



# Judicial Council of California

## Meeting Minutes

### Judicial Council

Please visit [courts website](#) access the recording of the September 19, 2023, meeting.

Meeting materials are available through the hyperlinks in this document.

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Tuesday, September 19, 2023

9:50 AM

San Francisco

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### **CLOSED SESSION (RULE 10.6(b))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE**

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the closed session to order at 9:00 a.m.

### **OPEN SESSION (RULE 10.6(a)) — MEETING AGENDA**

#### **Attendance**

##### **Council Members**

**Present:** 26 - Chief Justice Patricia Guerrero, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Michelle Williams Court, Judge Charles S. Crompton, Judge Judith K. Dulcich, Judge Samuel K. Feng, Judge Maureen F. Hallahan, Judge Maria D. Hernandez, Judge Ann C. Moorman, Judge Erica R. Yew, Commissioner Alin D. Cintean, Senator Thomas J. Umberg, Ms. Kate Bieker, Mr. David D. Fu, Ms. Rachel W. Hill, Mr. Charles Johnson, Ms. Gretchen Nelson, Mr. Darrel E. Parker, and Mr. David H. Yamasaki

**Absent:** 2 - Assembly Member Brian Maienschein and Mr. Maxwell V. Pritt

#### **Call to Order**

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the open session to order at 9:50 a.m. in the Judicial Council Board Room.

#### **Swearing in of New and Reappointed Judicial Council Members**

The Chief Justice administered the oath of office to new and reappointed council members.

New members include:

- **Ms. Kate Bieker**, Court Executive Officer, Superior Court of Contra Costa County

- **Hon. Alin D. Cintean**, Commissioner, Superior Court of Sacramento County
- **Hon. Michelle Williams Court**, Judge, Superior Court of Los Angeles County
- **Hon. Charles S. Crompton**, Judge, Superior Court of San Francisco County
- **Hon. Maureen F. Hallahan**, Assistant Presiding Judge, Superior Court of San Diego County
- **Hon. Maria D. Hernandez**, Presiding Judge, Superior Court of Orange County
- **Mr. Charles Johnson**, Clerk/Executive Officer, Court of Appeal, First Appellate District
- **Mr. Darrel E. Parker**, Court Executive Officer, Superior Court of Santa Barbara County
- **Hon. Erica R. Yew**, Judge, Superior Court of Santa Clara County

Reappointed members:

- **Hon. Carol A. Corrigan**, Associate Justice, Supreme Court
- **Hon. Marla O. Anderson**, Judge, Superior Court of Monterey County
- **Ms. Rachel W. Hill**, Attorney
- **Ms. Gretchen Nelson**, Attorney

The Chief Justice also announced that the Judicial Council of California today unanimously voted to select Ms. Shelley Curran as the next Administrative Director. Ms. Curran will assume the role Jan. 1, 2024, following the retirement of Acting Administrative Director Millicent Tidwell.

## Public Comment

No written comments were received. No members of the public (speakers) requested to address the council on general matters of judicial administration or on specific agenda items during the meeting.

## Chief Justice's Report

Chief Justice Patricia Guerrero reported on her activities since the last council meeting.

## Administrative Director's Report

[23-138](#)

### Acting Administrative Director's Report

Acting Administrative Director Millicent Tidwell reported on the council's activities since the last council meeting.

## CONSENT AGENDA

### Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Administrative Presiding Justice Hill and seconded by Mr. Yamasaki. The motion was adopted.

[23-141](#)

#### Minutes of July 21, 2023, Judicial Council Meeting

[23-160](#)

#### Collaborative Justice | Revised Allocation Methodology for Fiscal Year 2023-24 Substance Abuse Focus Grants (Action Required)

**Summary:** As part of the Budget Act of 2023, the Legislature allocated \$1.16 million for the Substance Abuse Focus Grant Program to the superior courts to maintain, expand, or enhance collaborative courts, and \$75,000 in federal Court Improvement Program funds have been made available for fiscal year 2023-24 to fund the Dependency Drug Court Augmentation. Beginning with this fiscal year and for all subsequent fiscal years, the Collaborative Justice Courts Advisory Committee recommends revising the caseload-based methodology for allocation of the grant to a population-based methodology. The recommended methodology is consistent with the methodology used in pretrial release allocations and based on the 18- to 24-year-old population by county, which will align the distribution of the funding to the population in greatest need of services.

**Recommendation:** The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective September 19, 2023, approve the revised population-based methodology for the Substance Abuse Focus Grant Program allocations.

[23-151](#)

#### Equal Access Fund | Distribution of Federal Coronavirus Fiscal Recovery Fund for Housing Issues (Action Required)

**Summary:** The Legal Services Trust Fund Commission recommends approval of \$20 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the State Bar of California's Equal Access Fund for distribution to legal services providers and support centers to provide assistance with housing-related issues, including eviction and other tenant defense in landlord-tenant rental disputes, as authorized by the Budget Act of 2023.

**Recommendation:** The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 19, 2023, approve distribution of \$20 million in Equal Access Fund housing funds from the Coronavirus Fiscal Recovery Fund of 2021 to the State Bar for those legal services agencies that previously applied for and were determined to meet the eligibility requirements stated in the Budget Act.

[23-179](#)**Equal Access Fund | Distribution of Funds for CARE Act Legal Representation (Action Required)**

**Summary:** The State Budget Act of 2023 appropriated \$22,852,000 to the Judicial Council to allocate to the Legal Services Trust Fund Commission of the State Bar of California for the implementation of the Community Assistance, Recovery, and Empowerment (CARE) Act. The commission will distribute a portion of these funds through the Equal Access Fund as grants to qualified legal services projects to provide legal counsel for representation in CARE Act proceedings, matters related to CARE agreements and CARE plans, or to county public defender offices in the event that no qualified legal services program is available to provide representation; to qualified support centers or other entities that have expertise in providing legal training and technical assistance to legal aid providers or public defenders related to the implementation of the CARE Act; and to the State Bar of California for administration of this program.

**Recommendation:** Judicial Council staff recommends that the Judicial Council, effective September 19, 2023, approve the distribution of \$22,852,000 to the Legal Services Trust Fund Commission of the State Bar of California for the implementation of the Community Assistance, Recovery, and Empowerment Act, as authorized by the Budget Act of 2023.

[23-157](#)**Equal Access Fund | Distribution of Funds for IOLTA-Formula Grants and Partnership Grants (Action Required)**

**Summary:** The Legal Services Trust Fund Commission recommends approval of the distribution of \$40,487,700 to the State Bar of California for the 2023 Equal Access Fund Interest on Lawyers' Trust Accounts (IOLTA)-Formula Grants and Partnership Grants for distribution to legal services providers and support centers to be used for legal services in civil matters for indigent persons and self-represented litigants to improve equal access and the fair administration of justice, as authorized by the Budget Act of 2023. This amount is contingent on filing fee income received for fiscal year 2023-24, which constitutes approximately 13 percent of this allocation. In accordance with the Budget Act, the Judicial Council will also reserve approximately 3 percent of the total for administration. The Legal Services Trust Fund Commission also recommends approval of the grant awards made by the commission, which comply with statutory and other relevant guidelines.

