



Judicial Council of California

Meeting Minutes

Judicial Council

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Friday, May 12, 2023

10:35 AM

San Francisco

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, Justice Marsha G. Slough, Presiding Judge Kimberly Merrifield, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kevin C. Brazile, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Judith K. Dulcich, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge Ann C. Moorman, Judge David Rosenberg, Judge David M. Rubin, Commissioner Glenn Mondo, Senator Thomas J. Umberg, Ms. Rebecca J. Fleming, Mr. David D. Fu, Mr. Shawn C. Landry, Ms. Gretchen Nelson, Mr. Maxwell V. Pritt, and Mr. David H. Yamasaki
- Absent:** 2 - Assembly Member Brian Maienschein and Ms. Rachel W. Hill

Call to Order

Chief Justice Patricia Guerrero, Chair of the Judicial Council, called the open session to order at 10:35 a.m. in the Judicial Council Board Room.

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.

Acting Administrative Director's Report

[23-103](#)

Acting Administrative Director's Report

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

Judicial Council Internal Committee Presentations and Reports

23-108

Presentation | Technology Committee

[23-085](#)

Written Reports

CONSENT AGENDA

Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Justice Corrigan and seconded by Judge Rosenberg. The motion was adopted.

[23-102](#)

Minutes of March 24, 2023, Judicial Council Meeting

[23-090](#)

Allocations and Reimbursements to Trial Courts | Firearm Relinquishment Grant Program for 2023-24 Through 2024-25 (Action Required)

Summary: The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time General Fund to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of \$1.5 million to one trial court for Cycle 2 Firearm Relinquishment Grant awards for 2023-24 through 2024-25.

Recommendation: The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council, effective May 12, 2023:

1. Approve the allocation and distribution of \$1.5 million to the Superior Court of Orange County to fund a new firearm relinquishment program for 2023-24 through 2024-25; and

2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funding allocated to any of the awarded courts in Cycles 1 and 2, based on the same criteria established during the application period.

[23-099](#)**Rules and Forms | Appellate Procedure: Costs on Appeal
(Action Required)**

Summary: The Appellate Advisory Committee recommends amending the rules governing costs on appeal in civil actions to clarify that the general rule for awarding costs to the prevailing party is subject to exception for statutes requiring a different or additional finding, determination, or analysis. The proposal is responsive to a recent Supreme Court decision and the constitutional principle that rules of court may not be inconsistent with statute.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective September 1, 2023:

1. Amend rules 8.278 and 8.891 of the California Rules of Court to state that the general rule for awarding costs to the prevailing party is subject to exceptions established by statutes; and
2. Amend the advisory committee comments accompanying rules 8.278 and 8.891 to indicate that subdivision (a)(1) reflects the holding of *Pollock v. Tri-Modal Distribution Services, Inc.* (2021) 11 Cal.5th 918 and the constitutional principle that rules of court may not be inconsistent with statute.

[23-098](#)**Rules and Forms | Appellate Procedure: Reporters' Transcripts (Action Required)**

Summary: The Appellate Advisory Committee recommends amending several rules relating to the format of reporters' transcripts and borrowing the record on appeal. Code of Civil Procedure section 271 requires that as of January 1, 2023, a reporter's transcript must be delivered in electronic form unless a party or person entitled to the transcript requests it in paper format. In recognition that most reporters' transcripts will be in electronic form, the committee recommends allowing transcripts to be in a single volume in most cases. In addition, the committee recommends clarifying that, to be accepted in lieu of depositing the estimated cost of the transcript with the court, a certified transcript submitted by a party must comply with specified format requirements. The committee also recommends creating an exception to the requirement that the page numbering in an electronic format reporter's transcript match the electronic page counter in PDF view in certain cases involving multiple-reporter cases. This proposal originated with suggestions from the California Court Reporters Association.

