



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Minutes

Meeting materials
are available through
the hyperlinks in
this document.

Judicial Council

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(Cal. Rules of Court, rule 10.6(a))*

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Friday, September 25, 2020

9:00 AM

Videoconference

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

Chief Justice Tani G. Cantil-Sakauye, 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: 30 - Chief Justice Tani G. Cantil-Sakauye, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Justice Harry E. Hull Jr., Justice Marsha G. Slough, Presiding Judge Kevin C. Brazile, Presiding Judge Joyce D. Hinrichs, Presiding Judge Ann C. Moorman, Judge Marla O. Anderson, Judge C. Todd Bottke, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Thomas A. Delaney, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge David M. Rubin, Judge Tam Nomoto Schumann (Ret.), Commissioner Glenn Mondo, Senator Hannah-Beth Jackson, Ms. Nancy CS Eberhardt, Ms. Rebecca Fleming, Mr. Kevin Harrigan, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Mr. Shawn C. Landry, Ms. Gretchen Nelson, and Mr. Maxwell V. Pritt

Absent: 1 - Assembly Member Richard Bloom

Call to Order

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the open session to order at 9:55 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:

- **Hon. Carol A. Corrigan**, Associate Justice, California Supreme Court

- **Hon. Kevin C. Brazile**, Presiding Judge, Superior Court of Los Angeles County
- **Hon. Thomas A. Delaney**, President-Elect, California Judges Association
- **Hon. Glenn Mondo**, Commissioner, Superior Court of Orange County
- **Ms. Rebecca Fleming**, Court Executive Officer, Superior Court of Santa Clara County
- **Mr. Shawn C. Landry**, Court Executive Officer, Superior Court of Yolo County

Reappointed members include:

- **Hon. Carin T. Fujisaki**, Associate Justice, Court of Appeal, First Appellate District, Division Three
- **Hon. Harry E. Hull, Jr.**, Associate Justice, Court of Appeal, Third Appellate District
- **Hon. Marla O. Anderson**, Judge, Superior Court of Monterey County
- **Hon. Stacy Boulware Eurie**, Judge, Superior Court of Sacramento County
- **Ms. Rachel Hill**, Attorney at Law, Fresno
- **Hon. Joyce D. Hinrichs**, Presiding Judge, Superior Court of Humboldt County
- **Hon. Harold W. Hopp**, Judge, Superior Court of Riverside County
- **Hon. Harry E. Hull, Jr.**, Associate Justice, Court of Appeal, Third Appellate District
- **Ms. Gretchen Nelson**, Attorney at Law, Los Angeles

Public Comment

Comments were submitted in writing and reviewed by the Judicial Council.

Approval of Minutes

[20-122](#)

Minutes of July 24, 2020 Judicial Council Meeting

A motion was made by Judge Brodie, seconded by Judge Lyons, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

Chief Justice Tani G. Cantil-Sakauye reported on her activities since the last council meeting.

Administrative Director's Report

[20-175](#)

Administrative Director's Report

Administrative Director Martin Hoshino reported on the council's activities since the last council meeting.

Judicial Council Internal Committee Written Reports

[20-183](#) **Judicial Council Internal Committee Written Reports**

Judicial Council Members' Liaison Written Reports

[20-197](#) **Judicial Council Members' Liaison Written Reports**

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

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Justice Hull, seconded by Judge Rubin, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

[20-168](#) **Allocations and Reimbursements to Trial Courts | Continued Distribution of Children's Waiting Room Funds During Temporary Closure (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve requests from the Superior Courts of San Bernardino and Riverside Counties to continue receiving children's waiting room funds during the unforeseen temporary closure of their children's waiting rooms in response to the COVID-19 pandemic. By continuing to receive funding, these courts will have sufficient resources to help defray costs when resuming operations.

Recommendation: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee unanimously recommends that the Judicial Council, effective September 25, 2020, approve the continued distribution of children's waiting room funds to the Superior Courts of San Bernardino and Riverside Counties to allow each court to receive funding to defray costs and support operation of children's waiting rooms upon reopening.

[20-176](#) **Child Support | Assembly Bill 1058 Child Support Commissioner and Family Law Facilitator Program Funding Reduction Fiscal Year 2020-21 (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends approving a temporary budget reduction methodology to allocate the \$7 million budget reduction to the AB 1058 Child Support Commissioner and Family Law Facilitator Program's fiscal year (FY) 2020-21 budget resulting from the California Department of Child Support Services' ongoing reduction to the Judicial Council's cooperative

agreement for FY 2020-21. The department has allocated \$2.38 million of the \$8.3 million of their state budget reduction for FY 2020-21 to the AB 1058 program. The reduction of the state funds will result in a reduction of federal matching funds of \$4.62 million for a \$7 million total reduction to the AB 1058 program for the current fiscal year.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective July 1, 2020:

1. Approve the committee's recommended reduction for funding of child support commissioners for FY 2020-21, as set forth in Attachment A1. This methodology distributes 75 percent of the \$7 million reduction to the child support commissioners based on the FY 2020-21 allocation approved by the Judicial Council in March 2020 (which allocated 75 percent of the overall funding to this side of the program). Additionally, the methodology applies the reduction based on courts' child support commissioner workload by establishing a 4 percent band around the statewide average funding level (2 percent above the average funding level and 2 percent below) and includes the following criteria:
 - a. Courts within the band take a pro rata reduction, but do not fall outside the band;
 - b. Courts above the band take up to an additional 1 percent cut from those within the band without falling into the band;
 - c. Courts below the band take up to 1 percent less of a cut than those within the band; and
 - d. Cluster 1 courts are held to a cut of 50 percent of the percentage reduction taken by courts within the band.
2. Approve the committee's recommended reduction for funding of family law facilitators for FY 2020-21, as set forth in Attachment A2. This methodology distributes 25 percent of the \$7 million reduction to the family law facilitators based on the FY 2020-21 allocation approved by the Judicial Council in March 2020. Additionally, the methodology applies the reduction pro rata, holding the cluster 1 courts to 50 percent of the pro rata reduction.
3. Approve the committee's recommendation for FY 2020-21 AB 1058 program funding for the courts for the total base funding allocations derived from recommendations 1 and 2, and the application of the additional federal drawdown funding, as displayed in Attachments B1 and B2.

[20-071](#)

Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)

Summary: The Budget Act of 2020 includes over \$23 million in the Equal Access Fund for general distribution to legal services providers and support centers. The funds are to be distributed primarily in two parts: IOLTA (Interest on Lawyers' Trust Accounts)-formula grants and partnership grants (with a small amount also

distributed for administration). The Legal Services Trust Fund Commission of the State Bar recommends approving distribution of \$21,169,328 in IOLTA-formula grants for fiscal year (FY) 2020-21, according to the statutory formula in the state Budget Act, and \$2,423,410 in partnership grants for 2021. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Recommendation: The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 25, 2020, approve:

1. The distribution of \$21,169,328 in IOLTA-formula grants for FY 2020-21 according to the terms of the state Budget Act;
2. The commission’s determination that the proposed budget of each individual grant complies with statutory and other guidelines; and
3. The distribution of \$2,423,410 in Equal Access Fund partnership grants to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants:

a. Bet Tzedek Legal Services

Self-Help Elder and Dependent Adult Restraining Order Clinic
 (Los Angeles County)
\$78,491

b. Central California Legal Services, Inc.

