



Judicial Council of California

Meeting Minutes

Judicial Council

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the September 20,
2022 meeting

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Tuesday, September 20, 2022

10:00 AM

San Francisco

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

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the closed session to order at 9:00 a.m.

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

Attendance

Council Members

Present: 24 - Chief Justice Tani G. Cantil-Sakauye, Justice Carol A. Corrigan, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Justice Marsha G. Slough, Presiding Judge Kimberly Merrifield, Judge Marla O. Anderson, Judge Maria Lucy Armendariz, Judge C. Todd Bottke, Judge Kevin C. Brazile, Judge Kyle S. Brodie, Judge Judith K. Dulcich, Judge Harold W. Hopp, Judge Ann C. Moorman, Judge David Rosenberg, Judge David M. Rubin, Commissioner Glenn Mondo, Senator Thomas J. Umberg, Assembly Member Richard Bloom, Ms. Rebecca Fleming, Mr. David D. Fu, Mr. Shawn C. Landry, Ms. Gretchen Nelson, and Mr. David H. Yamasa

Absent: 3 - Presiding Judge Samuel K. Feng, Judge Jonathan B. Conklin, and Ms. Rachel W. Hill

Call to Order

Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council, called the open session to order at 10:00 a.m. in the Judicial Council Board Room.

Swearing in of New and Reappointed Judicial Council Members

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

New members include:

- **Hon. Maria Lucy Armendariz**, Judge, Superior Court of Los Angeles County

- **Hon. Judith K. Dulcich**, Judge, Superior Court of Kern County
- **Hon. Kimberly Merrifield**, Trial Court Presiding Judges Advisory Committee Chair and Presiding Judge, Superior Court of Butte County
- **Hon. David Rosenberg**, California Judges Association President and Judge, Superior Court of Yolo County
- **Mr. David H. Yamasaki**, Court Executive Officer, Superior Court of Orange County

Reappointed members include:

- **Hon. Marsha G. Slough**, Associate Justice, Court of Appeal, Fourth District, Division Two
- **Hon. C. Todd Bottke**, Judge, Superior Court of Tehama County
- **Hon. David M. Rubin**, Judge, Superior Court of San Diego County

Approval of Minutes

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Minutes of July 15, 2022, Judicial Council Meeting

A motion to approve the recommendation was made by Justice Corrigan and seconded by Judge Rubin. The motion was carried by unanimous vote with an abstention by Justice Fujisaki, Justice Slough, Judge Armendariz, and Judge Bottke.

Chief Justice's Report

Chief Justice Tani G. Cantil Sakauye reported on her activities since the last council meeting.

Administrative Director's Report

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Administrative Director's Report

Administrative Director Martin Hoshino reported on the council's activities since the last council meeting.

Judicial Council Internal Committee Presentations

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Presentation | Rules Committee

[22-142](#)

Written Reports

CONSENT AGENDA

Approval of the Consent Agenda

A motion to approve all of the following items on the Consent Agenda was made by Judge Moorman and seconded by Judge Brazile. The motion was adopted.

[22-180](#)**Allocations and Reimbursements to Trial Courts | Funding for Increased Transcript Rates (Action Required)**

Summary: Senate Bill 170 amended the 2021 Budget Act and included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates under Assembly Bill 177 (Stats. 2021, ch. 257). The Trial Court Budget Advisory Committee recommends approving a proportional allocation based on the current council-approved methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates for 2022-23.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a \$7 million allocation to each trial court proportionally, based on the council-approved methodology updated with the average transcript expenditures from the most recent three fiscal years (i.e., 2019-20, 2020-21, and 2021-22) as outlined in Attachment A, effective September 20, 2022.

This recommendation was presented to the Judicial Branch Budget Committee on August 24, 2022, and approved for consideration by the Judicial Council.

[22-153](#)**Equal Access Fund | California Access to Justice Commission Grants (Action Required)**

Summary: The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$85,392,000 to the Judicial Council for the Equal Access Fund, \$5 million of which must be allocated to the California Access to Justice Commission for grants to civil legal aid nonprofits. These grants are to be used to support the infrastructure and innovation needs of legal services in civil matters for indigent persons.

Recommendation: The Advisory Committee on Providing Access and Fairness recommends that the Judicial Council, effective September 20, 2022, approve distribution of \$5 million to the California Access to Justice Commission for grants to civil legal aid nonprofits, as required by the Budget Act of 2022.

[22-156](#)**Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)**

Summary: The Budget Act of 2022 includes \$40,874,000 in the Equal Access Fund for general distribution to legal services providers and support centers. The Legal Services Trust Fund Commission recommends allocating the funds to the State Bar of California for distribution in accordance with the Budget Act: 90 percent to legal services agencies through the IOLTA (Interest on Lawyers' Trust Accounts) -formula grants, and 10 percent for partnership grant awards. In accordance with the Budget Act, the Judicial Council and the State Bar will also reserve approximately 3 percent of the total for administration. These amounts are contingent on filing fee income received for fiscal year 2022-23, which constitutes approximately 13 percent of this allocation. The commission further requests

approval of its findings that the proposed budget for each individual grant complies with statutory and other relevant guidelines.

Recommendation: The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 20, 2022, approve:

1. The distribution of \$31,506,480 in IOLTA-formula grants for fiscal year 2022-23 according to the terms of the state Budget Act;
2. The distribution of \$3,500,720 in Equal Access Fund partnership grants to legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants; and
3. The commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines.

[22-154](#)

Equal Access Fund | Distribution of New Funding for Housing and Consumer Debt Issues (Action Required)

Summary: The Budget Act of 2022 (Assem. Bill 178 (Ting); Stats. 2022, ch. 45) includes two new allocations to the Equal Access Fund for distribution to legal services providers and support centers to provide civil legal services for indigent persons. One allocation is for \$15 million for services related to consumer debt matters affected by the COVID-19 pandemic and the other is for \$30 million for legal services related to housing issues. The Legal Services Trust Fund Commission requests approval of the distribution of those funds, less administrative costs, through a competitive grant process as set forth in the Budget Act.

