



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-199

For business meeting on: December 2, 2022

Title

Civil Practice and Procedure: Enforcement of Judgment Form Revisions

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

Revise forms EJ-190 and EJ-195

Effective Date

January 1, 2023

Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara Wood, Chair

Date of Report

November 9, 2022

Contact

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Executive Summary

The Civil and Small Claims Advisory Committee recommends changes to two forms related to renewals of judgments, effective January 1, 2023, to implement statutory changes in Senate Bill 1200 (Stats. 2022, ch. 883). In relevant part, this bill provides that a judgment creditor may only renew the period of enforceability of a money judgment one time, for 5 years—rather than multiple times, for 10 years each—where the judgment is on a claim against a natural person (1) related to medical expenses if the principal amount of the money judgment remaining unsatisfied is under \$200,000, or (2) related to personal debt if the principal amount of the money judgment remaining unsatisfied is under \$50,000. The proposed revisions address these statutory changes. Because the council forms will not conform with the law as of January 1 if not revised, the committee is recommending that the forms be approved by that date, prior to public comment, and be circulated later.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Application for and Renewal of Judgment* (form EJ-190)

- *Notice of Renewal of Judgment* (form EJ-195)

The recommended forms are attached at pages 6–8, with the revisions highlighted.

Relevant Previous Council Action

The council approved form EJ-190 and adopted form EJ-195 in 1983. The notice of renewal (form EJ-195) replaced a statutory form that had been in Code of Civil Procedure section 693.040 until that time. Since that time, both forms have been revised twice, but with only minor non-substantive changes.

Analysis/Rationale

Under current law, a judgment creditor may extend the period of enforceability of any money judgment for 10 years by filing an application to renew the judgment in the court that entered the judgment.¹ There is currently no limit to the number of times a judgment creditor may renew a judgment. The filing of the application itself renews the judgment.² A judgment debtor may move to modify or vacate the renewal by filing a motion within 30 days after they were served with the notice of renewal of judgment.³ In addition, judgment creditors are entitled to bring an action on a judgment, provided it is brought within 10 years.⁴

SB 1200 (see Link A) modifies these provisions. First, the new law limits the ability of a judgment creditor to renew a judgment to only five years, and only a single time, for a money judgment against a natural person that involves a claim related to: (1) medical expenses, if the principal amount of the judgment remaining unsatisfied is under \$200,000, or (2) personal debt if the principal amount of the judgment remaining unsatisfied is under \$50,000.⁵ Second, it extends the time a judgment debtor has to file a motion to modify or vacate any renewal to 60 days.⁶ Third, judgment creditors are not permitted to bring an action on a judgment involving these medical expense or personal debt claims.⁷

¹ Code Civ. Proc., § 683.120.

² Code Civ. Proc., § 683.120(b).

³ Code Civ. Proc., § 683.170(b).

⁴ Code Civ. Proc., § 683.050.

⁵ New Code Civ. Proc., § 683.120(c). (“New,” as used hereafter in citations, refers to the law as enacted by SB 1200, to go into effect January 1, 2023.)

⁶ New Code Civ. Proc., § 683.170(b).

⁷ New Code Civ. Proc., § 683.050(b).

This proposal would reflect the first two of those statutory changes in order to make the council forms relating to renewal of judgments conform with the law as of January 1, 2023.⁸ The recommended revisions are as follows.

Application for and Renewal of Judgment (form EJ-190)

A new subitem has been added to the information required in the application/renewal form for renewal of money judgments. Subitem 5j requires the judgment creditor to indicate whether the money judgment to be renewed involves either a claim for personal debt with a principal amount remaining unsatisfied of under \$50,000 or medical expenses with a principal amount remaining unsatisfied of under \$200,000, or some other claim (which would not be subject to the same limitations for renewals). A warning also been added below this new item advising the judgment creditor that if the judgment involves personal debt or medical expense claims against a natural person, the judgment may only be renewed once for five years after the unsatisfied principal amount falls below the statutory threshold.