**Recommendation:** The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 19, 2023, approve the distribution of up to \$40,487,700 to the State Bar of California for the 2023 Equal Access Fund IOLTA Formula Grants and Partnership Grants as authorized by the Budget Act of 2023, including:

- Up to 2.8 percent of the total, or \$1,158,900, for administration of the program; and

- After deducting administrative costs:
  - 90 percent of the total, or up to \$31,506,480, to be allocated through the IOLTA-Formula Grants to legal services providers and support centers to provide legal services in civil matters for indigent persons; and
  - 10 percent of the total, or \$3,500,720, to be allocated as Equal Access Fund Partnership Grants for projects conducted jointly by courts and legal services providers to make legal assistance available to self-represented litigants.

[23-154](#)**Equal Access Fund | Distribution of Funds to the California Access to Justice Commission (Action Required)**

**Summary:** The Advisory Committee on Providing Access and Fairness recommends approval of two distributions to the California Access to Justice Commission, as authorized by the Budget Act of 2023: \$5 million for grants to civil legal aid nonprofits and \$250,000 for administration of a tax-advantaged student loan repayment assistance program for service providers employed by qualified legal service projects and support centers.

**Recommendation:** The Advisory Committee on Providing Access and Fairness recommends that the Judicial Council, effective September 19, 2023, approve the following distribution, as authorized by the Budget Act of 2023:

- \$5 million to the California Access to Justice Commission for grants to civil legal aid nonprofits; and
- \$250,000 for administration of a tax-advantaged student loan repayment assistance program.

[23-135](#)**Facilities Services | Judicial Council Policy on Security Systems Program (Action Required)**

**Summary:** The Court Security Advisory Committee recommends that the Judicial Council adopt *Judicial Council Policy on the Security Systems Program*. The policy documents the Security Systems Program procedures and methodology and would be used by Facilities Services staff to ensure transparency and equitable distribution of funds. The adoption of the policy would provide consistency with other Facilities Services programs that serve the courts.

**Recommendation:** The Court Security Advisory Committee recommends that the Judicial Council, effective September 19, 2023, adopt *Judicial Council Policy on the Security Systems Program*.

[23-127](#)**Judicial Branch Administration | Judicial Branch Contracting Manual (Action Required)**

**Summary:** The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council adopt proposed revisions to the *Judicial Branch Contracting Manual*. The proposed revisions include edits to reflect new Public Contract Code provisions regarding procurement and contracting, as well as updated procedures for the advertising of procurements in the California State Contracts Register.

**Recommendation:** The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council, effective October 1, 2023, adopt proposed revisions to the *Judicial Branch Contracting Manual*.

[23-029](#)**Jury Instructions | Criminal Jury Instructions (2023 Supplement) (Action Required)**

**Summary:** The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2023 supplement of *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

**Recommendation:** The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective September 19, 2023, approve the following changes to the criminal jury instructions prepared by the committee:

1. Addition of CALCRIM Nos. 209 and 526; and
2. Revisions to CALCRIM Nos. 101, 318, 319, 334, 377, 401, 402, 403, 417, 521, 522, 540B, 540C, 563, 592, 600, 604, 703, 733, 763, 1801, and 1802.

[23-150](#)**Juvenile Law | Fiscal Year 2023-24 Funding Allocation for California Court Appointed Special Advocate Association (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends approving the allocation of \$20 million in Court Appointed Special Advocate program grant funding, included in the Budget Act of 2023, to the California Court Appointed Special Advocate Association for fiscal year 2023-24.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 19, 2023:

1. Allocate \$20 million in General Fund appropriations for the California Court Appointed Special Advocate (CASA) Association for fiscal year 2023-24 specified by the Budget Act of 2023 (Assem. Bill 102; Stats. 2023, ch. 38) to:
  - a. Provide funding to the local CASA programs to expand capacity, recruitment, and training, and to stabilize local budgets and staffing; and

- b. Be used statewide for volunteer recruitment initiatives, shared resources and infrastructure, development of training curriculum, collection of data on program implementation and outcomes to support the required report to the Legislature, and other uses to expand CASA services in the state; and
2. Direct the California CASA Association to:
  - a. Allocate \$16 million to local CASA programs using an equitable funding methodology based on local CASA program needs; and
  - b. Collect, compile, and submit data to the Judicial Council, as determined in collaboration with Judicial Council program staff, on program implementation and outcomes to support the required report to the Legislature and other uses to expand CASA services in the state.

[23-116](#)**Language Access Plan | Proposed Allocations for Signage and Technology Grant Program, Cycle 5, Fiscal Year 2023-24 (Action Required)**

**Summary:** The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend approving proposed grant awards for the Language Access Signage and Technology Grant Program of \$2.35 million to expand language access for court users. For Cycle 5 (fiscal year 2023-24), 13 courts applied for signage and technology needs. Funding of all requested court projects is recommended, and remaining funding will support 4 additional courts that applied for grants under different but related grant opportunities.

**Recommendation:** The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend that the Judicial Council, effective September 19, 2023:

1. Approve the proposed allocations of \$423,567.04 for signage and \$1,926,432.96 for technology for the Language Access Signage and Technology Grant Program for fiscal year 2023-24; and
2. Direct Language Access Services staff to work with Branch Accounting and Procurement to draft and execute intra-branch agreements with each awarded court.

[23-149](#)**Rules and Forms | Appellate Procedure: Attachment of Trial Court Order to Petition for Review of Summary Denial of Writ Petition (Action Required)**

**Summary:** The Appellate Advisory Committee recommends amending the rule of court governing petitions for review in the Supreme Court to provide for attachment of the entire trial court order when the petitioner seeks review of a Court of Appeal summary denial of a writ petition. This change will facilitate review on the merits and streamline procedures. When the Court of Appeal summarily denies a writ petition, the underlying trial court order is necessary to identify the issues in dispute. Under the current rule, however, a petitioner cannot attach a trial court order that exceeds 10

pages to a petition for review without first requesting and obtaining the permission of the Chief Justice.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend California Rules of Court, rule 8.504, to require that if a petition for review seeks review of a Court of Appeal order summarily denying a writ petition, a copy of the underlying trial court order challenged in the Court of Appeal writ proceeding must be attached to the petition for review.

### [23-144](#)

#### **Rules and Forms | Appellate Procedure: Forms for Extension of Time (Action Required)**

**Summary:** The Appellate Advisory Committee recommends revising the forms used to request an extension of time to file a brief in the Court of Appeal and the appellate division of the superior court to ensure that courts receive sufficient information to determine whether good cause exists for an extension. The recommended revisions would (1) add an item on the civil forms to indicate that the case is entitled to, or has been granted, calendar preference or priority; and (2) revise the item where the applicant explains why good cause exists for an extension to direct the applicant to address the relevant factors a court will use in ruling on the motion. Additionally, minor additions or corrections are being recommended to each form.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024, revise the following forms to add items to indicate that an appeal is entitled or eligible for calendar preference or priority, revise the items addressing why good cause exists for an extension of time to file a brief, and make other minor additions and corrections:

- *Application for Extension of Time to File Brief (Civil Case)* (form APP-006)
- *Application for Extension of Time to File Brief (Limited Civil Case)* (form APP-106)
- *Application for Extension of Time to File Brief (Criminal Case)* (form CR-126)
- *Application for Extension of Time to File Brief (Juvenile Delinquency Case)* (form JV-816)
- *Application for Extension of Time to File Brief (Juvenile Dependency Case)* (form JV-817)