Recommendation: The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 20, 2022:

1. Approve the distribution of \$15 million of Equal Access funds to the State Bar for distribution to eligible legal services agencies to provide assistance with consumer debt matters for FY 2022-23 according to the terms of the Budget Act; and
2. Approve the distribution of \$30 million of Equal Access funds to the State Bar for distribution to eligible legal services agencies to provide assistance with housing-related matters according to the terms of the Budget Act.

[22-155](#)

Equal Access Fund | Federal Coronavirus Fiscal Recovery Fund for Housing Issues-Distribution Report (Action Required)

Summary: The Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43) includes \$20 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the Equal Access Fund for distribution to legal services providers and support centers to assist with issues relating to housing matters, including eviction defense or other landlord-tenant disputes, or services to prevent foreclosure for homeowners. The State Bar Legal Services Trust Fund Commission requests approval of the distribution of the \$20 million, less administrative costs, as set forth according to the formula specified in the Budget Act.

Recommendation: The Legal Services Trust Fund Commission recommends that the Judicial

Council, effective September 20, 2022, approve distribution of \$20 million in Equal Access Fund housing funds from the Coronavirus Fiscal Recovery Fund of 2021 to the State Bar for those legal services agencies that previously applied for and were determined to meet the eligibility requirements stated in the Budget Act.

[22-126](#)**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*. The proposed revisions include new requirements for the Disabled Veteran Business Enterprise program and the addition of a cross-reference to the financial policies manual to facilitate courts' access to information on encumbering funds in connection with contracting and procurement.

Recommendation: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council, effective October 1, 2022, adopt proposed revisions to the *Judicial Branch Contracting Manual*.

[22-115](#)**Jury Instructions | Criminal Jury Instructions (2022 Supplement) (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 2022 supplement of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

Recommendation: The Advisory Committee on Criminal Jury Instructions recommends that the Judicial Council, effective September 20, 2022, approve the following changes to the criminal jury instructions prepared by the committee:

1. Adoption of new CALCRIM Nos. 908 and 1704; and
2. Revisions to CALCRIM Nos. 207, 505, 506, 507, 521, 571, 580, 850, 1021, 1036, 1051, 1060, 1141, 1181, 1192, 1193, 1300, 1403, 2040, 2131, 2500, 2670, 2672, 3149, 3150, 3406, 3456, 3457, and 3472.

[22-152](#)**Juvenile Law | Fiscal Year 2022-23 Funding Allocation for California Court Appointed Special Advocate Association (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends approving the allocation of \$20 million in Court Appointed Special Advocate program grant funding, included in the Budget Act of 2022, to the California Court Appointed Special Advocate Association for fiscal year 2022-23.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective September 20, 2022:

1. Allocate \$20 million in General Fund appropriations for the California Court Appointed Special Advocate (CASA) Association for fiscal year 2022-23 and specified by the Budget Act of 2022 (AB 178) to:
 - a. Provide funding to the local CASA programs to expand capacity, recruitment, and training and to stabilize local budgets and staffing; and
 - b. Be used statewide for volunteer recruitment initiatives, shared resources and infrastructure, development of training curriculum, collection of data on program implementation and outcomes to support the required report to the Legislature, and other uses to expand CASA services in the state; and
2. Direct the California CASA Association to:
 - a. Allocate \$16 million to local CASA programs using an equitable funding methodology based on local CASA program needs; and
 - b. Collect, compile, and submit data to the Judicial Council, as determined in collaboration with Judicial Council program staff, on program implementation and outcomes to support the required report to the Legislature, and other uses to expand CASA services in the state.

[22-173](#)**Report to the Legislature | California Community Corrections Performance Incentives Act of 2009 (Action Required)**

Summary: The Criminal Justice Services office recommends receiving *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2022)* and directing 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.

- Recommendation:** The staff of Criminal Justice Services recommends that the Judicial Council, effective September 20, 2022:
1. Receive *Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2022)*, documenting program history, findings, and recommendations related to the California Community Corrections Performance Incentives Act of 2009 (Sen. Bill 678; Stats. 2009, ch. 608); and
 2. Direct the Administrative Director to submit this report to the California Legislature and the Governor by September 30, 2022, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the Senate Bill 678 program, to

comply with Penal Code section 1232.

[22-176](#)**Rules and Forms | Appellate Procedure and Juvenile Law:
Transfer of Jurisdiction to Criminal Court and Appeal From
Transfer Orders (Action Required)**

Summary: In 2018, the Legislature passed Senate Bill 1391 (Lara; Stats. 2018, ch. 1012), which amended Welfare and Institutions Code section 707 to provide that a minor 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. The Judicial Council took action to implement these age-related changes in the jurisdiction of the juvenile court in 2019 but revoked that action when a split of authority within the California Courts of Appeal arose as to whether these changes were enacted in a constitutional manner. That split was resolved by the California Supreme Court in 2021 in favor of the constitutionality of the legislation. Additionally, legislation was enacted in 2021 to provide an expedited review on the merits from an order granting a motion to transfer. The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee propose adopting a new rule of court, amending several other rules, and revising two forms pertaining to the transfer-of-jurisdiction process and juvenile appeals to reflect both legislative changes to the transfer statutes.

Recommendation: The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2023:

1. Adopt California Rules of Court, rule 8.417 to govern the appeal of orders transferring jurisdiction from juvenile to criminal court;
2. Amend California Rules of Court, rules 5.766, 5.768, and 5.770 to implement statutory and recent case law changes pertaining to the transfer-of-jurisdiction process and update terminology;
3. Amend California Rules of Court, rules 5.770, 8.50, 8.60, 8.63, 8.404, 8.406, 8.409, and 8.412 to clarify and implement new statutory provisions pertaining to appeals of orders transferring jurisdiction from juvenile to criminal court;
4. Revise *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to reflect recent changes in the transfer statute and case law, and update terminology; and
5. Revise *Notice of Appeal--Juvenile* (form JV-800) to include specific provisions concerning appeals of transfer of jurisdiction orders.

[22-157](#)**Rules and Forms | CEQA Actions: New Projects and Fees for
Expedited Review (Action Required)**

Summary: As mandated by the Legislature, the Judicial Council previously adopted rules and established procedures that implemented a statutory scheme for the expedited

resolution of actions and proceedings brought under the California Environmental Quality Act (CEQA) challenging certain projects that qualified for such streamlined procedures. The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending several California Rules of Court to implement new and reenacted legislation requiring inclusion of additional projects for streamlined review. The committees also recommend rule amendments to implement statutory provisions requiring that, in cases under two of the statutes, the council, by rule of court, establish fees to be paid by those project applicants to the trial court and Court of Appeal for the costs of streamlined CEQA review.

