



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on May 18–19, 2017

Title

Rules and Forms: Miscellaneous Technical
Changes

Agenda Item Type

Action Required

Effective Date

September 1, 2017

Date of Report

April 5, 2017

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 1.31,
3.1546, 4.155, 5.130, and 10.3; revise forms
DV-800/JV-252, FW-008, MC-010, MC-011,
and WG-005

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Recommended by

Judicial Council staff
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Executive Summary

Various members of the 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 recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommends that the council, effective September 1, 2017:

1. Amend rule 1.31(e) to reflect the sunset of rule 7.101.5. Rule 7.101.5 was repealed by its own provisions effective January 1, 2012.
2. Amend rule 3.1546(c)(3) to correctly reference the title of form EJT-004.
3. Amend rule 4.155(a) to correct a reference from “Penal Code section 1037c” to “Penal Code section 1037.”

4. Amend rule 5.130(c) to correct a reference from “5.92(a)(6)(A)–(C)” to “5.92(f)(1)–(3).” Rule 5.92 was amended effective July 1, 2016, to eliminate paragraph (a)(6) and move the service requirements to a new subdivision (f).
5. Amend rule 10.3(b) to correctly reference rule 10.10(e).
6. Revise form DV-800/JV-252, footer on page 1, to change a reference from “5.488” to “5.495.”
7. Revise form FW-008, item 5(a), to correct “our” to “your.”
8. Revise forms MC-010 and MC-011 to reflect changes to Code of Civil Procedure, section 1033.5, regarding fees for interpreters and electronic filing or service, as well as a change from the word “blowups” to “enlargements.”
9. Revise form WG-005 to correct the instructions on page 1 from “the mailing information above” to “the mailing information below.”

Copies of the revised rule and forms are attached at pages 3–16.

Previous Council Action

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

Rationale for Recommendation

The changes to these rules are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Comments, Alternatives Considered, and Policy Implications

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Rules 1.31, 3.1546, 4.155, 5.130, and 10.3 at pages 3–4
2. Forms DV-800/JV-252, FW-008, MC-010, MC-011, and WG-005 at pages 5–16

Rules 1.31, 3.1546, 4.155, 5.130, and 10.3 of the California Rules of Court are amended, effective September 1, 2017, to read:

Rule 1.31. Mandatory forms

(a)–(d) * * *

(e) No alteration of forms

Except as provided in rule 3.52(6), concerning court fee waiver orders, rule 5.504, concerning court orders in juvenile court proceedings, ~~and rule 7.101.5,~~ concerning court orders in proceedings under the Probate Code, courts may not require the use of an altered mandatory Judicial Council form in place of the Judicial Council form. However, a judicial officer may modify a Judicial Council form order as necessary or appropriate to adjudicate a particular case.

(f)–(g) * * *

Rule 3.1546. Pretrial procedures for mandatory expedited jury trials

(a)–(b) * * *

(c) Opting out of mandatory expedited jury trial procedures

(1)–(2) * * *

(3) Except on a showing of good cause, any objection to the request must be served and filed within 15 days after the date of service of the request, on an ~~Opposition~~ *Objection to Request to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-004).

(4) * * *

(d) * * *

**Rule 4.155. Guidelines for reimbursement of costs in change of venue cases—
criminal cases**

(a) General

Consistent with Penal Code section 1037~~(e)~~, the court in which an action originated must reimburse the court receiving a case after an order for change of venue for any ordinary expenditure and any extraordinary but reasonable-and-necessary expenditure that would not have been incurred by the receiving court but for the change of venue.

