.
9.	Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee (JRS)	AM	<p>The JRS notes that the proposal is required to conform to a change of law.</p> <p>The JRS also notes the following impact to court operations:</p> <p><i>Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.).</i></p> <p>The case management impacts for courts that are still using legacy case management systems (CMS) may be substantial. Legacy CMS's frequently do not allow the courts to make code changes or programming modifications. Courts with legacy CMS's may need to turn to the CMS vendor to modify their CMS and/or change coding to allow for the creation of a pseudonym field. Courts with newer CMS's usually will have the ability to reprogram their CMS to create a pseudonym field to please John Doe or Jane doe designation. In either legacy or newer CMS, courts will need to reprogram their CMS's to create confidential data fields for true name and identifying information which will need to</p>	<p>The Civil and Small Claims Advisory Committee appreciates the comments and thanks the commenter.</p> <p>The committee appreciates the responses to the specific questions included in the Invitation to Comment.</p>

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			<p>be kept confidential from any public portal viewing of court CMS. Assuming that a court makes civil case record information available to justice partners, courts would also have to find a way to program their justice partner portal to keep confidential from justice partner viewing the true name and identifying information for “Safe at Home” active program participants.</p> <p><i>Results in additional training, which requires the commitment of staff time and court resources.</i></p> <p>Staff will need to be trained on a number of steps required to implement the confidentiality. Staff will have to be trained on how to verify with the Secretary of State that the petitioner is an active participant in the Safe at Home program. Staff will have to be trained to process applications and motions related to “safe at home” confidentiality. Staff will also need to be trained on reviewing the redacted documents submitted by the petitioner to assure that the text the petitioner is seeking to redact can be redacted pursuant to CCP 367.3.</p> <p><i>Increases court staff workload.</i></p> <p>The proposals will generate a substantial amount of new work for court staff. However, the assumption is the number of persons petitioning under CCP 367.3 will not be a substantial amount. In addition to the work generated by the steps described above that will require significant training, courts that have not digitized their court files will have considerable amount of work generated by the need to locate all</p>	<p>The committee acknowledges the comment and thanks the commenter.</p> <p>The committee acknowledges the comment and thanks the commenter.</p>

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			<p>documents that the petitioner has redacted, remove the original and insert the redacted copy. For courts that have digitized their records, they will need to take the hard copy version of the documents the petitioner has redacted and scan the redacted documents into their digital case management system. The number of documents and the number of pages that court staff would need to scan and then enter into the case management system could be a voluminous even for just one application and motion. Finally, court staff will need to review and revise the register of action to redact the protected party's name and identifying information.</p> <p><i>Impact on local or statewide justice partners.</i></p> <p>An important requirement for the court to order the protection of a petitioner's true name and identifying information is the petitioner's active participation in the Safe at Home program administered by the Secretary of State. Each court will need to work out with the Secretary of State a means of verifying a petitioner's participation in the Safe at Home program.</p> <p><i>Suggested modification(s):</i></p> <p>In regard to the proposed forms working satisfactorily for both probate and family law cases, there are many more filings and documents in the family law area that a petitioner would need to identify that are not on the list of documents stated in SH-020 and SH-025. We would recommend the following modification, the creation of a family law</p>	<p>The committee acknowledges the comment and thanks the commenter.</p> <p>The committee declines to adopt this suggestion because the number of potential family law forms/filings that could have been previously filed (and contain the applicant's identifying information) is large and would likely require a separate attachment to forms SH-020 and SH-025 containing a checklist of all family law filings.</p>

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			<p>document check-off list attachment for SH-020 and SH-025. The attachment would have a check-off list of family law filings and documents to add to the documents listed on SH-020 and SH-025. It is likely that a substantial number of petitioners will be proper, the creation of such a list will make it easier for them to identify the documents to be sealed.</p> <p>In regard to SH-025, we recommend two modifications. We recommend that 2.a. (1) and (2) be combined. There is a redundancy in the two sections.</p> <p>We also recommend the addition of a new court finding “2.a.(6) The petitioner is an active participant in the Safe at Home program.</p>	<p>Nevertheless, the committee has modified these forms (see SH-020, item 3 and SH-025, item 4 (see comment above from Superior Court of Orange County, Family Law Division) to state, in the final item listed, “Other document (<i>specify by document name and, if applicable, by form number</i>),” followed by additional space to permit a protected party to specify other filings, and an advisement (on form SH-020) that the applicant may use an attachment to list additional documents.</p> <p>The committee declines to make the suggested change to 2.a.(1) and (2). The five findings in item 2 are the five express factual findings required to seal records under rule 2.550, based on <i>NBC Subsidiary (KNBC-TV) Inc. v. Superior Court</i> (1999) 20 Cal.4th 1178.</p> <p>The committee agrees that the order (form SH-025) should include a court finding at item 2.b. that the protected party is an active participant in the Safe at Home program. The committee has revised the form accordingly.</p>