Guardianship Project
\$58,868
 Tenant/Landlord Housing Law Project (Fresno)
\$68,680
 Tulare County Unlawful Detainer Workshop
\$68,680

c. Community Legal Aid SoCal

Orange County Community Court Clinic
\$34,340
 Orange County Consumer Debt Workshop
\$22,566
 Unlawful Detainer Workshop at Norwalk Courthouse (Los Angeles)
\$68,680

d. Elder Law and Advocacy

Imperial County Unlawful Detainer/Elder Abuse Restraining Order Clinic
\$69,661

- e. Family Violence Law Center**
Domestic Violence Pro Per Project (Alameda)
.....\$24,528

- f. Housing and Economic Rights Advocates**
Probate Clinic (San Mateo)
.....\$41,208

- g. Inland Counties Legal Services**
Consumer Clinic Partnership (San Bernardino).....\$92,227

- h. Justice and Diversity Center**
Family Law Assisted Self-Help/Case Resolution (FLASH/CARE) Project (San Francisco)
.....
.\$39,246
Shriver-SASH Self-Help Custody (San Francisco)
.....\$72,604

- i. LACBA (Los Angeles County Bar Association) Counsel for Justice**
Domestic Violence Legal Services Project (Los Angeles)
.....\$89,284

- j. Legal Access Alameda**
Alameda County Family Law Day of Court Project
.....\$29,434
Family Law Status Conference Project.....\$63,774

- k. Legal Aid Foundation of Los Angeles**
Torrance Self-Help Center
.....\$88,302

- l. Legal Aid Foundation of Santa Barbara**
Legal Resource Center Partnership (Lompoc and Santa Barbara)
.....\$114,793

- m. Legal Aid of Marin**
Community Court Expansion
.....\$78,491

- n. Legal Aid Society of San Bernardino**
Caregivers Accessing Justice Guardianship Program.....\$98,114

- o. Legal Aid Society of San Diego, Inc.**
Name & Gender Marker Change Clinic\$83,397
Unlawful Detainer Clinic Expansion Project\$78,491

- p. Legal Assistance for Seniors**
Partnership to Assist Guardianship Litigants (Alameda)\$63,774
Partnership to Assist Limited Conservatorship Litigants (Alameda)\$63,774

- q. Legal Services of Northern California**
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer, Nevada & Sierra)\$93,208
Small Claims & Guardianship Self-Help Project (Yolo)\$60,831

- r. Neighborhood Legal Services of Los Angeles County**
Consumer Technology Project\$88,302
Housing Cases Continuum of Services\$79,472
Stabilizing Families\$98,114

- s. Public Counsel**
Guardianship Clinic (Los Angeles)\$29,434

- t. Public Law Center**
De Facto and Adoptive Parent Assistance Project\$49,057
Orange County Courthouse Guardianship Clinic\$39,245

- u. Riverside Legal Aid**

Small Estates Assistance Program
\$98,114

v. **San Diego Volunteer Lawyers Program**
 Central Division Restraining Order Clinic
\$98,114

w. **San Luis Obispo Legal Aid Foundation**
 Rental Clinic
\$98,114

Total \$2,423,410

[20-178](#) **Equal Access Fund | Distribution of One-Time Funding for Housing Issues (Action Required)**

Summary: Assembly Bill 83 (Stats. 2020, ch. 15, Sec. 1), effective June 29, 2020, amended Government Code section 12531(d) to provide for a one-time \$31 million allocation to the judicial branch to augment the Equal Access Fund to provide legal services in landlord-tenant matters. The Budget Act provides that the Judicial Council allocate these funds to the State Bar, which distributes the funding to eligible legal services agencies. The State Bar’s Legal Services Trust Fund Commission requests approval of the distribution of the \$31 million, minus administrative costs, according to the formula specified in the Budget Act.

Recommendation: The Legal Services Trust Fund Commission recommends that the Judicial Council, effective, September 25, 2020:

1. Direct staff to distribute Equal Access Funds to the State Bar for distribution to legal services agencies that meet the eligibility requirements stated in the Budget Act; and
2. Report back to the Judicial Council at its May 2021 meeting on the grants made.

[20-115](#) **Judicial Branch Administration | Qualifying Ethics: Requirements for Retiring Judges (Action Required)**

Summary: With the support of the chairs of the Judicial Council’s internal committees, Judicial Council staff proposes modifying the ethics training requirements for retiring judges who are enrolled in the Commission on Judicial Performance (CJP) insurance defense program due to the current unavailability of the Qualifying Ethics 7 (QE7) core course. Under the existing policy, judges who retire in 2020 are required to complete the three-hour core course before they retire in order to be allowed to purchase extended coverage under the insurance policy. Because the in-person core courses have been canceled since March 2020 and an online replacement course will likely not be offered until October 2020, this proposal would waive the core course requirement for judges retiring in 2020 so they will

be able to obtain extended coverage. The proposal would also delegate to the Administrative Director the authority to modify the requirements as needed to address changing circumstances related to the COVID-19 pandemic and the availability of QE7 courses.

Recommendation: With the support of the chairs of the Judicial Council's internal committees, Judicial Council staff recommends that the Judicial Council, effective September 25, 2020:

1. Modify the requirement that judges retiring in 2020 complete the QE7 core course; and
2. Delegate to the Administrative Director the authority to modify QE7 requirements as needed to address changing circumstances based on the availability of an online substitute for the in person core course.

[20-155](#)

Judicial Branch Administration | Revisions to *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 incorporate new Disabled Veteran Business Enterprise (DVBE) requirements, as well as edits to add an exception to competitive bidding for the procurement of training.

Recommendation: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council, effective October 1, 2020, revise and adopt proposed revisions to the *Judicial Branch Contracting Manual*.

[20-075](#)

Jury Instructions | Revisions to Criminal Jury Instructions (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 2020 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Recommendation: The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective September 25, 2020, approve the following changes to the criminal jury instructions prepared by the committee:

1. Revisions to CALCRIM Nos. 105, 202, 226, 358, 505, 508, 511, 524, 525, 540B, 563, 571, 580, 581, 582, 590, 592, 604, 766, 767, 810, 820, 860, 862, 863, 875, 970, 982, 983, 1071, 1080, 1124, 1128, 1191B, 1201, 1202, 1300, 1402, 1501, 1530, 1551, 1945, 1950, 1952, 2501, 2503, 2514, 2578, 2622, 2623, 2720, 2721, 2745, 2746, 2747, 3100, 3101, 3102, 3103, 3130, 3145, 3149, 3150, 3160, 3161, 3162, 3163, 3456, 3457, 3177, and 3477; and

2. Updates to the Introduction to Felony-Murder Series to delete the reference to an appendix. The publisher will remove the appendix of revoked and former felony murder instructions now that appellate courts have upheld the constitutionality of the legislative changes to felony murder liability.

[20-088](#)**Juvenile Law | Fiscal Year 2020-2021 Funding Allocations for Court-Appointed Special Advocate Local Assistance (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year (FY) 2020-21. The judicial branch budget for Judicial Council CASA grants for FY 2020-21 is \$2.713 million, which includes a \$500,000 augmentation to support efforts to increase the number of foster children served. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its July 20 and September 21, 2018, business meetings.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 24, 2020, (1) continue the allocation of the \$500,000 augmentation as base funding for FY 2020-21 to CASA programs using the four-tiered base funding methodology approved by the council on September 21, 2018; and (2) allocate \$2.713 million for CASA local assistance grants to 46 CASA programs serving 51 California counties using the council's funding methodology approved July 20 and September 21, 2018. Attachment A, Proposed Allocation for FY 2020-21 Court Appointed Special Advocate Local Assistance, is attached to this report.

[20-169](#)**Report to the Legislature | California Community Corrections Performance Incentives Act of 2009 (Action Required)**

Summary: The Criminal Justice Services office recommends that the Judicial Council receive the *2020 Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

Recommendation: The staff of the Criminal Justice Services office recommend that the Judicial Council, effective September 24, 2020:

1. Receive the attached *2020 Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* documenting program history, findings, and recommendations

related to the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678; Stats. 2009, ch. 608); and

2. Direct the Administrative Director to submit this report to the California Legislature and Governor by September 28, 2020, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the SB 678 program, to comply with Penal Code section 1232.

[20-161](#)

Rules and Forms | Appellate Procedure: Consent to Electronic Service (Action Required)

Summary: To clarify the procedures for electronic service, or e-service, in the Supreme Court and the Courts of Appeal, the Appellate Advisory Committee recommends amending certain service and e-filing rules and revising an information sheet. Rules 8.25, 8.72, and 8.78 of the California Rules of Court would be amended, and form APP-009-INFO would be revised, to reflect the procedures for e-service in these reviewing courts, and to distinguish appellate procedure under these rules in light of recent amendments to the Code of Civil Procedure that address e-service in the trial courts.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 8.25 of the California Rules of Court to reflect actual practice for delivery of electronic proofs of service, and amend the accompanying advisory committee comment to clarify e-service consent procedure in the Supreme Court and Courts of Appeal;
2. Amend rule 8.72 to confirm that furnishing an email address does not necessarily mean that a party has authorized e-service because a party may opt out of e-service under rule 8.78(a)(2)(B);
3. Amend rule 8.78 and its accompanying advisory committee comment to reflect existing appellate practice concerning agreement to e-service through an electronic filing service provider (EFSP), and to exempt courts from the e-service rules applicable to parties; and
4. Revise form APP-009-INFO to clarify that Code of Civil Procedure section 1010.6(a)(2)(A)(ii) addresses e-service in the trial courts, or superior courts, including their appellate divisions, and that rule 8.78 addresses e-service in the Courts of Appeal, and to reflect the option of using an EFSP to e-serve a document.

