



Judicial Council of California

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

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

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Tuesday, September 24, 2019

9:00 AM

Sacramento

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

Session: 9:00 a.m. – 9:20 a.m.

Transitional Break: 9:20 a.m. – 9:35 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 9:35 a.m. – 12:15 p.m.

Call to Order

Swearing in of New and Reappointed Judicial Council Members

10 minutes

The Chief Justice will administer the oath of office to new and reappointed council members.

Public Comment

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items as it can enhance the council's understanding of the issues coming before it.

For more information about meeting attendance and public comment procedures, visit:

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Thursday, September 19.
- 2) Submit written comments for this meeting by 1:00 p.m. on Friday, September 20.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

or by postal mail or delivery in person to:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno

Approval of Minutes

[19-172](#) Minutes of July 18-19, 2019, and August 9, 2019, Judicial Council meetings

Chief Justice's Report

10 minutes

Administrative Director's Report

[19-173](#) Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

[19-174](#) Judicial Council Committee Reports

20 minutes

Judicial Council Members' Liaison Reports

15 minutes

[19-223](#) Superior Court of Contra Costa County

[19-222](#) Superior Court of Los Angeles County

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[19-177](#)

Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children’s Waiting Room Funds During Temporary Closure (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for the Superior Court of Contra Costa County to continue receiving Children’s Waiting Room (CWR) funds to accumulate sufficient resources in anticipation of the CWR reopening by October 2019. The Contra Costa court closed its CWR in Pittsburg on October 1, 2018, in order to relocate to Martinez. Due to project delays, the court was unable to reopen in July 2019 and submitted a request for a three-month extension in anticipation of reopening by October 2019.

[19-211](#)

Allocations and Reimbursements to Trial Courts | Reallocation of Unspent Funds for V3 Case Management System Replacement (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends approving the reallocation of unspent funds provided in a 2016-17 budget change proposal for the Superior Court of Sacramento County V3 case management system transition. The allocation will increase the 2019-20 adopted allocation from the State Trial Court Improvement and Modernization Fund (IMF) for the Judicial Council Information Technology office (JCIT).

[19-170](#)

Collaborative Justice | Recommended Allocations of Fiscal Year 2019-20 Substance Abuse Focus Grants (Action Required)

Summary:

As part of the Budget Act of 2019 (Stats. 2019, ch. 23), the Legislature allocated a total of \$1.16 million for California collaborative and drug court projects to maintain, expand, or enhance collaborative courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council continue to use this annual allocation to fund court programs through the noncompetitive Collaborative Justice Courts Substance Abuse Focus Grant Program. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for fiscal year (FY) 2019-20 to fund the noncompetitive Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 49 courts for FY 2019-20 with these annual grants, and providing augmentation grants to dependency drug courts in 18 counties.

[19-207](#)**Court Facilities | Naming Request for the New Civil Courthouse in Menifee (Riverside) (Action Required)****Summary:**

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Riverside County's request to name the new civil courthouse in the City of Menifee the *Menifee Justice Center*. This approval provides a name for the new courthouse, whose construction is scheduled to begin in spring 2020 and end in spring 2022.

[19-208](#)**Court Facilities | Naming Request for the New Main Courthouse in Santa Rosa (Sonoma) (Action Required)****Summary:**

The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Sonoma County's request to name the new main courthouse in the City of Santa Rosa the *Hall of Justice*. This approval provides a name for the new courthouse, whose construction is scheduled to begin in spring 2020 and end in summer 2022.

[19-097](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Budget Act of 2019 includes over \$45 million in the Equal Access Fund for distribution to legal services providers and support centers. The Judicial Council has approved an allocation of \$20 million in funding for homelessness prevention projects. The remaining 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 \$23,039,910 in IOLTA-formula grants for fiscal year (FY) 2019-20, according to the statutory formula in the state Budget Act, and \$2,666,000 in partnership grants for 2020. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[19-171](#)**Judicial Branch Administration | *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*. Most of the revisions reflect changes in the Public Contract Code. Additional revisions clarify procurement roles and a contractor certification.

