



Judicial Council of California

Superior Court of
California
County of San Diego
Hall of Justice
330 W. Broadway
Rooms 363 A & B
San Diego, CA 92101

Meeting Agenda

Judicial Council

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

Friday, October 28, 2016

8:30 AM

San Diego

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

Session 8:30 a.m.–12:00 p.m.

Call to Order

Public Comment

30 minutes

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.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, October 25.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, October 26.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

*Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Donna Ignacio*

Approval of Minutes

[16-156](#)

Minutes of the August 25-26, 2016, Judicial Council Meeting.

5 minutes

Chief Justice's Report

10 minutes

Administrative Director's Report

[16-157](#)

Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

[16-158](#)

Judicial Council Committee Reports

Speakers:

Executive and Planning Committee
Hon. Douglas P. Miller, Chair
Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
Judicial Council Technology Committee
Hon. Marsha G. Slough, Chair
Judicial Branch Budget Committee
Hon. David M. Rubin, Chair

25 minutes

Judicial Council Members' Liaison Reports

[16-204](#)

Judicial Council Members' Liaison Reports

Summary:

Judicial Council Members report on their visits to the Superior Courts of California.

30 minutes

Break: 10:20–10:35 a.m.

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.

[16-149](#)

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

Summary:

The Legal Services Trust Fund Commission of the State Bar reports in *Equal Access Fund: Distribution of Funding for IOLTA-Formula Grants and Partnership Grants Under the Budget Act of 2016* that the Budget Act of 2016 includes an estimated \$19,014,500 in the Equal Access Fund for distribution to legal services providers and support centers. Equal Access Fund monies are distributed primarily in two parts: IOLTA (Interest on Lawyer Trust Accounts) -formula grants and partnership grants (with a small amount also distributed for administration). The commission requests approval to distribute \$17,312,500 in

IOLTA-formula grants for fiscal year 2016-2017, according to the statutory formula in the state Budget Act, and \$1,702,000 in partnership grants for 2017. It further requests approval of the commission's findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[16-163](#)**Juvenile Law: Court Orders (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends that rule 5.504 of the California Rules of Court be amended to grant courts an extra two years to produce modified versions of mandatory juvenile forms for court orders. This change will help reduce the financial burden associated with changes to mandatory forms and ensure that courts continue to have the flexibility in the production of forms to meet local needs.

[16-164](#)**Appellate Procedure: Privacy in Appellate Opinions (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting a new rule to provide guidance on the use of protective nondisclosure of names in appellate court opinions to protect the privacy of specific categories of individuals. To better highlight existing requirements for protecting the privacy of social security and financial account numbers in filed documents, the committee also proposes moving these existing requirements to a new rule and cross-referencing the requirements in the appellate rules. This proposal is based on concerns about privacy protection raised by appellate justices and individuals whose identity or personal information has been revealed in appellate opinions.

[16-165](#)**Appellate Procedure: Juvenile Proceedings (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule that identifies the proceedings governed by the juvenile appellate rules to clarify that these rules apply to appeals of orders terminating parental rights under Probate Code section 1516.5 and Family Code section 7662 et seq. The committee also recommends amending the rule that lists what must be included in the normal record in juvenile appeals to clarify that the clerk's transcript must include various notices under the Indian Child Welfare Act and to add hearings at which certain advisements are to be given to the hearings that must be included in the reporter's transcript. This proposal, which originated from a suggestion submitted by an attorney at one of the appellate projects that assist the Courts of Appeal with appointed counsel in juvenile appeals, is intended to save time and costs for courts associated with requests to augment or receive copies of the record on appeal, and the costs associated with preparing and transmitting supplemental clerk's and reporter's transcripts when such requests are granted.

