



Judicial Council of California

Meeting Agenda - Final

Judicial Council

Friday, April 15, 2016

8:00 AM

San Francisco

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY ATTORNEY-CLIENT PRIVILEGE

Session: 8:00 – 8:45 a.m.

Break: 8:45 – 9:00 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 9:00 a.m. – 3:05 p.m.

Swearing in of New Judicial Council Members

Chief Justice's Report

Administrative Director's Report

[16-060](#)

Administrative Director's Report

Summary:

Mr. Martin Hoshino, Administrative Director, provides his report.

Judicial Council Committee Reports

[16-061](#)

Judicial Council Committee Reports

Summary:

The following internal committee chairs provide their reports:

- Executive and Planning Committee
Hon. Douglas P. Miller, Chair
- Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
- Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
- Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair

Judicial Council Members' Liaison Reports

16-079

Judicial Council Members' Liaison Reports

Summary: Judicial Council members report on their visits to the superior courts.

Presentations

[16-064](#) **Judicial Branch Outreach: Power of Democracy Steering Committee Interim Report (No materials)**

Summary: The Power of Democracy Steering Committee promotes civic learning, inclusive of the courts, for all of California's K-12 students. This interim report will provide information on the current scope and impact of both the Civic Learning Award for California Public Schools, co-sponsored by the Chief Justice and State Superintendent of Public Instruction, and the California Task Force on K-12 Civic Learning's final report, released in August 2014.

Speakers: Hon. Judith D. McConnell, Chair, Power of Democracy Steering Committee
Mr. Jose Flores, Brawley Union High School, Civic Learning Award of Excellence Recipient
Mr. Simon Canalez, Superintendent, Brawley Union High School District
Mr. Christian Nunez, 12th Grade Student, Brawley Union High School
Ms. Deborah Genzer, Public Affairs

[16-071](#) **Pre-Trial Risk Assessment at the Superior Court of California, County of Ventura (No Action Required. There are no materials for this item.)**

Summary: This program uses an evidence based risk assessment approach to assess adults charged with 1170(h) crimes at their first appearance to provide the court with additional information when the court decides to set bail, reduce bail, or release without bail outright or with conditions, pending the next court date. Court and probation agency presenters will discuss the results of this innovation after two years of implementation.

Speakers: Hon. Brian J. Back, Superior Court of California, County of Ventura
Ms. Patricia Olivares, Chief Deputy Probation Officer, Ventura County Probation Agency
Ms. Michelle Larson, Supervising Deputy Probation Officer, Ventura County Probation Agency
Ms. Theresa Hart, Division Manager and Trainer, Ventura County Probation Agency

Public Comment (approximately 11:40 a.m.)

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, April 12, 2016.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, April 13, 2016.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Nancy Carlisle

Break: 12:10 – 12:40 p.m.

CONSENT AGENDA

[16-037](#)

Judicial Branch Education: Report to the Legislature on Compliance With Welfare and Institutions Code Section 304.7 (Action Required)

Summary:

The Judicial Council's Center for Judicial Education and Research recommends that the council review and approve the attached report, to be submitted to the Legislature, on compliance by judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7. Section 304.7(c) requires the council to submit the report annually.

[16-038](#)

Trial Courts: Superior Court of Los Angeles County Establishment of an Irrevocable Other Post-Employment Benefits (OPEB) Trust (Action Required)

Summary:

The Judicial Council Finance staff recommends approving the Superior Court of Los Angeles County's request to establish a qualified irrevocable trust with the Los Angeles County Employees Retirement Association to prefund its Other Post-Employment Benefits (OPEB), effective immediately. Prior Judicial Council action requires the Judicial Council to approve a trial court's establishment of an OPEB qualified irrevocable trust with a provider of such trust and investment services other than the California Public Employees' Retirement System (CalPERS) or Public Agency Retirement Services (PARS). The initial contribution to the OPEB trust is expected to be approximately \$21 million.