[19-221](#)**Judicial Branch Administration | Power of Democracy Steering Committee Charge (Action Required)****Summary:**

The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee to define the scope of the committee's work. Pursuant to the proposed charge, the steering committee would continue its work identifying and assisting with activities and programs that give the judiciary opportunities to participate in community outreach.

[19-185](#)**Jury Instructions | Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving the revised and revoked 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 September 2019 Supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[19-139](#)**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 2019 *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.

[19-079](#)**Report to the Legislature | Revenue Collected for Fiscal Year 2018-19 (Action Required)****Summary:**

The Judicial Council's Funds and Revenues Unit of Budget Services recommends approval of the *Report of Revenue Collected for Fiscal Year 2018-19*. This report is required under Government Code section 68514, which became effective June 27, 2017, and requires the Judicial Council to report annually on revenue collections from criminal fines and fees related to infractions and misdemeanors for each court and county.

[19-181](#)**Rules and Forms | Alternative Dispute Resolution (ADR):
Mediation Confidentiality Disclosures Under Senate Bill 954
(Action Required)****Summary:**

The Civil and Small Claims Advisory Committee proposes a new form for Judicial Council approval, *Mediation Disclosure Notification and Acknowledgment* (form ADR-200). This optional form implements Senate Bill 954 (Stats. 2018, ch. 350), which requires attorneys to provide their clients with specific written mediation confidentiality disclosures when they are representing clients in connection with mediation.

[19-157](#)**Rules and Forms | Appellate Procedure: Advisement of Appellate
Rights in Juvenile Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule regarding advisement of appellate rights, which currently states that courts need only provide an advisement to parents and guardians who are present at the hearing that resulted in the judgment or order. The amendment would remove this limitation and require courts to provide this information to parents and guardians who are not present at the hearing. The committee also recommends adopting a new optional information sheet for clerks to send with court orders following a hearing to provide the advisement. This proposal, which originated with a suggestion from an attorney in San Diego, is intended to promote greater awareness of parents' and guardians' appellate rights in juvenile cases and to assist the courts in complying with the requirement to provide this notice.

[19-167](#)**Rules and Forms | Appellate Procedure: Form of Filed Documents
in the Appellate Division (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting rule 8.815 to govern the form of filed documents in the appellate division. The new rule would incorporate by reference the existing formatting requirements in rule 8.883(c) for civil and misdemeanor briefs filed in the appellate division. The new rule will resolve uncertainty and provide clarity regarding the proper formatting of documents filed in the appellate division of the superior courts.

[19-169](#)**Rules and Forms | Appellate Procedure: Notice of Appeal and the
Record in Civil Commitment Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting a new rule of court, describing the required contents of the normal record on appeal for civil commitment cases, and highlighting the existence of the new rule in a comment to an existing rule. The committee also proposes a new form notice of appeal for civil commitment and mental health cases. This proposal is intended to provide needed guidance to litigants and the courts and ensure that appellate records in civil commitment cases are complete.

[19-159](#)**Rules and Forms | Appellate Procedure: Oral Argument in Appellate Division Appeals (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rules regarding oral argument in limited civil and misdemeanor appeals to provide that oral argument will not be set in cases presenting no arguable issues, to state a procedure for waiving oral argument, and to establish a date of submission for appeals that are not set for oral argument. The committee also recommends the adoption of two optional forms, one for limited civil cases and one for misdemeanor cases, to assist litigants in waiving oral argument if they choose to do so. This proposal, which originated from suggestions submitted by a presiding judge of an appellate division and a member of the committee, is intended to increase efficiency for courts and provide guidance for litigants.