[16-166](#)**Appellate Procedure: Transcripts of Marsden Hearings (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the advisory committee comment accompanying the rule that addresses the transmission of

confidential records to clarify that a copy of the confidential reporter's transcript of any in-camera hearings conducted by the superior court under *People v. Marsden* (1970) 2 Cal.3d 118 (*Marsden* transcripts) must be transmitted to the appellate counsel for the party that participated in the hearing or, if such counsel has not yet been appointed, to the district appellate project. This change, which is based on a suggestion received from the assistant clerk/administrator of a Court of Appeal, is intended to eliminate confusion about whether copies of *Marsden* transcripts should be provided to appellate counsel and should result in decreased costs associated with motions by counsel to receive a copy of any such transcripts.

[16-167](#)**Appellate Procedure: Amicus Curiae Briefs in Writ Proceedings (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the California Rule of Court governing writ proceedings to include a new procedure for submission of applications to file amicus curiae briefs in those writ proceedings in which an alternative writ or order to show cause is issued. This change, which is based on a suggestion received from an attorney, is intended to provide potential amicus curiae with guidance regarding applications to file amicus briefs in these writ proceedings, which may reduce questions about how to do this and also ensure that the court has the information it needs to consider such applications.

[16-168](#)**Appellate Procedure: Ensure Consistency Between E-filing Rules and Court Practices (Action Required)****Summary:**

The Information Technology Advisory Committee and the Appellate Advisory Committee propose changes to the appellate rules to reflect the e-filing practices used by the appellate courts. These changes will eliminate conflicts between appellate court local rules and the rules of court, and ensure consistency in the e-filing practices of the Courts of Appeal where such consistency is desirable.

[16-169](#)**Corrections to Judicial Council Forms Without Circulation for Public Comment (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends corrections to five Judicial Council forms (GV-116, SV-110, SV-130, WV-110, WV-130) without circulation for public comment. Form GV-116, *Notice of New Hearing Date (Gun Violence Prevention)* should be structured as a court order so that it can be entered into the California Law Enforcement Telecommunications System (CLETS). Orders for Private Postsecondary School Violence and Workplace Violence proceedings should be revised to provide legally correct information for law enforcement.

[16-170](#)**Small Claims: Plaintiff's Claim and Information Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising two small claims forms to conform to the recent change in the law regarding court interpreters in civil cases and further revising these forms and one other small claims form to improve their clarity, consistency with the law, and readability.

[16-171](#) **Civil Practice and Procedure: Order of Examination (Action Required)**

Summary:

The Civil and Small Claims Advisory Committee recommends revising the forms used to order examination of a judgment debtor to clarify in the instructions that, to be enforceable by the court, the order must be served by a law enforcement officer or a registered process server. This proposal, based on a suggestion from a superior court commissioner who handles small claims cases, will assist litigants and eliminate needless appearances by judgment creditors seeking court enforcement of orders that were not served in this manner and therefore are unenforceable. The committee also recommends revisions to these forms to improve clarity and readability.

[16-172](#) **Forms: Declarations of Demurring Party Regarding Meet and Confer (Action Required)**

Summary:

Senate Bill 383 (Stats. 2015, ch. 418) added to and amended statutes governing demurrers to pleadings. New Code of Civil Procedure section 430.41 requires a meet-and-confer session before a party can file a demurrer. The Civil and Small Claims Advisory Committee recommends two new optional forms to implement the meet-and-confer requirements that a demurring party must comply with before filing a demurrer, and to obtain an automatic 30-day extension of time to file a demurrer when the parties were unable to meet before the due date of the responsive pleading.

[16-173](#) **Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)**

Summary:

The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.530 of the California Rules of Court, which provides courts with procedures for implementing intercounty transfers of persons on probation and mandatory supervision pursuant to Penal Code section 1203.9. The proposed amendment would (1) clarify file transfer requirements after intercounty transfer under section 1203.9, and (2) make the rule consistent with Assembly Bill 673's amendments to section 1203.9.

