



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-062

For business meeting on: January 20, 2023

Title

Rules Committee Report to the Judicial Council

Agenda Item Type

Information Only

Submitted by

Rules Committee
Hon. Carin T. Fujisaki, Chair
Hon. Kevin C. Brazile, Vice-Chair

Date of Report

January 6, 2023

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Executive Summary

The Rules Committee establishes and maintains the Judicial Council rule-making process and assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. Among other actions, the committee “[r]ecommends whether the council should approve, modify, or reject each proposal.” (Cal. Rules of Court, rule 10.13(c)(1).)

This report describes the committee’s activities since the December 2, 2022, Judicial Council meeting—the last meeting at which there was a Rules Committee report. It also includes the committee’s recommendation that the council approve the rules and forms proposal identified below that is on the council’s agenda for the January meeting.

Overview of Committee Meetings

Since the last meeting of the council, the Rules Committee has met by videoconference two times.

On December 8, 2022, the Rules Committee met by videoconference to consider:

- Nine proposals recommended by advisory committees to circulate for comment during the winter cycle.

- A recommendation from the Family and Juvenile Law Advisory Committee proposing revisions to four forms to conform to recent statutory changes to section 300 of the Welfare and Institutions Code. The committee also recommended correcting a form recently updated in a proposal implementing the federal Family First Prevention Services Act.

Action: The Rules Committee approved circulation of the nine rules and forms proposals, which are posted for public comment through January 20. Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the May12 business meeting. The committee also gave final approval to the Family and Juvenile Law Advisory Committee’s proposal to go forward to the council’s consent agenda for the January 20 meeting.

On December 13, 2022, the Rules Committee met by videoconference to consider:

- Two proposals recommended by advisory committees to circulate for comment during the winter cycle.
 - Jury Instructions: Public Access and Publication
 - Rules and Forms: Community Assistance, Recovery, and Empowerment Act (CARE Act).

Action: The Rules Committee approved the two rules and forms proposals for circulation, the first of which is posted for public comment through January 20 and the second (the CARE Act proposal) through January 27. Following public comment and review by the proponent committees and the Rules Committee, the proposals are expected to come before the council at the May12 business meeting.

Recommendation to the Judicial Council

The Rules Committee recommends council approval of the one rules and forms proposal identified above which is on the council’s consent agenda for the January meeting.