Because the very act of filing this form renews the judgment,⁹ and because such renewals are, as of January 1, 2023, limited for certain categories of money judgments, the committee concluded that revising this form by that date is vital. For that reason, the committee is recommending that it be approved by the council now with a January 1 effective date, and circulated for public comment post-adoption.¹⁰

Notice of Renewal of Judgment (form EJ-195)

This is a mandatory form to be issued by the clerk upon the filing of the application. Currently, item 1 on this form advises the judgment debtor that the renewal of judgment “extends the period of enforceability of the judgment until 10 years from the date the application for renewal was filed.” Beginning January 1, 2023, however, renewals of certain monetary judgments will be limited to 5 years. Because the length of the renewal will depend on the judgment’s underlying claims, and because issuance of this form is currently a ministerial action by the clerk (and so not subject to any review or action by a judicial officer), item 1 has been revised to remove the reference to the length of the renewal.¹¹ Instead, the item now simply advises the judgment debtor that the renewal extends the period of enforceability of the judgment. A citation to the

⁸ The third change described above is not reflected in Judicial Council forms, so is not addressed further in this proposal. In addition, SB 1200 changed the amount of interest that may be charged on the judgments described above (from 10 percent to 5 percent), and the committee will be proposing revisions to other council forms to reflect those changes in the near future. The information regarding the new interest rates will be added to the online California Courts Self-Help Center as of January 1.

⁹ Code Civ. Proc., § 683.120(b) and new (c).

¹⁰ Additional form revisions are being developed to implement other statutory changes enacted in SB 1200, and these forms can be circulated for comment with those.

¹¹ The committee notes that the statute does not require that the notice contain information about the time period of the renewal, only about the time period for moving against the renewal (which is provided in item 3). Code Civ. Proc., § 683.160.

relevant Code of Civil Procedure sections where the debtor can obtain additional information has been added.

Item 3 has also been revised to reflect that, under the new law, all judgment debtors will have 60 (rather than 30) days to file a motion to vacate or modify the renewal.

The committee recommends that this form also be approved by the council effective January 1, 2023, so that it can go into effect January 1. Because this form is issued by the clerk of the court, and because it is a mandatory form, without prompt revision clerks may have to issue forms that are not in compliance with the law.

The attorney/party and court information at the top of both forms has been updated to comply with Judicial Council current format for forms.

Policy implications

While the new legislation has numerous policy implications, they are inherent in the statute and not related to the proposed forms. The recommendations here simply implement the legislative changes.

While approving the forms without prior public comment does not comply with the council's current policies of encouraging comment by stakeholders prior to acting, the need for the forms to be in compliance with the law by January 1, as discussed above, mandates such action in this instance. Post-approval circulation will allow such input, and the forms may be further revised if appropriate.

Comments

The proposal has not yet been circulated for public comment. The Governor signed SB 1200 on September 30, 2022, and its provisions go into effect on January 1, 2023. As discussed above, the committee believes that it is important for these two forms to accurately reflect the law on that date. Accordingly, the committee proposes to circulate this proposal for public comment post-approval, when other revisions proposed under SB 1200 are circulated.

Alternatives considered

The advisory committee did not consider the possibility of not revising the forms because the current forms will not be in compliance with the new legislation.

The committee did consider proposing revision of the forms as part of the normal Judicial Council forms cycle so that they could be circulated before approval, as part of a single proposal addressing all form revisions needed to reflect the changes in SB 1200.¹² However, as discussed above, given the significant changes to the renewal of judgment provisions, and the fact that the renewal of judgment form is essentially self-executing, the committee believes prompt revision

¹²As noted above, in addition to the renewal of judgment changes discussed herein, SB 1200 also changed the interest rate applicable to certain money judgments, which the committee envisions may require revision to a number of forms.

is appropriate. This will allow the renewal of judgment forms to be consistent with the law when SB 1200 takes effect on January 1, 2023.

