



# 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))*

*Requests for ADA accommodation should be directed to  
JCCAccessCoordinator@jud.ca.gov*

---

Friday, September 25, 2020

9:00 AM

Via Videoconference

---

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

**Session: 9:00 – 9:45 a.m.**

**Transitional Break: 9:45 – 9:55 a.m.**

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

*A link to the live video stream of the meeting will be available in the Meeting Information Center 15 minutes before the start of the open meeting.*

**Session: 9:55 – 11:30 a.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**

*This meeting will be conducted via videoconference and public comments will be accepted in writing only.*

*Submit written comments for this meeting by 1:00 p.m. on Wednesday, September 23, to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

Please visit the link below and follow the instructions provided under the “Written Comments” section.

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

Comments received after the deadline will not be delivered to Judicial Council members.

## Approval of Minutes

[20-122](#) Minutes of July 24, 2020 Judicial Council Meeting

## Chief Justice’s Report

10 minutes

## Administrative Director’s Report

[20-175](#) Administrative Director’s Report

10 minutes

## Judicial Council Internal Committee Written Reports

[20-183](#) Judicial Council Internal Committee Written Reports

## Judicial Council Members’ Liaison Written Reports

[20-197](#) Judicial Council Members’ Liaison Written Reports

**Summary:** Judicial Council members report on their visits to the superior courts.

## 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.

[20-168](#) **Allocations and Reimbursements to Trial Courts | Continued Distribution of Children’s Waiting Room Funds During Temporary Closure (Action Required)**

**Summary:** The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends that the Judicial Council approve requests from the Superior Courts of San Bernardino and Riverside Counties to continue receiving children’s waiting room funds during the unforeseen temporary closure of their children’s waiting rooms in response to the COVID-19 pandemic. By continuing to receive funding, these courts will have sufficient resources to help defray costs when resuming operations.

[20-176](#)**Child Support | Assembly Bill 1058 Child Support Commissioner and Family Law Facilitator Program Funding Reduction Fiscal Year 2020-21 (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends approving a temporary budget reduction methodology to allocate the \$7 million budget reduction to the AB 1058 Child Support Commissioner and Family Law Facilitator Program's fiscal year (FY) 2020-21 budget resulting from the California Department of Child Support Services' ongoing reduction to the Judicial Council's cooperative agreement for FY 2020-21. The department has allocated \$2.38 million of the \$8.3 million of their state budget reduction for FY 2020-21 to the AB 1058 program. The reduction of the state funds will result in a reduction of federal matching funds of \$4.62 million for a \$7 million total reduction to the AB 1058 program for the current fiscal year.

[20-071](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)****Summary:**

The Budget Act of 2020 includes over \$23 million in the Equal Access Fund for general distribution to legal services providers and support centers. The 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 \$21,169,328 in IOLTA-formula grants for fiscal year (FY) 2020-21, according to the statutory formula in the state Budget Act, and \$2,423,410 in partnership grants for 2021. The commission further requests approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

[20-178](#)**Equal Access Fund | Distribution of One-Time Funding for Housing Issues (Action Required)****Summary:**

Assembly Bill 83 (Stats. 2020, ch. 15, Sec. 1), effective June 29, 2020, amended Government Code section 12531(d) to provide for a one-time \$31 million allocation to the judicial branch to augment the Equal Access Fund to provide legal services in landlord-tenant matters. The Budget Act provides that the Judicial Council allocate these funds to the State Bar, which distributes the funding to eligible legal services agencies. The State Bar's Legal Services Trust Fund Commission requests approval of the distribution of the \$31 million, minus administrative costs, according to the formula specified in the Budget Act.

[20-115](#)**Judicial Branch Administration | Qualifying Ethics: Requirements for Retiring Judges (Action Required)****Summary:**

With the support of the chairs of the Judicial Council's internal committees, Judicial Council staff proposes modifying the ethics training requirements for retiring judges who are enrolled in the Commission on Judicial Performance (CJP) insurance defense program due to the current unavailability of the Qualifying Ethics 7 (QE7) core course. Under the existing policy, judges who retire in 2020 are required to complete the three-hour core course before they retire in order to be allowed to purchase extended coverage under the insurance policy. Because the in-person core courses have been canceled since March 2020 and an online replacement course will likely not be offered until October 2020, this proposal would waive the core course requirement for judges retiring in 2020 so they will be able to obtain extended coverage. The proposal would also delegate to the Administrative Director the authority to modify the requirements as needed to address changing circumstances related to the COVID-19 pandemic and the availability of QE7 courses.