1
2 **(b)–(g) * * ***

3
4 **Rule 5.130. Request for Special Immigrant Juvenile findings**

5
6 **(a)–(b) * * ***

7
8 **(c) Notice of hearing**

9
10 Notice of a hearing on a request for SIJ findings must be served with a copy of the
11 request and all supporting papers in the appropriate manner specified in rule
12 5.92~~(a)(6)(A)–(C)~~ (f)(1), (2) or (3), as applicable on the following persons:

13
14 **(1)–(3) * * ***

15
16 **(d)–(g) * * ***

17
18 **Rule 10.3. Nonvoting members**

19
20 **(a) * * ***

21
22 **(b) Voting**

23
24 A nonvoting council member may make or second motions at a council meeting but
25 may not vote. A nonvoting member may vote on an internal committee matter as
26 specified in rule 10.10~~(d)~~(e).
27

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1 Protected Person**

Name: _____

2 Restrained Person

a. Your Name: _____

Your Lawyer (if you have one for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item ④ or ⑤ and item ⑥. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form DV-800-INFO/JV-252-INFO, *How Do I Turn In, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items ④ and ⑥ of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in ⑥ were turned in on:

Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____

Name and title of law enforcement agent

Name of law enforcement agency

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items ⑤ and ⑥ of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in ⑥ were

☐ sold to me ☐ transferred to me for storage on:Date: _____ at: _____ ☐ a.m. ☐ p.m.

To: _____

Name of licensed gun dealer

License number Telephone

Address

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Signature of law enforcement agent



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

☐ Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "DV-800/JV-252, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? ☐ Yes ☐ No

If you answered yes, have you turned in, sold, or stored those other firearms? ☐ Yes ☐ No

If yes, check one of the boxes below:

a. ☐ I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):

b. ☐ I am filing the proof for those firearms along with this proof.

c. ☐ I have not yet filed the proof for the other firearms. (explain why not):

☐ Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: _____

Type or print your name



Sign your name

Order on Court Fee Waiver After Hearing (Superior Court)

Clerk stamps date here when form is filed.

1 Person who asked the court to waive court fees:

Name: _____

Street or mailing address: _____

City: _____ State: _____ Zip: _____

2 Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of _____

3 A request to waive court fees was filed (date): _____

4 There was a hearing on (date): _____ at (time): _____ in (Department): _____

The following people were at the hearing (check all that apply):

☐ Person in ① ☐ Lawyer in ②

☐ Others (names): _____

Fill in case number and name:

Case Number: _____

Case Name: _____

Read this form carefully. All checked boxes ☒ are court orders.

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

5 After reviewing your: ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following order:

a. ☐ The court **grants your** request and waives your court fees and costs as follows:

- (1) ☐ **Fee Waiver.** The court **grants** your request and waives your court fees and costs listed below (*Cal. Rules of Court, rules 3.55 and 8.818.*) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing and certifying the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recorder under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearing

- (2) ☐ **Additional Fee Waiver.** The court **grants** your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Other: (specify): _____
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness



Case Name:	Case Number:
-------------------	---------------------

- b. ☐ The court **denies** your request and **will not waive or reduce** your fees and costs.
- (1) The reason for this denial is as follows:
- (a) ☐ Your request is incomplete, and you did not provide the information that the court requested (*specify items missing*): _____
- (b) ☐ You did not go to court on the hearing date to provide the information the court needed to make a decision.
- (c) ☐ The information you provide shows that you are not eligible for the fee waiver you requested because (*check all that apply*):
- i. ☐ Your income is too high.
- ii. ☐ Other (*explain*): _____
- (d) ☐ There is not enough evidence to support a fee waiver.
- (e) ☐ Other (*state reasons*): _____

- (2) ☐ You may pay some court fees and costs over time. You must make monthly payments of \$ _____ beginning (*date*): _____ and then payable on the 1st of each month after that, until the fees checked below are paid in full.

☐ Filing fees

☐ Other (*specify*): _____

You must pay all other court fees and costs as they are due.