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

1. Amend rules 8.130, 8.834, 8.866, and 8.919 of the California Rules of Court to state that a certified transcript submitted by a party in lieu of depositing the cost of preparing a reporter's transcript must not be accepted unless it complies with the applicable format requirements.
2. Amend the advisory committee comments accompanying rules 8.130, 8.866, and 8.919 to:
 - a. Provide examples of the types of changes that would need to be made to comply with the applicable format requirements;
 - b. State that parties submitting certified transcripts in lieu of a deposit are responsible for ensuring that such transcripts are in the proper format; and
 - c. Indicate that the parties may arrange with a court reporter to do the necessary formatting of the transcript or may do the formatting themselves.
3. Add an advisory committee comment, modeled on the comments accompanying rules 8.130, 8.866, and 8.919, to rule 8.834 to address the use of certified transcripts in lieu of a deposit for a reporter's transcript.
4. Amend rule 8.144 to:
 - a. Provide that, if a clerk's or reporter's transcript is being delivered in electronic form to all courts, parties, and persons entitled to the transcript, it may be produced in a single volume but must comply with the requirements of rule 8.74(a)(5);
 - b. Provide an exception for reporters' transcripts in multiple-reporter cases in which a segment of the reporter's transcript is either longer or shorter than the number of pages assigned by the primary reporter from the requirement that, in transcripts in electronic form, the electronic page counter in the PDF file viewer must match the transcript page numbering.
5. Further amend rule 8.144 and amend rules 8.204 and 8.622 to replace references to reporters' transcripts or the record on appeal being in "electronic format" with "electronic form."
6. Amend rules 8.452 and 8.456 to modify the requirements for augmentation motions in the juvenile proceedings addressed by these rules by:
 - a. Providing an exception for reporters' transcripts in multiple-reporter cases from the requirement that documents attached to such motions be consecutively paginated; and
 - b. Adding references to the specific subdivisions of rules 8.122 and 8.130 that explain how to identify documents or transcripts that are not attached to such motions.
7. Further amend rule 8.838 to:
 - a. Add a cross-reference to rule 8.144(a); and

- b. Replace the provision relating to the 300-page volume limit with a cross-reference to the relevant subdivision of rule 8.144.
8. Amend rule 8.866 and further amend rule 8.919 to replace references to the format requirements of rule 8.144 with references to the format requirements of rule 8.834.

[23-080](#)**Rules and Forms | Criminal Procedure: Defendant's Financial Statement (Action Required)**

Summary: The Criminal Law Advisory Committee recommends revisions to the optional Judicial Council form used by defendants to state financial eligibility for appointment of counsel and for the record on appeal at public expense to reflect statutory changes removing the authority of the court to make a post-proceeding determination of the defendant's ability to pay and to order the defendant to reimburse the county for the costs of the public defender.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council revise form CR-105, effective September 1, 2023, to:

1. Change the form title to "Defendant's Financial Statement on Eligibility for Appointment of Counsel and Record on Appeal at Public Expense" (formerly "Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense");
2. Change the form's short title to "Defendant's Financial Statement" (formerly "Defendant's Financial Statement and Notice to Defendant");
3. Delete item 13, Eligibility for Appointment of Counsel and Notice to Defendant, a notice to the defendant stating that if an attorney was appointed to represent the defendant, the court could hold a hearing to determine the defendant's ability to pay all or a portion of the cost of the attorney and order the defendant to pay all or part of such cost (former Pen. Code, § 987.8(f));
4. Delete a statement under Declaration of Defendant that the defendant understands the notice contained in item 13; and
5. Delete a reference to Penal Code section 987.8 in the footer and replace it with a reference to section 987, which allows the court to require a defendant to file a financial statement to determine whether the defendant is able to employ counsel in a criminal case.

[23-081](#)**Rules and Forms | Criminal Procedure: Mental Competency Proceedings (Action Required)**

Summary: The Criminal Law Advisory Committee recommends amendments to rule 4.130 of the California Rules of Court to reflect statutory changes to Penal Code section 1369(a) regarding treatment with antipsychotic medication of a defendant found incompetent to stand trial, statutory changes to Penal Code section 1370 deleting language that the presumption of competency does not apply to a posttrial hearing on competence, the relettering of subdivisions in Penal Code section 1001.36, and to make technical revisions.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.130 of the California Rules of Court, effective May 15, 2023, as follows:

1. Subdivision (d)(2)(E) to reflect statutory changes to Penal Code section 1369(a) regarding a recommendation by a psychologist or psychiatrist about treating with antipsychotic medication a defendant found incompetent to stand trial;
2. Subdivision (g) to correct the references to recently relettered subdivisions in Penal Code sections 1001.36;
3. Subdivision (d)(2)(F) to clarify which collateral sources were considered by the examiner and to replace gendered pronouns; and
4. Subdivision (h)(2) to reflect statutory changes to Penal Code section 1370(a)(1)(G) on posttrial hearings on competence by deleting the phrase “except that a presumption of competency does not apply.”