[20-155](#)**Judicial Branch Administration | Revisions to *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*. The proposed revisions include edits to incorporate new Disabled Veteran Business Enterprise (DVBE) requirements, as well as edits to add an exception to competitive bidding for the procurement of training.

[20-075](#)**Jury Instructions | Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised 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 2020 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[20-088](#)**Juvenile Law | Fiscal Year 2020-2021 Funding Allocations for Court-Appointed Special Advocate Local Assistance (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving Court Appointed Special Advocate (CASA) program grant funding allocations for fiscal year (FY) 2020-21. The judicial branch budget for Judicial Council CASA grants for FY 2020-21 is \$2.713 million, which includes a \$500,000 augmentation to support efforts to increase the number of foster children served. The recommended allocations were calculated based on the CASA funding methodology approved by the Judicial Council at its July 20 and September 21, 2018, business meetings.

[20-169](#)**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 2020 *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.

[20-161](#)**Rules and Forms | Appellate Procedure: Consent to Electronic Service (Action Required)****Summary:**

To clarify the procedures for electronic service, or e-service, in the Supreme Court and the Courts of Appeal, the Appellate Advisory Committee recommends amending certain service and e-filing rules and revising an information sheet. Rules 8.25, 8.72, and 8.78 of the California Rules of Court would be amended, and form APP-009-INFO would be revised, to reflect the procedures for e-service in these reviewing courts, and to distinguish appellate procedure under these rules in light of recent amendments to the Code of Civil Procedure that address e-service in the trial courts.

[20-048](#)**Rules and Forms | Appellate Procedure: Date and Time of Filing for Electronically Submitted Documents (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending the rule regarding confirmation of receipt and filing of electronically submitted documents to clarify the date and time of filing. Among other things, rule 8.77 of the California Rules of Court currently addresses the receipt date of submissions received electronically after the close of business but is silent as to when a received document is deemed filed. The committee proposes amending rule 8.77 to state that an electronic document that complies with filing requirements is deemed filed on the date and time it was received by the court.

[20-121](#)**Rules and Forms | Appellate Procedure: Method of Notice to Court Reporter (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending three appellate court-related California Rules of Court governing juvenile appeals and writs to replace the requirement that the clerk notify the court reporter to prepare the reporter's transcript "by telephone and in writing" with a requirement that the reporter be notified "in a manner providing immediate notice" to the reporter. The existing "by telephone and in writing" requirement is not found in other appellate rules governing notice to court reporters, and the change would provide clerks more flexibility in how they provide notice while retaining the requirement that the notice be immediate.

[20-116](#)**Rules and Forms | Appellate Procedure: Use of an Appendix in Limited Civil Cases (Action Required)****Summary:**

The Appellate Advisory Committee recommends adopting a new rule and amending four current rules to allow litigants in limited civil appeals to use an appendix in lieu of a clerk's transcript as the record of documents filed in the trial court. The California Rules of Court contain a rule for use of an appendix in the Court of Appeal but do not include such a rule for civil appeals in the appellate division. The proposed rule is based on the existing rule and closely follows its structure and content. To assist litigants in using an appendix, the committee also proposes approving a new form and revising an information sheet and a form for designating the record in limited civil cases.

[20-086](#)**Rules and Forms | Civil Practice and Procedure: Requesting Court Reporters for Civil Proceedings (Action Required)****Summary:**

The California Supreme Court recently held that courts that do not provide official court reporters in civil proceedings must, if requested by an indigent party, use court reporters or other means to make a verbatim record available. (*Jameson v. Desta* (2018) 5 Cal.5th 594.) The Civil and Small Claims Advisory Committee recommends a new court reporter request form, revisions to the fee waiver information form, and amendments to California Rules of Court, rule 2.956, to help fee waiver recipients avail themselves of rights recognized in *Jameson*. The proposal would also further amend that rule of court to reflect recent changes to Government Code section 68086.

