



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-24-02

Title

Unlawful Detainer: Deadline to Respond to
Summons

Action Requested

VOTING MEMBERS ONLY: Submit votes
by responding to the transmittal email.

Rules, Forms, Standards, or Statutes Affected

Revise form SUM-130

Please Respond By

December 24, 2024, at noon

Recommended by

Judicial Council staff
James Barolo, Supervising Attorney
Legal Services

Date of Report

December 19, 2024

Contact

Jenny Grantz, 415-865-4394
jenny.grantz@jud.ca.gov

California Rules of Court, rules 10.5(h) and 10.13(d), allow the Judicial Council to act on business between meetings, including urgent matters, by circulating order. This memorandum is not a Judicial Council meeting; circulating orders are conducted via electronic communications. Prior public notice of a proposed circulating order is not required.

Executive Summary

Judicial Council staff recommend revising one Judicial Council form to implement Assembly Bill 2347 (Stats. 2024, ch. 512), enacted September 24, 2024, which changed the deadline to respond to the summons in unlawful detainer proceedings and other summary proceedings for obtaining possession of real property. Action must be taken between the Judicial Council's regularly scheduled meetings to ensure that council forms do not contain inaccurate statements of law as of January 1, 2025, when the law takes effect. On December 19, 2024, the Rules Committee reviewed the proposal in this circulating order memorandum under California Rules of Court, rule 10.13(d) and approved its circulation to the council.

Recommendation

Judicial Council staff recommend that the council, effective January 1, 2025, revise *Summons—Eviction* (form SUM-130) to reflect the change made by AB 2347 to the deadline to respond to the summons in unlawful detainer proceedings and other summary proceedings for obtaining possession of real property.¹ The proposed revised form is attached at pages 4–5.

Relevant Previous Council Action

Summons—Eviction (form SUM-130) was initially adopted by the Judicial Council as *Summons—Unlawful Detainer* (form 982(a)(11)) and renumbered in 2004. The form has been revised several times, most recently effective January 1, 2024, to reflect the provision of additional time to respond to a summons for unlawful detainer or other summary proceeding for obtaining possession of real property if service of the summons is completed through the Secretary of State’s address confidentiality program.²

Analysis/Rationale

Existing law provides that a defendant who receives a summons for unlawful detainer, forcible detainer, or forcible entry must file a response within 5 court days of service of the summons, or within 10 court days if service is completed by mail or in person through the Secretary of State’s Safe at Home address confidentiality program.³

AB 2347 changes these deadlines so that defendants must now respond within 10 court days of service of the summons, or within 15 court days if service is completed through the Safe at Home program.⁴ To implement AB 2347, staff recommend revising the deadlines stated on page 1 of the form to reflect the new statutory deadlines.

Policy implications

The proposed revisions to the form implement an amended statute that changed the deadline to respond to the summons in unlawful detainer proceedings and other summary proceedings for obtaining possession of real property. Accordingly, the key policy implication is to ensure that this council form correctly reflects the law. These revisions are therefore consistent with the *Strategic Plan for California’s Judicial Branch*, specifically the goals of Modernization of Management and Administration (Goal III) and Quality of Justice and Service to the Public (Goal IV).

¹ Staff also recommend revising the form to update the URLs for the Self-Help Guide to the California Courts and to split the first paragraph in the notice section into two paragraphs for improved clarity.

² Assem. Bill 1726 (Stats. 2022, ch. 686).

³ Code Civ. Proc., § 1167.

⁴ AB 2347 also creates new procedures and deadlines for opposing and hearing a demurrer or motion to strike the complaint in an unlawful detainer, forcible detainer, or forcible entry proceeding. (Code Civ. Proc., § 1170(b).) These provisions do not require any form revisions.

Comments

Public comments were not solicited for this proposal because the Rules Committee determined that the recommendations are within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).) Later this year, the Civil and Small Claims Advisory Committee plans to circulate a proposal to revise other unlawful detainer forms and will include the form discussed in this report. The current changes are needed to ensure that the form is not stating incorrect law in the meantime.

Alternatives considered

Judicial Council staff did not consider the alternative of taking no action because the form will not reflect the law as of January 1, 2025, unless it is revised.

Fiscal and Operational Impacts

Staff anticipate that this proposal will require courts to train court staff and judicial officers on the changes in law reflected in the revised form. Because the revisions reflect changes in statute, these operational impacts cannot be avoided.