### [23-145](#)

#### **Rules and Forms | Appellate Procedure: Notice of Appeal (Action Required)**

**Summary:** The Appellate Advisory Committee recommends revising *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* (form APP-002) and *Notice of Appeal/Cross-Appeal (Limited Civil Case)* (form APP-102) to (1) include an item by which an attorney can join the appeal to challenge an order directing payment of sanctions by the attorney; (2) add an optional item by which the appellant can attach a copy of the judgment or order being appealed; and (3) on form APP-002, reorganize

item 1 to ensure that the item requesting the date of the judgment or order being appealed was entered is not overlooked.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024, revise the following forms to add an item by which attorneys can indicate they are appealing to challenge a sanctions order, add an item to allow appellants to attach the order or judgment being appealed, and make other minor additions or corrections:

- *Notice of Appeal/Cross-Appeal (Unlimited Civil Case)* (form APP-002)
- *Notice of Appeal/Cross-Appeal (Limited Civil Case)* (form APP-102)

### [23-143](#)

#### **Rules and Forms | Appellate Procedure: Time for Electing and Filing an Appendix (Action Required)**

**Summary:** The Appellate Advisory Committee recommends amending two rules of court regarding appendixes to allow appellants to file an appendix before filing an opening brief and to allow respondents to elect an appendix when their other record designations are due. These amendments are intended to assist courts and litigants by permitting earlier filing of an appendix and to provide respondents the opportunity to elect an appendix after receiving notice that the appellant has designated a clerk's transcript. The committee also recommends revising four forms to reflect the rule changes and revoking two forms that would no longer be necessary.

**Recommendation:** The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 8.124 and 8.845, to change the deadline for a respondent to elect an appendix and to allow an appellant to file an appendix before filing the opening brief.
2. Revise the following forms to reflect the above rule changes:
  - *Information on Appeal Procedures for Unlimited Civil Cases* (form APP-001-INFO);
  - *Respondent's Notice Designating Record on Appeal* (form APP-010);
  - *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO); and
  - *Respondent's Notice Designating Record on Appeal* (form APP-110).
3. Revoke the following forms as no longer necessary:
  - *Respondent's Notice Electing to Use an Appendix (Unlimited Civil Case)* (form APP-011); and
  - *Respondent's Notice Electing to Use an Appendix (Limited Civil Case)* (form APP-111).

[23-172](#)**Rules and Forms | Child Support: Implementing Amendments to Family Code Section 4007.5 (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee proposes revising several forms in order to provide court users and the public with updated information regarding relief available to incarcerated or involuntarily institutionalized child support obligors. The proposed revisions are necessary to reflect recent amendments made to Family Code section 4007.5.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2024, to provide court users and the public with updated information regarding relief available to incarcerated or involuntarily institutionalized child support obligors:

- *Notice of Rights and Responsibilities (Health-Care Costs and Reimbursement Procedures) and Information Sheet on Changing a Child Support Order* (form FL-192);
- *Application to Determine Arrears* (form FL-490);
- *Request for Determination of Support Arrears* (form FL-676); and
- *Information Sheet: Request for Determination of Support Arrears* (form FL-676-INFO).

[23-167](#)**Rules and Forms | Civil Practice and Procedure: Appointment of Guardian ad Litem (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Probate and Mental Health Advisory Committee propose adopting one form, revising two forms, revising and renumbering one form, and revoking one form to reflect a change in the law and to clarify and modernize the existing forms. The mandatory forms in the proposal are used to apply for and order the appointment of a guardian ad litem in a civil action or proceeding, including a family law proceeding, and in a proceeding under the Probate Code.

**Recommendation:** The Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2024:

1. Adopt *Order Appointing Guardian ad Litem--Civil and Family Law* (form CIV-011/FL-936) for mandatory use to appoint a guardian ad litem in civil and family law proceedings;
2. Revise *Application and Order for Appointment of Guardian ad Litem--Civil* (form CIV-010), retitle it as *Application for Appointment of Guardian ad Litem--Civil and Family Law*, and renumber it as form CIV-010/FL-935 to separate the application from the order, incorporate new statutorily required elements, update its language, and clarify that it is intended for use in family law proceedings;

3. Revise *Petition for Appointment of Guardian ad Litem--Probate* (form DE-350/GC-100) and *Order Appointing Guardian ad Litem--Probate* (form DE-351/GC-101) to incorporate new statutorily required elements and update their language; and
4. Revoke *Application and Order for Appointment of Guardian ad Litem of Minor--Family Law* (form FL-935) because it is now unnecessary.

[23-133](#)

**Rules and Forms | Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200 (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends revising ten Judicial Council forms and revoking one form to implement statutory changes made by Senate Bill 1200 (Stats. 2022, ch. 883), enacted September 30, 2022. SB 1200 limits the ability of a judgment creditor to renew or bring an action on a money judgment and lowers the applicable rate of postjudgment interest where the judgment and unsatisfied principal amount of the judgment meet certain criteria. The recommended revisions to the forms implement these statutory changes.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Revise the following forms to add information about the applicable postjudgment interest rates and renewal terms for money judgments that meet criteria specified by SB 1200, and to revise information about the deadline for judgment debtors to file a motion to vacate or modify a renewal of judgment:
  - *Application for and Renewal of Judgment* (form EJ-190)
  - *Notice of Renewal of Judgment* (form EJ-195)
  - *Judgment* (form JUD-100)
  - *Memorandum of Costs After Judgment, Acknowledgment of Credit, and Declaration of Accrued Interest* (form MC-012)
  - *Information Sheet for Calculating Interest and Amount Owed on a Judgment* (form MC-013-INFO)
  - *Notice of Entry of Judgment* (form SC-130)
  - *Notice of Entry of Judgment* (form SC-200)
  - *Request to Make Payments* (form SC-220)
  - *Declaration of Default in Payment of Judgment* (form SC-223)
  - *Response to Declaration of Default in Payment of Judgment* (form SC-224)
2. Revoke *Payments in Small Claims Cases* (form SC-220-INFO) because it is identical to the second page of form SC-220.

[23-130](#)**Rules and Forms | Criminal Law: Circumstances in Aggravation (Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends revisions to the optional Judicial Council felony plea form to reflect statutory changes regarding the right to trial on aggravating circumstances in order to justify imposition of the upper term of a criminal offense or enhancement, and to improve consistency throughout the form.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, revise *Plea Form, With Explanations and Waiver of Rights--Felony* (form CR-101) to reflect statutory changes regarding the right to a trial on circumstances in aggravation and to make technical changes to improve consistency throughout the form.

[23-125](#)**Rules and Forms | Criminal Procedure: Appointment of Trial Counsel in Capital Cases (Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends amending the rule governing qualifications for appointed trial counsel in capital cases. This amendment would clarify that the requirement for appointment of qualified counsel applies in all capital cases unless the district attorney affirmatively states on the record that the death penalty will not be sought.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend rule 4.117 of the California Rules of Court to clarify that requirement for appointment of qualified counsel applies in all capital cases unless the district attorney affirmatively states on the record that the death penalty will not be sought.