[20-167](#)**Rules and Forms | Civil Practice and Procedure: Sealing Previously Filed Papers Under Code of Civil Procedure Section 367.3 (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends seven new forms for Judicial Council adoption and approval to help implement recently enacted Code of Civil Procedure section 367.3. That law provides that a person who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the protected person as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new forms allow participants in the Safe at Home program who are proceeding pseudonymously in civil court actions to (1) request that a court place under seal any previously filed documents that disclose the participant's identifying characteristics, and (2) make an ex parte application that this request be heard on shortened time.

[20-189](#)**Rules and Forms | Collaborative Justice: Notification of Military Status (Action Required)****Summary:**

The Collaborative Justice Courts Advisory Committee recommends revising *Notification of Military Status* (form MIL-100), which informs the court that a party in a court case is or was in the military, to include additional clarifying and instructional information. The revisions to the current form will enable courts to improve early identification of court litigants in all case types who have a military affiliation, and will assist courts in complying with Penal Code section 858 requirements.

[20-173](#)**Rules and Forms | Criminal Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Judicial Council staff recommend revising five criminal forms to incorporate changes resulting from legislation and a prior rule amendment. The changes are technical, minor, and noncontroversial. Judicial Council staff recommend making the necessary corrections to conform to statutes and rules and avoid causing confusion for court users, clerks, and judicial officers.

[20-117](#)**Rules and Forms | Criminal Procedure: Felony Waiver and Plea Form (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the felony plea form to conform to multiple statutory changes that have added or changed relevant sentencing requirements and advisements, and to avoid the use of gendered pronouns.

[20-118](#)**Rules and Forms | Criminal Procedure: Ignition Interlock Forms (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revising the criminal forms implementing ignition interlock device requirements to conform to statutory changes on reporting, compliance, and monitoring requirements; increase clarity and usability; and make nonsubstantive technical changes.

[20-119](#)**Rules and Forms | Criminal Procedure: Intercounty Probation and Mandatory Supervision Transfer (Action Required)****Summary:**

The Criminal Law Advisory Committee, in response to a suggestion by a judicial administrator, recommends amending rule 4.530 of the California Rules of Court to increase clarity concerning certified copies of the court file and the electronic transfer of court files.

[20-120](#)**Rules and Forms | Criminal Procedure: Multicounty Incarceration and Supervision (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.452, to distinguish and clarify procedures applying to sentences under Penal Code section 1170(h) and state prison.

[20-159](#)**Rules and Forms | Family and Juvenile Law: Implementation of Assembly Bills 677 and 1373 Regarding Adoptions (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of a new rule of court and an amendment to a chapter title in title 5 of the California Rules of Court, in addition to revisions to adoption forms, to implement Assembly Bill 677 (Choi; Stats. 2019, ch. 805) regarding intercountry adoptions. The committee also recommends revisions to adoption forms and the approval of a new, optional form to implement Assembly Bill 1373 (Patterson; Stats. 2019, ch. 192) regarding stepparent adoptions in cases of gestational surrogacy. Both bills became effective January 1, 2020.

[20-187](#)**Rules and Forms | Family Law: Changes to Child Custody Evaluations Rule and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule of court and adopting a new mandatory child custody evaluation report form to comply with recent statutory changes to Family Code section 3118. Effective January 1, 2021, Assembly Bill 1179 (Rubio; Stats. 2019, ch. 127) creates new requirements for the confidential written report that is filed with the court and served on the parties following a child custody evaluation, assessment, or investigation in which the court has determined that there is a serious allegation of child sexual abuse or an allegation of child abuse in any other circumstance. To comply with other requirements for Family Code section 3118 evaluations, the committee further recommends revising the order that appoints the child custody evaluator and adopting a new attachment that enumerates the rights and responsibilities of the evaluator.

[20-181](#)**Rules and Forms | Family Law: Changes to Spousal Support and Property Division Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends approving one new optional form (FL-349) and revising two optional forms (FL-157 and FL-343) relating to spousal support, as well as revising one optional form (FL-345) relating to property division in family law cases.

Proposed revisions to form FL-157 incorporate amendments to Family Code section 4320. The Court of Appeal urged the Judicial Council and local courts to change the language in form FL-343 relating to Family Code section 4337. Form FL-349 responds to the requests of judicial officers for a form to make findings under Family Code section 4320 when issuing or modifying a judgment for spousal or partner support. And proposed revisions to form FL-345 respond to requests made by judicial officers to simplify a specific item relating to the assignment of debts in a judgment.