[20-048](#)

Rules and Forms | Appellate Procedure: Date and Time of Filing for Electronically Submitted Documents (Action Required)

Summary: The Appellate Advisory Committee recommends amending the rule regarding confirmation of receipt and filing of electronically submitted documents to clarify the date and time of filing. Among other things, rule 8.77 of the California Rules of

Court currently addresses the receipt date of submissions received electronically after the close of business but is silent as to when a received document is deemed filed. The committee proposes amending rule 8.77 to state that an electronic document that complies with filing requirements is deemed filed on the date and time it was received by the court.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council amend rule 8.77 of the California Rules of Court to clarify the date and time of filing for documents submitted electronically, effective January 1, 2021.

[20-121](#)

Rules and Forms | Appellate Procedure: Method of Notice to Court Reporter (Action Required)

Summary: The Appellate Advisory Committee recommends amending three appellate court-related California Rules of Court governing juvenile appeals and writs to replace the requirement that the clerk notify the court reporter to prepare the reporter’s transcript “by telephone and in writing” with a requirement that the reporter be notified “in a manner providing immediate notice” to the reporter. The existing “by telephone and in writing” requirement is not found in other appellate rules governing notice to court reporters, and the change would provide clerks more flexibility in how they provide notice while retaining the requirement that the notice be immediate.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2021, amend rules 8.405, 8.450, and 8.454 of the California Rules of Court to:

1. Omit the requirement that the court clerk notify the court reporter “by telephone and in writing” to prepare the reporter’s transcript, to more closely align these rules with other appellate rules, and provide clerks with more flexibility in how they provide notice to court reporters; and
2. Add a requirement that the clerk notify the reporter “in a manner providing immediate notice.”

[20-116](#)

Rules and Forms | Appellate Procedure: Use of an Appendix in Limited Civil Cases (Action Required)

Summary: The Appellate Advisory Committee recommends adopting a new rule and amending four current rules to allow litigants in limited civil appeals to use an appendix in lieu of a clerk’s transcript as the record of documents filed in the trial court. The California Rules of Court contain a rule for use of an appendix in the Court of Appeal but do not include such a rule for civil appeals in the appellate division. The proposed rule is based on the existing rule and closely follows its structure and content. To assist litigants in using an appendix, the committee also proposes approving a new form and revising an information sheet and a form for designating the record in limited civil cases.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt California Rules of Court, rule 8.845 to allow litigants in limited civil appeals to use an appendix in lieu of a clerk's transcript as the record of documents in the trial court;
2. Amend rules 8.830, 8.840, 8.843, and 8.882 to add provisions and procedures related to use of an appendix;
3. Approve *Respondent's Notice Electing to Use an Appendix (Limited Civil Case)* (form APP-111) to facilitate the respondent's choosing an appendix as the form of the documents filed in the trial court; and
4. Revise *Information on Appeal Procedures for Limited Civil Cases* (form APP-101-INFO) to include information on an appendix and *Appellant's Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) to include an appendix as a form of the record of documents the appellant may designate.

[20-086](#)

Rules and Forms | Civil Practice and Procedure: Requesting Court Reporters for Civil Proceedings (Action Required)

Summary: The California Supreme Court recently held that courts that do not provide official court reporters in civil proceedings must, if requested by an indigent party, use court reporters or other means to make a verbatim record available. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) The Civil and Small Claims Advisory Committee recommends a new court reporter request form, revisions to the fee waiver information form, and amendments to California Rules of Court, rule 2.956, to help fee waiver recipients avail themselves of rights recognized in *Jameson*. The proposal would also further amend that rule of court to reflect recent changes to Government Code section 68086.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend California Rules of Court, rule 2.956;
2. Approve *Request for Court Reporter by Party with Fee Waiver* (form FW-020); and
3. Revise *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO).

[20-167](#)

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

Summary: The Civil and Small Claims Advisory Committee recommends seven new forms for Judicial Council adoption and approval to help implement recently enacted Code of Civil Procedure section 367.3. That law provides that a person who is participating in the Safe at Home program (an address confidentiality program run

by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the protected person as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new forms allow participants in the Safe at Home program who are proceeding pseudonymously in civil court actions to (1) request that a court place under seal any previously filed documents that disclose the participant's identifying characteristics, and (2) make an ex parte application that this request be heard on shortened time.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt the following forms:

- *Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020);
- *Declaration in Support of Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-022);
- *Order on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-025);
- *Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-030); and
- *Declaration Regarding Notice and Service of Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-032).

2. Approve the following forms:

- *Instructions for Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-020-INFO); and
- *Order on Ex Parte Application for Order Shortening Time for Hearing on Motion to Place Documents Under Seal Under Code of Civil Procedure Section 367.3 (Safe at Home)* (form SH-035).

[20-189](#)

Rules and Forms | Collaborative Justice: Notification of Military Status (Action Required)

Summary: The Collaborative Justice Courts Advisory Committee recommends revising *Notification of Military Status* (form MIL-100), which informs the court that a party in a court case is or was in the military, to include additional clarifying and instructional information. The revisions to the current form will enable courts to improve early identification of court litigants in all case types who have a military

affiliation, and will assist courts in complying with Penal Code section 858 requirements.

Recommendation: The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective January 1, 2021, revise *Notification of Military Status* (form MIL-100) to:

1. Clarify that that the form can be used by both former and current members of the state and federal armed services, including the reserves, by adding “Veteran/Reserve/Active” to the title of the form.
2. Provide information as to when and how often the form may be filed.
3. Indicate that no filing fees apply to this form by adding “No Filing Fee. No filing fee or court costs are to be charged for this form” to the bottom of the form.
4. Provide information on the form’s purpose by adding clarifying language to page 2, including the statement “Filling out the MIL-100 form is a way you can let the court know about your military experience. This information may help the court consider possible benefits and protections in your case. This form can be filled out at any time.”
5. Ensure understanding that disclosure of one’s military status is optional by including additional language and the statement in bold “You do not have to provide this information to the court” to the top of page 2 of the form, and stating “Giving this information to the court is voluntary” in the instructions.
6. Make the form easier to complete by removing unnecessary items asking for entry date and status of duty.
7. Make minor wording and structural changes to improve grammar and readability.

The proposed changes seek to improve form clarity and better inform users of the broad applicability of the form, while retaining all required notifications and information for parties in criminal cases.

[20-173](#)

Rules and Forms | Criminal Forms: Miscellaneous Technical Changes (Action Required)

Summary: Judicial Council staff recommend revising five criminal forms to incorporate changes resulting from legislation and a prior rule amendment. The changes are technical, minor, and noncontroversial. Judicial Council staff recommend making the necessary corrections to conform to statutes and rules and avoid causing

confusion for court users, clerks, and judicial officers.

Recommendation: Judicial Council staff recommend that the council, effective January 1, 2021:

1. Revise *Certificate of Identity Theft: Judicial Finding of Factual Innocence* (form CR-150) to include a gender nonbinary identification checkbox and conform to changes to Penal Code section 530.6, as amended effective January 1, 2003, to add two additional findings;
2. Revise *Order to Surrender Firearms in Domestic Violence Case* (form CR-162) to avoid the use of gendered pronouns and replace a reference to Penal Code section 136.2(a)(7)(B), which was renumbered by Assembly Bill 1850 (Stats. 2014, ch. 673);
3. Revise *Form Interrogatories-Crime Victim Restitution* (form CR-200) to correct the reference to Code of Civil Procedure section 2030, which was repealed by Assembly Bill 3081 (Stats. 2004, ch. 182), and replaced with sections 2030.010-2030.410;
4. Revise *Order for Transfer* (form CR-251) to reflect changes to Penal Code section 1203.9 and California Rules of Court, rule 4.530; and
5. Revise *Petition for Revocation* (form CR-300) to add a reference to Penal Code section 3000(b)(4), to conform to Penal Code section 3000.08(h), which was amended by Senate Bill 1023 (Stats. 2012, ch. 43) to include persons subject to parole under section 3000(b)(4) as warranting special parole status.