Attachments and Links

1. Form SUM-130, at pages 4–5
2. Voting instructions, at page 6
3. Vote and signature pages, at pages 7–8
4. Link A: Assem. Bill 2347,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2347

Authors

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SUMMONS—EVICTION
(CITACIÓN JUDICIAL—DESALOJO)

SUM-130

UNLAWFUL DETAINER / FORCIBLE DETAINER / FORCIBLE ENTRY
(RETENCIÓN ILÍCITA DE UN INMUEBLE / RETENCIÓN FORZOSA / ENTRADA FORZOSA)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT
12/17/2024
NOT APPROVED
BY COUNCIL

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within **10** days. You have **10 DAYS**, not counting Saturdays and Sundays and other judicial holidays, after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff.

If this summons was served through the Secretary of State's Safe at Home address confidentiality program, you have **15** days from the date of service, not counting Saturdays and Sundays and other judicial holidays, to respond.

A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the Self-Help Guide to the California Courts (<https://selfhelp.courts.ca.gov>), your county law library, or the courthouse nearest you. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services website (www.lawhelpca.org), the Self-Help Guide to the California Courts (<https://selfhelp.courts.ca.gov>), or by contacting your local court or county bar association.

FEE WAIVER: If you cannot pay the filing fee, ask the clerk for a fee waiver form. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Usted ha sido demandado. Si no responde dentro de **10 días**, el tribunal puede emitir un fallo en su contra sin una audiencia. Una vez que le entreguen esta citación y papeles legales, solo tiene **10 DÍAS**, sin contar sábado y domingo y otros días feriados del tribunal, para presentar una respuesta por escrito en este tribunal y hacer que se entregue una copia al demandante.

Si la presente citación le ha sido entregado a través del programa de dirección confidencial del Secretario del Estado Seguro en Casa, tiene **15 días** después de la fecha de entrega, sin contar sábado y domingo y otros días feriados del tribunal, para responder.

Una carta o una llamada telefónica no lo protege. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en la Guía de Ayuda de las Cortes de California (<https://selfhelp.courts.ca.gov/es>), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por falta de comparecencia y se le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpca.org/es), en la Guía de Ayuda de las Cortes de California, (<https://selfhelp.courts.ca.gov/es>) o poniéndose en contacto con la corte o el colegio de abogados local.

EXENCIÓN DE CUOTAS: Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos con un gravamen sobre cualquier monto de \$10,000 ó más recibido mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desestimar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER (número de caso):

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

PLAINTIFF (Name):	CASE NUMBER:
DEFENDANT (Name):	

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☐ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 4 below.)

4. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

a. Assistant's name:

b. Telephone no.:

c. Street address, city, and zip:

d. County of registration:

e. Registration no.:

f. Registration expires on (date):

Date:
(Fecha)

Clerk, by
(Secretario)

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons (form POS-010).)

[SEAL]

5. **NOTICE TO THE PERSON SERVED:** You are served

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ as an occupant.

d. ☐ on behalf of (specify):

under ☐ CCP 416.10 (corporation).

☐ CCP 416.20 (defunct corporation).

☐ CCP 416.40 (association or partnership).

☐ CCP 415.46 (occupant).

☐ CCP 416.60 (minor).

☐ CCP 416.70 (conservatee).

☐ CCP 416.90 (authorized person).

☐ other (specify):

e. ☐ by personal delivery on (date):

Instructions for Review and Action by Circulating Order

Voting members

- Please reply to the email message with “I approve,” “I disapprove,” or “I abstain,” by noon on **December 24, 2024**.
- If you are unable to reply by noon on **December 24, 2024**, please do so as soon as possible thereafter.

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages

Effective January 1, 2025, the Judicial Council approves the revisions to form SUM-130 to implement Assembly Bill 2347.

My vote is as follows:

☒ Approve ☐ Disapprove ☐ Abstain

_____/s/_____
Patricia Guerrero, Chair

_____/s/_____
Maria Lucy Armendariz

_____/s/_____
Bunmi O. Awoniyi

_____/s/_____
C. Todd Bottke

_____/s/_____
Stacy Boulware Eurie

_____/s/_____
Carol A. Corrigan

_____/s/_____
Charles S. Crompton

_____/s/_____
Judith K. Dulcich

_____/s/_____
Carin T. Fujisaki

_____/s/_____
Maureen F. Hallahan

_____/s/_____
Maria D. Hernandez

_____/s/_____
Brad R. Hill

_____/s/_____
Rachel W. Hill

_____/s/_____
Ann C. Moorman

My vote is as follows:

☒ Approve

☐ Disapprove

☐ Abstain

_____/s/
Gretchen Nelson

Craig M. Peters

_____/s/
Maxwell V. Pritt

_____/s/
Thomas J. Umberg

_____/s/
Tamara L. Wood

Date: __12/27/2024__

Attest:

Michelle J. Curran
Administrative Director and
Secretary of the Judicial Council