[23-091](#)

Rules and Forms | Jury Instructions: Civil Jury Instructions (Release 43) (Action Required)

Summary: The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions and verdict forms prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months and add new verdict forms in the Labor Code Actions series. Upon Judicial Council approval, the instructions will be published in the midyear supplement to the official 2023 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective May 12, 2023, approve for publication under rules 2.1050 and 10.58 of the California Rules of Court the following civil jury instructions prepared by the committee:

1. Addition of 2 new verdict forms in the Labor Code Actions series: CACI Nos. VF-2708 and VF-2709; and
2. Revisions to 9 instructions: CACI Nos. 403, 512, 513, 904, 1010, 2508, 2541, 2600, and 4603.

[23-095](#)

Rules and Forms | Juvenile Law: New Disposition for Serious Offenses (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends adopting three rules of court, amending four rules of court, and repealing one rule of court, as well as approving one optional form, revising eight forms, and revoking one form to reflect the closure of the Department of Juvenile Justice and create new procedures to assist courts in using the new secure youth treatment facility disposition. These revisions would become effective on July 1, 2023, to align with the closure of the Division of Juvenile Justice on June 30, 2023.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2023:

1. Adopt Cal. Rules of Court, rules 5.804, 5.807, and 5.808 to implement the provisions of Welfare and Institutions Code section 875;
2. Amend Cal. Rules of Court, rules 5.663, 5.670, 5.790, and 5.820 to delete obsolete references to the Division of Juvenile Justice (DJJ) and update them to conform to recent statutory changes;
3. Repeal Cal. Rules of Court, rule 5.805 to reflect the closure of the DJJ;
4. Approve *Commitment to Secure Youth Treatment Facility* (form JV-733) for courts to use when committing youth to a secure youth treatment facility (SYTF);
5. Revise the following forms to reflect the closure of the DJJ, the new SYTF disposition, and recent legislative changes:
 - *Juvenile Justice Court: Information for Parents* (form JV-060-INFO);
 - *Waiver of Rights--Juvenile Justice* (form JV-618);
 - *Disposition--Juvenile Delinquency* (form JV-665);
 - *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667);
 - *School Notification of Court Adjudication (Welfare & Institutions Code Section 827(b) and Education Code Section 48267)* (form JV-690);
 - *Notification to Sheriff of Juvenile Delinquency Felony Adjudication (Welfare & Institutions Code Section 827.2)* (form JV-692);
 - *Juvenile Notice of Violation of Probation* (form JV-735); and
 - *Citation and Written Notification for Deferred Entry of Judgment--Juvenile* (form JV-751); and
6. Revoke *Commitment to the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities* (form JV-732) to reflect the closure of the DJJ.

[23-096](#)

Rules and Forms | Juvenile Law: Sex Offender Registration Termination (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends the adoption of three mandatory forms and the approval of two optional forms to be used to petition the juvenile court for termination of sex offender registration for persons required to register as sex offenders as a result of a juvenile adjudication and commitment to the Division of Juvenile Justice. All five forms are adapted from existing forms that were approved by the council for use in criminal courts that became effective July 1, 2021.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2023:

1. Adopt *Petition to Terminate Juvenile Sex Offender Registration* (form JV-915), *Response by District Attorney to Petition to Terminate Juvenile Sex Offender Registration* (form JV-917), and *Order on Petition to Terminate Juvenile Sex Offender Registration* (form JV-918) to assist the courts in processing petitions to terminate sex offender registration as a result of a juvenile adjudication.
2. Approve *Information on Filing a Petition to Terminate Juvenile Sex Offender Registration* (form JV-950-INFO) and *Proof of Service--Juvenile Sex Offender Registration Termination* (form JV-916) as optional forms to assist petitioners in seeking to terminate sex offender registration for juvenile adjudications.