[16-174](#) **Criminal Law: Criminal Realignment and Military Service (Action Required)**

Summary:

The Criminal Law Advisory Committee proposes amendments to specified criminal sentencing rules of the California Rules of Court to (1) reflect statutory amendments enacted as part of the Criminal Justice Realignment Act, which made significant changes to the sentencing and supervision of persons convicted of felony offenses; (2) facilitate the court's determinations under Penal Code section 1170.9 for defendants with military service; and (3) make nonsubstantive technical amendments. The proposed amendments respond, in part, to recent legislation directing the Judicial Council to amend the rules to promote uniformity in sentencing under the Realignment Act.

[16-175](#) **Criminal Procedure: Petition and Order for Dismissal-Deferred**

Entry of Judgment (Action Required)**Summary:**

In response to legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and *Order for Dismissal* (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.43 for defendants who were granted deferred entry of judgment on or after January 1, 1997, who successfully completed a deferred entry of judgment program, and for whom the criminal charge(s) were dismissed under Penal Code section 1000.3, as well as to make related revisions to the format, advisements, and instructions on both forms.

16-176**Child Support: Statutory Relief for Incarcerated or Involuntarily Institutionalized Obligor (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising eight forms to remove outdated language, which became effective on July 1, 2011 under Senate Bill 1355 and sunsetted on June 30, 2015, regarding suspension of child support orders for obligors who are incarcerated or involuntarily institutionalized. In addition, the committee recommends implementing the mandates of Assembly Bill 610, which became effective October 8, 2015, by revising the same eight forms and an additional five forms to incorporate current provisions regarding temporary suspension of child support obligations by operation of law for incarcerated and involuntarily institutionalized obligors (unless certain exceptions apply). These proposed form revisions also provide guidance regarding the adjustment of arrears for a suspended support order, the procedure to object to the local child support agency's adjustment, and the information needed by the court to consider and approve a request to adjust arrears.

16-177**Family Law: Child Support and Uniform Interstate Family Support Act (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising five Judicial Council forms to accurately reflect updated code references, adopting three new Judicial Council forms, and revoking two forms in their entirety. These changes are required by modifications to the Uniform Interstate Family Support Act (Sen. Bill 646 [Jackson]; Stats. 215, ch. 493, § 5), which was chaptered as Family Code sections 5700.101-5700.905.

16-178**Juvenile Law: Termination of Jurisdiction Over Nonminor (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one of the California Rules of Court and revising two Judicial Council forms to provide legally accurate information about available benefits to nonminors facing termination of juvenile court jurisdiction. Certain form revisions implement amended statutory entitlements in response to suggestions received from the California Department of Social Services and are consistent with Assembly Bill 1849. The rule amendments and other form revisions make

technical corrections to ensure consistency with existing law and each other, to improve readability, and to reduce unnecessary repetition of statutory language.

[16-179](#)

Juvenile Law: Dependency Hearings (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends amending the rules in title 5 of the California Rules of Court that set forth the procedures to be followed during dependency court hearings, from the initiation of the case through each of the status review hearings, to delete unnecessary repetitions of statutory text or replace them with references to the relevant code sections. These amendments will enhance the brevity and accuracy of the rules while also consolidating some shorter rules where appropriate and reduce the frequency with which the rules need to be amended to reflect changes in the statutory text. In addition, proposed amendments clarify and update provisions in the rules concerning case plan requirements, relative placement, notice of subsequent dependency guardianship proceedings, and the legal distinctions between admitting petition allegations and submitting on the facts set forth in the petition.

[16-180](#)

Juvenile Law: Intercountry Transfer (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends adopting one new rule and two new mandatory Judicial Council forms to implement the transfer provisions for nonminor dependents in Assembly Bill 1712. The committee further recommends amending the current intercountry transfer rules and revising a mandatory form to include provisions that have streamlined the transfer process for counties involved in two transfer protocol pilot programs. Lastly, the committee recommends amending two of the California Rules of Court to require mandatory use of the forms.