[19-165](#)**Rules and Forms | Appellate Procedure: Service Copy of Petition for Review (Action Required)****Summary:**

The Information Technology Advisory Committee and Appellate Advisory Committee recommend amending the rule regarding petitions for review in the California Supreme Court to remove the requirement to send to the Court of Appeal a service copy of a petition for review when a petition is filed electronically. Under current practice, when a petition for review is accepted for electronic filing by the Supreme Court, the Court of Appeal automatically receives a filed/endorsed copy of the petition through the electronic filing service provider (EFSP). Thus, in actual practice, the electronic filing of a petition satisfies the requirement to serve the Court of Appeal with a copy, and there is no need for an electronic filer to serve the Court of Appeal with another copy as required by the rules. The proposed amendment does not change the requirement to serve a copy of the petition on the superior court clerk in all instances, and, if a petitioner files in paper format, to also serve a copy of the petition on the Court of Appeal.

[19-164](#)**Rules and Forms | Appellate Procedure: Uniform Formatting Rules for Electronic Documents (Action Required)****Summary:**

The Appellate Advisory Committee and the Information Technology Advisory Committee propose revising several rules of the California Rules of Court to make uniform the formatting guidelines for electronic documents filed in appellate courts. The rules currently lack various requirements established by local rule. Moreover, most local rules differ in their requirements and scope. By establishing uniform rules for all appellate courts, this proposal will ease the burden on filers caused by differing formatting rules. The proposal originated from a suggestion by a member of the Joint Appellate Technology Subcommittee of the Appellate Advisory Committee and the Information Technology Advisory Committee.

[19-160](#)**Rules and Forms | Appellate Procedure: Word Limits for Petitions for Rehearing in Unlimited Civil Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule that governs the length of briefs in civil cases in the Court of Appeal to reduce the maximum length of petitions for rehearing and answers to those petitions from 14,000 words to 7,000 words for briefs produced on a computer, and from 50 pages to 25 pages for briefs produced on a typewriter. This change, which is based on suggestions from appellate practitioners to consider reducing word limits for all types of briefs filed in the Court of Appeal, is intended to establish limits on briefing that reflect the limited scope of petitions for rehearing in unlimited civil cases.

[19-187](#)**Rules and Forms | Civil Practice and Procedures: Case Management Rules (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that the discretionary exemption to the statewide case management rules be made permanent to allow flexibility in case management where courts so desire. In 2013, the Judicial Council amended the statewide rules of court on civil case management to give courts the discretion to exempt certain types or categories of general civil cases from the mandatory case management rules. The amendments were intended as an emergency measure, to help courts to better address the state's fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules. In 2018, the Commission on the Future of California's Court System recommended that the emergency exemption be made permanent and the advisory committee is furthering that recommendation by this proposal.

[19-188](#)**Rules and Forms | Civil Practice and Procedure: Separate Statements for Discovery Motions (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that California Rules of Court, rule 3.1345, be amended, effective January 1, 2020, to reflect the change in law regarding separate statements in discovery motions enacted in Assembly Bill 2230 (Stats. 2018, ch. 317). That bill amends three sections of the Code of Civil Procedure to expressly provide that courts, for certain types of discovery, may allow the moving party to submit an outline of the discovery requests and responses in dispute rather than the separate statement currently required by rule. The proposed rule reflects those changes and expands them to several additional types of discovery as well.

[19-210](#)**Rules and Forms | Criminal Procedure: Diversion for Incompetent Defendants and Posttrial Hearings on Competency (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending rule 4.130 of the California Rules of Court relating to mental competency proceedings in criminal cases to incorporate changes due to Assembly Bill 1810 (Stats. 2018, ch. 34), a bill that significantly altered the statutory landscape for mental competency proceedings.

[19-192](#)**Rules and Forms | Criminal Procedure: Immigration Consequences Advisement on Plea Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending the language in the immigration consequences section of two Judicial Council plea forms to conform to the plain language of Penal Code section 1016.5.

[19-193](#)**Rules and Forms | Criminal Procedure: Interpreter's Statement on Judicial Council Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends removing a portion of the Interpreter's Statement on three Judicial Council forms to ensure that the statement accurately describes the role and responsibilities of interpreters. The committee also recommends adding the proposed Interpreter's Statement to the form used by mentally disordered defendants to indicate whether the defendant is challenging the Penal Code section 1606 report recommending confinement or continued outpatient treatment, or is waiving that right. Form CR-170 includes the option for waiver of a significant right of the defendant, and therefore, for cases that require an interpreter, it is appropriate to include the Interpreter's Statement certifying the information was correctly translated.