[23-097](#)

Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one form to implement recent legislative changes requiring that the court find by clear and convincing evidence that a youth is not amenable to rehabilitation while under the jurisdiction of the juvenile court. Assembly Bill 2361 amended Welfare and Institutions Code section 707 to include that standard of proof and to require the court, in an order entered upon the minutes, to state the basis for making that finding.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 1, 2023:

1. Amend California Rules of Court, rule 5.770 to reflect the higher evidentiary standard and the requirement for the court to state its reasons for finding that a youth is not amenable to rehabilitation while under the jurisdiction of the juvenile court; and
2. Revise *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to reflect the higher standard of proof and the finding required by the court to order a transfer.

[23-028](#)

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, and minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure 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, effective September 1, 2023:

1. Revise *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO) to correct the form number referenced in item 1 for *Petition for Writ of Habeas Corpus*, which has been renumbered as form HC-001.
2. Revise *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) to correct the form number in item 2b for *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense*, which has been renumbered as form CR-105.
3. Revise *Request to Waive Additional Court Fees (Superior Court)* (form FW-002) to correct the reference in the lower-left footer on the form to Government Code section 68633, and to California Rules of Court, rules 3.51 and 3.56.

[23-100](#)

Rules and Forms | Technical Revisions to Wage Garnishment Forms (Action Required)

Summary: Judicial Council staff recommend the revision of three Judicial Council forms to reflect statutory amendments to the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective September 1, 2023, revise the following forms to reflect recent changes to Code of Civil Procedure section 706.050 as enacted in Senate Bill 1477 (Stats 2022, ch. 849):

- *Earnings Withholding Order* (form WG-002);
- *Employee Instructions* (form WG-003); and
- *Earnings Withholding Order for Elder or Dependent Adult Financial Abuse* (form WG-030).

[23-086](#)

Trial Court Budget | Allocations From the Trial Court Trust Fund for 2022-23 (Action Required)

Summary: For 2022-23, the Judicial Council approved a \$650,000 allocation from the Trial Court Trust Fund to reimburse trial courts for expenditures related to elder or dependent adult abuse protective orders (Assem. Bill 59; Stats. 1999, ch. 561). The Trial Court Budget Advisory Committee recommends a current year increase of \$550,000, for a total allocation of \$1.2 million, to meet the increased reimbursements in 2022-23.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 12, 2023, approve a \$550,000 increase for the elder abuse reimbursement allocation for 2022-23 from the Trial Court Trust Fund, for a total allocation of \$1.2 million.

[23-078](#)**Trial Court Budget | Court Interpreter Employee Incentive Grant Award Recommendations for Cycle 2, Fiscal Year 2022-23 (Action Request)**

Summary: The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants for Cycle 2, fiscal year 2022-23, to implement Senate Bill 170, which amended the 2021 Budget Act and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). The CIEIG provides funding for one year of salary and training costs to help establish new, full-time court interpreter employee positions. This funding is available until June 30, 2024.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 12, 2023:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for fiscal year 2022-23; and
2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2023 distribution.

[23-079](#)**Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)**

Summary: The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2023-24 in the amount of \$16.71 million for the trial courts and \$1.26 million for the state judiciary. The committee also recommends revisions of the Memorandum of Coverage for the participating trial courts and for the state judiciary.

Recommendation: The Judicial Branch Workers' Compensation Program Advisory Committee recommends that the Judicial Council, effective May 12, 2023, approve:

1. The fiscal year 2023-24 workers' compensation cost allocation of \$16.71 million for participating trial courts and \$1.26 million for the state judiciary; and
2. The proposed changes to the Memorandum of Coverage (MOC), Trial Courts Pooled Workers' Compensation Program, and the Judiciary MOC.

DISCUSSION AGENDA

[23-087](#)

Trial Court Budget | Policy for Courts With Specified Debt Service Obligations Included in the Workload Formula (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends changes to the Workload Formula methodology regarding debt service obligations that are funded with civil assessment backfill revenue and how these adjustments are reflected in the Workload Formula effective July 1, 2023.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2023, approve a \$2.531 million increase for a total annual amount of \$4.031 million to fully fund Santa Clara Superior Court’s debt service obligation, by using civil assessment backfill funding, until the debt service obligation is satisfied in 2044-45.