[23-040](#)**Rules and Forms | Criminal Procedure: Petition for Resentencing Based on Health Conditions Due to Military Service (Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends revising the optional Judicial Council petition for resentencing based on health conditions due to military service to reflect statutory changes expanding eligibility for relief and clarifying that relief is available for health conditions discovered after sentencing.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, revise *Petition for Resentencing Based on Health Conditions Due to Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412) to reflect statutory changes to section 1170.91(b) expanding eligibility for relief and clarifying that relief is available for health conditions discovered after sentencing.

[23-173](#)**Rules and Forms | Criminal Procedure: Record Cleaning Forms  
(Action Required)**

**Summary:** The Criminal Law Advisory Committee recommends revising optional criminal forms used to petition for dismissals and reductions of convictions and request sealing of arrest records. The proposed revisions reflect recent statutory changes that allow for automatic record relief, expand who is eligible for relief, and clarify the effect of relief granted.

**Recommendation:** The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Revise the following forms to conform to recent legislation by adding a notice that automatic relief may have already been granted and to make other clarifying and technical changes:
  - *Petition for Dismissal* (form CR-180);
  - *Order for Dismissal* (form CR-181);
  - *Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-400);
  - *Petition to Seal Arrest and Related Records (Pen. Code, § 851.91)* (form CR-409);
  - *Information on How to File a Petition to Seal Arrest and Related Records Under Penal Code Section 851.91* (form CR-409-INFO); and
  - *Petition for Dismissal--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430);
2. Further revise form CR-430 and revise the following additional forms to account for the expansion of relief provided by recent legislation and to make other clarifying and technical changes:
  - *Information on Filing a Petition for Dismissal--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-430-INFO);
  - *Court Cover Letter and Agency Certification--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-431); and
  - *Order on Petition--Incarcerated Individual Hand Crew (Pen. Code, § 1203.4b)* (form CR-432);
3. Further revise forms CR-430-INFO and CR-432 to conform to recent legislation by indicating that the petitioner may still be subject to the terms and conditions of any unexpired criminal protective order; and
4. Revise the following forms to make the title consistent with the recommended new title of form CR-400 and to make minor technical changes:
  - *Proof of Service for Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-401);
  - *Prosecuting Agency Response to Petition/Application (Health and Safety Code, § 11361.8) Adult Crime(s)* (form CR-402); and
  - *Order After Petition/Application (Health and Safety Code, § 11361.8) Adult Crimes* (form CR-403).

[23-170](#)**Rules and Forms | Domestic Violence: Form Changes to Implement New Laws (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends revising 14 domestic violence restraining order forms to implement Assembly Bill 2369, Senate Bill 935, and Assembly Bill 1621. The committee also recommends adopting 2 new forms that would be used to continue a hearing on a request to renew a restraining order.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Adopt 2 Judicial Council forms:
  - *Request to Reschedule Hearing to Renew Restraining Order* (form DV-715); and
  - *Order to Reschedule Hearing to Renew Restraining Order* (form DV-716); and
2. Revise 14 Judicial Council forms:
  - *Request for Domestic Violence Restraining Order* (form DV-100);
  - *Notice of Court Hearing* (form DV-109);
  - *Temporary Restraining Order* (form DV-110);
  - *Response to Request for Domestic Violence Restraining Order* (form DV-120);
  - *How Can I Respond to a Request for Domestic Violence Restraining Order?* (form DV-120-INFO);
  - *Restraining Order After Hearing (Order of Protection)* (form DV-130);
  - *Request to Renew Restraining Order* (DV-700);
  - *How Do I Ask the Court to Renew My Restraining Order?* (form DV-700-INFO);
  - *Notice of Hearing to Renew Restraining Order* (DV-710);
  - *Response to Request to Renew Restraining Order* (DV-720);
  - *Order to Renew Domestic Violence Restraining Order* (DV-730);
  - *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?* (DV-800-INFO/JV-270-INFO);
  - *Notice of Compliance Hearing for Firearms and Ammunition* (DV-840/FL-840); and
  - *Emergency Protective Order* (CLETS-EPO) (EPO-001).

[23-163](#)**Rules and Forms | Family and Juvenile Law: Implementation of Assembly Bill 2495 (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending one rule of the California Rules of Court and revising five forms to conform with recent statutory changes enacted by Assembly Bill 2495 (Patterson; Stats. 2022, ch. 159) regarding various topics related to adoptions, including when to display a child's preadoption name on the adoption request and order forms, procedures for filing a postadoption contact order, and venue for adoption requests. The committee also recommends

technical changes to the forms to correct errors and respond to partner and stakeholder feedback.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rule 5.451 to delete provisions of the rule that restate statutory text and retain sections that provide court operations information and guidance.
2. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to clarify and make more legally precise the explanation of the required steps in a stepparent adoption to confirm parentage and to make technical revisions primarily to conform to Judicial Council style;
3. Revise *Adoption Request* (form ADOPT-200) to respond to new legislation and to make technical revisions primarily to conform to Judicial Council style;
4. Revise *Adoption Order* (form ADOPT-215) to respond to new legislation and to make technical revisions primarily to conform to Judicial Council style;
5. Revise *Contact After Adoption Agreement* (form ADOPT-310) to correct an erroneous code citation, to reconfigure a table to make it more accessible, and to make technical revisions primarily to conform to Judicial Council style; and
6. Revise *Request for Appointment of Confidential Intermediary* (form ADOPT-330) to correct an erroneous phone number and make technical revisions primarily to conform to Judicial Council style.

## [23-162](#)

### **Rules and Forms | Family Law: Child Custody and Visitation Orders Involving Gender-Affirming Health Care (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending one rule of court, effective January 1, 2024, to implement Senate Bill 107 (Stats. 2022, ch. 810). Senate Bill 107 amends Family Code sections 3421 and 3424 and enacts a new public policy in Family Code section 3453.5 that supports a parent's ability to seek gender-affirming health care or gender-affirming mental health care for a child in the state of California without penalty. The amendments to the rule would provide procedures for situations in which a parent seeks emergency child custody or visitation orders in family court because the laws of another state prohibit that parent from providing gender-affirming health care or gender-affirming mental health care for their child.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend California Rules of Court, rule 5.151 to specify the procedures and forms that a parent or guardian must use to ask the court for temporary emergency orders when the issue relates to gender-affirming health care or gender-affirming mental health care--care that is prohibited by the law of another state or unavailable in another state. In addition, the committee recommends replacing certain terms in a separate, relevant section of rule 5.51 to make the rule easier to understand.

[23-161](#)**Rules and Forms | Family Law: Summary Dissolution Forms (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends revising two family law summary dissolution forms, which are mandated by Family Code section 2400, to reflect an increase in the California Consumer Price Index. The committee also recommends additional changes to the forms to respond to issues raised by court professionals that will help joint petitioners more accurately complete and file the forms needed to request a summary dissolution judgment.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Revise *Joint Petition for Summary Dissolution* (form FL-800) to increase the limitation on assets from \$47,000 to \$53,000, and increase the \$6,000 limit for unpaid community debts to \$7,000.
2. Revise the instructional booklet titled *Summary Dissolution Information* (form FL-810) to reflect the dollar increases made in form FL-800, update instructions to the parties to be consistent with statute and court procedures, and reflect the policies of using gender-neutral terms in statewide forms and keeping forms updated.