[16-039](#)

Probate Conservatorships: Voting Capacity of Conservatees (Action Required)

Summary:

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the *Citation For Conservatorship* (form GC-320), the *Order Appointing Court Investigator* (form GC-330), and the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331), three of four conservatorship forms the council revised on December 11, 2015, effective January 1, 2016, to reflect changes in the law concerning a conservatee's capacity to vote. All of these forms, plus an additional

conservatorship form revised by circulating order effective January 15, 2016, were circulated for public comment in the winter 2016 comment cycle before and after those effective dates. Forms GC-320, GC-330, and GC-331 are proposed for additional revisions in response to comments received. These revisions would be effective on July 1, 2016. The other conservatorship forms revised in December 2015 or in January 2016 are not recommended for further revisions. They would retain their current effective dates.

[16-040](#)**Civil Practice and Procedure: Revision of Wage Garnishment Forms (Action Required)****Summary:**

Senate Bill 501 amends the method of computing the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order. The Civil and Small Claims Advisory Committee recommends revising two wage garnishment forms to reflect the new method of calculating the amounts of wages to be withheld.

[16-043](#)**Juvenile Law: Notice of Juvenile Hearings by Electronic Mail (Implementation of AB 879) (Action Required)****Summary:**

Effective January 1, 2016, Assembly Bill 879 authorizes e-mailing notices of hearings in juvenile court under Welfare & Institutions Code sections 290.1-295. To implement AB 879, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly propose (1) amending rules 5.524, 5.534, and 5.708 of the California Rules of Court; (2) adopting mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and (3) renumbering form EFS-005 to EFS-005-CV. This proposal aligns notice provisions in the rules with this change in law and provides a form for obtaining consent to electronic notice of hearings from those persons entitled to notice of juvenile court hearings. This proposal would also make technical changes to rules 5.550 and 5.815 to update references to and eliminate inconsistencies with the statutes.

[16-044](#)**Family Law: Signatures by Local Child Support Agencies on Electronically Filed Pleadings (Action Required)****Summary:**

To implement Assembly Bill 1519, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee recommend amending California Rules of Court, rule 2.257, which governs the use of signatures on electronically filed documents. Effective January 1, 2016, AB 1519 amends Family Code section 17400(b)(3) to provide that local child support agencies (1) are required to maintain original signed pleadings only for the time period stated in Government Code section 68152(a), and (2) may maintain original signed pleadings by way of an electronic copy in the statewide automated child support system. AB 1519 requires the Judicial Council to develop implementing rules by July 1, 2016.

[16-045](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)**

Summary: Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. Judicial Council staff recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[16-048](#) **Juvenile Law: Delinquency Defense Attorney Qualifications (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends adopting rule 5.664 of the California Rules of Court and approving optional form JV-700, *Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court*, to conform to recent statutory changes that establish training requirements for attorneys who represent delinquent youth under Welfare and Institutions Code sections 601 and 602.

[16-049](#) **Protective Orders: Request to Continue Hearing and Extend Temporary Restraining Order (Action Required)**

Summary: To implement the recent changes made by Assembly Bill 1081 to Code of Civil Procedure sections 527.6, 527.8, and 527.85, Family Code section 245, and Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommends revisions to Judicial Council forms relating to a party's request to continue a hearing on a request for a restraining order in a civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence case, and the Family and Juvenile Law Advisory Committee recommends amendments and revisions to Judicial Council rules and forms relating to such requests in a family or juvenile law case.

[16-050](#) **Family Law: Changes to Petition and Response (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends revising *Petition- Marriage/Domestic Partnership* (form FL-100) and *Response-Marriage/Domestic Partnership* (form FL-120) to reflect a 2015 U.S. Supreme Court decision that requires all states in the United States to license marriage between two people of the same sex and also to recognize a lawful same-sex marriage that was performed out-of-state. The committee also recommends substantive changes in response to suggestions from court professionals and attorneys about other areas of these forms. In addition, the committee recommends technical changes to *Property Declaration* (form FL-160) that are needed to reflect the numbered subject headings in the *Petition and Response*.

[16-051](#) **Juvenile Dependency Petition § 300(b) Allegations for Commercially Sexually Exploited Children (CSEC) (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends revising two

forms, form JV- 121, *Failure to Protect*, and form JV-101(A), *Additional Children Attachment* to implement Senate Bill 855 [Stats. 2014, ch 29]). Senate Bill 855 added section 300(b)(2) to the Welfare and Institutions Code, to facilitate bringing Commercially Sexually Exploited Children (CSEC) into the juvenile dependency system.

