



Judicial Council of California

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Subject Details (With Text)

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Title

Rules and Forms | Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3 (Action Required)

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*

2. *367.3 (Safe at Home)* (form SH-032).
- 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).