[20-117](#)

Rules and Forms | Criminal Procedure: Felony Waiver and Plea Form (Action Required)

Summary: The Criminal Law Advisory Committee recommends revising the felony plea form to conform to multiple statutory changes that have added or changed relevant sentencing requirements and advisements, and to avoid the use of gendered pronouns.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021, revise *Plea Form, With Explanations and Waiver of Rights--Felony* (form CR-101) to:

1. Add references to restitution fines for the revocation of postrelease community supervision and mandatory supervision, to reflect statutory changes to Penal Code section 1202.45;
2. Delete the advisement on narcotics addiction confinement to reflect the repeal of Welfare and Institutions Code sections 3041 and 3201;
3. Revise the provision on imposition of a one-year enhancement of a prison term so that the additional one-year term is imposed solely for each prior separate prison term served for a conviction of a sexually violent offense, to reflect statutory changes to Penal Code section 667.5(b);
4. Delete the requirement for certain defendants to register as narcotics

offenders with a local law enforcement agency to reflect the repeal of Health and Safety Code section 11590; and

5. Avoid the use of gendered pronouns.

[20-118](#)

Rules and Forms | Criminal Procedure: Ignition Interlock Forms (Action Required)

Summary: The Criminal Law Advisory Committee recommends revising the criminal forms implementing ignition interlock device requirements to conform to statutory changes on reporting, compliance, and monitoring requirements; increase clarity and usability; and make nonsubstantive technical changes.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021, renumber and revise six forms, identified below, addressing ignition interlock devices ordered in criminal cases. The proposed changes would revise the forms to conform to the requirements and language of Vehicle Code sections 23575 and 23576 and increase clarity and usability. The proposed changes would also make nonsubstantive technical changes to all six forms, including adding a field for defendant’s email address and fax number, and adding “State” to the address fields.

1. Order to Install Ignition Interlock Device (form ID-100)

- Renumber as **CR-221**;
- State that the defendant may return a copy of the Department of Motor Vehicle’s installation verification form in lieu of the Judicial Council’s installation verification form, in order to streamline the process;
- Conform to updated statutory language in Vehicle Code section 23576 by referencing motor vehicles and replacing “wholly” with “all;”
- Delete the advisement that failure to comply with any court order is a violation of the order, as unnecessarily broad;
- Delete the advisement that failure to maintain current license and registration on any vehicle owned by the defendant is a violation of the order, since it is duplicative of language on page 1; and
- Conform to the requirements of Vehicle Code section 23575 through the following:
 - Delete the requirement for installation to occur no later than 30 days from the date of conviction;
 - Delete the advisement that the order is violated if defendant fails to return a completed copy of the verification form to the court or probation within the time limit specified in the order;
 - Delete the advisement that the order is violated if defendant defaults on any payment plan arranged with the installer or ordered by the court, absent a showing in court of good cause;
 - Delete the statement on affirmative defenses to specified violations if

the defendant can show that a vehicle was leased, rented, or borrowed for emergency use when no other feasible alternative was available, or for a bona fide business purpose when away from defendant's regular place of business;

- Delete the "Your Rights" section addressing medical exemptions and the ability to petition the court to review whether continued restrictions are necessary if driving privileges are restored; and
- Reflect updated statutory language on recalibration and monitoring requirements.

2. *Ignition Interlock Installation Verification* (form ID-110)

- Renumber as **CR-222**;
- Delete the statement that the declaration by the installer is under penalty of perjury, as the statute does not require a sworn statement;
- Delete the requirement for the original form to be sent to the court, and add a line directing the defendant to return a completed and signed form to the court; and
- Delete the line stating "Distribution: Court, Manufacturer or Manufacturer's Agent, Defendant, Probation Department," as the distribution requirement appears unnecessary and is not required by statute.

3. *Ignition Interlock Calibration Verification and Tamper Report* (form ID-120)

- Renumber as **CR-223**;
- Convert this form to address only calibration verification, and move the tamper report provisions to Ignition Interlock Noncompliance Report (form ID-130/proposed form CR-224);
- Delete the statement that the declaration by installer is under penalty of perjury, as the statute does not require a sworn statement;
- Update the notice section to the defendant regarding missed appointments and payments to better reflect existing practice; and
- Delete the line stating "Distribution: Court, Manufacturer or Manufacturer's Agent, Defendant, Probation Department," as the distribution requirement appears unnecessary and is not required by statute.

4. *Ignition Interlock Noncompliance Report* (form ID-130)

- Renumber as **CR-224**;
- Include the tamper report provisions currently in form ID-120;

- Include a statement for the installer to indicate that the defendant failed to comply with a requirement for the maintenance or calibration of the device on three or more occasions, as required by Vehicle Code section 23575;
 - Include a statement for the installer to indicate signs of removal, attempt to bypass, attempt to remove, or tampering as required by Vehicle Code section 23575; and
 - Delete the statement that the declaration by installer is under penalty of perjury, as the statute does not require a sworn statement.
5. *Ignition Interlock Removal and Modification to Probation Order* (form ID-140)
- Renumber as **CR-225**.
6. *Notice to Employers of Ignition Interlock Restriction* (form ID-150)
- Renumber as **CR-226**;
 - Conform to Vehicle Code section 23576(a) by specifying that the ignition interlock device be functioning and certified; and
 - Conform to Vehicle Code section 23576(b) by adding a provision that a motor vehicle owned by a business entity that is all or partly owned or controlled by the defendant is not a motor vehicle owned by the employer subject to the exemption in Vehicle Code section 23576 (item #4 on proposed form CR-226).

[20-119](#)**Rules and Forms | Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)**

Summary: The Criminal Law Advisory Committee, in response to a suggestion by a judicial administrator, recommends amending rule 4.530 of the California Rules of Court to increase clarity concerning certified copies of the court file and the electronic transfer of court files.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021, amend California Rules of Court, rule 4.530, by adding two paragraphs to subdivision (g) stating that on transfer, only the receiving court may certify copies from the court file; and that a certified copy of the entire court file may be electronically transmitted if an original court file does not exist, and if the receiving court receives a certified copy of the entire court file from the transferring court, it must be deemed an original file..

[20-120](#)**Rules and Forms | Criminal Procedure: Multicounty Incarceration and Supervision (Action Required)**

Summary: The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.452, to distinguish and clarify procedures applying to sentences

under Penal Code section 1170(h) and state prison.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021, amend California Rules of Court, rule 4.452, to (1) clarify that certain provisions apply only to sentences under Penal Code section 1170(h), (2) add procedures for when a subsequent court sentences a defendant to state prison when the prior sentence was under section 1170(h), and (3) clarify that subsequent courts may not increase the custody or mandatory supervision portion of the sentence imposed by the previous court.

[20-159](#)

Rules and Forms | Family and Juvenile Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court and an amendment to a chapter title in title 5 of the California Rules of Court, in addition to revisions to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also recommends revisions to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020.

Recommendation: The Family and Juvenile Law Advisory Committee (committee) recommends the following, each with an effective date of January 1, 2021:

1. Adopt California Rules of Court, rule 5.493 setting forth the responsibilities of adoptive parents, adoption agencies, and the courts with regard to the filing of a request for adoption under California law of a child whose adoption was finalized in another country.
2. Amend the title of chapter 3 in division 2 of title 5 of the California Rules of Court to allow for the inclusion of additional rules of court related to intercountry adoptions.
3. Approve *Declaration Confirming Parentage in Stepparent Adoption: Gestational Surrogacy* (form ADOPT-206), which is a slightly modified version of *Declaration Confirming Parentage in Stepparent Adoption* (form ADOPT-205), an optional attachment used to confirm parentage.
4. Revise *How to Adopt a Child in California* (form ADOPT-050-INFO) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy.
5. Revise *Adoption Request* (form ADOPT-200), *Adoption Agreement* (form ADOPT-210), and *Adoption Order* (form ADOPT-215) to include new statutory requirements for intercountry adoptions and the use of stepparent confirmation of parentage in certain situations of gestational surrogacy. Both the gender identification question and the item addressing responsibilities

under ICWA on form ADOPT-200 are proposed for revision.