- c. ☐ The court **partially grants** your request so you can pay court fees without using money you need to pay for your household's basic needs. You are ordered to pay a portion of your fees, **as checked below**. The court only partially grants the request because (*state reasons for partial denial*): _____

- (1) ☐ You must pay _____ % of your court fees.
- (2) ☐ The court waives some fees. The fees checked below are waived. You must pay all other court fees.
- | | |
|---|--|
| <input type="checkbox"/> Filing papers at superior court
<input type="checkbox"/> Sheriff's fee to give notice
<input type="checkbox"/> Court-appointed interpreter
<input type="checkbox"/> Reporter's fee for attendance at trial or hearing if reporter provided by the court.
<input type="checkbox"/> Jury fees and expenses
<input type="checkbox"/> Court-appointed experts' fees
<input type="checkbox"/> Making certified copies
<input type="checkbox"/> Other (<i>specify</i>): _____ | <input type="checkbox"/> Giving notice and certificates
<input type="checkbox"/> Sending papers to another court department
<input type="checkbox"/> Court-appointed interpreter fees for a witness
<input type="checkbox"/> Fees for a peace officer to testify in court
<input type="checkbox"/> Court fees for telephone hearings |
|---|--|

- (3) ☐ Other (*specify*): _____

Warning! If b or c above are checked: You have **10 days** after the clerk gives notice of this order (see date below) to pay your fees as ordered, unless there is a later date for beginning payments in item b(2). If you do not pay, your court papers will not be processed. If the papers are a notice of appeal, your appeal may be dismissed.

Date: _____



Signature of Judicial Officer

Clerk's Certificate of Service

- I certify that I am not involved in this case and (*check one*): ☐ A certificate of mailing is attached.
- ☐ I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- ☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): _____, California on the date below.

Date: _____ Clerk, by _____, Deputy

TOTALS

- | | | |
|-----|---|----|
| 1. | Filing and motion fees | \$ |
| 2. | Jury fees | \$ |
| 3. | Jury food and lodging | \$ |
| 4. | Deposition costs | \$ |
| 5. | Service of process | \$ |
| 6. | Attachment expenses | \$ |
| 7. | Surety bond premiums | \$ |
| 8. | Witness fees | \$ |
| 9. | Court-ordered transcripts | \$ |
| 10. | Attorney fees <i>(enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required)</i> | \$ |
| 11. | Court reporter fees as established by statute | \$ |
| 12. | Models, enlargements, and photocopies of exhibits | \$ |
| 13. | Interpreter fees | \$ |
| 14. | Fees for electronic filing or service | \$ |
| 15. | Fees for hosting electronic documents | \$ |
| 16. | Other | \$ |

TOTAL COSTS	\$
--------------------	-----------

Date:

(SIGNATURE OF DECLARANT)

SHORT TITLE	CASE NUMBER:
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PROOF OF ☐ MAILING ☐ PERSONAL DELIVERY

1. At the time of mailing or personal delivery, I was at least 18 years of age and **not a party** to this legal action.
2. *My residence or business address is (specify):*

3. I mailed or personally delivered a copy of the *Memorandum of Costs (Summary)* as follows (*complete either a or b*):
 - a. ☐ **Mail.** I am a resident of or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:
 - (a) Name of person served:
 - (b) *Address on envelope:*

 - (c) Date of mailing: _____
 - (d) Place of mailing (*city and state*):
 - b. ☐ **Personal delivery.** I personally delivered a copy as follows:
 - (1) Name of person served:
 - (2) *Address where delivered:*

 - (3) Date delivered: _____
 - (4) Time delivered: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

SHORT TITLE	CASE NUMBER:
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MEMORANDUM OF COSTS (WORKSHEET)

1. Filing and motion fees

Paper filed

Filing fee

- | | | | |
|----|--|----|--|
| a. | | \$ | |
| b. | | \$ | |
| c. | | \$ | |
| d. | | \$ | |
| e. | | \$ | |
| f. | | \$ | |

- g. ☐ Information about additional filing and motion fees is contained in Attachment 1g.

TOTAL 1. \$

2. Jury fees

Date

Fee & mileage

- | | | | |
|----|--|----|--|
| a. | | \$ | |
| b. | | \$ | |
| c. | | \$ | |
| d. | | \$ | |

- e. ☐ Information about additional jury fees is contained in Attachment 2e.