[23-171](#)**Rules and Forms | Indian Child Welfare Act (ICWA): Discretionary Tribal Participation (Action Required)**

**Summary:** Although California law protects the relationship between tribes and their children beyond the scope of the Indian Child Welfare Act (ICWA) and permits tribal participation in juvenile cases in various situations where ICWA does not apply, tribal leaders and other advocates report that courts often decline to permit tribes to participate in juvenile cases if ICWA does not apply. The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending two rules of court and approving a form to clarify the process and set standards consistent with California statutes for the court's exercise of discretion to permit the participation of a tribe in juvenile cases involving a child affiliated with the tribe, even when there is no express statutory right to participate or intervene under ICWA and Welfare and Institutions Code section 224.4.

**Recommendation:** The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 5.482 and 5.530 to clarify the process for tribes seeking to participate in juvenile cases where ICWA does not apply; and
2. Approve *Request for Tribal Participation* (form ICWA-042) for a tribe seeking permission to participate in a juvenile case.

[23-129](#)**Rules and Forms | Judicial Branch Education: Delivery Methods Defined (Action Required)**

**Summary:** The Center for Judicial Education and Research Advisory Committee recommends amending rule 10.493 of the California Rules of Court to provide extended definitions to terms used in a slate of education rule amendments adopted by the Judicial Council effective January 1, 2023. This proposal is based on public comments received in 2022 on that slate of amendments.

**Recommendation:** The Center for Judicial Education and Research Advisory Committee recommends that the Judicial Council amend rule 10.493 of the California Rules of Court, effective January 1, 2024, to include modified and additional definitions of the following available education delivery methods: instructor-led training, asynchronous education, e-Learning, and self-directed study.

[23-165](#)**Rules and Forms | Juvenile Law: Counsel Collections Program Guidelines (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending *Guidelines for the Juvenile Dependency Counsel Collections Program (Guidelines)*, Appendix F of the California Rules of Court, which addresses reimbursement to the court for the cost of appointed counsel in dependency matters, including setting an income level below which responsible persons are presumed unable to pay for this cost. The income level is based on the statute that addresses eligibility for a fee waiver, which was recently amended to increase the threshold income for a fee waiver from 125 percent of the federal poverty guidelines to 200 percent. Amending the *Guidelines* would maintain consistency with this statute.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective April 1, 2024, amend Appendix F to the California Rules of Court, item 6(d)(1), to incorporate by reference the fee waiver eligibility income limits in Government Code section 68632(b)(1) to establish the presumptive inability to pay for dependency counsel.

[23-166](#)**Rules and Forms | Juvenile Law: Family Finding and Engagement (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends amending four rules to conform to recent statutory changes clarifying the due diligence that must be used by a social services agency or probation department in performing its family finding obligation when a child is removed from the home. Senate Bill 384 (Stats. 2022, ch. 811) expands the obligation of the placing agency to engage in family finding in dependency and delinquency cases. In addition to the existing duty to ask the child in an age-appropriate manner about parents and adult relatives, due diligence now also requires a social worker or probation officer to use a computer-based search engine to identify relatives and kin to provide family support and possible placement for the child. In the case of an Indian child, the legislation clarifies that the placing agency

must contact the child's tribe to help identify relatives and kin. The committee also recommends revising one form to include an item setting forth the court's findings as to whether the probation department exercised due diligence in family finding as required by provisions in Family Code section 7950.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 5.637, 5.695, 5.790, and 5.810 to conform to recent legislation amending Welfare and Institutions Code sections 309 and 628, and to conform to ongoing family finding duties imposed by Family Code section 7950.
2. Revise *Findings and Orders After Six-Month Prepermanency Hearing-Delinquency* (form JV-672) to include an item for the court to make a finding regarding whether the probation department has evaluated every relative who has come forward requesting placement of the child during the juvenile court proceedings.

#### [23-164](#)

#### **Rules and Forms | Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission (Action Required)**

**Summary:** The Family and Juvenile Law Advisory Committee recommends adopting one rule of court and six forms to conform to recent statutory changes enacted by Assembly Bill 2317 (Ramos; Stats. 2022, ch. 589) regarding court oversight of the voluntary admission of a child, nonminor, or nonminor dependent to a psychiatric residential treatment facility.

**Recommendation:** The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Adopt rule 5.619 to clarify and establish noticing requirements, and to require the use of the forms recommended in this report;
2. Adopt *Ex Parte Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-172) as a mandatory form for use by the social worker or probation officer to request a court order authorizing a voluntary admission to a psychiatric residential treatment facility;
3. Adopt *Proof of Notice of Hearing on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-173) as a mandatory form for use by the social worker or probation officer to inform the court of the parties who received notice of the hearing on the application for voluntary admission;
4. Adopt *Order on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-174) as a mandatory form for the court to make orders regarding the application for voluntary admission;
5. Adopt *Review of Voluntary Admission of Child to Psychiatric Residential Treatment Facility* (form JV-175) as a mandatory form to record the court's findings and orders regarding a child at the hearings held 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement;

6. Adopt *Review of Voluntary Admission of Nonminor or Nonminor Dependent to Psychiatric Residential Treatment Facility* (form JV-176) as a mandatory form to record the court's findings and orders regarding a nonminor or nonminor dependent at the hearings held 60 days after the admission, and every 30 days thereafter, to review the placement in the facility based on the medical necessity of that placement;
7. Adopt *Admission to Psychiatric Residential Treatment Facility by Consent of Conservator--Additional Findings and Orders* (form JV-177) as a mandatory form to attach to a local minute order or Judicial Council findings and orders form to document the court's findings and orders regarding the placement at any six-month review hearing when the child has been placed at the facility by the consent of a conservator.

[23-142](#)**Rules and Forms | Miscellaneous Technical Changes  
(Action Required)**

**Summary:** Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from input errors, as well as minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure that the rules and forms conform to law and to avoid causing confusion for court users, clerks, and judicial officers.

**Recommendation:** Judicial Council staff recommend that the council, take the following actions:

Effective July 1, 2023:

1. Amend Appendix B of the California Rules of Court to adjust the maximum liability of the parent or guardian having custody and control of a minor for the willful misconduct of the minor, under Civil Code section 1714.1(a) or (b), from \$47,100 to \$52,700.

Effective January 1, 2024:

2. Amend rule 8.13 to change the cross-reference to the Supreme Court rules in division 5 of title 8, to division 7 of title 8, where the referenced rules are now located.
3. Revise *Request for Child Custody and Visitation Orders* (form DV-105) to add to item 7b "Child's Employment (including volunteer and unpaid positions)," as an option, to make it consistent with the order form (DV-140).
4. Revise *Child Custody and Visitation Order* (form DV-140) to replace an incorrect reference to "DV-105" in item 3, with the correct reference to "DV-140." Additionally, add "county" as an option in item 4, consistent with the request form (DV-105), which allows the requester to ask for a no travel order for specified counties.