[20-187](#)**Rules and Forms | Family Law: Changes to Child Custody Evaluations Rule and Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends amending one rule of court and adopting a new mandatory child custody evaluation report form to comply with recent statutory changes to Family Code section 3118. Effective January 1, 2021, Assembly Bill 1179 (Rubio; Stats. 2019, ch. 127) creates new requirements for the confidential written report that is filed with the court and served on the parties following a child custody evaluation, assessment, or investigation in which the court has determined that there is a serious allegation of child sexual abuse or an allegation of child abuse in any other circumstance. To comply with other requirements for Family Code section 3118 evaluations, the committee further recommends revising the order that appoints the child custody evaluator and adopting a new attachment that enumerates the rights and responsibilities of the evaluator.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.220 to refer to the general requirements for evaluations under Family Code section 3118 and identify the new confidential report that the evaluator must use in these cases;
2. Revise *Order Appointing Child Custody Evaluator* (form FL-327) to indicate that there are additional orders that apply to evaluators appointed under Family Code section 3118 and to refer to the attachment with those additional orders, new proposed form FL-327(A);
3. Adopt *Additional Orders for Child Custody Evaluations Under Family Code Section 3118* (form FL-327(A)) as the mandatory attachment to form FL-327 that states the rights and responsibilities of the evaluator and includes further court orders; and
4. Adopt *Confidential Child Custody Evaluation Report* (form FL-329) to serve as the statutorily mandated form that is a standardized template for all information necessary to provide a full and complete analysis relating to a serious allegation of child sexual abuse or an allegation of child abuse in the proceeding under Family Code section 3118.

[20-181](#)**Rules and Forms | Family Law: Changes to Spousal Support and Property Division Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving one new optional form (FL-349) and revising two optional forms (FL-157 and FL-343) relating to spousal support, as well as revising one optional form (FL-345) relating to property division in family law cases.

Proposed revisions to form FL-157 incorporate amendments to Family Code

section 4320. The Court of Appeal urged the Judicial Council and local courts to change the language in form FL-343 relating to Family Code section 4337. Form FL-349 responds to the requests of judicial officers for a form to make findings under Family Code section 4320 when issuing or modifying a judgment for spousal or partner support. And proposed revisions to form FL-345 respond to requests made by judicial officers to simplify a specific item relating to the assignment of debts in a judgment.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Revise *Spousal or Partner Support Declaration Attachment* (form FL-157) to:
 - (a) Include the amendments to Family Code section 4320 enacted by Assembly Bill 929 (Rubio; Stats. 2018, ch. 938) that describe the types of documented evidence of domestic violence that a party may submit for the court to consider before issuing a judgment for support;
 - (b) Change all references of “partner” and “partnership” to “domestic partner” and “domestic partnership,” including in the title of the form; and
 - (c) Reorganize the form’s content to reflect the same construction as that of new form FL-349, and make other clarifying changes;
2. Revise *Spousal, Partner, or Family Support Order Attachment* (form FL-343) to:
 - (a) Strike the current language in item 6b and add language that is consistent with the opinion of the Court of Appeal in *In re Marriage of Martin* (2019) 32 Cal.App.5th 1195 that a party should not have to check a box (affirmatively “opt in”) to have the support payor’s obligation to pay support end on the death of either party or the remarriage or registration of a new domestic partnership of the support payee;
 - (b) Include a new item for the court to indicate that its findings on permanent spousal support orders under Family Code section 4320 are either specified on the form itself, included in a numbered attachment, or specified in proposed new form FL-349;
 - (c) Reorganize the content of the items under more specific subject headings; and
 - (d) Expand the form to three pages to allow more space for the court to make its orders or the parties to write their agreement;
3. Approve optional *Spousal or Domestic Partner Support Factors Under Family Code Section 4320—Attachment* (form FL-349) to serve as the court’s mandated findings or the parties’ stipulations (the form could serve as an attachment to *Findings and Order After Hearing* (form FL-340), *Restraining Order After Hearing* (CLETS-OAH) (form DV-130), *Judgment* (form FL-180), the parties’ written agreement, or another document specified by the parties); and

4. Revise *Property Order Attachment to Judgment* (form FL-345) at item 2c and 2d, to list the debts assigned to petitioner and respondent, respectively; delete the phrase “hold harmless”; and simplify the notice about creditors not being bound by the judgment.

[20-182](#)**Rules and Forms | Family Law: Changes to Supervised Visitation Standard and Form (Action Required)**

Summary: To comply with the statutory changes to Family Code section 3200.5, enacted by Assembly Bill 1165 (Bauer-Kahan; Stats. 2019, ch. 823), the Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the Standards of Judicial Administration, adopting *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), approving *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)), and revoking *Declaration of Supervised Visitation Provider* (form FL-324).

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend standard 5.20 of the California Standards of Judicial Administration to reflect additional requirements for professional supervised visitation providers that are mandated by Family Code section 3200.5;
2. Adopt *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) to serve as the mandatory form for professional providers under section 3200.5;
3. Approve optional form *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)) to implement the requirements of section 3200.5 and standard 5.20 for nonprofessional providers; and
4. Revoke *Declaration of Supervised Visitation Provider* (form FL-324), which previously served as the form used by both professional and nonprofessional providers.

[20-188](#)**Rules and Forms | Family Law: Technical Changes to Miscellaneous Forms (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends making revisions, which are technical or minor and noncontroversial in nature, to forms FL-115, FL-117, FL-130, FL-240, and FL-356. The revisions are necessary to correct forms that were inadvertently omitted from a series of parentage forms that the Judicial Council revised, effective January 1, 2020.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Revise forms FL-115, FL-117, FL-130, and FL-240, to reflect the current titles of forms FL-200 and FL-235;
2. Revise forms FL-115, FL-240, and FL-356 by deleting gender-specific references, such as “mother” and “father,” and instead using gender-neutral language;

3. Revise form FL-240 by:
 - a) Deleting all instances of the phrase “shall be” (as in, the following terms of custody and support “shall be ordered” or “shall be paid”), and inserting the plain language statement that “the parties stipulate that the court order” the following terms “as proposed in” the attached forms;
 - b) Replacing the word “establishment” with the word “determination” in the title of the form;
 - c) Correcting the titles of Judicial Council forms identified on that form by identifying the category “-Custody and Support” after the form titles, and in the footer of the form; and
 - d) Replacing “visitation” with “visitation (parenting time).”
4. Revise forms FL-115 and FL-117 to include the acronym “(UCCJEA), which was inadvertently omitted from the title of form FL-105.

[20-166](#)

Rules and Forms | Indian Child Welfare Act: Consent to Temporary Custody of an Indian Child (Action Required)

Summary: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.514 of the California Rules of Court and adopting a new mandatory form ICWA-101 to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).

Recommendation: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.514 of the California Rules of Court to require juvenile courts to adopt as part of the court’s juvenile intake procedures, procedures having a judge witness the consent of a parent or Indian custodian to the temporary custodial placement of an Indian child; and
2. Adopt a new mandatory form, *Agreement of Parent or Indian Custodian to Temporary Custody of Indian Child* (form ICWA-101) to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).

[20-164](#)

Rules and Forms | Indian Child Welfare Act: Remote Appearance by an Indian Child’s Tribe in Indian Child Welfare Act Proceedings (Action Required)

Summary: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend revising rules 5.9, 5.482, and 5.531 of the California Rules of Court to permit an Indian child’s tribe to participate by telephone or

other computerized remote means in any hearing in a proceeding governed by the Indian Child Welfare Act, as required by Welfare and Institutions Code section 224.2(k).

- Recommendation:** The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2021:
1. Amend rule 5.9, which governs appearances by telephone in family law cases, by specifying that cases falling under the Indian Child Welfare Act are governed by rule 5.482(g);
 2. Amend rule 5.482 by adding subdivision (g) regarding a tribe's right to appear by telephone or other remote means in a case governed by the Indian Child Welfare Act; and
 3. Amend rule 5.531, which governs appearances by telephone in juvenile cases, by adding a reference to Welfare and Institutions Code section 224.2(k), and adding subdivision (b)(1) requiring that standards for local procedures or protocols must allow an Indian child's tribe to appear by telephone or other computerized remote means at no charge consistent with section 224.2(k).