[16-052](#)**Trial Court Allocations: Children's Waiting Room Distribution Request (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving the request of the Superior Court of California, County of San Bernardino, for a children's waiting room (CWR) distribution of \$5 per applicable paid first-paper civil fee for filings within the county to defray the operating costs associated with two CWRs scheduled to open in fall 2016.

[16-054](#)**Probate Guardianship: Wards 18 to 20 Years of Age (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends adopting one rule of court and one probate guardianship form, amending four rules of court, and revising four probate guardianship forms to implement Assembly Bill 900, which authorized the superior court to establish or extend a guardianship of the person for a youth 18 years of age or older but not yet 21 who needs protection related to an application for Special Immigrant Juvenile status. The bill required the Judicial Council to adopt, by July 1, 2016, any rules and forms needed to implement its central provision.

[16-057](#)**Family Law: Special Immigrant Juvenile Findings (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting one new rule of court and one new family law form and revising two existing family law forms to guide litigants and courts in filing and adjudicating requests for Special Immigrant Juvenile findings in family law custody proceedings. The rule and forms are needed for effective implementation of section 155 of the Code of Civil Procedure (Sen. Bill 873; Stats. 2014, ch. 685, § 1). The rule also responds to specific requests from the courts and the public relating to a previous invitation to comment.

[16-063](#)**Domestic Violence: New and Updated Forms to Reflect Recent Legislative Changes for Restraining Orders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt, approve, or revise nine forms to implement legislative changes made to the Domestic Violence Prevention Act. Family Code sections 6305(a)(1), 6347(f), and 6343(b)(2) require the Judicial Council to develop or modify rules and forms to implement (1) a new remedy which will provide the court with the authority to transfer a wireless phone number from the restrained person to the protected person, (2) additional requirements when the court orders the restrained person to complete a batterer intervention program, and (3) notice of a new requirement in matters involving mutual restraining orders.

These changes must be implemented by July 1, 2016.

[16-067](#)

Language Access: Requesting Interpreters (Civil) (Action Required)

Summary:

The Court Interpreters Advisory Panel (CIAP) recommends adopting a new rule requiring courts to publish procedures for filing, processing, and responding to requests for interpreters in civil actions. CIAP also recommends adopting a new form to track and help facilitate requests for interpreters in civil actions and recommends that the form be approved as a model form effective July 1, 2016, and, without further action by the Judicial Council, as an optional form effective January 1, 2018. This proposal will benefit limited-English-proficiency court users and the courts who serve them by helping to establish structure for an expanding area of language access.

[16-068](#)

Forms: Disability Access Litigation (Action Required)

Summary:

The Civil and Small Claims Advisory Committee recommends that certain statutorily mandated Disability Access Litigation forms used in construction-related accessibility claims be revised and that a verified answer form be approved for optional use. The forms are used for parties to apply for, and the court to grant, stays and mandatory evaluation conferences in this type of litigation. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assem. Comm. on Judiciary; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation-and thus operative on enactment-to (1) add a new category of defendants that may request a stay and early evaluation conference, (2) allow defendants to request a joint inspection, (3) provide certain information in the statutory advisory form for building owners and tenants, and (4) provide a verified answer form.

DISCUSSION AGENDA

Session: 12:40 – 3:05 p.m.

[16-058](#)

Trial Court Allocations: Adjustments to the Workload-Based Allocation and Funding Methodology (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends a number of adjustments to the Workload-Based Allocation and Funding Methodology, including clarification of which expenses and funds should be included or excluded from the methodology.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Finance
Mr. Colin Simpson, Finance

[16-055](#)

Trial Court Allocations: Trial Court Reserves Held in the Trial Court Trust Fund (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends adopting a process, criteria, and procedures for trial courts to request that Trial Court Trust Fund (TCTF) reduced allocations related to the 1 percent fund balance cap be retained

in the TCTF as restricted fund balance for the benefit of those courts that make the request.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Hon. Winifred Younge Smith, Cochair, Ad Hoc Working Group on
Fiscal Planning
Mr. David H. Yamasaki, Cochair, Ad Hoc Working Group on Fiscal Planning
Mr. Zlatko Theodorovic, Finance
Mr. Colin Simpson, Finance

16-053

**Juvenile Dependency: Court-Appointed Dependency Counsel
Workload and Funding Methodology (Action Required)**

Summary:

The joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee reviewed a workload model approved by the Judicial Council in the *DRAFT Pilot Program and Court-Appointed Counsel* report of 2007 for possible updates and revisions. After extensive review and public comment, the subcommittee recommends several adjustments to the workload model.

