JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-117
For business meeting on July 15, 2022

Title
Rules and Forms: Form Revision to Reflect Annual Cost of Living Adjustment

Rules, Forms, Standards, or Statutes Affected
Revise form EJ-156

Recommended by
Judicial Council staff
James Barolo, Attorney
Legal Services

Agenda Item Type
Action Required

Effective Date
July 15, 2022

Date of Report
June 3, 2022

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Executive Summary

The Code of Civil Procedure requires the Judicial Council to publish a list of the current dollar amounts of exemptions from judgment. As required by statute, the dollar amount of one exemption was adjusted effective July 1, 2022. Accordingly, Judicial Council staff recommend revising the form that contains the list of dollar amounts of exemptions from judgment to reflect the updated figure.

Recommendation

Judicial Council staff recommend that the council, effective July 15, 2022, revise form EJ-156, *Current Dollar Amounts of Exemptions from Enforcement of Judgments*, to reflect increases in the minimum basic standard of care for a family of four. Specifically, the amount of the exemption money in a judgment debtor's deposit account would increase from $1,826 to $1,947.

Relevant Previous Council Action

The Judicial Council last revised form EJ-156 effective April 1, 2022, to reflect adjustment to other amounts listed on the form that occur every three years. Prior to that, the Judicial Council revised the form to reflect the July 2021 adjustment to the minimum basic standard of care for a family of four.

Analysis/Rationale

Code of Civil Procedure section 703.150(f) requires the Judicial Council to publish a list of the current dollar amounts of exemptions from judgment. The council publishes and maintains such a list on *Current Dollar Amounts of Exemptions from Enforcement of Judgments* (form EJ-156). One of those exemptions from judgment is money in a judgment debtor's deposit account "in an amount equal to or less than the minimum basic standard of adequate care for a family of four," which is annually adjusted by the State Department of Social Services. (Code Civ. Proc., § 704.220(a).) On May 26, 2022, the California Department of Social Services published the adjusted amount, which becomes effective July 1, 2022.[1]

Policy implications

There are no policy implications to this action, which is required by statute.

Comments

This proposal was not circulated for comment because the changes to the dollar amounts are technical, required by statute, and not subject to discretion.

Alternatives considered

No alternatives to publishing adjusted dollar amounts were considered in light of the statutory mandate that the council publish a list of the current dollar amounts of exemptions to judgment.

Fiscal and Operational Impacts

The impacts on the trial courts should be minimal. Form EJ-156 is informational only and is not filed with or completed by the courts.

Attachments and Links

1. Form EJ-156, at pages 3–4

[1] All County Letter 22-39 Cost of Living Adjustment (COLA) Increase to the Minimum Basic Standards of Adequate Care (MBSAC) and Income in Kind (IIK) Levels (May 26, 2022), *www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2022/22-39.pdf?ver=2022-05-27-145226-430*.

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS
Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EXEMPTIONS UNDER SECTION 703.140(b)

The following lists the current dollar amounts of exemptions from enforcement of judgment under Code of Civil Procedure section 703.140(b) used in a case under title 11 of the United States Code (bankruptcy).

These amounts are effective April 1, 2022. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest $25. (See Code Civ. Proc., § 703.150(e).)

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6/2/2022
Not approved by the Judicial Council

Code Civ. Proc., § 703.140(b)	Type of Property	Amount of Exemption
(1)	The debtor's aggregate interest in real property or personal property that the debtor or a dependent of the debtor uses as a residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence	$ 31,950
(2)	The debtor's interest in one or more motor vehicles	$ 6,375
(3)	The debtor's interest in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor (value is of any particular item)	$ 800
(4)	The debtor's aggregate interest in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor	$ 1,900
(5)	The debtor's aggregate interest, plus any unused amount of the exemption provided under paragraph (1), in any property	$ 1,700
(6)	The debtor's aggregate interest in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor	$ 9,525
(8)	The debtor's aggregate interest in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent	$ 17,075
(11)(D)	The debtor's right to receive, or property traceable to, a payment on account of personal bodily injury of the debtor or an individual of whom the debtor is a dependent	$ 31,950

CURRENT DOLLAR AMOUNTS OF EXEMPTIONS FROM ENFORCEMENT OF JUDGMENTS
Code of Civil Procedure sections 703.140(b) and 704.010 et seq.

EXEMPTIONS UNDER SECTION 704.010 et seq.

The following lists the current dollar amounts of exemptions from enforcement of judgment under title 9, division 2, chapter 4, article 3 (commencing with section 704.010) of the Code of Civil Procedure.

The amount of the automatic exemption for a deposit account under section 704.220(a) is effective July 1, 2022, and unless otherwise provided by statute after that date, will be adjusted annually effective July 1 by the Department of Social Services under Welfare and Institutions Code section 11453 to reflect the minimum basic standard of care for a family of four as established by § 11452.*

The other amounts are all effective April 1, 2022. Unless otherwise provided by statute after that date, they will be adjusted at each three-year interval, ending on March 31. The amount of the adjustment to the prior amounts is based on the change in the annual California Consumer Price Index for All Urban Consumers for the most recent three-year period ending on the preceding December 31, with each adjusted amount rounded to the nearest $25. (See Code Civ. Proc., § 703.150(e).)

Code Civ. Proc. Section	Type of Property	Amount of Exemption
704.010	Motor vehicle (any combination of aggregate equity, proceeds of execution sale, and proceeds of insurance or other indemnification for loss, damage, or destruction)	$ 3,625
704.030	Material to be applied to repair or maintenance of residence	$ 3,825
704.040	Jewelry, heirlooms, art	$ 9,525
704.060	Personal property used in debtor's or debtor's spouse's trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed $4,850)	$ 9,525
704.060	Personal property used in debtor's and spouse's common trade, business, or profession (amount of exemption for commercial motor vehicle not to exceed $9,700)	$ 19,050
704.220	Deposit account, generally (exemption without claim; amount per judgment debtor, section 704.220(a), (e))[1]	$ 1,947*
704.080	Deposit account with direct payment of social security or public benefits (exemption without claim, section 704.080(b))[2]	
	• Public benefits, one depositor is designated payee	$ 1,900
	• Social security benefits, one depositor is designated payee	$ 3,825
	• Public benefits, two or more depositors are designated payees[3]	$ 2,825
	• Social security benefits, two or more depositors are designated payees[3]	$ 5,725
704.090	Inmate trust account	$ 1,900
	Inmate trust account (restitution fine or order)	$ 325[4]
704.100	Aggregate loan value of unmatured life insurance policies	$ 15,250

1 This exemption does not preclude or reduce other exemptions for deposit accounts. However, if the exemption amount for the deposit account applicable under other automatic exemptions—such as those applicable for direct deposit of social security benefits or public benefits—is greater under the other exemptions, then those apply instead of this one. (Code Civ. Proc., § 704.220(b).)

2 The amount of a deposit account with direct deposited funds that exceeds exemption amounts shown is also exempt to the extent it consists of payments of public benefits or social security benefits. (Code Civ. Proc., § 704.080(c).)

3 If only one joint payee is a beneficiary of the payment, the exemption is in the amount available to a single designated payee. (Code Civ. Proc., § 704.080(b)(3) and (4).)

4 This amount is not subject to adjustments under Code Civ. Proc., § 703.150.

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