[16-181](#)

Protective Orders: Requests for the Possession and Protection of Animals (Action Required)

Summary:

To implement the recent statutory changes made by Assembly Bill 494 (Stats. 2015, ch. 401) to Code of Civil Procedure section 527.6 and Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommends revisions to the Judicial Council forms for civil harassment and elder and dependent adult abuse protective orders to include orders regarding the possession and protection of animals; and the Family and Juvenile Law Advisory Committee recommends revisions to the Judicial Council juvenile protective order forms to include such orders.

[16-182](#)

Probate Conservatorship: Notice of the Conservatee's Death (Action Required)

Summary:

The Probate and Mental Health Advisory Committee recommends that the Judicial Council respond to a direction from the Legislature by adopting a new Judicial Council form for a conservator of the person of a deceased conservatee to use to notify the court and persons interested in the conservatorship that the conservatee has died.

[16-183](#)**Probate: Decedents' Estate Proceedings and a Substitute for Those Proceedings (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee proposes revising two forms. One form commences a decedent estate proceeding; the other form is used to convey title to a decedent's real and connected personal property when an estate proceeding is not required. The Petition for Probate would be revised to inquire whether a decedent was a citizen of a foreign country, whether the original of the decedent's will or a codicil offered for probate has been lost, and whether the proposed appointment of a personal representative is the appointment of a successor in that office. The *Petition to Determine Succession to Real Property (Estates of \$150,000 or Less)* would be revised to require the petitioner to state facts showing the character of the subject property as separate, community, or quasi-community if his or her claim to the property is based on inheritance. These revisions will ensure that the additional information requested by these changes will be provided by the petitioners in both of these proceedings.

[16-184](#)**Technology: Modernization of the Rules of Court (Phase II of the Rules Modernization Project) (Action Required)****Summary:**

The Information Technology Advisory Committee recommends amending various rules in titles 2, 3, and 5 of the California Rules of Court as part of phase II of the Rules Modernization Project. These amendments are substantive changes to the rules that are intended to promote electronic filing, electronic service, and modern e-business practices. The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee also recommend the amendments to the rules in their respective subject-matter areas.

[16-185](#)**Technology: Modernization of the Appellate Rules of Court (Phase II of the Rules Modernization Project) (Action Required)****Summary:**

The Information Technology Advisory Committee (ITAC) and Appellate Advisory Committee (AAC) recommend adoption of changes to the appellate rules and forms to facilitate modern e-business practices, e-filing, and e-service. Last year, technical changes to the appellate rules were approved to eliminate rule language inconsistent with current e-filing, e-service, and other e-business practices of the appellate courts. This year, ITAC and the AAC recommend more substantive changes to the rules to facilitate and encourage use of modern e-business practices by the appellate courts, as well as further necessary technical changes to rules and forms.

[16-186](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various Judicial Council advisory committee members, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[16-187](#)**Judicial Council Report to the Legislature: Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant (Action Required)****Summary:**

Court Operations Services and its Office of Court Research recommend that the Judicial Council approve the report *Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant: 2016 Report to the California Legislature as Required by Penal Code Section 1170.45*, and direct staff to transmit it to the Legislature. Doing so fulfills the requirements of Penal Code section 1170.45, which requires the Judicial Council to report annually on the disposition of criminal cases statewide according to the defendants' race and ethnicity. Since 2001 the Judicial Council's Office of Court Research has produced this report by analyzing the disposition of felony cases using data provided by the California Department of Justice. The 2016 report indicates that when grouping defendants according to the extensiveness of their prior criminal records and types of offense, the data show a complex pattern in the severity of sentences that defendants receive. When directly comparing defendant groups in the context of the severity of their criminal offenses and prior criminal histories, sentencing outcomes are variable and appear to be primarily associated with defendants' prior criminal record and offense type. Due to data limitations that are outlined in the report and also highlighted by the Criminal Justice Statistics Center (CJSC) of the California Department of Justice (DOJ), we encourage the reader to exercise caution in attempting to attribute causes for the observed differences in sentencing among racial/ethnic groups.