TOTAL 2. \$

3. Juror food: \$ _____ and lodging: \$ _____

TOTAL 3. \$

4. Deposition costs

- | | <u>Name of deponent</u> | <u>Taking</u> | <u>Transcribing</u> | <u>Travel</u> | <u>Videotaping</u> | <u>Subtotals</u> |
|----|-------------------------|---------------|---------------------|---------------|--------------------|------------------|
| a. | | \$ | \$ | \$ | \$ | \$ |
| b. | | \$ | \$ | \$ | \$ | \$ |
| c. | | \$ | \$ | \$ | \$ | \$ |
| d. | | \$ | \$ | \$ | \$ | \$ |

- e. ☐ Information about additional deposition costs is contained in Attachment 4e.

TOTAL 4. \$

(Continued on reverse)

Page ____ of ____

SHORT TITLE	CASE NUMBER:
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5. Service of process

	<u>Name of person served</u>	<u>Public officer</u>	<u>Registered process</u>	<u>Publication</u>	<u>Other (specify)</u>
a.	_____	\$ _____	\$ _____	\$ _____	\$ _____
b.	_____	\$ _____	\$ _____	\$ _____	\$ _____
c.	_____	\$ _____	\$ _____	\$ _____	\$ _____
d.	<input type="checkbox"/> Information about additional costs for service of process is contained in Attachment 5d.				

TOTAL 5. \$ **6. Attachment expenses (specify):**6. \$ **7. Surety bond premiums (itemize bonds and amounts):**7. \$ **8. a. Ordinary witness fees**

	<u>Name of witness</u>	<u>Daily fee</u>	<u>Mileage</u>	<u>Total</u>
(1)	_____	days at _____ \$/day _____	miles at _____ ¢/mile: _____	\$ <input style="width: 80px;" type="text"/>
(2)	_____	days at _____ \$/day _____	miles at _____ ¢/mile: _____	\$ <input style="width: 80px;" type="text"/>
(3)	_____	days at _____ \$/day _____	miles at _____ ¢/mile: _____	\$ <input style="width: 80px;" type="text"/>
(4)	_____	days at _____ \$/day _____	miles at _____ ¢/mile: _____	\$ <input style="width: 80px;" type="text"/>
(5)	_____	days at _____ \$/day _____	miles at _____ ¢/mile: _____	\$ <input style="width: 80px;" type="text"/>

(6) ☐ Information about additional ordinary witness fees is contained in Attachment 8a(6).SUBTOTAL 8a. \$

(Continued on next page)

Page ____ of ____

SHORT TITLE	CASE NUMBER:
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8. b. **Expert fees** (per Code of Civil Procedure section 998)

Name of witness	Fee	
(1) _____	_____ hours at \$ _____ /hr	\$ _____
(2) _____	_____ hours at \$ _____ /hr	\$ _____
(3) _____	_____ hours at \$ _____ /hr	\$ _____
(4) _____	_____ hours at \$ _____ /hr	\$ _____
(5) <input type="checkbox"/> Information about additional expert fees is contained in Attachment 8b(5).		

SUBTOTAL 8b. \$ _____

c. **Court-ordered expert fees**

Name of witness	Fee	
(1) _____	_____ hours at \$ _____ /hr	\$ _____
(2) _____	_____ hours at \$ _____ /hr	\$ _____
(3) <input type="checkbox"/> Information about additional court-ordered expert fees is contained in Attachment 8c(3).		

SUBTOTAL 8c. \$ _____

TOTAL (8a, 8b, & 8c) 8. \$ _____

9. **Court-ordered transcripts** (specify):

9. \$ _____

10. **Attorney fees** (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required):

10. \$ _____

11. **Models, enlargements, and photocopies of exhibits** (specify):

11. \$ _____

12. **Court reporter fees** (as established by statute)

- a. (Name of reporter): _____ Fees: \$ _____
- b. (Name of reporter): _____ Fees: \$ _____
- c. ☐ Information about additional court-reporter fees is contained in Attachment 12c.