[20-165](#)

Rules and Forms | Indian Child Welfare Act: Tribal Information Form (Action Required)

Summary: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.522 of the California Rules of Court and approving a new optional form and instruction sheet for that form, to be used by an Indian child's tribe to provide information to the court on issues where consultation with the child's tribe is required by the Indian Child Welfare Act, and for the tribe's position on these issues in cases governed by the Indian Child Welfare Act. This proposal originated with comments from tribal advocates and attorneys.

- Recommendation:** The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2021:
1. Amend rule 5.522 of the California Rules of Court;
 2. Approve *Tribal Information Form* (form ICWA-100); and
 3. Approve *Instruction Sheet for Tribal Information Form* (form ICWA-100-INFO).

[20-077](#)

Rules and Forms | Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service (Action Required)

Summary: The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The proposed amendment would require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal further clarifies procedures

for consent to electronic service as permitted by Code of Civil Procedure section 1010.6.

Recommendation: The Information Technology Advisory Committee (ITAC) recommends the Judicial Council amend rule 2.255 of the California Rules of Court effective January 1, 2021. The proposed amendment would add a new subdivision (g) to rule 2.255 to require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to electronic service. The proposed amendment applies only to permissive electronic service, which requires consent, and not to electronic service required by court order or local rule, which does not require consent.

[20-180](#)

Rules and Forms | Juvenile Law: Access to Sealed Records (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends adopting one new rule of court, revising two existing forms, and approving four new optional forms to assist courts with the implementation of recently enacted statutory provisions concerning the sealing of juvenile records and access to those records by prosecuting attorneys. The proposal would ensure that all forms accurately reflect the current state of the law on fees for sealing petitions, and would create procedures and forms for courts to consider requests for access to sealed records under recently enacted laws concerning prosecutorial duties to disclose exculpatory or favorable information to defendants.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt California Rules of Court, rule 5.860 to set forth uniform procedures for prosecuting attorneys to seek access to sealed juvenile case records to fulfill their obligations to disclose information to a criminal defendant that may be exculpatory;
2. Approve four new optional forms: *Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-592), *Notice of Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-593), *Response to Prosecutor Request for Access to Sealed Juvenile Case File* (form JV-594), and *Order on Prosecutor Request for Access to Sealed File* (form JV-599) to provide forms for the prosecuting attorney and the courts to use to implement the requirements of rule 5.860;
3. Revise *Request to Seal Juvenile Records* (form JV-595) to remove any reference to fees for the sealing of records; and
4. Revise *How to Ask the Court to Seal Your Records* (form JV-595-INFO) to remove any reference to fees for the sealing of records and include information

about when a prosecuting attorney might access sealed records to provide information to a criminal defendant.

[20-186](#)

Rules and Forms | Juvenile Law: Guardianship Rules and Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending nine California Rules of Court that provide procedures to establish, terminate, modify, or oversee guardianships in juvenile court proceedings and revising two forms used for court orders in those proceedings. The amendments and revisions are required to conform to recent statutory amendments, resolve inconsistencies with existing statutes and other rules of court, and make technical corrections.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.510(c)(1)(A) to clarify the juvenile court's exclusive jurisdiction over guardianships in child welfare proceedings;
2. Amend rule 5.620(d) to clarify that the juvenile court may appoint a guardian in a dependency proceeding at the dispositional hearing and to correct a cross-reference to rule 5.695;
3. Amend rule 5.620(e) to clarify that it applies exclusively to existing probate guardianships and to conform its requirements to statute;
4. Amend rule 5.625(b) to clarify the procedures for appointing a guardian in a juvenile justice proceeding and indicate the court's discretion, after appointing a guardian, to continue wardship and supervision or to terminate wardship;
5. Amend rule 5.625(c) to clarify that it applies exclusively to existing probate guardianships and to conform its requirements to statute;
6. Amend rule 5.695(a) to indicate that the requirements in Welfare and Institutions Code section 360(a) must be met for the court to appoint a legal guardian at the dispositional hearing and to clarify the conditions precedent to the clerk's duty to issue letters of guardianship;
7. Amend rule 5.725(a) to add references to statutes governing the appointment of a guardian in juvenile justice proceedings;
8. Amend rule 5.735 to clarify notice requirements and specify the limits on the court's discretion to retain dependency jurisdiction when appointing a guardian;
9. Amend rule 5.740(a)(4) to clarify that the limits on the court's discretion to

retain dependency jurisdiction added by AB 819 continue to apply at postpermanency review hearings;

10. Amend rule 5.785 to make a technical correction;

11. Amend rule 5.815 to (1) clarify that Welfare and Institutions Code section 366.26 supplies the procedures for appointment of a guardian in a juvenile justice proceeding; (2) specify the methods for the probation officer, the child's attorney, and the court to recommend, request, or consider appointing a guardian for a ward; and (3) replace text that duplicates statutory language with references to the appropriate code sections;

12. Revise *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320) to add references to applicable statutes and rules, clarify the instructions for completing the form, replace or remove gender-specific terms, specify that the appointment of a guardian is not effective until letters of guardianship have been signed and issued, add instructions to item 15c to indicate the circumstances in which the court must terminate dependency jurisdiction, delete item 22, renumber items 23-27 as items 22-26, and make additional technical corrections; and

13. Revise *Dispositional Attachment: Appointment of Guardian* (form JV-418) to allow appointment of a guardian for a child who is not adjudged a dependent, indicate that the court has read and considered the required assessment, specify that the appointment of a guardian is not effective until letters of guardianship have been signed and issued, and make technical corrections.

[20-185](#)

Rules and Forms | Juvenile Law: Information, Documents, and Services for Youth 16 and Older (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court, adopting three forms, and revising one form to conform to the mandate of Assembly Bill 718 (Eggman; Stats. 2019, ch. 438) that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.502 of the California Rules of Court to define the term "youth" as a person who is at least 14 years of age and not yet 21 years of age.
2. Amend rule 5.740 to add a requirement that the social worker provide the youth with the documents required by Welfare and Institutions Code section 391 and to identify the form (discussed below) that must be used to specify the information, documents, and services that were provided to the youth.

3. Amend rule 5.810 to add a requirement that the probation officer provide the youth with the documents required by section 391 and to identify the form (discussed below) that must be used to record the information, documents, and services that were provided to the youth.
4. Adopt *First Review Hearing After Youth Turns 16 Years of Age--Information, Documents, and Services* (form JV-361) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at the first review hearing after the youth turns 16.
5. Adopt *Review Hearing for Youth Approaching 18 Years of Age--Information, Documents, and Services* (form JV-362) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at the last review hearing before the youth turns 18.
6. Adopt *Review Hearing for Youth 18 Years of Age or Older--Information, Documents, and Services* (form JV-363) as a mandatory form for the social worker or probation officer to complete to specify which information, documents, and services have been provided to the youth at each review hearing after the youth turns 18.
7. Revise *Termination of Juvenile Court Jurisdiction--Nonminor* (form JV-365) to add the new requirement in AB 718 that the nonminor be provided with written information notifying the nonminor of financial literacy programs or other available resources to help the nonminor obtain financial literacy skills, to clarify the new requirement that information be in writing notifying a nonminor who was formerly in foster care and is granted a preference for student assistant or internship programs with state agencies, and to remove the phrase “his or her” so that the form is gender neutral.

[20-179](#)

Rules and Forms | Juvenile Law: Nonminor Disposition Hearing-Dependency (Action Required)

Summary: To implement recent legislation creating a new disposition hearing for nonminors, the Family and Juvenile Law Advisory Committee recommends adopting a new rule and amending two rules of the California Rules of Court and adopting three new Judicial Council forms. The statutory amendments created a disposition hearing for a class of youth who were within the jurisdiction of the juvenile court because of abuse or neglect as a child but had reached the age of majority before a disposition hearing could be held and thus ensure their eligibility for extended foster care. This proposal would create a uniform procedure for these nonminor disposition hearings through a new rule of court, two forms for the court’s findings and orders, and a form for the youth to provide the required informed consent to proceed with the nonminor disposition hearing.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Adopt rule 5.697, Disposition Hearing for a Nonminor, to implement the requirements of section Welfare and Institutions Code section 358(d);
2. Amend rules 5.682 and 5.684 on uncontested and contested jurisdiction hearings, respectively, to clarify that the setting of a nonminor disposition hearing is required when the child will turn 18 before the holding of the disposition hearing; and
3. Adopt *Findings and Orders After Nonminor Disposition Hearing* (form JV-461), *Dispositional Attachment: Nonminor Dependent* (form JV-461(A)), and *Nonminor's Informed Consent to Hold Disposition Hearing* (form JV-463).