[20-182](#)**Rules and Forms | Family Law: Changes to Supervised Visitation Standard and Form (Action Required)****Summary:**

To comply with the statutory changes to Family Code section 3200.5, enacted by Assembly Bill 1165 (Bauer-Kahan; Stats. 2019, ch. 823), the Family and Juvenile Law Advisory Committee recommends amending standard 5.20 of the Standards of Judicial Administration, adopting *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)), approving *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)), and revoking *Declaration of Supervised Visitation Provider* (form FL-324).

[20-188](#)**Rules and Forms | Family Law: Technical Changes to Miscellaneous Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends making revisions, which are technical or minor and noncontroversial in nature, to forms FL-115, FL-117, FL-130, FL-240, and FL-356. The revisions are necessary to correct forms that were inadvertently omitted from a series of parentage forms that the Judicial Council revised, effective January 1, 2020.

[20-166](#)**Rules and Forms | Indian Child Welfare Act: Consent to Temporary Custody of an Indian Child (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.514 of the California Rules of Court and adopting a new mandatory form ICWA-101 to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).

[20-164](#)**Rules and Forms | Indian Child Welfare Act: Remote Appearance by an Indian Child's Tribe in Indian Child Welfare Act Proceedings (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend revising rules 5.9, 5.482, and 5.531 of the California Rules of Court to permit an Indian child's tribe to participate by telephone or other computerized remote means in any hearing in a proceeding governed by the Indian Child Welfare Act, as required by Welfare and Institutions Code section 224.2(k).

[20-165](#)**Rules and Forms | Indian Child Welfare Act: Tribal Information Form (Action Required)****Summary:**

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.522 of the California Rules of Court and approving a new optional form and instruction sheet for that form, to be used by an Indian child's tribe to provide information to the court on issues where consultation with the child's tribe is required by the Indian Child Welfare Act, and for the tribe's position on these issues in cases governed by the Indian Child Welfare Act. This proposal originated with comments from tribal advocates and attorneys.

[20-077](#)**Rules and Forms | Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service (Action Required)****Summary:**

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The proposed amendment would require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal further clarifies procedures for consent to electronic service as permitted by Code of Civil Procedure section 1010.6.

[20-180](#)**Rules and Forms | Juvenile Law: Access to Sealed Records (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting one new rule of court, revising two existing forms, and approving four new optional forms to assist courts with the implementation of recently enacted statutory provisions concerning the sealing of juvenile records and access to those records by prosecuting attorneys. The proposal would ensure that all forms accurately reflect the current state of the law on fees for sealing petitions, and would create procedures and forms for courts to consider requests for access to sealed records under recently enacted laws concerning prosecutorial duties to disclose exculpatory or favorable information to defendants.

[20-186](#)**Rules and Forms | Juvenile Law: Guardianship Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending nine California Rules of Court that provide procedures to establish, terminate, modify, or oversee guardianships in juvenile court proceedings and revising two forms used for court orders in those proceedings. The amendments and revisions are required to conform to recent statutory amendments, resolve inconsistencies with existing statutes and other rules of court, and make technical corrections.

[20-185](#)**Rules and Forms | Juvenile Law: Information, Documents, and Services for Youth 16 and Older (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court, adopting three forms, and revising one form to conform to the mandate of Assembly Bill 718 (Eggman; Stats. 2019, ch. 438) that child welfare agencies begin the process of providing key information, documents, and services to youth in foster care beginning at age 16, rather than at the end of juvenile court jurisdiction.

[20-179](#)**Rules and Forms | Juvenile Law: Nonminor Disposition Hearing-Dependency (Action Required)****Summary:**

To implement recent legislation creating a new disposition hearing for nonminors, the Family and Juvenile Law Advisory Committee recommends adopting a new rule and amending two rules of the California Rules of Court and adopting three new Judicial Council forms. The statutory amendments created a disposition hearing for a class of youth who were within the jurisdiction of the juvenile court because of abuse or neglect as a child but had reached the age of majority before a disposition hearing could be held and thus ensure their eligibility for extended foster care. This proposal would create a uniform procedure for these nonminor disposition hearings through a new rule of court, two forms for the court's findings and orders, and a form for the youth to provide the required informed consent to proceed with the nonminor disposition hearing.