- Recommendation:** The Appellate Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective January 1, 2023:
1. Amend California Rules of Court, rules 3.2200, 3.2220, 3.2221, 3.2223, 8.700, 8.702, and 8.703 to add “environmental leadership transit projects” as a “streamlined CEQA project”; and
 2. Amend rules 3.2240 and 8.705 to implement statutory provisions requiring the payment of trial court and appellate court costs for review of cases concerning “environmental leadership development projects” and “environmental leadership transit projects.”

[22-161](#)

Rules and Forms | Civil Law and Family Law: Request to Enter Default Forms Under the Servicemembers Civil Relief Act (Action Required)

Summary: The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee jointly propose that the Judicial Council revise six forms so that they comply with the Servicemembers Civil Relief Act and reflect the act’s current title and legal citation. The revisions are intended to address concerns by courts that the forms are noncompliant with the act because they do not include a declaration as to how the petitioner/plaintiff determined the respondent’s/defendant’s nonmilitary status before requesting default judgment, and to make other minor technical revisions as appropriate. The joint proposal seeks to ensure that the declarations of nonmilitary status on civil and family law forms are consistent to the extent appropriate.

- Recommendation:** The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee jointly recommend that the Judicial Council, effective January 1, 2023:
1. Revise the declaration of nonmilitary status in the following forms to (1) comply with section 3931(b) of the Servicemembers Civil Relief Act (SCRA) by providing a way for the petitioner/plaintiff to state facts necessary to support a declaration regarding the nonresponding party’s nonmilitary status, and (2) include information that may help the petitioner/plaintiff determine the nonresponding party’s military status and how to proceed depending on that determination:

- Item 8 of *Request for Entry of Default* (form CIV-100);
 - Item 9 of *Request for Entry of Default* (form CIV-105);
 - Item 5 of *Request to Enter Default* (form FL-165); and
 - Item 3 of *Request to Enter Default Judgment* (form FL-620).
2. Revise the following forms to update the title and citation of the SCRA:
- *Appearance, Stipulations, and Waivers* (form FL-130); and
 - *Declaration and Conditional Waiver of Rights Under the Servicemembers Civil Relief Act of 2003* (form FL-130(A)).

[22-162](#)**Rules and Forms | Court Records: Retention of Reporters' Transcripts in Felony Appeals (Action Required)**

Summary: To better align the length of time reporters' transcripts must be kept with the length of time they may be needed and to conform to a recent statutory change, the Appellate Advisory Committee recommends amending the rule regarding retention of Court of Appeal records. The amendments would extend the time the Court of Appeal must keep the original or an electronic copy of the reporter's transcript from 20 years to 75 years in cases affirming a felony conviction. The amendments would also reflect the statutory presumption that an original reporter's transcript is in electronic form, not paper form.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 10.1028(d) of the California Rules of Court to add new paragraph (3) to require the Court of Appeal to retain the original or an electronic copy of the reporter's transcript in cases affirming a felony conviction for 75 years; and
2. Amend rule 10.1028(d)(2) and the advisory committee comment to reflect the statutory requirement that an original reporter's transcript must be in electronic form unless a specified exception allows for an original paper transcript.

[22-094](#)**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 amendments to Penal Code section 1473.7(a)(1). Additionally, the revisions implement case law to (1) clarify the out-of-custody requirement; (2) include a request for appointment of counsel; and (3) add and clarify provisions around timeliness in filing the motion. The revisions also include nonsubstantive, technical amendments to simplify the language in the motion to aid self-represented petitioners and conform to the statutory language.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective September 21, 2022, revise *Motion to Vacate Conviction or Sentence* (form CR-187) and *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to:

1. Reflect statutory changes to Penal Code section 1473.7, which became effective January 1, 2022;
2. Incorporate case law clarifying the custody requirement, appointment of counsel, and timeliness in filing the motion;
3. Simplify language to aid self-represented petitioners; and
4. Conform to statutory language.

[22-170](#)**Rules and Forms | Domestic Violence: Rule and Form Changes to Implement New Laws (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends adopting five new Judicial Council forms and revising 19 forms to implement new laws enacted by Senate Bill 320 (Rubio; Stats. 2021, ch. 685), Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76), Senate Bill 374 (Min; Stats. 2021, ch. 135), Senate Bill 24 (Caballero; Stats. 2021, ch. 129), Senate Bill 538 (Rubio; Stats. 2021, ch. 686), and Assembly Bill 277 (Valladares; Stats. 2021, ch. 457). The committee also recommends revoking one form, which will be combined with an existing form, and repealing rule 5.495 of the California Rules of Court, which has been codified by SB 320.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Repeal rule 5.495 of the California Rules of Court;
2. Adopt five Judicial Council forms:
 - *City and State Where Children Lived* (form DV-105(A));
 - *Response to Request for Child Custody and Visitation Orders* (form DV-125);
 - *Prohibited Items Finding and Orders* (form DV-820);
 - *Noncompliance With Firearms and Ammunition Order, or Warrant* (form DV-830);
 - *Notice of Compliance Hearing for Firearms and Ammunition* (form DV-840/FL-840);
3. Revise 19 Judicial Council forms:
 - *Request for Domestic Violence Restraining Order* (form DV-100);
 - *Request for Child Custody and Visitation Orders* (form DV-105);
 - *Request for Order: No Travel With Children* (form DV-108), retitled as *Request for Orders to Prevent Child Abduction*;
 - *Notice of Court Hearing* (form DV-109);
 - *Temporary Restraining Order (Domestic Violence Prevention)* (form DV-110);
 - *Order on Request to Continue Hearing (Temporary Restraining Order)* (form DV-116);
 - *Response to Request for Domestic Violence Restraining Order* (form DV-120);
 - *How Can I Respond to a Request for Domestic Violence Restraining*