[19-213](#)**Rules and Forms | Criminal Procedure: Motion and Order to Vacate Conviction or Sentence (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to two optional Judicial Council forms in response to recent legislation (Assembly Bill 2867) that clarifies the timing and procedural requirements of Penal Code section 1473.7 for vacating a conviction or a sentence based on prejudicial error related to immigration consequences or newly discovered evidence of actual innocence.

[19-194](#)**Rules and Forms | Criminal Procedure: Petition for Resentencing (Military) (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends approval of a new optional form, *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412), for petitions for resentencing under Assembly Bill 865 (Stats. 2018, ch. 523). The legislation allows veterans to benefit retroactively from the passage of Penal Code section 1170.91, which permits a judge to consider enumerated conditions (sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems) that have resulted from military service as a mitigating factor at sentencing. Due to a pending bill (Assem. Bill 581 (2019-2020 Reg. Sess.)) that would affect one element of the form, the committee is submitting alternate forms to the council and recommending that the appropriate form go into effect depending on whether Assembly Bill 581 is enacted.

[19-214](#)**Rules and Forms | Criminal Procedure: Proof of Service in Criminal Record Clearing Requests (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends approval of a new optional form and an accompanying information sheet for petitioners to use with requests for a court to review a criminal record for dismissal, vacatur, resentencing, reduction, sealing, or other record clearing remedies. The new forms will help self-represented petitioners meet requirements for service on the prosecuting agency and other relevant parties.

[19-120](#)**Rules and Forms | Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends adopting a new standard of judicial administration to provide guidance to judges and court administrators on implementing vacatur relief under Penal Code section 236.14, which provides for a petition process to vacate an arrest or conviction for a nonviolent offense that occurred while the petitioner was a victim of human trafficking.

[19-155](#)**Rules and Forms | Electronic Filing and Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend several rules of court relating to electronic filing and service that implement legislation that requires parties and other persons provide express consent to electronic service. In particular, the amendments (1) specify how notice of consent to electronic service is to be given, (2) provide example language for consent, and (3) require electronic filing service providers and electronic filing managers to transmit consent to the courts. In addition, the committee recommends amendments to the rule governing signatures on electronically filed documents. The amendments will reduce the reliance on paper for signatures and include other persons in addition to the parties within the scope of the rule.

[19-166](#)**Rules and Forms | Family Law: Certification of Statewide Uniform Guideline Support Calculators (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending California Rules of Court, rule 5.275, to require guideline child support calculators to display the low-income adjustment range on the first page of the calculator results printout, if applicable per Family Code section 4055(b)(7), to improve consistency in child support calculations for low-income obligors, and to delete the requirement to submit an application form and fee for certification to better align with current practice for certifying guideline calculators.

[19-178](#)**Rules and Forms | Family Law: Changes to Continuance Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends changes to four rules of court and three forms, and the adoption of one new rule of court and one new form; and the approval of three new forms, including an information sheet to implement new procedures for rescheduling a hearing in family court. The new procedures would (1) respond to the concerns raised by court professionals following the publication of an amended rule and revised forms relating to continuing hearings in family court, and (2) specify when a party can and cannot file a request to reschedule a hearing without first notifying and serving the other party.

[19-218](#)**Rules and Forms | Family Law: Changes to Parentage Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending rules 5.350 and 5.635 of the California Rules of Court, and revising forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694. The revisions are necessary to comply with amendments to the Family Code made by Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876) that replaced the word “paternity” with “parentage” and made statutes gender inclusive when possible.

[19-217](#)**Rules and Forms | Family Law: Duty of Judge Hearing Matter Under Family Code Sections 4521(a) and 4252(b)(7) (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending the rule governing the circumstances under which a judge may hear a title IV-D matter when exceptional circumstances prevent a child support commissioner from doing so. By removing the requirement that a judge must make an “interim” order with a follow-up hearing set in front of a commissioner, costs currently incurred by the courts, parties, and local child support agencies resulting from the second hearing would be eliminated.