[16-189](#)**Judicial Council Report to the Legislature: Standards and Measures That Promote the Fair and Efficient Administration of Justice (Action Required)****Summary:**

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the attached report, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*, for transmittal to the Legislature. This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

[16-191](#)**Probate Conservatorships: Handbook for Conservators: 2016 Revised Edition (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends that the Judicial Council approve the *Handbook for Conservators: 2016 Revised Edition*, and authorize its publication by posting on the judicial branch website and production in print form by courts. This handbook updates the written information required by Probate Code section 1835 to be provided by the Judicial Council to the courts and by the courts to newly-appointed

conservators.

[16-192](#)

Trial Courts: Recidivism Reduction Fund Court Grant Program, Annual Report, 2016 (Action Required)

Summary:

The Criminal Justice Services office recommends that the Judicial Council receive the *Recidivism Reduction Fund Court Grant Program: Annual Report, 2016*; direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2015 (Assem. Bill 93, Stats. 2015, ch. 10) and authorize staff to continue to work with the courts to ensure that program funding is effectively allocated and utilized to support the operation of trial court programs and practices known to reduce adult offender recidivism and enhance public safety as directed by the Legislature.

[16-193](#)

Judicial Council Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2015-2016 (Action Required)

Summary:

Judicial Council staff recommends approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2015-2016 for Support of New Judgeships Authorized in FY 2007--2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

[16-194](#)

Judicial Council Report to the Legislature: Electronic Recording Equipment (Action Required)

Summary:

Judicial Council staff recommends approval of the *Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1-June 30, 2016)*. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually on all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

[16-196](#)

Juvenile Dependency: Proposed Allocation for Fiscal Year 2016-2017 for Court Appointed Special Advocate Local Assistance (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year 2016-2017. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at the August 2013 business meeting. Allocations will fund 45 programs serving 50 counties.

[16-197](#)

Judicial Council Report to the Legislature: Status of the Phoenix Program, 2015 (Action Required)

Summary:

Staff recommends that the Judicial Council approve the report entitled *Status of the Phoenix Program, 2015*, to be sent to the chair of the Joint Legislative Budget Committee, the chair of the Senate Committee on Budget and Fiscal Review, and the chair of the Assembly Committee on Budget, as required by Government Code section 68511.8(a).

[16-203](#)**Criminal Law: Judicial Council Appointment to Sex Offender Management Board (Action Required)****Summary:**

The Executive and Planning Committee recommends that the Judicial Council appoint Judge Brett H. Morgan, Superior Court of San Joaquin County, to the Sex Offender Management Board (“the board”). Enactment of Assembly Bill 1015 (2006) created the board, under the jurisdiction of the Department of Corrections and Rehabilitation, which is composed of 17 members and includes “[o]ne California state judge, appointed by the Judicial Council.” (Pen. Code, § 9001(b)(1)(D).)

DISCUSSION AGENDA[16-200](#)**Temporary Judges: Reporting on Use of Attorneys as Court-Appointed Temporary Judges (Action Required)****Summary:**

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) recommend amending (1) rule 10.742 of the California Rules of Court to eliminate that rule’s reporting requirements concerning the use of court-appointed temporary judges, and (2) subdivision (d) of rule 2.810 to delete the related reference to this reporting requirement. Rule 10.742 governs the use of attorneys as court-appointed temporary judges. Subdivision (c) of the rule requires each trial court that uses attorneys as temporary judges to report quarterly to the Judicial Council the number of attorneys used as temporary judges each month, the number and types of cases on which they were used, and whether any of the appointments were made under the exception in rule 2.810(d). This exception allows, in extraordinary circumstances, for appointment of an attorney as a temporary judge who has not met all of the requirements for such appointment. TCPJAC and CEAC recommend these changes because the information that rule 10.742(c) requires courts to report on is in part duplicative of information collected and reported to the council in another report, and thus the rule places an unnecessary burden on the courts.