- Order?* (form DV-120-INFO);
- *Restraining Order After Hearing (Order of Protection)* (form DV-130);
 - *Child Custody and Visitation Order* (form DV-140);
 - *Order: No Travel With Children* (form DV-145), retitled as *Order to Prevent Child Abduction*;
 - *Proof of Personal Service* (form DV-200);
 - *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO);
 - *How Do I Ask for a Temporary Restraining Order?* (form DV-505-INFO), retitled as *How to Ask for a Domestic Violence Restraining Order*;
 - *Get Ready for the Restraining Order Court Hearing* (form DV-520-INFO), retitled as *Get Ready for Your Restraining Order Court Hearing*;
 - *How to Enforce Your Restraining Order* (form DV-530-INFO);
 - *Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252), retitled and renumbered as *Receipt for Firearms, Firearm Parts, and Ammunition* (form DV-800/JV-270);
 - *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-252-INFO), retitled and renumbered as *How Do I Turn In, Sell, or Store Firearms, Firearm Parts, and Ammunition?* (form DV-800-INFO/JV-270-INFO);
 - *Emergency Protective Order* (form EPO-001); and
4. Revoke one form: *Supervised Visitation and Exchange Order* (form DV-150).

[22-128](#)**Rules and Forms | Judicial Branch Education: Rules Review and Modernization (Action Required)**

Summary: The Center for Judicial Education and Research Advisory Committee recommends amending 19 rules of court governing judicial branch education. The amendments are required to recognize new education delivery methods, adopt current adult education terminology, provide court staff and judicial officers a greater degree of authority and flexibility in meeting their educational needs, resolve requirement disparities between similar groups, adopt gender-neutral language, and clarify and simplify existing language.

Recommendation: The Center for Judicial Education and Research Advisory Committee recommends that the Judicial Council, effective January 1, 2023, amend California Rules of Court, rules 2.812, 2.813, 2.815, 5.340, 10.452, 10.461-10.464, 10.468, 10.469, 10.471-10.474, 10.478, 10.479, 10.481, and 10.491 related to judicial branch education to generally provide judicial officers and the courts with greater clarity and flexibility in complying with the rules.

[22-133](#)**Rules and Forms | Revision of Unlawful Detainer Summons for Use in Forcible Entry and Forcible Detainer Cases (Action Required)**

Summary: The Civil and Small Claims Advisory Committee proposes that the Judicial Council revise form SUM-130, *Summons--Unlawful Detainer--Eviction*, to expand use of the mandatory form to expressly include forcible entry and forcible detainer proceedings. The revisions are intended to address confusion by courts and litigants as to whether form SUM-130 may be used in these types of proceedings.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2023, revise the title of form SUM-130 to expressly include forcible entry and forcible detainer proceedings among the types of proceedings for which the form may be used.

[22-134](#)**Rules and Forms | Family Law: Child Custody and Visitation in Cases Involving Abuse by Parent and Child Testimony (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends amending four California Rules of Court and revising three forms to comply with Senate Bill 654 (Stats. 2021, ch. 768). The bill amended Family Code section 3011 by extending the requirement that a court state its reasons when granting sole or joint custody to someone despite allegations of abuse or substance abuse against that person to orders granting unsupervised visitation to someone against whom there are allegations of abuse or substance abuse. The bill also amended Family Code section 3042 regarding child testimony to prohibit allowing the child to testify in front of the parties unless specific findings are made, and to require that certain court professionals provide notice if a child changes their choice about addressing the court.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 5.210 of the California Rules of Court, Court-connected child custody mediation, to include the obligations of a child custody recommending counselor to give notice about a child's desire to provide input and a child's change of choice about addressing the court under section 3042.
2. Amend rule 5.220, Court-ordered child custody evaluations, to include the obligations of a child custody evaluator to give notice about a child's desire to provide input and a child's change of choice about addressing the court under section 3042.
3. Amend rule 5.242, Qualifications, rights, and responsibilities of counsel appointed to represent a child in family law proceedings, to update counsel's obligations to give notice about a child's desire to provide input and include counsel's obligation to give notice if the child has changed their choice about

addressing the court under section 3042.

4. Amend rule 5.250, Children's participation and testimony in family court proceedings, to include the obligations of all court professionals required to give notice under Family Code section 3042.
5. Revise *Child Custody and Visitation (Parenting Time) Application Attachment* (form FL-311) to add a request for child custody and unsupervised visitation orders involving allegations of a history of abuse or substance abuse under Family Code section 3011, and make other formatting changes.
6. Revise *Order Appointing Counsel for a Child* (form FL-323) to include counsel's duties under Family Code section 3042 to give notice about a child's desire to provide input and a child's change of choice about addressing the court, and make other formatting changes.
7. Revise *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341) to make formatting changes, and include a new section for the court to make orders on a request for child custody and unsupervised visitation orders involving allegations of a history of abuse or substance abuse under Family Code section 3011.

[22-160](#)

Rules and Forms | Family Law: Recognition of Tribal Court Orders Relating to Division of Marital Assets (Action Required)

Summary: The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2023, adopt two new forms to implement Assembly Bill 627 (Stats. 2021, ch. 58). This was Judicial Council-sponsored legislation that added section 2611 to the Family Code and revised various provisions of the Tribal Court Civil Money Judgment Act found in the Code of Civil Procedure. The provisions ensure that divorce or dissolution judgments issued by tribal courts that include division of pension assets are effective and, in particular, are recognized as meeting the requirements of the Employee Retirement Income Security Act of 1974 (ERISA). AB 627 mandated that the Judicial Council adopt forms to implement the legislation.

Recommendation: The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that the Judicial Council, effective January 1, 2023, adopt:

1. *Joint Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-540); and
2. *Application for Recognition of Tribal Court Order Dividing Retirement Plan or Other Deferred Compensation* (form FL-541).

[22-168](#)

Rules and Forms | Guardianship Objection (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends approving one form for optional use by parents, relatives, and other interested persons to object to a petition to appoint a probate guardian for a minor child. In guardianship

proceedings, most parties and interested persons are self-represented. The petitions, forms GC-210 and GC-210(P), provide a framework for petitioners to specify their requests and allegations in appropriate categories. There is currently no Judicial Council form for objecting to a guardianship petition. Courts and self-help centers have indicated that the lack of a simple, standard form places objectors at a disadvantage and often leaves courts unable to discern the bases for objections. The proposed form is intended to address these concerns.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023, approve *Objection to Petition for Appointment of Guardian* (form GC-215) for optional use to file or structure an objection to a petition for appointment of a guardian in probate court.