5. Revise *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO) to update two hyperlinks to the California self-help guide.
6. Revise *How to Ask for a Domestic Violence Restraining Order* (form DV-505-INFO), to add back “form CLETS-001” under the information in Part 1 as a form that must be completed to request a domestic violence restraining order (this was inadvertently omitted in the last set of revisions to this form), and update a hyperlink to the California self-help guide.
7. Revise *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240) to delete the first sentence and check boxes in item 3. The changes are technical in nature and necessary to remove content that is duplicative of item 2 and likely to cause confusion because it is not relevant to the information provided in item 3.

[23-159](#)**Rules and Forms | Miscellaneous Technical Changes to Traffic Rules and Forms (Action Required)**

**Summary:** The Traffic Advisory Committee recommends amending one rule of court and revising five traffic forms to incorporate changes resulting from legislation and correct a statutory reference. These changes are technical, minor, and noncontroversial. The committee recommends making the necessary corrections to conform to statutes and avoid causing confusion for court users, clerks, and judicial officers.

**Recommendation:** The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend rule 4.107 of the California Rules of Court to update the maximum civil assessment fee amount that was reduced by Assembly Bill 199 (Stats. 2022, ch. 57);
2. Revise *Officer's Declaration* (form TR-235) to resolve an incorrectly cited statute;
3. Revise *Agreement to Pay and Forfeit Bail in Installments* (form TR-300) and *Online Agreement to Pay and Forfeit Bail in Installments* (form TR-300o) to delete a field for administrative fees that were repealed by AB 177 (Stats. 2021, ch. 257), and delete a warning regarding consequences from the Department of Motor Vehicles for failure to pay that were repealed by Assembly Bill 2746 (Stats. 2022, ch. 800); and
4. Revise *Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310) and *Online Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310o) to update a warning regarding consequences from the Department of Motor Vehicles for failure to pay that were repealed by Assembly Bill 2746. Revise *Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310) to be consistent with *Online Agreement to Pay Traffic Violator School Fees in Installments* (form TR-310o), by clarifying the form is for violations of the Vehicle Code.

[23-146](#)**Rules and Forms | Opportunities for Settlement Before Trial in Unlawful Detainer Cases (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends a new rule of court and a new form for optional use in unlawful detainer cases to promote settlement opportunities using alternative dispute resolution processes. The new rule states a policy favoring at least one opportunity for participation in some form of pretrial dispute resolution and would allow a court to shorten the existing deadline for submitting a mandatory settlement conference statement. The new form allows parties to submit to the court a settlement agreement and ask for either an order without judgment or a stipulated judgment. The new rule and optional form are intended to increase settlement opportunities in eviction cases and to promote consistency throughout the state.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Adopt California Rules of Court, rule 3.2005, to promote opportunities for settlement before trial in unlawful detainer cases; and
2. Approve *Eviction Case (Unlawful Detainer) Stipulation* (form UD-155) to identify elements common to settlement agreements in eviction cases, and to provide a road map to help the parties, neutrals, and courts memorialize terms and conditions of performance of an agreement to resolve a case before trial.

[23-168](#)**Rules and Forms | Probate Conservatorship: Less Restrictive Alternatives (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommends amending three rules of court and revising one form in response to recent legislative changes to conservatorship law. The rule amendments implement legislation that requires education on alternatives to conservatorship for judicial officers assigned to probate, probate staff attorneys, probate examiners, court investigators, and counsel appointed in probate conservatorship proceedings. Revisions to the form implement legislation that requires supplemental information provided to the court by the petitioner or proposed conservator to specify clearly and discuss in detail the less restrictive alternatives to a conservatorship that were considered or tried before the filing of the petition. Additional revisions to the form would identify the person completing the form, divide the information to be provided about the reasons for conservatorship into more specific categories, and solicit information about the proposed conservatee's knowledge and opinion of the conservatorship.

**Recommendation:** The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend California Rules of Court, rules 7.1103, 10.468, and 10.478, to add the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3 to the subject matter of the education required under these rules; and

2. Revise *Confidential Supplemental Information* (form GC-312) to incorporate the changes required by amendments to Probate Code section 1821(a) and to provide more clarity and structure to the information provided on that form.

[23-169](#)**Rules and Forms | Probate Conservatorship and Guardianship:  
Eligibility for County Payment of Cost of Appointed Counsel  
(Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee recommends amending the *Guidelines for Determining Financial Eligibility for County Payment of the Cost of Counsel Appointed by the Court in Proceedings Under the Guardianship-Conservatorship Law (Guidelines)*, Appendix E of the California Rules of Court, to update the criteria for establishing presumptive eligibility for county payment of the cost of court-appointed counsel and to make a minor technical revision. The recommendation maintains the Judicial Council’s policy of basing the criteria for presumptive eligibility for county payment on the conditions for granting an initial court fee waiver under Government Code section 68632(a)-(c) by adjusting the criteria in the *Guidelines* to conform to recent amendments to that statute.

**Recommendation:** The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2024, amend the California Rules of Court, Appendix E, as follows:

1. Amend paragraph 4A to include two public benefit programs recently added to Government Code section 68632(a); and
2. Amend paragraph 4B to increase the maximum income threshold from 125 percent of the federal poverty guidelines to 200 percent to conform to the recent amendment of Government Code section 68632(b).

[23-153](#)**Rules and Forms | Protective Orders: Revisions to Gun Violence  
Restraining Order Forms (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends the adoption and revision of numerous gun violence restraining order forms. These new and revised forms implement Assembly Bill 2870 (Stats. 2022, ch. 974) permitting additional categories of individuals to petition for gun violence restraining orders. The proposed forms also bring the language describing firearm parts on gun violence restraining order forms in line with other protective order forms, include new forms that can be used to request continuance of a hearing to renew a gun violence protective order, and clarify that no additional service is required for enforcement if the respondent attends the hearing where the order was issued, whether attending in person or remotely.

**Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024, take the following actions, to implement Assembly Bill 2870 in gun violence restraining order forms, revise the language used to describe firearm parts, add forms related to continuances, and clarify when further service is not required for enforcement:

1. Adopt the following forms:
  - *Request to Reschedule Hearing to Renew Restraining Order* (form GV-715); and
  - *Order to Reschedule Hearing to Renew Restraining Order* (form GV-716).
2. Revise the following forms:
  - *Gun Violence Emergency Protective Order* (form EPO-002);
  - *Response to Gun Violence Emergency Protective Order* (form GV-020);
  - *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO);
  - *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030);
  - *Petition for Gun Violence Restraining Order* (form GV-100);
  - *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO);
  - *Notice of Court Hearing* (form GV-109);
  - *Temporary Gun Violence Restraining Order* (form GV-110);
  - *Request to Continue Court Hearing for Gun Violence Restraining Order* (form GV-115);
  - *Response to Petition for Gun Violence Restraining Order* (form GV-120);
  - *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO);
  - *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125);
  - *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130);
  - *Response to Request to Terminate Gun Violence Restraining Order* (form GV-620);
  - *Request to Renew Gun Violence Restraining Order* (form GV-700);
  - *Notice of Hearing on Request to Renew Gun Violence Restraining Order* (form GV-710);
  - *Order on Request to Renew Gun Violence Restraining Order* (form GV-730);
  - *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800); and
  - *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?* (form GV-800-INFO).