Speakers:

Hon. Jeffrey B. Barton, Chair, Trial Court Presiding Judges
Advisory Committee
Mr. Jake Chatters, Chair, Court Executives Advisory Committee

15 minutes

[16-195](#)**Trial Court Budget: \$10 Million State-Level Reserve Process (Action Required)****Summary:**

Government Code section 68502.5(c)(2)(B) requires the Judicial Council to establish a process for trial courts to apply for emergency funding from the newly established \$10 million state-level reserve, which replaces the 2 percent state-level reserve. Government code section 68502.5(c)(2)(C) requires a report to the Legislature, pursuant to Section 9795, and to the Department of Finance no later than October 1 of each year detailing all requests and allocations made for the preceding year. The Judicial Branch Budget Committee recommends that

the Judicial Council approve the updated process for requesting emergency funding.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Hon. James M. Humes, Vice Chair, Judicial Branch Budget Committee
Ms. Kimberly Flener, Court Executive Officer, Superior Court of Butte County
Mr. Zlatko Theodorovic, Budget Services

25 minutes

[16-198](#)

Trial Court Allocations: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)

Summary:

The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends that the Judicial Council approve two requests from two trial courts for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request funding reduced 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. The total amount requested by the trial courts that would be reduced from their fiscal year (FY) 2016-2017 allocations for exceeding the cap is \$267,559. The subcommittee is also informing the council on the final adjustments to the estimated approved amounts after FY 2015-2016 yearend. Based on year-end closing of courts' financial records, the final amount of TCTF funds to be held on behalf of the courts for those requests that were approved in June and July 2016 has decreased from \$8.2 million to \$7.3 million.

Speakers:

Mr. Zlatko Theodorovic, Budget Services

10 minutes

[16-199](#)

Trial Courts: Children's Waiting Room Fund Balance Cap Adjustments (Action Required)

Summary:

The Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council approve requests from three trial courts to adjust their children's waiting room (CWR) fund balance caps. The Judicial Council revised its CWR distribution policy on June 26, 2015, adopting a revised policy that was recommended by the TCBAC and places a cap on CWR fund balance. Under the Judicial Council-adopted process, a court wanting a cap adjustment must submit a request explaining the extenuating circumstance and including its CWR expenditure plan for consideration by the TCBAC and the Judicial Council. The total amount requested by the three trial courts that would increase their CWR fund balance caps is \$1.1 million. Judicial Council staff also are reporting the returned CWR fund balance amounts in fiscal year 2016- 2017 through one-time reductions to those courts' allocations.

Speakers:

Mr. Zlatko Theodorovic, Budget Services

20 minutes

[16-162](#)

Adoption and Permanency Month: Judicial Council Resolution (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends adopting a

resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

Speakers: Hon. Carolyn M. Caietti, Presiding Judge, Superior Court of California,
County of San Diego, Juvenile Division
Adoptive Family (TBD)

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[16-190](#) **Court Security: Report on Trial Court Screening Equipment Replacement for Fiscal Year 2015-2016**

Summary: The Screening Equipment Replacement Program has been in operation since fiscal year (FY) 2006-2007 and provides \$2.286 million in funding from the Trial Court Trust Fund to replace outdated or malfunctioning screening equipment in the trial courts. Each year the Administrative Director approves the list of entrance screening equipment to be funded that year through this program. This report updates the council on the entrance screening equipment that was replaced in FY 2015-2016 using that funding.

[16-202](#) **Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Report No. 39)**

Summary: Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 39th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, one superior court-Kings County-has issued a new notice.

There were no Circulating Orders since the last business meeting.

Appointment Orders since the last business meeting.

[16-188](#) **Appointment Orders since the last Judicial Council business meeting.**

Adjournment (approx. 12:00 p.m.)