[22-165](#)

Rules and Forms | Juvenile Law: Housing and Food Security for Youth Exiting Foster Care (Action Required)

Summary: To conform to recent statutory changes, the Family and Juvenile Law Advisory Committee recommends revising, on three forms, (1) the information that must be provided to the juvenile court about a youth's housing plans when exiting foster care, enacted by Assembly Bill 546; and (2) the written information that must be provided to the youth at the review hearing before the youth turns 18 years old, enacted by Assembly Bill 674.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, revise:

1. *Review Hearing for Youth Approaching 18 Years of Age--Information, Documents, and Services* (form JV-362) and *Review Hearing for Youth 18 Years of Age or Older--Information, Documents, and Services* (form JV-363) to include items about the youth's housing plans and information about CalFresh food benefits; and
2. *Termination of Juvenile Court Jurisdiction-Nonminor* (form JV-365) to include items about the youth's housing plans and information about CalFresh food benefits, and to correct statutory references.

[22-171](#)

Rules and Forms | Juvenile Law: Restraining Orders (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending three rules of the California Rules of Court, and adopting eight forms and revising five forms, to conform to recent statutory changes enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Senate Bill 374 (Min; Stats. 2021, ch. 135) regarding the definition of "disturbing the peace" in restraining order cases and Senate Bill 320 (Eggman; Stats. 2021, ch. 685) and Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76) regarding firearms and ammunition prohibitions. The proposal also provides separate application and order forms relating to restraining orders against a juvenile and includes one new proof of service form to ensure the juvenile restraining orders are entered into the California Law Enforcement

Telecommunications System (CLETS) database. At the same time, the committee recommends converting the forms to plain-language forms so that they are consistent with other restraining order forms and are easier to understand, complete, and enforce.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 5.620 to use the new plain-language titles of the forms referenced in the rule;
2. Amend rule 5.625 to add two new forms on which to prepare restraining orders when the restrained person is a child in a juvenile justice (delinquency) proceeding and to use the new plain-language titles of the other forms referenced in the rule;
3. Amend rule 5.630 to add three new forms to request and prepare restraining orders when the restrained person is the child in a juvenile justice (delinquency) proceeding, use the new plain-language titles of the other forms referenced in the rule, and make other clarifying changes;
4. Adopt *Order on Request to Reschedule Restraining Order Hearing* (form JV-253) (previously part of form JV-251) as a mandatory form for use when the court grants or denies a request to reschedule a restraining order hearing;
5. Adopt *Request for Juvenile Restraining Order Against a Child* (form JV-258) as a mandatory form for use when requesting a restraining order against a child in a juvenile justice (delinquency) proceeding;
6. Adopt *Response to Request for Juvenile Restraining Order Against a Child* (form JV-259) as a mandatory form for a child in a juvenile justice proceeding to use if someone has asked for a restraining order against them and they want to respond in writing;
7. Adopt *Notice of Court Hearing and Temporary Restraining Order Against a Child* (form JV-260) as a mandatory form to provide notice to a child in a juvenile justice proceeding of a hearing on a request for a restraining order against them and to make temporary orders pending that hearing;
8. Adopt *Juvenile Restraining Order After Hearing--Against a Child* (form JV-265) as a mandatory form to make orders for a child in a juvenile justice proceeding;
9. Adopt *Proof of Personal Service* (form JV-268) as a mandatory form to inform the court of the documents given to the party sought to be restrained;
10. Adopt *Prohibited Items Findings and Orders* (form JV-272) as a mandatory form to use for findings that the restrained person has firearms or ammunition prohibited by the restraining order; set a hearing to review compliance; and to tell the restrained person if they do not provide proof of compliance, the prosecuting agency will be notified;
11. Adopt *Noncompliance With Firearms and Ammunition Order* (form JV-274) as a mandatory form to provide notice of noncompliance to the prosecuting agency and notice of outstanding warrants to the law enforcement

agency;

12. Revise *Request for Restraining Order--Juvenile* (form JV-245) to include items about notice, firearm parts and ammunition, and coercive control, to convert the form to plain-language format, and to retitle the form as *Request for Juvenile Restraining Order*;
13. Revise *Answer to Request for Restraining Order--Juvenile* (form JV-247) to include items about firearm parts and ammunition, to provide the person responding with an opportunity to state whether they agree with the requested orders, to convert the form to plain-language format, and to retitle the form as *Response to Request for Juvenile Restraining Order*;
14. Revise *Notice of Hearing and Temporary Restraining Order--Juvenile* (form JV-250) to include items about firearm parts, ammunition, and coercive control; convert the form to plain-language format and retitle the form as *Notice of Court Hearing and Temporary Restraining Order--Juvenile*;
15. Revise *Request and Order to Continue Hearing* (form JV-251) to make it a request only, to convert it to plain-language format, and to retitle it as *Request to Reschedule Restraining Order Hearing*;
16. Revise *Restraining Order--Juvenile* (form JV-255) to include items about firearm parts, ammunition, and coercive control; convert the form to plain-language format; and retitle it as *Juvenile Restraining Order After Hearing*;

[22-164](#)

Rules and Forms | Juvenile Law: Short-Term Residential Therapeutic Program Placement (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes amending three rules and adopting, approving, and revising 30 Judicial Council forms, effective January 1, 2023, to finalize the implementation of Assembly Bill 153. AB 153 implements part IV of the federal Family First Prevention Services Act of 2018, which requires participating states to create a process of judicial review for each placement of a foster youth in a congregate care placement. This is the second time the proposal circulated for public comment. The proposal initially circulated in spring 2021, before AB 153 was signed into law. Additional requirements created by AB 153 for status review hearings and not addressed in the previous proposal are incorporated into this proposal.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 5.618 of the California Rules of Court to improve the efficiency and fairness of the procedure for juvenile courts to approve or disapprove a placement in a short-term residential therapeutic program or community treatment facility;
2. Amend rule 5.697 of the California Rules of Court regarding the disposition hearing for a nonminor to conform the rule to requirements related to Assembly Bill 153;