[19-199](#)**Rules and Forms | Family Law: Legislative Addition of New Category of Child Custody Evaluator (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending a rule of court and revising two Judicial Council forms for use in family law custody proceedings. These changes are necessitated by Assembly Bill 2296 (Stats. 2018, ch. 389), which added to Family Code section 3110.5(c)(5) an additional category of licensed child custody evaluator to those qualified to provide court-connected and private child custody evaluations.

[19-216](#)**Rules and Forms | Family Law: Registration of Support Order (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new Judicial Council form and revise two other Judicial Council forms for registration of support orders. These changes are required to make the forms suitable for use by all parties to the action and to correct inadvertent omissions.

[19-200](#)**Rules and Forms | Family Law: Rule and Forms for Minor to Marry or Establish a Domestic Partnership (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes adopting a new rule, approving a new form, and revising two forms to implement the requirements of Senate Bill 273 (Hill; Stats. 2018, ch. 660) relating to minors who seek a court order to marry, establish a domestic partnership, or both.

[19-197](#)**Rules and Forms | Graduated Filing Fee in Estate Administration Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council amend one rule and repeal one rule of the California Rules of Court to remove references to a graduated filing fee in estate administration proceedings. The statute that imposed a graduated filing fee in estate administration proceedings based on the value of the estate was held unconstitutional in 2008. The council repealed two other rules implementing the graduated filing fee scheme, effective January 1, 2015, but did not repeal or amend the rules addressed in this proposal.

[19-195](#)**Rules and Forms | Indian Child Welfare Act (ICWA): Implementation of Assembly Bill 3176 for Indian Children (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend adopting a new rule of court, amending 16 other rules, creating 3 new forms for Indian Child Welfare Act (ICWA) proceedings, and revising 27 forms for ICWA and juvenile court dependency proceedings to comply with statutory changes in Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833), as well as changes to governing federal regulations and guidelines. The proposal also addresses technical amendments and corrections and responds to several appellate court decisions regarding ICWA rules and forms.

[19-179](#)**Rules and Forms | Juvenile Law: Competency (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending and renumbering one rule, and amending one rule, to conform to recent statutory changes regarding a child who is the subject of a petition filed under Welfare and Institutions Code sections 601 or 602, when the court has a doubt as to the child's competency to understand the court proceedings.

[19-203](#)**Rules and Forms | Juvenile Law: Legal Accuracy of Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising three forms to comply with recent statutory changes reforming juvenile justice and out-of-home case processes in child welfare cases. In compliance with Senate Bill 190 (Mitchell; Stats. 2017, ch. 678), references to fees associated with probation conditions and out-of-home placement of a child will be removed from one juvenile justice form. Two child welfare related forms will be revised: one to include required title IV-E findings and the other to comply with permanency goals established by Continuum of Care Reform (CCR).

[19-168](#)**Rules and Forms | Juvenile Law: Out-of-County Placements (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising one form to conform to recent statutory changes regarding (1) the circumstances that allow waiving the requirement for notice of the child welfare agency's intent to place a child out of county and (2) the time frame for notice of, and objection to, the agency's intent to move a foster child to a different county if that child is transitioning from a temporary placement facility.

[19-201](#)**Rules and Forms | Juvenile Law: Sealing of Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one information form so that they conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update the recently adopted rule and form, which implement sealing of records for cases sealed under Welfare and Institutions Code section 786, to include changes to that section that went into effect on January 1, 2019.

[19-202](#)**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)****Summary:**

Recent changes in the law on the transfer of jurisdiction to a criminal court for children 14 and 15 years of age require rule and form changes to be consistent with the new provisions. Senate Bill 1391 (Lara; Stats. 2018, ch. 1012) amends Welfare and Institutions Code section 707 to provide that a child must be at least 16 years of age to be considered for transfer of jurisdiction to criminal court unless the individual for whom transfer is sought was 14 or 15 at the time of the offense, the offense is listed in section 707(b), and the individual was not apprehended until after the end of juvenile court jurisdiction. To implement these age-related changes in the jurisdiction of the juvenile court, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend three rules of court and one form pertaining to the transfer-of-jurisdiction process and an informational form to reflect the new provisions.