[23-158](#)**Rules and Forms | Protective Orders: Service Requirements After Remote Appearances (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adopting two California Rules of Court and revising 10 notice and order forms to clarify the service requirements for respondents who appear remotely in protective order proceedings. The committees make this recommendation because the statutory authority governing service of protective orders after hearing does not indicate the type of service required if the respondent appears remotely at the hearing.

**Recommendation:** The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024, take the following actions to clarify service requirements relating to protective orders:

1. Adopt California Rules of Court, rules 3.1162 and 5.496;
2. Revise the following forms:
  - *Notice of Court Hearing* (form CH-109);
  - *Civil Harassment Restraining Order After Hearing* (form CH-130);
  - *Notice of Court Hearing* (form EA-109);
  - *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130);
  - *Notice of Court Hearing to Allow Contact* (form EA-309);
  - *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* (form EA-330);
  - *Notice of Court Hearing* (form SV-109);
  - *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130);
  - *Notice of Court Hearing* (form WV-109); and
  - *Workplace Violence Restraining Order After Hearing* (form WV-130).

[23-156](#)**Rules and Forms | Protective Orders: Updated Law Enforcement Information Form and New Request Forms for Continuances (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend revising form CLETS-001 to make needed updates and adopting new forms to be used when a request to renew has been filed in a protective order proceeding, and the court or a party wishes to continue a hearing.

**Recommendation:** The Civil and Small Claims Advisory Committee and Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024:

1. Adopt eight Judicial Council forms relating to continuances of hearings on requests to renew restraining orders:
  - *Request to Reschedule Hearing to Renew Restraining Order* (form CH-715);

- *Order to Reschedule Hearing to Renew Restraining Order* (form CH-716);
  - *Request to Reschedule Hearing to Renew Restraining Order* (form EA-715);
  - *Order to Reschedule Hearing to Renew Restraining Order* (form EA-716);
  - *Request to Reschedule Hearing to Renew Restraining Order* (form SV-715);
  - *Order to Reschedule Hearing to Renew Restraining Order* (form SV-716);
  - *Request to Reschedule Hearing to Renew Restraining Order* (form WV-715); and
  - *Order to Reschedule Hearing to Renew Restraining Order* (form WV-716);
2. Revise *CONFIDENTIAL CLETS Information* (form CLETS-001), retitled as *Confidential Information for Law Enforcement* to update the form.

[23-174](#)**Rules and Forms | Traffic: Notice to Appear Forms  
(Action Required)**

**Summary:** The Traffic Advisory Committee recommends amending a rule of court, revising the notice to appear form (commonly known as a “citation” or “traffic ticket”) and revoking two redundant versions, revising the notice to correct violation, and revising the related instructions form. These changes are recommended to reflect recent statutory changes, improve litigants’ understanding of the citation, and avoid redundant form requirements.

**Recommendation:** The Traffic Advisory Committee recommends that the Judicial Council, effective January 1, 2024:

1. Amend rule 4.103 of the California Rules of Court to remove references to revoked forms TR-135 and TR-145;
2. Revise *Traffic/Nontraffic Notice to Appear* (form TR-130) to improve litigants’ understanding and reflect statutory changes;
3. Revise *Notice to Correct Violation* (form TR-140) to reflect statutory changes;
4. Revise *Notice to Appear and Related Forms* (form TR-INST) to conform with changes to forms TR-130 and TR-140 and remove references to revoked forms TR-135 and TR-145; and
5. Revoke *Electronic Traffic/Nontraffic Notice to Appear* (4-inch format) (form TR-135) and *Electronic Traffic/Nontraffic Notice to Appear* (3-inch format) (form TR-145) as redundant.

[23-148](#)**Rules and Forms | Trial Courts: Exceptional Criminal Case Reporting (Action Required)**

**Summary:** The Court Executives Advisory Committee recommends that the Judicial Council amend the standard of judicial administration that provides guidance on trial court case disposition time goals to repeal a subdivision that advises trial courts to report exceptional criminal case aging. This subdivision is confusing because there is no definition of exceptional criminal cases nor any specific time standards associated with these cases. Eliminating this subdivision is intended to clarify required data reporting.

**Recommendation:** The Court Executives Advisory Committee recommends that the Judicial Council amend standard 2.2 of the California Standards of Judicial Administration to repeal subdivision (m), effective January 1, 2024.

[23-039](#)**Rules and Forms | Trial Courts: Report of Determinations Affecting Voting Rights (Action Required)**

**Summary:** The Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee recommend one rule of court and two forms to implement Assembly Bill 2841, which requires the trial courts to report to the Secretary of State judicial determinations under Elections Code sections 2208-2211 disqualifying a person from voting or restoring a person's right to register to vote. The legislation expressly required the Judicial Council to adopt rules and forms, including a mandatory form for the courts to use to furnish the required reports.

**Recommendation:** The Probate and Mental Health Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024:

1. Adopt California Rules of Court, rule 10.970 to specify a process for the trial courts to use to submit to the Secretary of State the reports required by Elections Code section 2211.5;
2. Adopt *Confidential Report of Findings and Orders Affecting Voting Rights* (form MC-600) for mandatory use to submit to the Secretary of State the reports required by section 2211.5; and
3. Approve *Attachment to Confidential Report of Findings and Orders Affecting Voting Rights* (form MC-600A) for optional use to submit the information required by section 2211.5(a)(1) and (b).

[23-152](#)**Rules and Forms | Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726 (Action Required)**

**Summary:** The Civil and Small Claims Advisory Committee recommends the approval of one and revision of five unlawful detainer forms. These new and revised forms (1) implement a new law creating a new procedure for partial evictions, (2) implement a new law providing additional time for certain defendants to respond to a summons for unlawful detainer, and (3) update the forms to reflect current law regarding COVID-19 rental protections.

- Recommendation:** The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2024:
1. Approve *Judgment--Unlawful Detainer Partial Eviction Attachment* (form UD-110P) for use when a partial eviction is ordered under new Code of Civil Procedure section 1174.27;
  2. Revise *Summons--Eviction* (form SUM-130) to reference the additional time that somebody served through the Secretary of State's address confidentiality program has to respond to a summons;
  3. Revise *Plaintiff's Mandatory Cover Sheet and Supplemental Allegations--Unlawful Detainer* (form UD-101) and *Answer--Unlawful Detainer* (form UD-105) to remove COVID-19 tenant protections that no longer apply, update other defenses, and make non-substantive formatting changes; and
  4. Revise *Judgment--Unlawful Detainer* (form UD-110) and revise, retitle, and renumber *Judgment--Unlawful Detainer Attachment* (form UD-110S) to *Judgment--Unlawful Detainer Habitable Premises Attachment* (form UD-110H) to reflect the new partial eviction procedure and new form UD-110P and to make non-substantive formatting changes.

#### [23-134](#)

#### **Trial Court Budget | Allocation Methodologies for Senate Bill 154 and Senate Bill 101 Backfill Funding (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee recommends the Judicial Council approve the allocation methodologies to provide trial court backfill funding for (1) fee waiver changes included in the 2022 Budget Act (Senate Bill 154) for 2022-23 and ongoing, and (2) the elimination of certain criminal fees included in the 2023 Budget Act (Senate Bill 101) for 2023-24 and ongoing.