3. Amend rule 5.903 of the California Rules of Court regarding the nonminor dependent status review hearing to conform the rule to requirements related to AB 153 and eliminate statutory redundancy;
4. Adopt a new Judicial Council form, *Notice of Request for Approval of Short-Term Residential Therapeutic Program or Community Treatment Facility Without a Hearing* (form JV-240), to provide notice to parties of a request to review a short-term residential therapeutic program placement or community treatment facility without a hearing;
5. Approve a new Judicial Council form, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)), to address new required findings created by AB 153; and
6. Revise 28 Judicial Council forms to conform them to requirements related to AB 153 and the court's review of a placement in a short-term residential therapeutic program or community treatment facility and to make other revisions to improve consistency and accuracy:
 - *Placing Agency's Request for Review of Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-235)
 - *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236)
 - *Proof of Service--Short-Term Residential Therapeutic Program or Community Treatment Facility Placement* (form JV-237)
 - *Notice of Hearing on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-238)
 - *Order on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-239)
 - *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320)
 - *Findings and Orders After Detention Hearing* (form JV-410)
 - *Dispositional Attachment: Removal From Custodial Parent--Placement With Nonparent* (form JV-421)
 - *Findings and Orders After Six-Month Status Review Hearing* (form JV-430)
 - *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432)
 - *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433)
 - *Findings and Orders After 12-Month Permanency Hearing* (form JV-435)
 - *Twelve-Month Permanency Attachment: Reunification Services Continued* (form JV-437)
 - *Twelve-Month Permanency Attachment: Reunification Services*

- Terminated* (form JV-438)
- *Findings and Orders After 18-Month Permanency Hearing* (form JV-440)
 - *Eighteen-Month Permanency Attachment: Reunification Services Terminated* (form JV-442)
 - *Eighteen-Month Permanency Attachment: Reunification Services Continued* (form JV-443)
 - *Findings and Orders After Postpermanency Hearing--Parental Rights Terminated; Permanent Plan of Adoption* (form JV-445)
 - *Findings and Orders After Postpermanency Hearing Permanent Plan Other Than Adoption* (form JV-446)
 - *Findings and Orders After 24-Month Permanency Hearing* (form JV-455)
 - *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated* (form JV-457)
 - *Dispositional Attachment: Nonminor Dependent* (form JV-461(A))
 - *Findings and Orders After Nonminor Dependent Status Review Hearing* (form JV-462)
 - *Initial Appearance Hearing--Juvenile Delinquency* (form JV-642)
 - *Custodial and Out-of-Home Placement Disposition Attachment* (form JV-667)
 - *Findings and Orders After Six-Month Prepermanency Hearing--Delinquency* (form JV-672)
 - *Findings and Orders After Permanency Hearing--Delinquency* (form JV-674)
 - *Findings and Orders After Postpermanency Hearing--Delinquency* (form JV-678)

[22-163](#)

Rules and Forms | Language Referring to Persons With Disabilities (Action Required)

Summary: The Appellate Advisory Committee recommends updating language in several rules and a form to reflect guidelines for referring to persons with disabilities, preferences within the disability community, and terminology changes in California statutes. The committee also recommends correcting several subdivision headings in one of the rule's advisory committee comments.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend California Rules of Court, rules 8.482, 8.483, and 8.631 to replace outdated language describing persons with disabilities with updated "person-first" language; and
2. Revise form APP-060, *Notice of Appeal-Civil Commitment/Mental Health Proceedings*, to update the language describing persons in civil commitment proceedings, reflecting the amendments to rule 8.483.

[22-147](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)**

Summary: Judicial Council staff have noted minor errors in *Confidential Child Custody Evaluation Report Under Family Code Section 3118* (form FL-329). Judicial Council staff recommend making corrections to that form to remove an extraneous check box and make other minor revisions to avoid causing confusion for the child custody evaluators, the parties, and judicial officers.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective September 22, 2022, revise *Confidential Child Custody Evaluation Report Under Family Code Section 3118* (form FL-329) to correct minor errors.

[22-146](#)**Rules and Forms | Miscellaneous Technical Changes to Criminal Rules and Forms (Action Required)**

Summary: Judicial Council staff recommend amending standard 4.30 of the California Standards of Judicial Administration to refer to a renumbered form, and revising four criminal forms to incorporate changes resulting from legislation. 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.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective January 1, 2023:

1. Amend standard 4.30 of the California Standards of Judicial Administration to replace references to the *Juror Questionnaire for Criminal Cases* from form MC-002 to form JURY-002, to reflect the renumbering of the form effective September 1, 2018;
2. Revise *Order for Victim Restitution* (form CR-110/JV-790) to delete a reference to administrative fees pursuant to former Penal Code section 1203.1(l), which was repealed by Assembly Bill 177 (Stats. 2021, ch. 257), and add mental health counseling fees as a restitution category pursuant to Penal Code section 1202.4(f)(3)(C);
3. Revise Instructions: *Order for Victim Restitution* (form CR-112/JV-792) to reflect proposed changes to *Order for Victim Restitution* (form CR-110/JV-790); and
4. Revise *Felony Abstract of Judgment-Determinate* (form CR-290) and *Abstract of Judgment--Prison Commitment--Indeterminate* (form CR-292) to replace references to resentencing under former Penal Code section 1170(d) with Penal Code section 1172.1, to reflect changes made by Assembly Bill 200 (Stats. 2022, ch. 58).

[22-135](#)**Rules and Forms | Parentage Actions Under AB 429 (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends the adoption of one new rule of court and a new confidential cover sheet, effective January 1, 2023, to comply with the mandate of Family Code section 7643.5, added by Assembly Bill 429 (Stats. 2021, ch. 52). The new form will be used by the petitioner to identify that the action or proceeding initially filed with the court to determine a parental relationship involves assisted reproduction under Family Code section 7613 or 7630(f), or sections 7960-7962, and to include information about the limitations on access to documents in such actions.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023, adopt:

1. Rule 5.51 of the California Rules of Court to comply with the mandate of Family Code section 7643.5; and
2. *Confidential Cover Sheet-Parentage Action Involving Assisted Reproduction* (form FL-211) to implement the requirements of Family Code section 7643.5.