[20-191](#)

Rules and Forms | Juvenile Law: Technical Changes to Juvenile Rules and Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending one rule and revising four forms to correct technical errors to conform to recent statutory changes regarding the information, documents, and services that must be provided to children age 16 and older enacted by Assembly Bill 718 (Eggman; Stats. 2019, ch. 438).

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend California Rules of Court, rule 5.555 to correct the statutory reference;
2. Revise *Findings and Orders After Hearing to Consider Termination of Juvenile Court Jurisdiction Over a Nonminor* (form JV-367) to correct the statutory reference;
3. Revise *Attachment: Additional Findings and Orders for Child Approaching Majority--Dependency* (form JV-460) to correct the statutory reference;
4. Revise *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462) to correct the statutory reference; and
5. Revise *Findings and Orders for Child Approaching Majority--Delinquency* (form JV-680) to correct the statutory reference.

[20-172](#)

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 typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation: Judicial Council staff recommend that the council, effective January 1, 2021:

1. Amend rule 9.21 to update the address for the Office of the Clerk, State Bar Court;
2. Revise forms FL-192, FL-445, and FL-575 to remove a reference to incorrect forms and to make the relief requested conform with the Family Code;
3. Revise *Notice of Child Custody Proceeding for Indian Child* (form ICWA-030) to make it consistent with legal requirements by removing notice to the Secretary of the Interior;
4. Revise the name of *Order on Ex Parte Hearing to Return Physical Custody of an Indian Child* (form ICWA-090) to *Order After Hearing on Ex Parte Request to Return Physical Custody of an Indian Child*;
5. Revise *Additional Children Attachment - Juvenile Dependency Petition (form JV-101(A))* to replace the word “sex” with “gender,” to make it consistent with related forms;
6. Revise *Juvenile Dependency Petition (Version Two)* (form JV-110) to make the language in item 2.c. the same as the language in item 2.c. of a related form, *Juvenile Dependency Petition (Version One)* (form JV-100);
7. Revise *Proof of Notice of Application* (form JV-221) to add a checkbox for item 5, to delete item number “5” on page 2, and to replace the incorrect reference to “page 3” with “page 4” under the signature lines on pages 2 and 3;
8. Revise *Findings and Orders After Detention Hearing* (form JV-410) to correct the name of the hearing in item 2 of page one from “Dispositional” to “Detention”;
9. Revise *Twenty-four-Month Prepermanency Attachment: Reunification Services Terminated* (form JV-457) to correct the title in the footer and change the name to “*Twenty-four-Month Permanency Attachment: Reunification Services Terminated.*”
10. Revise *Order Designating Educational Rights Holder* (form JV-535), items 1.a.&b. (3), to replace the incorrect reference to “section 319(g)” with “Welf. & Inst. Code section 319(j)” and add “Welf. & Inst. Code” before all code references in items 1, 3, 9, and 11, and add “California Rules of Court” to item 2 before “rule 5.502.”

[20-064](#)

Rules and Forms | Protective Orders: Elder or Dependent Adult Abuse Prevention Forms (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends revising three

mandatory elder or dependent adult abuse prevention forms to implement Assembly Bill 1396 (Obernolte; Stats. 2019, ch. 628), which provides that a court, when issuing an order for elder or dependent adult abuse prevention, may, if appropriate, also issue an order requiring the restrained party to attend clinical counseling or anger management courses.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Revise *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100);
2. Revise *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120); and
3. Revise *Elder or Dependent Adult Abuse Restraining Order After Hearing* (CLETS-EAR or EAF) (form EA-130) to add the new orders that a judge may consider under Assembly Bill 1396.

[20-160](#)

Rules and Forms | Request for Disability Accommodations (Action Required)

Summary: The Advisory Committee on Providing Access and Fairness recommends the revision of the form used to request accommodation for disability, and the adoption of a new information sheet to explain the process to request an accommodation. The redesigned form will provide a clearer path for court users with disabilities to make requests and understand the court's response to their request, while the information sheet will facilitate use of the form.

Recommendation: The Advisory Committee on Providing Access and Fairness (committee) recommends the following, each with an effective date of January 1, 2021:

1. Approve *How to Request a Disability Accommodation for Court* (form MC-410-INFO); and
2. Revise *Disability Accommodation Request* (form MC-410).

DISCUSSION AGENDA

[20-114](#)

Trial Courts | Futures Commission Directive for Remote Video Appearances for Many Noncriminal Proceedings (Action Required)

Summary: Following the final recommendations in the *Report to the Chief Justice: Commission on the Future of California's Court System*, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to consider for presentation to the Judicial Council the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, ITAC recommends the

Judicial Council accept the report from its Remote Video Appearances Workstream. The report includes guidance for early-adopter courts and policy recommendations. The report represents only the beginning of the work to enable remote video appearances in California courts. ITAC and other interested advisory committees have continued development of policies for civil proceedings including circulating a legislative proposal for public comment. ITAC was also directed by the Judicial Council Technology Committee (JCTC) to explore remote appearances in criminal proceedings.

Recommendation: The Information Technology Advisory Committee recommends that the Judicial Council accept the attached workstream report to satisfy the Chief Justice’s directive resulting from the Future Commission’s final report, effective September 25, 2020.

A motion was made by Mr. Kelly, seconded by Presiding Judge Brazile, that this proposal be approved. The motion carried by a unanimous vote.

[20-171](#)

Judicial Branch Technology | Court Modernization Funding (Action Required)

Summary: The California Budget Act of 2020 appropriated \$25 million for the modernization of court operations. Chief Justice Tani G. Cantil-Sakauye subsequently requested that the Judicial Council Technology Committee make recommendations on how that money should be allocated. The committee recommends funding 13 separate technology projects. Individually, each project will significantly improve the way trial courts serve the public. Taken as whole, the projects will make great strides in advancing the judicial branch’s technology goals, fostering the spirit of collaboration that has proved essential to modernizing court operations. The committee’s recommended allocations are an investment that will pay dividends for years to come.

Recommendation: The Judicial Council Technology Committee recommends that the Judicial Council, effective September 25, 2020:

1. Approve allocation of the \$25 million designated for the modernization of court operations;
2. Approve the following 13 projects for this allocation, to be initiated this fiscal year:
 - Remote Appearance Technology
 - Digital Evidence
 - Automated Messaging (notifications and reminders)
 - Data Driven Forms
 - Digitizing Documents
 - Virtual Customer Service Center
 - Trial Court Digital Services
 - Statewide Case Index
 - Judicial Branch Office of Information Security
 - Next Generation Data Center and Cloud Solutions
 - California Courts Protective Order Registry (CCPOR) Mobile Access and

Modernization

- Building a Digital Ecosystem
- Data Governance;

3. Grant the Judicial Council Technology Committee authority to make individual allocations (with feedback from the Information Technology Advisory Committee and the trial courts); and

4. Direct the Technology Committee to report back to the Judicial Council on the amount allocated to each specific project and on each project's progress.

A motion was made by Mr. Kelly, seconded by Justice Corrigan, that this proposal be approved. The motion carried by a unanimous vote.

[20-049](#)

Court Interpreters | Allocations and Reimbursements to Trial Courts: Allocation Methodology for Court Interpreters Program Shortfall (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends the Judicial Council approve a one-time allocation methodology to allocate the 2020-21 Court Interpreters Program (CIP) appropriation, while a workload-based methodology is developed for consideration effective July 1, 2021. Funding shortfalls that began in 2014-15 in the CIP were addressed in prior years by using program savings carryover until depleted in 2018-19, and subsequently by using Trial Court Trust Fund unrestricted fund balance as approved by the Judicial Council.

