



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27–28, 2016

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Title	Agenda Item Type
Juvenile Law: Court Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 5.504	January 1, 2017
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	August 16, 2016
Hon. Jerilyn L. Borack, Cochair	Contact
Hon. Mark A. Juhas, Cochair	Audrey Fancy, 415-865-7706 <a href="mailto:audrey.fancy@jud.ca.gov">audrey.fancy@jud.ca.gov</a>

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### Executive Summary

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

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2017, amend subdivision (c)(2) of rule 5.504 of the California Rules of Court to extend to January 1, 2019 the date by which courts are required to implement mandatory Judicial Council juvenile forms.

Text of the amended rule is attached at page 3.

### Previous Council Action

In 2006, after several courts expressed concern about how to incorporate mandatory juvenile forms for court orders into their case management systems and paper processes (e.g. use of legal

size NCR paper), given varying local form practices and the pending implementation of the California Case Management System (CCMS), the Judicial Council approved amending California Rule of Court, rule 5.504(c)(2), effective January 1, 2007, to permit juvenile courts to generate modified versions of mandatory Judicial Council forms. This portion of the rule was set to sunset on January 1, 2012, with the expectation that the CCMS would have been implemented by this date.

Effective January 1, 2012, the Judicial Council amended rule 5.504 of the California Rules of Court to grant courts an extra five years to produce modified versions of mandatory juvenile court order forms. The Judicial Council also acted to change most mandatory delinquency court order forms to optional court order forms.

### **Rationale for Recommendation**

This amendment would extend the life of rule 5.504(c)(2) for an additional two years to ensure that local courts can continue to have the flexibility to use their preferred formatting for juvenile court orders. During this two-year period the committee anticipates further activity on the Rules Modernization Project, a branchwide effort led by the Information Technology Advisory Committee, to comprehensively review and modernize the California Rules of Court so that the rules will be consistent with, and foster, modern e-business practices.

The extension of the sunset date is unlikely to generate controversy. When the original version of rule 5.504 was circulated for comment in 2006, the committee did not recommend a sunset date. No commentators are on record as having requested a sunset. The committee inserted the sunset date after comment, however, in anticipation that CCMS would be completed and online by January 1, 2012. The initial extension to January 1, 2017 was enacted as a technical change without circulation for comment to allow for implementation of CCMS.

### **Comments, Alternatives Considered, and Policy Implications**

This proposal has not been circulated for public comment. While this is a substantive change, as noted above, it is a minor change unlikely to create controversy and is therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).) As noted above, when the rule initially circulated it did not include a sunset date nor were any comments received.

### **Implementation Requirements, Costs, and Operational Impacts**

The committee does not anticipate that this proposal will result in costs to the courts and it is likely to create savings for courts that otherwise would need to incorporate mandatory court forms into processes in the traditional format or into local case management systems.

### **Attachments and Links**

1. Cal. Rules of Court, rule 5.504, at page 3

Rule 5.504 of the California Rules of Court is amended, effective January 1, 2017, to read:

**Rule 5.504. Judicial Council forms**

**(a)–(b) \* \* \***

**(c) Implementation of new and revised mandatory forms**

To help implement mandatory Judicial Council juvenile forms:

- (1) New and revised mandatory forms produced by computer, word-processor printer, or similar process must be implemented within one year of the effective date of the form. During that one-year period the court may authorize the use of a legally accurate alternative form, including any existing local form or the immediate prior version of the Judicial Council form.
- (2) Until January 1, 2017~~9~~, a court may produce court orders in any form or format as long as:
  - (A) The document is substantively identical to the mandatory Judicial Council form it is modifying;
  - (B) Any electronically generated form is identical in both language and legally mandated elements, including all notices and advisements, to the mandatory Judicial Council form it is modifying;
  - (C) The order is an otherwise legally sufficient court order, as provided in rule 1.31(g), concerning orders not on Judicial Council mandatory forms; and
  - (D) The court sends written notice of its election to change the form or format of the mandatory form to the Family and Juvenile Law Advisory Committee and submits additional informational reports as requested by the committee.