[19-191](#)**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.

[19-196](#)**Rules and Forms | Notices of Hearings in Probate Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends adopting one mandatory form and revising one mandatory form to solicit information and give advisements required by statute in a notice of hearing on a petition filed under Probate Code section 850 and a notice of hearing on a report of status of estate administration filed under Probate Code section 12201. These revisions have been requested by courts and stakeholders. They are needed to conform to existing law, promote access to the courts, and reduce delays to hearings.

[19-198](#)**Rules and Forms | Probate Conservatorship and Guardianship: Accounting (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends amending one rule of the California Rules of Court and approving one form to clarify existing requirements, provide guidance on submitting original account statements when they are issued and received electronically, and require submission of specified information about a ward's or conservatee's personal residence in support of a request for a waiver of an otherwise required periodic accounting. The amendments are needed to facilitate implementation of statutory accounting requirements and to protect a personal residence from loss or foreclosure by verifying that the fiduciary is using ordinary care and diligence.

[19-220](#)**Rules and Forms | Probate Conservatorship and Guardianship: Qualifications and Education of Appointed Counsel (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends repealing one rule of court and adopting five rules to update the minimum qualifications and annual education required for counsel to be appointed by the court under Probate Code sections 1470 and 1471 to represent wards and conservatees in proceedings under division 4 of the Probate Code. The committee also recommends revising one form for attorneys to certify their eligibility for appointment, approving the revised form for optional use, and revoking a second certification form. The amendments and revisions respond to suggestions from courts, stakeholders, and advocates to tailor the required qualifications and education more closely to statute, ensure the knowledge and experience needed for effective representation, and simplify the certification process.

[19-189](#)**Rules and Forms | Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting two forms, approving one information form, and revising an information form and one other form to implement the provisions in Assembly Bill 2694 (Stats. 2018, ch. 219). The bill allows for alternative service for domestic violence restraining order requests when, after diligent efforts, personal service has not been accomplished and there is reason to believe that the person to be served is evading service.

[19-180](#)**Rules and Forms | Protective Orders: New Forms for Protecting Minors' Information (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee jointly recommend that the Judicial Council adopt two information sheets to help litigants understand a new law that enables courts to make confidential certain information regarding a minor in civil harassment and domestic violence restraining order proceedings. The new law went into effect on January 1, 2018, under Assembly Bill 953 (Stats. 2017, ch. 384). New Judicial Council forms to implement this law went into effect January 1, 2019.

[19-190](#)**Rules and Forms | Protective Orders: Revisions to Continuance Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend revising 17 protective order forms: the request and order forms for continuances and accompanying information forms, where applicable, for several forms series. Changes to the order forms are recommended to ensure that these protective orders are properly entered into the California Law Enforcement Telecommunications System (CLETS), a California protective order database. Revisions are also needed to the domestic violence and gun violence series to implement recent changes in the law.

[19-156](#)**Rules and Forms | Remote Access to Electronic Records by Government Entities (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.540 of the California Rules of Court to add “county public administrator” and “county public conservator” to the list of government entities that may be granted remote access to certain court electronic records, and make a minor amendment to the good cause provision of the rule. These amendments will make the rule more comprehensive and remove a need to make a good cause finding for those entities.

[19-186](#)**Rules and Forms | Small Claims: Information About Court Interpreters (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revisions to two small claims forms in light of the repeal of Code of Civil Procedure section 116.550 in Senate Bill 1155. Previously, that statute had authorized a small claims court to permit another individual other than an attorney to assist a party if the court determines that the party does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance. The law had also required each court to make a reasonable effort to maintain and make available to the parties a list of interpreters who were able and willing to aid parties in small claims actions. Senate Bill 1155 repealed section 116.550 and at the same time made all the statutory provisions regarding interpreters in other civil cases applicable to small claims cases. The proposed form revisions would remove from the forms all references to the content of this repealed law and more closely reflect current law.