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

[23-094](#)

Rules and Forms | Mental Health Law: Community Assistance, Recovery, and Empowerment Act (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends eleven new rules of court, one amended rule, and thirteen new forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act (Stats. 2022, ch. 319). The CARE Act establishes a new, noncriminal proceeding that authorizes a court--in response to a petition and after determining by clear and convincing evidence that the person for whom the petition is filed meets the necessary statutory criteria--to order the county behavioral health agency to work with the person to engage in services and determine whether a CARE agreement can be reached or, if those efforts are unsuccessful, to develop a CARE plan. Once the court has ordered a CARE plan, the court must hold regular status hearings to review the progress of the person and the county behavioral agency with the services ordered. The act requires the Judicial Council to develop a mandatory petition form, any other forms necessary for the court process, and rules of court to implement provisions of the act governing judicial proceedings.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective September 1, 2023:

1. Rename title 7 of the California Rules of Court the “Probate and Mental Health Rules” and reorganize it as follows:
 - Separate title 7 into two divisions, division 1 and division 2;
 - Place the Probate Rules in division 1 and name division 1 “Probate Rules”;
 - Name division 2 “Mental Health Rules” and separate division 2 into two chapters;
 - Reserve chapter 1 of division 2 for future rules;

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- Name chapter 2 of division 2 “CARE Act Rules”; and
 - Place the rules recommended below in chapter 2 of division 2 of title 7;
2. Adopt Cal. Rules of Court, rules 7.2201, 7.2205, 7.2210, 7.2221, 7.2223, 7.2225, 7.2230, 7.2235, 7.2240, 7.2301, and 7.2303 to implement provisions of the new CARE Act, as follows:
 - Rule 7.2201 states the purpose of the CARE Act rules;
 - Rule 7.2205 defines terms as used in those rules;
 - Rule 7.2210 circumscribes access to court records of CARE Act proceedings;
 - Rule 7.2221 specifies the contents of the petition packet and the clerk’s duties on receipt of a petition;
 - Rule 7.2223 clarifies the application of the statutory venue provisions and provides a procedure for transferring proceedings to the proper court if required;
 - Rule 7.2225 clarifies the persons authorized to file a petition;
 - Rule 7.2230 provides a framework for appointing and substituting counsel for the respondent;
 - Rule 7.2235 establishes procedures for serving notice and other documents;
 - Rule 7.2240 establishes a process for responding to a motion to join a local government entity to CARE Act proceedings;
 - Rule 7.2301 establishes a process for the presiding judge or designee to issue an order to show cause and set a hearing for its return; and
 - Rule 7.2303 clarifies the respondent’s right to participate in all accountability hearings;
 3. Amend rule 1.4 to reflect the inclusion of the new mental health rules in title 7 of the Rules of Court;
 4. Adopt *Information for Respondents--About the CARE Act* (form CARE-060-INFO), *Petition to Commence CARE Act Proceedings* (form CARE-100), *Mental Health Declaration--CARE Act Proceedings* (form CARE-101), *Order for CARE Act Report* (form CARE-105), *Notice of Order for CARE Act Report* (form CARE-106), *Notice of Initial Appearance--CARE Act Proceedings* (form CARE-110), *Notice of Respondent’s Rights--CARE Act Proceedings* (form CARE-113), and *Notice of Hearing--CARE Act Proceedings* (form CARE-115), as mandatory forms to implement requirements of the CARE Act, as follows:
 - Form CARE-060-INFO is for use to inform the respondent about the CARE Act, explain the nature of CARE Act proceedings, summarize petitioner’s and respondent’s rights, and describe the role of a supporter;
 - Form CARE-100 is for use to file a petition to begin CARE Act proceedings;
 - Form CARE-101 is for use to provide a declaration under Welfare and Institutions Code section 5975(d)(1);

