



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-140

For business meeting on September 19, 2023

Title

Judicial Council: Rules Committee Report

Agenda Item Type

Information Only

Submitted by

Rules Committee

Hon. Carin T. Fujisaki, Chair

Hon. Kevin C. Brazile, Vice-Chair

Date of Report

September 5, 2023

Contact

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Executive Summary

The Rules Committee establishes and maintains the Judicial Council rule-making process and assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. Among other actions, the committee “[r]ecommends whether the council should approve, modify, or reject each proposal.” (Cal. Rules of Court, rule 10.13(c)(1).) This report describes the committee’s activities since the July 21, 2023, Judicial Council meeting. These activities include the committee’s recommendations for council approval of the rules, forms, and jury instructions proposals identified below, all of which are on the council’s consent agenda for the September meeting.

Overview of Committee Meetings

Since the council’s last meeting, the Rules Committee has acted once by videoconference and three times by email.

On **July 31, 2023**, the Rules Committee acted by email on one proposed report to the council from Judicial Council staff proposing the amendment of several rules of court to implement recent legislation regarding remote appearances in civil matters, enacted in Senate Bill 133 (Stats. 2023, ch. 34) and effective when signed by the Governor.

Action: The Rules Committee approved the proposal, which went to the Judicial Council via circulating order number CO-23-02.

On **August 11, 2023**, the Rules Committee acted by email to review one proposed invitation to comment to circulate on a special cycle, with a proposal from the Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee to adopt two new forms, *Request for Sheriff to Serve Court Papers* (form SER-001) and an attachment to that form, *Special Instructions to Serve Court Papers* (form SER-001A).

Action: The Rules Committee approved the invitation to comment (SP23-06), which was posted for public comment through September 5.

On **August 22, 2023**, the Rules Committee met by videoconference to consider:

- Thirty-one proposed reports to the Judicial Council with recommendations for new and revised rules and forms, all of which had circulated during the spring public comment cycle:
 - Appellate Procedure: Attachment of Trial Court Order to Petition for Review of Summary Denial of Writ Petition
 - Appellate Procedure: Forms for Extension of Time
 - Appellate Procedure: Notice of Appeal Forms
 - Appellate Procedure: Time for Electing and Filing an Appendix
 - Child Support: Implementing Amendments to Family Code Section 4007.5
 - Civil Practice and Procedure: Appointment of Guardian ad Litem
 - Civil Practice and Procedure: Form Revisions to Implement Senate Bill 1200
 - Criminal Law: Circumstances in Aggravation
 - Criminal Procedure: Appointment of Trial Counsel in Capital Cases
 - Criminal Procedure: Petition for Resentencing Based on Health Conditions Due to Military Service
 - Criminal Procedure: Record Cleaning Forms
 - Domestic Violence: Form Changes to Implement New Laws
 - Family and Juvenile Law: Implementation of Assembly Bill 2495
 - Family Law: Child Custody and Visitation Orders Involving Gender-Affirming Health Care
 - Family Law: Summary Dissolution Forms
 - Indian Child Welfare Act (ICWA): Discretionary Tribal Participation
 - Judicial Branch Education: Delivery Methods Defined
 - Juvenile Law: Counsel Collections Program Guidelines
 - Juvenile Law: Family Finding and Engagement
 - Juvenile Law: Psychiatric Residential Treatment Facility Voluntary Admission
 - Probate Conservatorship: Less Restrictive Alternatives
 - Probate Conservatorship and Guardianship: Eligibility for County Payment of Cost of Appointed Counsel
 - Protective Orders: Revisions to Gun Violence Restraining Order Forms
 - Protective Orders: Service Requirements After Remote Appearances

- Protective Orders: Updated Law Enforcement Information Form and New Forms for Continuances
 - Rules and Forms: Opportunities for Settlement Before Trial in Unlawful Detainer Cases
 - Rules and Forms: Service Forms to Implement Assembly Bill 2791
 - Traffic: Notice to Appear Forms
 - Trial Courts: Exceptional Criminal Case Reporting
 - Trial Courts: Report of Determinations Affecting Voting Rights
 - Unlawful Detainer: Forms to Reflect Existing Law and Implement Senate Bill 1017 and Assembly Bill 1726
- One jury instructions proposal from the Advisory Committee on Criminal Jury Instructions:
 - A proposed report to the council to approve additions and revisions to criminal jury instructions (2023 Supplement) that circulated for public comment.
 - Two proposals not circulated for public comment because the particular rule and form changes are technical in nature and necessary to correct inadvertent omissions or incorrect references, or minor substantive changes to directly implement statutes:
 - Rules and Forms: Miscellaneous Technical Changes to Traffic Rules and Forms
 - Rules and Forms: Miscellaneous Technical Changes

Action: The Rules Committee approved all the proposed reports to go forward to the council's consent agenda for the September 19 meeting.

On **August 28, 2023**, the Rules Committee acted by email to a request from the Appellate Advisory Committee to amend its current annual agenda to allow it to work on a joint proposal with the Criminal Law Advisory Committee to implement the Racial Justice Act, which work needs to be done now if the committees are to circulate a proposal for comment in the winter cycle.

Action: The Rules Committee approved the request to amend the annual agenda.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the rules, forms, and jury instructions recommendations in the reports approved by the committee on August 22. All of these proposals are on the council's consent agenda for the September meeting.