[19-215](#)**Rules and Forms | Technical Changes Required by Sunsetting of Family Code Section 4007.5 (Action Required)****Summary:**

Family Code section 4007.5, which currently provides that any money judgment or order for child support is automatically suspended and set to zero (\$0.00) when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days, is due to sunset January 1, 2020. Legislation was proposed this session to remove the sunset date and make the measure permanent. However, the bill unexpectedly lost support and is now inactive, meaning that this statute will expire as of January 1, 2020. The Family and Juvenile Law Advisory Committee recommends making the necessary corrections to certain forms to avoid causing confusion for court users, clerks, and judicial officers.

[19-176](#)**Trial Court Budget | 2018-19 Preliminary One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)****Summary:**

Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a preliminary one-time allocation reduction of \$7,890,830 to 16 courts that are projecting the portion of their 2018-19 ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$7,890,830. Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year. This year, submission information was not received in time to present to the Judicial Council at its July business meeting.

[19-147](#)**Trial Court Budget | Allocation Methodology for Cannabis Convictions Resentencing Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the proportional allocation methodology for allocating funding provided in the Budget Act of 2019. This funding will support increased workload at the trial courts as a result of the enactment of Assembly Bill 1793 (Stats. 2018, ch. 993), which requires sentence modification of past cannabis conviction cases pursuant to the Control, Regulate and Tax Adult Use of Marijuana Act of 2016.

[19-212](#)**Trial Court Budget | Reporting Requirement for Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund Encumbrances (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends foregoing the reporting requirement for outstanding encumbrances for all programs funded from the Trial Court Trust Fund and/or State Trial Court Improvement and Modernization Fund, unless requested. This recommendation is in response to a change in the circumstances that triggered the original reporting requirement and will assist to reduce Judicial Council staff workload.

[19-161](#)**Trial Court Budget | Trial Court Financial Policies and Procedures Manual Encumbrance Guidelines (Action Required)****Summary:**

Judicial Council staff recommends adoption of newly revised encumbrance guidelines into the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), 10th edition. The manual was last updated in June 2019. The TCFPPM requires substantive revisions to correct inconsistencies between the TCFPPM and an encumbrance policy recommended by the Trial Court Budget Advisory Committee and adopted by the Judicial Council in June 2014.

[19-098](#)**Trial Court Budget | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving six new requests and seven amended requests from nine trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts totaling \$6,801,392. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

DISCUSSION AGENDA[19-068](#)**Rules and Forms | Court Interpreters: California Court Interpreter Credential Review Procedures (Action Required)****Summary:**

To implement Recommendation 64 of the *Strategic Plan for Language Access in the California Courts*, the Court Interpreters Advisory Panel recommends that the Judicial Council (1) repeal rule 2.891 of the California Rules of Court, Periodic review of court interpreter skills and professional conduct; (2) adopt new rule 2.891; (3) approve the *California Court Interpreter Credential Review Procedures*, to take effect on January 1, 2020; and (4) delegate authority to the Administrative Director to approve future changes, when necessary, to the *California Court Interpreter Credential Review Procedures*.

Speakers:

Hon. Brian L. McCabe, Chair, Court Interpreters Advisory Panel
Mr. Hector Gonzalez Jr., Vice Chair, Court Interpreters Advisory Panel
Ms. Sonia Sierra Wolf, Court Interpreters Program

10 minutes

[19-175](#)**Language Access Plan | Signage and Technology Grants (Action Required)****Summary:**

The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving a proposed grant process and directing the Language Access Services unit (LAS) of the Center for Families, Children & the Courts to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council. Following council approval of grant awards each year, LAS will disburse funding to awarded courts annually, beginning in fiscal year 2019-20.