[20-191](#)**Rules and Forms | Juvenile Law: Technical Changes to Juvenile Rules and Forms (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends amending one rule and revising four forms to correct technical errors to conform to recent statutory changes regarding the information, documents, and services that must be provided to children age 16 and older enacted by Assembly Bill 718 (Eggman; Stats. 2019, ch. 438).

[20-172](#)**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.

[20-064](#)**Rules and Forms | Protective Orders: Elder or Dependent Adult Abuse Prevention Forms (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends revising three mandatory elder or dependent adult abuse prevention forms to implement Assembly Bill 1396 (Obernolte; Stats. 2019, ch. 628), which provides that a court, when issuing an order for elder or dependent adult abuse prevention, may, if appropriate, also issue an order requiring the restrained party to attend clinical counseling or anger management courses.

[20-160](#)**Rules and Forms | Request for Disability Accommodations (Action Required)****Summary:**

The Advisory Committee on Providing Access and Fairness recommends the revision of the form used to request accommodation for disability, and the adoption of a new information sheet to explain the process to request an accommodation. The redesigned form will provide a clearer path for court users with disabilities to make requests and understand the court's response to their request, while the information sheet will facilitate use of the form.

**DISCUSSION AGENDA**[20-114](#)**Trial Courts | Futures Commission Directive for Remote Video Appearances for Many Noncriminal Proceedings (Action Required)****Summary:**

Following the final recommendations in the *Report to the Chief Justice: Commission on the Future of California's Court System*, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to consider for presentation to the Judicial Council the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, ITAC recommends the Judicial Council accept the report from its Remote Video Appearances Workstream. The report includes guidance for early-adopter courts and policy recommendations. The report represents only the beginning of the work to enable remote video appearances in California courts. ITAC and other interested advisory committees have continued development of policies for civil proceedings including circulating a legislative proposal for public comment. ITAC was also directed by the Judicial Council Technology Committee (JCTC) to explore remote appearances in criminal proceedings.

**Speakers:**

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee  
Hon. Samantha P. Jessner, Superior Court of Los Angeles County  
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County  
Ms. Heather Pettit, Information Technology

*20 minutes*

[20-171](#)**Judicial Branch Technology | Court Modernization Funding  
(Action Required)****Summary:**

The California Budget Act of 2020 appropriated \$25 million for the modernization of court operations. Chief Justice Tani G. Cantil-Sakauye subsequently requested that the Judicial Council Technology Committee make recommendations on how that money should be allocated. The committee recommends funding 13 separate technology projects. Individually, each project will significantly improve the way trial courts serve the public. Taken as whole, the projects will make great strides in advancing the judicial branch's technology goals, fostering the spirit of collaboration that has proved essential to modernizing court operations. The committee's recommended allocations are an investment that will pay dividends for years to come.

**Speakers:**

Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee  
Ms. Heather Pettit, Information Technology

*15 minutes*

[20-049](#)**Court Interpreters | Allocations and Reimbursements to Trial  
Courts: Allocation Methodology for Court Interpreters Program  
Shortfall (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends the Judicial Council approve a one-time allocation methodology to allocate the 2020-21 Court Interpreters Program (CIP) appropriation, while a workload-based methodology is developed for consideration effective July 1, 2021. Funding shortfalls that began in 2014-15 in the CIP were addressed in prior years by using program savings carryover until depleted in 2018-19, and subsequently by using Trial Court Trust Fund unrestricted fund balance as approved by the Judicial Council.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Fran Mueller, Budget Services

*10 minutes*

[20-157](#)**Rules and Forms | Judicial Branch Education: Mandatory Education on Unconscious Bias and Prevention of Discrimination and Harassment (Action Required)****Summary:**

Pursuant to the recommendations of the Work Group on the Prevention of Discrimination and Harassment, the Center for Judicial Education and Research Advisory Committee recommends amending a rule of court to make education on unconscious bias, as well as on the prevention of discrimination and harassment, mandatory for judicial officers. Research shows that unconscious bias affects all human beings, but can escape the awareness of even the most diligent decision-makers; therefore, making this training mandatory will help raise awareness and reduce the impact of bias in judicial decision-making. Mandatory training on the prevention of discrimination and harassment demonstrates the judicial branch's commitment to a workplace free of sexual harassment and discrimination.