**Recommendation:** The Trial Court Budget Advisory Committee recommends the Judicial Council, effective September 19, 2023:

1. Approve the five-year revenue collection methodology for allocation of the \$689,000 backfill funding (Senate Bill 154) to the trial courts for 2022-23 and ongoing, as outlined in Attachment A. In 2023-24, trial courts will receive a total of \$1.4 million, which includes the annual backfill amount for 2022-23 and 2023-24; and
2. Approve the five-year average revenue collection methodology for allocation of the \$826,000 backfill funding (Senate Bill 101) to the trial courts for 2023-24 and ongoing.

#### [23-155](#)

#### **Trial Court Budget | Fiscal Year 2023-24 Allocation of CARE Act Funding (Action Required)**

**Summary:** The Trial Court Budget Advisory Committee (TCBAC) recommends allocating the funding included in the 2023 Budget Act to support the addition of the Superior Court of California, County of Los Angeles, to the courts implementing the Community Assistance, Recovery, and Empowerment (CARE) Act in fiscal year 2023-24.

**Recommendation:** The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 19, 2023, approve the allocation of \$9.4 million included in the 2023 Budget Act to the Superior Court of Los Angeles County for CARE Act implementation in fiscal year 2023-24.

## DISCUSSION AGENDA

[23-147](#)

### **Report to the Legislature | California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2023) (No Action Required)**

**Summary:** Penal Code section 1232 requires the Judicial Council to submit an annual report to the Legislature on the implementation of the California Community Corrections Performance Incentives Act of 2009 (Stats. 2009, ch. 608). The legislation seeks to alleviate state prison overcrowding by reducing the number of individuals on felony supervision who are sent there. The program is also designed to encourage county probation departments to use evidence-based supervision practices to accomplish these goals. This report includes background information about the act, describes policy changes that impacted the ongoing implementation of the program, and presents findings related to program outcomes. In previous years, the report included recommendations for program improvement; those recommendations have been largely implemented. Thus, this year's report does not contain recommendations.

[23-139](#)

### **Data Analytics Pilots | Progress Report and Future Planning (No Report; No Action Required.)**

**Summary:** Overview of the data analytics pilots findings to date and preview of future activities.

[23-176](#)

### **Judicial Council | Policy on Remote Access to Electronic Court Records (Action Required)**

**Summary:** The Ad Hoc Workgroup on Post-Pandemic Initiatives recommends adopting *Remote Access to Electronic Court Records--Policy, Rationale, and Guidance* to outline the roles and responsibilities of the Judicial Council going forward concerning rules and statutes relating to remote access to electronic court records. The proposed policy would provide guidance to the council's advisory bodies as they consider pending legislation, proposals for new legislation or rules of court, or any other action that implicates remote access to electronic court records. The workgroup also recommends that the council establish an advisory body to consider whether any recommendations to the council regarding the existing remote access rules of court are appropriate, consistent with the proposed policy.

**Recommendation:** The Ad Hoc Workgroup on Post-Pandemic Initiatives recommends that the Judicial Council:

1. Adopt *Remote Access to Electronic Court Records--Policy, Rationale, and Guidance*, effective September 20, 2023; and

2. Establish an advisory body to review existing rules of court related to remote access to electronic court records and determine whether further recommendations regarding those rules are appropriate, consistent with the proposed policy.

**A motion to approve the recommendation was made by Judge Brodie and seconded by Judge Moorman. The motion was adopted.**

### [23-131](#)

#### **Court Facilities | Request to Name Fourth Appellate District Courthouse in Santa Ana (Action Required)**

**Summary:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend approving the request of the Court of Appeal, Fourth Appellate District, Division Three to name the existing appellate courthouse in the City of Santa Ana as the “Cruz Reynoso Courthouse.” This approval provides a name for the existing courthouse that honors Justice Reynoso’s distinguished service on the California Court of Appeal and the Supreme Court of California.

**Recommendation:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend that the Judicial Council, effective September 19, 2023, approve the request to name the existing appellate courthouse in the City of Santa Ana as the “Cruz Reynoso Courthouse.”

**A motion to approve the recommendation was made by Judge Feng and seconded by Judge Hernandez. The motion was adopted.**

### [23-132](#)

#### **Court Facilities | Proposal to Name New Courthouse in Downtown Sacramento (Action Required)**

**Summary:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend approving the proposal to name the new courthouse under construction in downtown Sacramento the “Tani Cantil-Sakaue Sacramento County Courthouse.” This approval provides a name for the new superior courthouse that honors Chief Justice Cantil-Sakaue’s distinguished service on the Superior Court of Sacramento County, the California Court of Appeal, Third Appellate District, and as the Chief Justice of California.

**Recommendation:** The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend that the Judicial Council, effective September 19, 2023, approve the proposal to name the new courthouse under construction in downtown Sacramento the “Tani Cantil-Sakaue Sacramento County Courthouse.”

**A motion to approve the recommendation was made by Justice Corrigan and seconded by Justice Fujisaki. The motion was adopted.**

[23-137](#) **Power of Democracy | Civic Learning Initiative  
(No Report; No Action Required)**

**Summary:** As chair of the Chief Justice’s Power of Democracy Steering Committee, Justice Judith McConnell will report to the council on the activities on behalf of the Civic Learning initiative over the last two years. The council will receive a summary outlining the expansion of the Power of Democracy campaign’s key programs, the Civic Learning Awards and Judges in the Classroom. The terms of the current appointed body of judges and educators will end September 30.

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

[23-005](#) **Court Facilities | Trial Court Facility Modifications Report for  
Quarter 4 and Annual Summary for Fiscal Year 2022-23**

**Summary:** This informational report to the Judicial Council outlines (1) allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2022-23, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council’s *Trial Court Facility Modifications Policy*.

[23-037](#) **Report to the Legislature | Cash Flow Loans Made to Courts in  
2022-23**

**Summary:** Pursuant to Government Code section 68502.6(d), the Judicial Council is required to report to the Legislature annually on all cash flow loans made to the courts. None were made to the trial courts in 2022-23. On or before August 30, 2023, Judicial Council staff submitted the *Report on Cash Flow Loans Made to Courts in 2022-23*.

[23-178](#) **Report to the Legislature | Standards of Timely Disposition  
Published in the 2023 Court Statistics Report**

**Summary:** Government Code section 68604 requires the Judicial Council to report biennially regarding the standards of timely disposition adopted pursuant to section 68603. On September 18, 2023, Judicial Council staff will submit to the Legislature the already-published report *2023 Court Statistics Report*, which contains case-processing and time-to-disposition statistics that meet the reporting requirements of Government Code section 68604.

[23-038](#) **Trial Courts | Annual Investment Report for Fiscal Year 2022-23**

**Summary:** This annual investment report covers the period from July 1, 2022, through June 30, 2023, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[23-136](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours**

**Summary:** Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) the council to post all such notices on its website and relay them to the Legislature. This report lists the latest court notices received by the council under this statutory requirement. Since the previous report, one superior court--the Superior Court of Fresno County--has issued a new notice.

**Judicial Council Internal Committee Reports**[23-140](#)**Written Reports****Circulating Orders**[23-112](#)**Circulating Orders since the last business meeting.****Appointment Orders**[23-177](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:11 p.m.

*Respectfully submitted by Acting Administrative Director Millicent Tidwell, Secretary to the Judicial Council, on November 17, 2023.*