Speakers:

Hon. Victor Rodriguez, Chair, Language Access Subcommittee, Advisory Committee on Providing Access and Fairness

Mr. Douglas G. Denton, Language Access Services

15 minutes

[19-083](#)**Judicial Workload Assessment | 2018 Judicial Workload Study Updated Caseweights (Action Required)****Summary:**

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council adopt the proposed Judicial Workload Study updated model parameters that are used as part of the formula for assessing judicial need in the trial courts. The council previously approved the Judicial Workload Study in 2001 and 2011; the current update accounts for changes in the law and practice that have affected judicial workload since the last study update in 2011. The recommendation also reflects direction from the Judicial Council, at its July 18, 2019 meeting, to perform additional analysis to ensure the model best represents courts of all sizes. Further, WAAC recommends that the council approve an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new judicial workload measures and the established methodology for prioritization of judgeships. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

Speakers:

Hon. Lorna A. Alksne, Chair, Workload Assessment Advisory Committee

Ms. Kristin Greenaway, Office of Court Research

15 minutes

[19-206](#)**Trial Court Budget | Policy for Courts that Exceed 100 Percent of Workload Formula Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a new Workload Formula policy for courts whose funding allocations relative to workload exceed 100 percent. Further, the committee recommends that the council allocate any funding received for cost increase adjustments to trials courts separately from the Workload Formula allocation. These actions continue efforts previously made by the council to refine the Workload Formula, make progress towards trial court funding equity, and ensure adequate funding for trial courts.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Leah Rose-Goodwin, Office of Court Research

10 minutes

[19-140](#)**Judicial Branch Education | Update on Judicial Diversity Toolkit (No Action Required)****Summary:**

The *Pathways to Achieving Judicial Diversity in the California Courts* toolkit (Judicial Diversity Toolkit) is a compilation of model mentorship programs, seminars, and outreach resources designed to increase the diversity of applicants for judicial appointment in California. Conceived as a result of the 2006 Summit on Judicial Diversity, the Judicial Diversity Toolkit was first published in 2010 by the Judicial Council in consultation with the Access and Fairness Advisory Committee--now the Advisory Committee on Providing Access and Fairness (PAF). In January 2019, in partnership with the State Bar's Council on Access and Fairness, PAF formed the Judicial Diversity Toolkit Working Group to redesign a "digital-first" version of the toolkit as an online resource, with a goal of making its content and resources more user-friendly for judicial officers and courts to adopt in outreach efforts to diverse communities statewide.

Speakers:

Hon. Kevin C. Brazile, Cochair, Advisory Committee on Providing Access and Fairness
Mr. Gregory Tanaka, Center for Families, Children & the Courts

15 minutes

[19-084](#)**Court Innovations Grant Program Project Presentation (No Action Required. There are no materials for this item.)****Summary:**

The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of Fresno County will present and provide information related to the court's Human Trafficking Court Project.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. Kimberly Nystrom-Geist, Superior Court of Fresno County
Ms. Yana Nebyshinets, Human Trafficking Court Coordinator, Superior Court of Fresno County
Ms. Tiffany Stokes, Deputy Probation Officer, Fresno County Probation Department
Ms. Debra Rush, Chief Executive Officer, Breaking the Chains

30 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[19-096](#)**Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 4****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year (FY) 2018-19.

[19-163](#)**Judicial Branch Education | Report on Compliance with Education Rules for Justices and Judges****Summary:**

The Supreme Court, Courts of Appeal, and trial courts have submitted to the Judicial Council cumulative records of participation in education by their benches, as required under California Rules of Court, rule 10.452(d)(6) and (e)(7), for the 2016-2018 education cycle, which concluded on December 31, 2018.

[19-095](#)**Report to the Legislature | Cash Flow Loans Made to Courts in 2018-19****Summary:**

Government Code section 68502.6 requires that the Judicial Council report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2019, Judicial Council staff submitted to the Legislature the report entitled *Cash Flow Loans Made to Courts in 2018-19*.

[19-162](#)**Report to the Legislature | *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2019*****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, 2019, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2019.

[19-094](#)**Trial Courts | Annual Investment Report for Fiscal Year 2018-19****Summary:**

This *Trial Courts: Annual Investment Report for Fiscal Year 2018-19* covers the period of July 1, 2018, through June 30, 2019, 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.

Appointment Orders[19-209](#)**Appointment Orders since the last business meeting.****Adjournment (approximately 12:15 p.m.)**