Speakers:

Hon. Mark A. Cope, Cochair, Joint Subcommittee on Court-Appointed
Dependency Counsel Workload and Funding Methodology, Trial Court
Budget Advisory Committee
Hon. Jerilyn L. Borack, Cochair, Joint Subcommittee on Court-Appointed
Dependency Counsel Workload and Funding Methodology, Family and
Juvenile Law Advisory Committee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Sherri Carter, Court Executive Officer, Superior Court of Los Angeles
County

16-062

Juvenile Law: Psychotropic Medication (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee proposes amending rule 5.640 of the California Rules of Court, approving two optional forms, adopting two mandatory forms, revising five forms, and revising and renumbering one form to conform to recent statutory changes to the requirements for court authorization of psychotropic medication for foster children enacted by Senate Bill 238 (Mitchell; Stats. 2015, ch. 534).

Speakers:

Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee
Ms. Kerry Doyle, Center for Families, Children & the Courts

16-056

Juvenile Law: Sealing of Records (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends adopting new and amended rules and forms to implement the provisions of five recently enacted statutes concerning juvenile record sealing. Assembly Bill 1006 directed the Judicial Council to develop informational materials and a form to enable a person with a juvenile record to seal that record. After the council circulated a proposal for comment to implement these requirements, new legislation (Sen. Bill 1038) was enacted that requires the court to automatically

dismiss and seal the records for many juvenile wards. While a proposal was being developed and circulated to incorporate that legislation, three additional sealing bills were introduced and enacted to clarify the changes made by SB 1038, including a requirement that the council adopt rules and forms to implement its provisions and to eliminate fees for sealing for petitioners under 26 years of age. The recommended new and amended rules and forms fulfill the council's statutory obligations.

Speakers: Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee
Hon. Carolyn M. Caietti, Superior Court of San Diego County
Ms. Tracy Kenny, Center for Families, Children & the Courts

[16-041](#)

Civil Practice and Procedure: Expedited Jury Trials (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend and revise the California Rules of Court and forms applicable to current voluntary expedited jury trials to reflect statutory amendments to the time frame for those cases, and adopt new rules and forms for the new mandatory expedited jury trials in limited civil cases. These changes are to implement Assembly Bill 555 (Alejo; Stats. 2015, ch. 330), which lifts the sunset provisions in the Expedited Jury Trial Act, which went into effect on January 1, 2011, to establish an expedited jury trial process—a consensual process designed to promote the speedy and economic resolution of cases and to conserve judicial resources. The bill also amends the time frame applicable to such trials from three hours per side to five hours per side, and significantly expands the statute to require expedited jury trials in most limited civil actions other than unlawful detainers. The statute mandates that the new and amended rules and forms be operative by July 1, 2016.

Speakers: Hon. Raymond M. Cadei, Chair, Civil and Small Claims Advisory Committee
(by phone)
Hon. Mary Thornton House, Superior Court of Los Angeles County
Ms. Anne Ronan, Legal Services

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-046](#)

Judicial Council: Implementation of Judicial Council Directives on Judicial Council Staff Restructuring

Summary: The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

Circulating Orders

[16-073](#) **Nonvoting Council Position (CO-16-03)**

[16-074](#) **Trial Court Allocations: Augmentation for a Program Funded from the State Trial Court Improvement and Modernization Fund (CO-16-04)**

[16-075](#) **Civil Practice and Procedure: Adjustments to Dollar Amounts of Exemptions from Enforcement of Judgments (CO-16-05)**

Appointment Orders

[16-072](#) **Appointment Orders since the last Judicial Council business meeting.**

ADJOURNMENT (approximately 3:05 p.m.)