In considering the notice form (form EJ-195), the committee considered an alternative revision to item 1, which would contain subitems for the clerk to indicate whether the renewal of judgment extended the period of enforceability for 10 years or 5 years. That alternative would also add an instruction to the clerk explaining when the 5-year renewal term should be checked. The committee, however, was concerned that these changes would require clerks to operate outside of their ministerial role, and concluded that eliminating the time of enforceability from the form altogether was preferable. The committee also considered the possibility of revising the notice form so that it is not signed by the clerk, but instead by the judgment creditor (who is required by statute to serve the notice¹³). The committee concluded that such a change to the form should not be recommended without first obtaining public comment, and so is not recommending it to the council at this time. The committee may ask for specific comments on such a revision when the form is circulated for comment and, if appropriate, recommend further revisions to the form in the future.

Fiscal and Operational Impacts

The new law, as reflected in the recommended form revisions, will have an impact on court administration to the extent that clerks, judicial officers, and court legal services and self-help offices will need to be trained on the new statutory requirements and how the new forms reflect those changes. New training materials and internal procedures will need to be developed.

Attachments and Links

1. Forms EJ-190 and EJ-195, at pages 6–8
2. Link A: Senate Bill 1200,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB1200

¹³ Code Civ. Proc., § 683.160(a).

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

TEL NO.:
E-MAIL ADDRESS:
 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

DRAFT

11/9/2022

NOT APPROVED BY JUDICIAL COUNCIL

FOR RECORDER'S USE ONLY

PLAINTIFF:
DEFENDANT:

CASE NUMBER:

APPLICATION FOR AND RENEWAL OF JUDGMENT

FOR COURT USE ONLY

- Judgment creditor
- Assignee of record

applies for renewal of the judgment as follows:

1. Applicant (name and address):

2. Judgment debtor (name and last known address):

3. Original judgment
 - a. Case number (specify):
 - b. Entered on (date):
 - c. Recorded:
 - (1) Date:
 - (2) County:
 - (3) Instrument No.:
4. Judgment previously renewed (specify each case number and date):

5. Renewal of money judgment
 - a. Total judgment \$
 - b. Costs after judgment \$
 - c. Subtotal (add a and b) \$ _____
 - d. Credits after judgment \$
 - e. Subtotal (subtract d from c) \$ _____
 - f. Interest after judgment \$
 - g. Fee for filing renewal application \$
 - h. **Total renewed judgment (add e, f, and g)** \$ _____
 - i. The amounts called for in items a–h are different for each debtor.
These amounts are stated for each debtor on Attachment 5.

SHORT TITLE:	CASE NUMBER:
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5. j. The money judgment (*check all that apply*)

- (1) has a principal amount remaining unsatisfied of under \$50,000 and is for a claim related to personal debt.
- (2) has a principal amount remaining unsatisfied of under \$200,000 and is for a claim related to medical expenses.
- (3) relates to any other claims, including claims for personal debt or medical expenses that do not otherwise fit within items (1) or (2).

Note: From the point when the unsatisfied principal amount is below \$50,000 for personal debt claims or \$200,000 for medical expense claims, a judgment against a natural person may only be renewed once, for five years from the date an application is filed. (Code Civ. Proc., §§ 683.110–683.120.)

6. Renewal of judgment for possession.
 sale.

a. If judgment was not previously renewed, terms of judgment as entered:

b. If judgment was previously renewed, terms of judgment as last renewed:

c. Terms of judgment remaining unsatisfied:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____
(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">10/21/2022</p> <p style="text-align: center;">NOT APPROVED BY JUDICIAL COUNCIL</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT:	
NOTICE OF RENEWAL OF JUDGMENT	CASE NUMBER:

TO JUDGMENT DEBTOR (name):

1. **This renewal extends** the period of enforceability of the judgment (see *Code Civ. Proc., § 683.110 et seq.*).
2. **If you object** to this renewal, you may make a motion to vacate or modify the renewal with this court.
3. You must make this motion within **60 days** after service of this notice on you.
4. A copy of the *Application for and Renewal of Judgment* is attached (*Cal. Rules of Court, rule 3.1900*).

Date: _____

Clerk, by _____, Deputy

[SEAL]

See *Code of Civil Procedure* section 683.160 for information on method of service