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council approve the one-time, 2020-21 allocation methodology as outlined in Attachment A, not to exceed the appropriation amount of \$130.393 million, while the Ad Hoc Interpreter Subcommittee continues development of a workload-based allocation methodology recommendation for implementation beginning in 2021-22.

A motion was made by Administrative Presiding Justice Hill, seconded by Judge Rubin, that this proposal be approved. The motion carried by a unanimous vote.

[20-157](#)

Rules and Forms | Judicial Branch Education: Mandatory Education on Unconscious Bias and Prevention of Discrimination and Harassment (Action Required)

Summary: Pursuant to the recommendations of the Work Group on the Prevention of Discrimination and Harassment, the Center for Judicial Education and Research Advisory Committee recommends amending a rule of court to make education on unconscious bias, as well as on the prevention of discrimination and harassment, mandatory for judicial officers. Research shows that unconscious bias affects all human beings, but can escape the awareness of even the most diligent decision-makers; therefore, making this training mandatory will help raise awareness and reduce the impact of bias in judicial decision-making. Mandatory training on the prevention of discrimination and harassment demonstrates the judicial branch's

commitment to a workplace free of sexual harassment and discrimination.

Recommendation: The Center for Judicial Education and Research Advisory Committee recommends that, effective January 1, 2021, the Judicial Council amend rule 10.469 of the California Rules of Court to make education on unconscious bias, as well as on the prevention of discrimination and harassment, mandatory for judicial officers.

A motion was made by Judge Hopp, seconded by Mr. Kelly, that this proposal be approved. The motion carried by a unanimous vote.

[20-190](#)

Rules and Forms | Approval of Compromise of Claim for Minor or Person With a Disability (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends revising eight forms used in proceedings to approve the compromise of a claim or action or the disposition of the proceeds of a judgment for a minor or person with a disability. The proposed revisions are needed to (1) clarify that the petitioner must disclose the full effect of the compromise on the legal and financial rights of others, including all insurers and medical service providers; (2) clarify that the petitioner is acting on behalf of the minor or person with a disability, especially when depositing the proceeds of the compromise or judgment in a blocked account; (3) clarify that an adult claimant who has the capacity to consent to an order approving a compromise, settlement, or disposition and does not have a conservator of the estate must give express consent to such an order; and (4) make clarifying revisions and technical corrections to the forms' titles, language, and format, as well as technical amendments to seven California Rules of Court that apply to these proceedings. The revisions and amendments will improve access to the courts for minors and persons with disabilities, protect the interests of those persons, and allow prompt and secure distribution of the proceeds of settlements and judgments entered in their favor.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rules 3.1384, 7.101, 7.950, 7.950.5, 7.951, 7.952, and 7.955 of the California Rules of Court to update references to statutes, rules, and forms, clarify language, and make technical corrections;
2. Revise form MC-350 to change the title to *Petition for Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability*, clarify the instructions for using the form, provide for the possibility that the court has approved the petitioner's use of a pseudonym, clarify that the petitioner is acting in a representative capacity on behalf of the claimant, clarify that an adult claimant with capacity and without a conservator must give express consent to the requested orders and provide an opportunity for such a claimant to give consent, emphasize that petitioners must give the courts complete information about outstanding expenses and liens; and clarify language, update statutory references, and make technical corrections

throughout;

3. Revise form MC-350(A-13b(5)) to change the title to *Additional Medical Service Providers Attachment to Petition for Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment*, renumber the form as MC-350(A-12b(5)) to reflect the renumbering of item 13 on form MC-350, clarify the instructions for using the form, and make technical corrections;
4. Revise form MC-350EX to change the title to *Petition for Expedited Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability*, clarify the instructions for using the form and the circumstances in which a petitioner must use form MC-350, provide for the possibility that the court has approved the petitioner's use of a pseudonym, clarify that the petitioner is acting in a representative capacity on behalf of the claimant, clarify that an adult claimant with capacity and without a conservator must give express consent to the requested orders and provide an opportunity for such a claimant to give consent, update statutory references, simplify language, and make technical corrections throughout;
5. Revise form MC-351 to change the title to *Order Approving Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person With a Disability*, add a finding that an adult claimant with capacity has consented to the order, clarify the terms of the order to deposit funds from the proceeds in a blocked account, update statutory references, simplify language, and make technical corrections throughout;
6. Revise form MC-355 to change the title to *Order to Deposit Funds in Blocked Account* to be consistent with forms MC-356, MC-357, and MC-358; specify that the blocked account must be opened in the legal name of the petitioner acting in the petitioner's representative capacity on behalf of the minor or person with a disability; and update statutory references, simplify language, and make technical corrections throughout;
7. Revise form MC-356 to change the title to *Acknowledgment of Receipt of Order and Funds for Deposit in Blocked Account* to reflect the dual purpose of the acknowledgment of receipt under rule 7.953(a), update statutory references, simplify language, and make technical corrections throughout;
8. Revise form MC-357 to change the title to *Petition to Withdraw Funds From Blocked Account*, modify the references to parents to remove unnecessary references to gender, update statutory references, simplify language, and make technical corrections throughout; and

9. Revise form MC-358 to change the title to *Order Authorizing Withdrawal of Funds From Blocked Account*, modify the language to be consistent with the other forms in this form set, update statutory references, simplify language, and make technical corrections throughout.

A motion was made by Ms. Nelson, seconded by Presiding Judge Brazile, that this proposal be approved. The motion carried by a unanimous vote.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[20-193](#)

Civil Practice and Procedure | Corrected Writ of Execution Form

Summary: The Judicial Council, at the recommendation of the Civil and Small Claims Advisory Committee recently revised four enforcement of judgment forms and approved four new forms to implement the provisions of Senate Bill 616, which amended several laws regarding exemptions to enforcement of civil money judgments. The revised and new forms are effective September 1, 2020. One of the forms approved by the council--*Writ of Execution* (form EJ-130)-included an inadvertent error, changing text in an item that should not have been changed. The Executive and Planning Committee approved, on behalf of the Judicial Council, correcting that item, so that the form would be correct when it became effective on September 1, 2020.

[20-177](#)

Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2019-20

Summary: This informational report to the Judicial Council outlines (1) allocations of facility modification (FM) funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2019-20, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee (TCFMAC) reviews and approves FM requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[20-094](#)

Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 4 Report (No Action Required)

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2019-20.

[20-174](#)

Judicial Workload Assessment | 2020 Update of the Judicial Needs Assessment

Summary: *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 139 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[20-085](#)**Juvenile Law | Federally Funded Dependency Representation Program**

Summary: Beginning with the Budget Act of 2019, increased federal funds have been made available to support court-appointed dependency counsel representing children and parents at every stage of a dependency proceeding. This funding became available with a change to the federal *Child Welfare Policy Manual*, which now permits claiming federal foster care dollars (title IV-E funds) for attorneys to provide legal representation to a title IV-E-eligible child in foster care or to the child's parents. Over the past year, Judicial Council staff have worked to execute a contract with the California Department of Social Services to pass these funds through to dependency representation providers and have entered into contracts with 60 providers in 29 courts to allow these funds to be used to improve the quality of representation for families and children in child welfare proceedings.

[20-035](#)**Report to the Legislature | Cash Flow Loans Made to Courts in 2019-20**

Summary: Government Code section 68502.6 requires the Judicial Council to report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2020, Judicial Council staff submitted to the Legislature the report entitled *Cash Flow Loans Made to Courts in 2019-20*.

[20-039](#)**Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2020**

Summary: Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; (2) for every vendor or contractor receiving more than one payment, the amount of the payment and the type of goods or services provided; and (3) the judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on August 1, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2020.

[20-036](#)**Trial Courts | Annual Investment Report for Fiscal Year 2019-20**

Summary: This *Trial Courts: Annual Investment Report for Fiscal Year 2019-20* covers the period of July 1, 2019, through June 30, 2020, 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 agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[20-196](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106--Rep. No. 49)**

Summary: Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 49th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, five superior courts--the Superior Courts of Ventura, Riverside, Santa Clara, Orange, and Fresno Counties--have issued new notices.

Circulating Orders[20-192](#)**Circulating Orders since the last business meeting.****Appointment Orders**[20-195](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 11:55 a.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on November 13, 2020.