TOTAL 12. \$ _____

13. **Interpreter fees**

- a. Fees of a certified or registered interpreter for the deposition of a party or witness
- (Name of interpreter): _____ Fees: \$ _____
- (Name of interpreter): _____ Fees: \$ _____
- b. Fees for a qualified court interpreter authorized by the court for an indigent person represented by a qualified legal services project or a pro bono attorney
- (Name of interpreter): _____ Fees: \$ _____
- (Name of interpreter): _____ Fees: \$ _____
- c. ☐ Information about additional court-reporter fees is contained in Attachment 13c.

TOTAL 13. \$ _____

14. **Fees for electronic filing or service of documents through an electronic filing service provider**

(enter here if required or ordered by the court):

14. \$ _____

15. **Fees for hosting electronic documents through an electronic filing service provider** (enter here if required or ordered by the court):

15. \$ _____

16. **Other** (specify):

16. \$ _____

TOTAL COSTS \$ _____

(Additional information may be supplied on the reverse)

Page _____ of _____

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Please correct any errors in the mailing information below and provide any missing information, including the name of the person to whom notices should be directed.

FAILURE TO COMPLETE AND RETURN THESE FORMS MAY SUBJECT YOU TO PAYMENT OF ATTORNEY FEES AND OTHER CIVIL PENALTIES.

<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px;"></div>	<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px;"></div>
Attn: <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>

1. I received the Earnings Withholding Order on
(date):
2. The employee is
 - a. ☐ not employed by this employer (if not employed, omit items 2b through 6 and proceed to the declaration at the end of this form).
 - b. ☐ now employed by this employer and in the last pay period had gross earnings of: \$
3. The employee's pay period is
 - a. ☐ daily
 - b. ☐ weekly
 - c. ☐ every two weeks
 - d. ☐ twice a month
 - e. ☐ monthly
 - f. ☐ other (specify):

(IF YOU HAVE RECEIVED NO OTHER ORDERS THAT PRESENTLY AFFECT THIS EMPLOYEE'S EARNINGS, OMIT ITEMS 4, 5 AND 6, AND PROCEED TO THE DECLARATION AT THE END OF THIS FORM.)

The Federal Wage Garnishment Law and federal rules provide the basic protections on which the California law is based.

SHORT TITLE: _____	LEVYING OFFICER FILE NO.: _____	COURT CASE NO.: _____
-----------------------	------------------------------------	--------------------------

If you have received other orders that presently affect this employee's earnings, another order may have priority over this one. The following list indicates the priority of orders:

Wage and Earnings Assignment Order (for Support) _____	First priority
Earnings Withholding Order for Support _____	Second priority
Earnings Withholding Order for Taxes _____	Third priority
Earnings Withholding Order for Elder or Dependent Adult Financial Abuse _____	Fourth priority
Earnings Withholding Order _____	Fifth priority

If two or more orders have the same priority, comply with the one received first. If both were received on the same date, comply with the one with the earlier date of judgment. If the dates of judgment are the same, you may select which order you choose to comply with.

4. ☐ This order appears to have higher priority than any other order. Earnings will be withheld for this order in accord with the EMPLOYER'S INSTRUCTIONS (*on reverse of Earnings Withholding Order*).
5. ☐ The employer has received another order affecting the employee's earnings and earnings are being withheld for the other order because:
- ☐ The other order was received first. The other order was received on (*date*):
 - ☐ This order does not have higher priority.
 - ☐ A copy of the other order is attached. (*Retain original for your records. If a copy is not attached, complete item d.*)
 - ☐ A copy of the other order is NOT attached. *Describe the other order by providing the following information:*
 - Court name, address, and case number:
 - Levying officer name and address and file number:
 - Total amount to be withheld: \$

6. ☐ This order is not effective for the reason shown in item 5. It is returned to the levying officer with this return.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF DECLARANT)

If an Earnings Withholding Order is not effective when served, for any reason, do not hold it. Return it to the levying officer with this return.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY SUBJECT AN EMPLOYER TO CIVIL PENALTIES AND ATTORNEY FEES.