[22-169](#)**Rules and Forms | Probate Conservatorship (Action Required)**

Summary: The Probate and Mental Health Advisory Committee recommends adopting one rule of court, amending three rules, repealing three rules, revising two forms, and revoking one form to implement requirements in Assembly Bill 1194 (Stats. 2021, ch. 417), which amended the procedural and substantive law governing the establishment, court oversight, and termination of probate conservatorships. Amendment of one rule and revision of one form are expressly mandated by statute. The committee also recommends further amendments and revisions to conform to existing law.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend California Rules of Court, rule 7.575(b) to eliminate language that repeats statutory provisions;
2. Adopt rule 7.576 to combine the provisions of existing rules 7.1052(c), 7.1053, and 7.1054, which address court approval of a conservator's final account, into a single rule and move them to chapter 12 of the Probate Rules, which addresses accounts and reports;
3. Repeal rules 7.1052, 7.1053, and 7.1054;
4. Amend rule 7.756 to reflect the amended statutory standard for determining an award of compensation to a conservator, guardian, or attorney for services rendered;
5. Amend rule 7.1060 to repeal subdivision (c), which provides for a procedure no longer authorized by statute;
6. Revise *Order Appointing Court Investigator* (form GC-330) and *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331) to reflect the investigator's duties as amended by

AB 1194 and to distinguish duties currently in effect from duties contingent on an appropriation of funds; and

7. Revoke *Order Setting Biennial Review Investigation and Directing Status Report Before Review* (form GC-332)), which implements a procedure no longer authorized by statute.

[22-167](#)

Rules and Forms | Probate Guardianship and Juvenile Dependency Information and Referral (Action Required)

Summary: The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one form, approving two forms, and revising three forms to implement statutory amendments affecting the relationship between probate guardianships and juvenile dependency proceedings. The new mandatory information form fulfills the statutory requirement to develop a form explaining the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court. One new optional form and two revised forms complete a thorough, up-to-date, and consistent set of information forms on probate guardianship and juvenile dependency cases. In addition, revisions to one form implement the amended process for probate court referral of a child who is the subject of a guardianship petition to the local child welfare agency for investigation of abuse or neglect and commencement of juvenile court proceedings. Approval of a new form gives the probate court an option for exercising its statutory authority to request juvenile court review of an agency's decision not to commence juvenile court proceedings in response to the court's referral.

Recommendation: The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend that the Judicial Council, effective January 1, 2023:

1. Adopt *Comparison of Guardians With Other Nonparent Caregivers* (form GC-207-INFO/JV-352-INFO) to explain the nature of a guardianship, the rights and duties of a guardian, and the services and supports available to a probate guardian compared with those available to a caregiver in the child welfare system and a guardian appointed by the juvenile court;
2. Approve *Information on Probate Guardianship of the Estate* (form GC-206-INFO) to provide separate and up-to-date information on probate guardianships of the estate;
3. Approve *Probate Court Request for Juvenile Court Review of Decision Not to Commence Proceedings* (form JV-213) for probate court use to request juvenile court review of a child welfare agency's decision not to commence juvenile court proceedings in response to the court's referral;
4. Revise *Guardianship Pamphlet* (form GC-205), retitled and renumbered as *Information on Probate Guardianship of the Person* (form GC-205- INFO), to provide separate and up-to date information on probate guardianships of the

person;

5. Revise *Becoming a Child's Guardian in Juvenile Court* (form JV-350-INFO), retitled as *Information on Juvenile Court Guardianship*, to provide up-to-date information on juvenile court guardianships; and
6. Revise *Application to Commence Proceedings by Affidavit and Decision by Social Worker* (form JV-210), retitled as *Application to Commence Juvenile Court Proceedings and Decision of Social Worker*, to add provisions for probate court use to refer a child for child welfare agency investigation and commencement of juvenile court proceedings.

[22-159](#)

Rules and Forms | Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends the adoption, approval, and revision of 12 forms to implement certain statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273). AB 1243 created a new cause of action whereby a restraining order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. The proposal incorporates these provisions into the council's elder abuse forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council take the following actions, effective January 1, 2023:

1. Adopt the following forms:
 - *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300);
 - *Notice of Court Hearing to Allow Contact* (form EA-309);
 - *Request to Continue Court Hearing on Request to Allow Contact* (form EA-315);
 - *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316);
 - *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-320); and
 - *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* (form EA-330);
2. Approve the following forms:
 - *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
 - *How to Ask for a New Date for a Hearing to Allow Contact* (form EA-315-INFO); and
 - *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO);
3. Revise the following forms:

- *Proof of Personal Service* (form EA-200);
- *What Is “Proof of Personal Service”?* (form EA-200-INFO); and
- *Proof of Service of Response by Mail* (form EA-250).

[22-175](#)

Rules and Forms | Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends the revision of 18 of the Judicial Council’s gun violence restraining order forms to implement statutory changes in Senate Bill 538 (Stats. 2021, ch. 686) and Assembly Bill 1621 (Stats. 2022, ch. 76). Assembly Bill 1621 amends the definition of “firearms” for the purpose of gun violence restraining orders to include certain firearm parts. Senate Bill 538 permits parties and witnesses to attend hearings on gun violence restraining orders remotely. The proposal incorporates these new provisions into the council’s forms and makes other minor changes to gun violence protective order forms.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

- *Gun Violence Emergency Protective Order* (form EPO-002);
- *Notice of Court Hearing* (form GV-009);
- *Response to Gun Violence Emergency Protective Order* (form GV-020);
- *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO);
- *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030);
- *Petition for Gun Violence Restraining Order* (form GV-100);
- *Can a Gun Violence Restraining Order Help Me?* (form GV-100- INFO);
- *Notice of Court Hearing* (form GV-109);
- *Temporary Gun Violence Restraining Order* (form GV-110);
- *Order on Request to Continue Hearing* (form GV-116);
- *Response to Petition for Gun Violence Restraining Order* (form GV-120);
- *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO);
- *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125);
- *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (GV-130);
- *Notice of Hearing on Request to Renew Gun Violence Restraining Order* (form GV-710);
- *Order on Request to Renew Gun Violence Restraining Order* (form GV-730);
- *Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or*

Stored (GV-800), retitled Receipt for Firearms, Firearms Parts, Ammunition, and Magazines; and

- *How Do I Turn In, Sell, or Store My Firearms, Ammunition, or Magazines? (form GV-800-INFO), retitled How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, Ammunition, and Magazines?*

[22-149](#)

Rules and Forms | Remove Reporting Requirement for Courts With Mandatory Electronic Filing (Action Required)

Summary: The Information Technology Advisory Committee recommends amending a rule of the California Rules of Court that requires trial courts with mandatory electronic filing to submit reports about their electronic filing programs to the Judicial Council. The committee recommends amending the rule to remove the requirement because the reports are no longer needed.