- Form CARE-105 is for use to order a report under Welfare and Institutions Code section 5977(a)(3)(B);
 - Form CARE-106 is for use to provide notice that a report has been ordered;
 - Form CARE-110 is for use to provide notice of the initial appearance;
 - Form CARE-113 is for use to inform respondents of their rights in the CARE Act process; and
 - Form CARE-115 is for use to provide notice of any hearing that occurs after the initial appearance in a CARE Act proceeding;
5. Approve *Information for Petitioners--About the CARE Act* (form CARE-050-INFO), *Proof of Personal Service of Notice of Order for CARE Act Report* (form CARE-107), *Proof of Personal Service of Notice of Initial Appearance--CARE Act Proceedings* (form CARE-111), *Proof of Personal Service of Notice of Hearing--CARE Act Proceedings* (form CARE-116), and *Request for New Order and Hearing--CARE Act Proceedings* (form CARE-120) to implement provisions of the CARE Act, as follows:
- Form CARE-050-INFO is for use to inform petitioners about the CARE Act process and instruct them how to properly fill out the petition, form CARE-100;
 - Form CARE-107 is for use to provide proof of personal service of forms CARE-105 and CARE-106 on the respondent;
 - Form CARE-111 is for use for proof of personal service of form CARE-110 on the respondent;
 - Form CARE-116 is for use for proof of personal service of form CARE-115 on the respondent; and
 - Form CARE-120 is for use to request a new or modified court order and a hearing on that request.

A motion to approve the recommendation was made by Ms. Nelson and seconded by Justice Slough. The motion was adopted.

[23-006](#)

Pretrial Release | Year 1 Report to the Legislature, 2023 (Action Required)

Summary: The Budget Act of 2021 (Senate Bill (SB) 129, Skinner, Stats. 2021, ch. 69) allocated \$140 million to the Judicial Council to fund the implementation and operation of ongoing court programs and practices that promote safe, efficient, fair, and timely pretrial release of individuals booked into jail. The Judicial Council is required to submit annual reports on program progress. Criminal Justice Services staff recommend that the Judicial Council approve the *Pretrial Release: Year 1 Report to the Legislature, 2023* and direct the Acting Administrative Director to submit it to the Legislature, as required under SB 129. The report documents the Pretrial Release Program activities of the Judicial Council and the courts in the initial year of the program.

Recommendation: Criminal Justice Services staff recommend that the Judicial Council, effective May 12, 2023:

1. Approve *Pretrial Release: Year 1 Report to the Legislature, 2023*; and
2. Direct the Acting Administrative Director to submit this report to the Legislature on or before July 1, 2023, as required by Senate Bill 129.

A motion to approve the recommendation was made by Administrative Presiding Justice Hill and seconded by Judge Bottke. The motion was adopted.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[23-088](#)

Child Support | Midyear Funding Reallocation for 2022-23

Summary: Effective January 17, 2020, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation to combine the previous two Assembly Bill 1058 midyear funding reallocation processes into one administrative process to maximize program efficiencies. This administrative process for midyear reallocation delegates ongoing authority to the Administrative Director on an annual basis. This report details the midyear reallocation of funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for 2022-23.

[23-003](#)

Court Facilities | Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2022-23

Summary: This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2022-23. 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*.

[23-093](#)

Judicial Branch Administration | Release of Demographic Data on California Justices and Judges

Summary: This informational report to the Judicial Council contains aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, veteran status, and disability status of California's justices and judges by specific jurisdiction, as required by Government Code section 12011.5(n). In accordance with this legislative mandate, the Judicial Council's Office of Court Research (OCR) has collected and released demographic information provided by responding justices and judges on March 1, 2023. In general, findings indicate that the California bench has become more diverse over time.

[23-089](#)**Report to the Legislature | Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall**

Summary: On or before April 1, 2023, staff for the Judicial Council’s Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the 2022 Budget Act.

[23-082](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2022)**

Summary: Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the 11th annual court realignment data report. It will be distributed to the DOF, BSCC, and JLBC. The report, *Court Realignment Data (Calendar Year 2022)*, is included as Attachment A to this report.

[23-027](#)**Report to the Legislature | Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund**

Summary: Pursuant to item 0250-102-0159, provision 5, of the Budget Act of 2022 (Stats. 2022, ch. 45), the Judicial Council is required to submit a report identifying all programs and systems currently receiving support from the State Trial Court Improvement and Modernization Fund to the Legislature by March 1, 2023. On or before March 1, 2023, the Judicial Council’s Budget Services staff submitted the *Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund*.

Appointment Orders[23-109](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting’s business completed, the Chief Justice adjourned the meeting at approximately 11:51 a.m.

Respectfully submitted by Acting Administrative Director Millicent Tidwell, Secretary to the Judicial Council, on July 21, 2023.