**Speakers:**

Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee

Ms. Karene Alvarado, Center for Judicial Education and Research

*10 minutes*

[20-190](#)**Rules and Forms | Approval of Compromise of Claim for Minor or Person With a Disability (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends revising eight forms used in proceedings to approve the compromise of a claim or action or the disposition of the proceeds of a judgment for a minor or person with a disability. The proposed revisions are needed to (1) clarify that the petitioner must disclose the full effect of the compromise on the legal and financial rights of others, including all insurers and medical service providers; (2) clarify that the petitioner is acting on behalf of the minor or person with a disability, especially when depositing the proceeds of the compromise or judgment in a blocked account; (3) clarify that an adult claimant who has the capacity to consent to an order approving a compromise, settlement, or disposition and does not have a conservator of the estate must give express consent to such an order; and (4) make clarifying revisions and technical corrections to the forms' titles, language, and format, as well as technical amendments to seven California Rules of Court that apply to these proceedings. The revisions and amendments will improve access to the courts for minors and persons with disabilities, protect the interests of those persons, and allow prompt and secure distribution of the proceeds of settlements and judgments entered in their favor.

**Speakers:**

Hon. Jayne C. Lee, Chair, Probate and Mental Health Advisory Committee

Hon. David L. Belz, Superior Court of Orange County

*10 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[20-193](#)**Civil Practice and Procedure | Corrected Writ of Execution Form****Summary:**

The Judicial Council, at the recommendation of the Civil and Small Claims Advisory Committee recently revised four enforcement of judgment forms and approved four new forms to implement the provisions of Senate Bill 616, which amended several laws regarding exemptions to enforcement of civil money judgments. The revised and new forms are effective September 1, 2020. One of the forms approved by the council-Writ of Execution (form EJ-130)-included an inadvertent error, changing text in an item that should not have been changed. The Executive and Planning Committee approved, on behalf of the Judicial Council, correcting that item, so that the form would be correct when it became effective on September 1, 2020.

[20-177](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2019-20****Summary:**

This informational report to the Judicial Council outlines (1) allocations of facility modification (FM) funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2019-20, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee (TCFMAC) reviews and approves FM requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[20-094](#)**Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 4 Report (No Action Required)****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year 2019-20.

[20-174](#)**Judicial Workload Assessment | 2020 Update of the Judicial Needs Assessment****Summary:**

The *Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 139 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

[20-085](#)**Juvenile Law | Federally Funded Dependency Representation Program****Summary:**

Beginning with the Budget Act of 2019, increased federal funds have been made available to support court-appointed dependency counsel representing children and parents at every stage of a dependency proceeding. This funding became available with a change to the federal *Child Welfare Policy Manual*, which now permits claiming federal foster care dollars (title IV-E funds) for attorneys to provide legal representation to a title IV-E-eligible child in foster care or to the child's parents. Over the past year, Judicial Council staff have worked to execute a contract with the California Department of Social Services to pass these funds through to dependency representation providers and have entered into contracts with 60 providers in 29 courts to allow these funds to be used to improve the quality of representation for families and children in child welfare proceedings.

[20-035](#)**Report to the Legislature | Cash Flow Loans Made to Courts in 2019-20****Summary:**

Government Code section 68502.6 requires the Judicial Council to report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2020, Judicial Council staff submitted to the Legislature the report entitled *Cash Flow Loans Made to Courts in 2019-20*.

[20-039](#)**Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2020****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, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2020.

[20-036](#)**Trial Courts | Annual Investment Report for Fiscal Year 2019-20****Summary:**

This *Trial Courts: Annual Investment Report for Fiscal Year 2019-20* covers the period of July 1, 2019, through June 30, 2020, 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.



[20-196](#)**Trial Courts | Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106-Rep. No. 49)****Summary:**

Government Code section 68106 (1) directs trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices, or reducing clerks' regular office hours; and (2) directs the council to post all such notices on its website and relay them to the Legislature. This is the 49th report to date listing the latest court notices received by the council under this statutory requirement. Since the previous report, five superior courts-the Superior Courts of Ventura, Riverside, Santa Clara, Orange, and Fresno Counties-have issued new notices.

**Circulating Orders**[20-192](#)**Circulating Orders since the last business meeting.****Appointment Orders**[20-195](#)**Appointment Orders since the last business meeting.****Adjournment (approximately 11:30 a.m.)**