Recommendation: The Information Technology Advisory Committee recommends that the Judicial Council, effective January 1, 2023, amend rule 2.253 of the California Rules of Court to remove subdivision (b)(7) from the rule.

[22-166](#)

Rules and Forms | Small Estate Disposition (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends revising two forms used in proceedings for the summary disposition of property in estates of small value. Effective April 1, 2022, and without circulation for comment, the Judicial Council adopted one form and revised three forms, including the two in this report, to comply with a statutory mandate to adjust dollar amounts related to small estate disposition and to publish the adjusted amounts. Having circulated the forms for comment, the committee now recommends these revisions.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Revise *Affidavit re: Real Property of Small Value* (form DE-305) to clarify that the declarant must attach form DE-300 to the affidavit if the decedent died on or after April 1, 2022; and
2. Revise *Petition to Determine Succession to Real Property* (form DE-310) to clarify that the declarant must attach form DE-300 to the petition if the decedent died on or after April 1, 2022, and to make technical changes to improve usability.

DISCUSSION AGENDA

[22-179](#)

Department of Finance Presentation (No Action Required. There are no materials for this item.)

[22-151](#)**Judicial Branch Technology | Court Technology Modernization Funding, Fiscal Years 2021-22 and 2022-23 (Action Required)**

Summary: The Budget Act of 2022 appropriated funding for judicial branch technology modernization. The Judicial Council has directed the Technology Committee to recommend funding allocations and provide regular updates on approved allocations. These allocations are intended to modernize court operations through technology. The Technology Committee recommends that the Judicial Council allocate approximately \$12.5 million to trial and appellate courts for fiscal year 2022-23, as itemized in the attached summary. The recommended allocations would support projects that align with the judicial branch's technology goals, while allowing individual courts to expand their use of technology to best meet their particular needs.

Recommendation: The Technology Committee recommends that, effective September 20, 2022, the Judicial Council approve the proposed allocations as itemized in the attached Court Technology Modernization Funding: Proposed Allocations for Fiscal Year 2022-23.

A motion to approve the recommendation was made by Ms. Nelson and seconded by Justice Corrigan. The motion was adopted.

[22-138](#)**Trial Court Budget | 2022-23 Assembly Bill 177 Allocation Methodology (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends approval of a new allocation methodology for \$10.3 million ongoing General Fund included in the Budget Act of 2022 to backfill the loss of fee revenue to trial courts due to the repeal of administrative fees authorized by Assembly Bill 177 (Stats. 2021, ch. 257).

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 20, 2022, approve a two-year average revenue collection allocation methodology for \$10.3 million ongoing General Fund backfill to the trial courts as outlined below:

1. Use the average of 2018-19 and 2019-20 applicable revenue collections of \$10.5 million and \$10.1 million to determine each court's percentage share of the backfill funding;
2. Allocate the \$10.3 million proportionally based on the percentages identified;
3. Allocate the remaining funds based on the same percentages to reach the total \$10.3 million funding amount; and
4. Exclude revenues collected in 2020-21 in the amount of \$7.7 million from the allocation methodology as they are atypical compared to revenue collections prior to the COVID-19 pandemic.

A motion to approve the recommendation was made by Judge Hopp and seconded by Judge Brazile. The motion was adopted.

[22-181](#)**Allocations and Reimbursements to Trial Courts | Funding for Court Reporters in Family Law and Civil Law Case Types (Action Required)**

Summary: Senate Bill 170 amended the 2021 Budget Act and included \$30 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to increase the number of court reporters in family law and civil cases. The budget language in the 2022 Budget Act expanded the use of this funding; however, these changes do not impact how these funds are allocated to the courts. The Trial Court Budget Advisory Committee recommends approving a proportional allocation of the ongoing \$30 million to all trial courts for 2022-23.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the \$30 million allocation to each trial court as outlined in Attachment A. Furthermore, included in the council's motion to approve the recommendation, the annual reconciliation process shall consider the provisional language contained in the 2022 Budget Act, as follows:

Of the amount appropriated in Schedule (1), \$30,000,000 shall be allocated by the Judicial Council in a manner that ensures all courts are allocated funds to be utilized to increase the number of official court reporters in family and civil law cases. This funding may be used for recruitment and retention purposes, filling existing vacancies, converting part-time positions to full-time positions, increasing salary schedules, and providing signing and retention bonuses to enable trial courts to compete with private employers in the labor market. This funding shall not supplant existing trial court expenditures on court reports in family law and civil law cases. Any unspent funds shall revert to the General Fund.

A motion to approve the recommendation was made by Ms. Nelson and seconded by Mr. Yamasaki. The motion was adopted.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[22-148](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 4 and Annual Summary for Fiscal Year 2021-22**

Summary: This informational report to the Judicial Council outlines (1) allocations of facility modification funding made to improve trial court facilities in the fourth quarter (April through June) of fiscal year 2021-22, and (2) a summary of all funding allocations during the fiscal year. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[22-150](#)**Judicial Branch Education | Report on Compliance With Education Rule 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 2019-2021 education cycle, which concluded on December 31, 2021.

[22-037](#)**Trial Courts | Annual Investment Report for Fiscal Year 2021-22**

Summary: This annual investment report covers the period from July 1, 2021, through June 30, 2022, 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 the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Public Comment

Written comments were provided to the council members and filed in the record. No members of the public (speakers) requested to address the council on general matters of judicial administration or on specific agenda items during the meeting.

Circulating Orders[22-139](#)**Circulating Orders since the last business meeting.****Appointment Orders**[22-140](#)**Appointment Orders since the last business meeting.****Adjournment**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:28 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on December 2, 2022.