



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Minutes

Judicial Council

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Tuesday, September 24, 2019

9:00 AM

Sacramento

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: 27 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Carin T. Fujisaki, Justice Harry E. Hull Jr., Justice Marsha G. Slough, Presiding Judge C. Todd Bottke, Presiding Judge Joyce D. Hinrichs, Judge Marla O. Anderson, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Presiding Judge Ann C. Moorman, Judge David M. Rubin, Judge Eric C. Taylor, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Rachel W. Hill, Mr. Patrick M. Kelly, Ms. Gretchen Nelson, Mr. Michael M. Roddy, Ms. Andrea K. Wallin-Rohmann, Mr. Kevin Harrigan, and Mr. Maxwell V. Pritt

Absent: 2 - Assembly Member Richard Bloom, and Senator Hannah-Beth Jackson

Call to Order

Chief Justice Tani G. Cantil-Sakauye, chair of the Judicial Council, called the open session to order at 9:35 a.m. in the Judicial Council Board Room.

Swearing In of New and Reappointed Judicial Council Members

Chief Justice Tani G. Cantil-Sakauye administered the oath of office to five new council members, who took office on September 15:

- Hon. Carin T. Fujisaki, Associate Justice of the Court of Appeal, First Appellate District, Division Three

- Mr. Kevin Harrigan, Court Executive Officer, Superior Court of Tehama County
- Hon. Joyce D. Hinrichs, Presiding Judge of the Superior Court of Humboldt County
- Mr. Maxwell V. Pritt, appointee from the State Bar of California

The Chief also acknowledged three appointments to leadership of internal committees. She welcomed Judge Marla O. Anderson as the new chair of the Policy Coordination and Liaison Committee; Judge Kyle S. Brodie as chair of the Judicial Council Technology Committee; and Justice Marsha G. Slough as chair of the Executive and Planning Committee.

Public Comment

Mr. Jake Chatters presented comments on item 19-083, *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights*. Mr. Richard Calhoun, Mr. Thomas Coleman, Ms. Laura Kincaid, and Ms. Lisa MacCarley presented comments on general judicial administration.

Approval of Minutes

[19-172](#)

Minutes of July 18-19, 2019, and August 9, 2019, Judicial Council meetings

A motion was made by Mr. Kelly, seconded by Judge Bottke, that the minutes be approved. The motion carried by a unanimous vote.

Chief Justice's Report

The Chief Justice summarized her engagements and activities since the last meeting. At the American Bar Association's (ABA's) Annual Meeting in August, the Chief Justice was joined by colleagues from other states to serve on a panel titled "Undermining the Courts: The Consequences for American Democracy." The panel was moderated by Manny Garcia, ethics and standards editor for the USA Today Network. The ABA's Young Lawyers Division honored the Chief Justice with the Fellows Award in recognition of the Judicial Council's pursuit of Access to Justice.

In September, the Chief Justice accepted the California Women Lawyers Rose Bird Memorial Award. She noted that Justice Bird, one of the founders of California Women Lawyers, was the first female Chief Justice in California and the first woman to hold a cabinet position in an administration--the 1970's Jerry Brown administration. As chair of the Judicial Council, she initiated creation of the Advisory Committee on Gender Bias, which was followed up by her successors.

The Chief Justice also provided welcoming remarks to over 1,400 attendees at the American Probation and Parole Association's 44th Annual Training Institute. The training provided an opportunity to share California's efforts on access to justice,

pretrial programs, the California Community Corrections Performance Incentives Act, criminal justice realignment, collaborative restorative justice courts, and the Recidivism Reduction Fund.

Administrative Director's Report

[19-173](#)

Administrative Director's Report

Mr. Martin Hoshino reported that an annual disaster and recovery exercise was completed and included participation from information technology staff, the California Courts Technology Data Center, courts, and associated vendors. Over the course of four to five days, the exercise involved disabling systems to engage protocols necessary to recover applications. Mr. Hoshino reported that two of the systems showed a notable improvement in recovery times from those of the previous year.

Mr. Hoshino updated the council on the grant-funded traffic tool, the ability-to-pay calculator. The calculator, called My Citations, features 24/7 access to request an ability-to-pay determination. Requests may include payment reductions, payment plans, or community services: an alternative to payment. The tool allows court clerks, staff, and judicial officers to respond and review reduction requests in an electronic order. The current pilot courts are in Shasta, Tulare, and Ventura Counties. Mr. Hoshino commented that San Francisco and Santa Clara courts are expected to come online in October and December, respectively, and statewide expansion will follow over time. Mr. Hoshino noted that the tool represents a commitment to restoring proportionality to California's criminal fine and penalty system. Even in its early stages, the tool has already received a Best of California award from the Center for Digital Government in the category of "Best Application Serving the Public."

Mr. Hoshino recognized Bonnie Hough, principal managing attorney in the Judicial Council's Center for Families, Children & the Courts, for receiving a series of lifetime achievement awards. Ms. Hough has worked for the council for 22 years and has spent her life devoted to improving family law throughout California. She will be recognized at the California Lawyers Association Annual Meeting with the Family Law Lifetime Achievement Award and will receive another lifetime achievement award in December from the Association of Certified Family Law Specialists.

Judicial Council Committee Presentations

[19-174](#)

Judicial Council Committee Reports

Executive and Planning Committee

Justice Marsha G. Slough, newly appointed chair of the Executive and Planning Committee, reported that the committee held an orientation that included Judge Joyce D. Hinrichs and Ms. Nancy CS Eberhardt, new members. She thanked experienced

members for their dialogue and discussion at the orientation.

Policy Coordination and Liaison Committee

Judge Marla O. Anderson, newly appointed chair of the Policy Coordination and Liaison Committee (PCLC), provided a brief background on the function of the committee. She outlined California Rules of Court, rule 10.12, which states that the committee takes positions on legislation on behalf of the council and presents them to the Legislature. She noted that PCLC, in its liaison role, helps develop a plan for communication and interaction with other branches of government, components of the judicial system, and the bar, media, and public. PCLC generally takes positions on procedural or substantive issues that directly affect court administration and judicial discretion, or negatively affect judicial services in a way that may impose unrealistic burdens on courts.

Judge Anderson reported that PCLC met five times since the last meeting, took positions on 10 separate pieces of legislation, and approved submitting comments to the U.S. Department of the Interior's Bureau of Indian Affairs on proposed regulations regarding the Indian Child Welfare Act. PCLC also took positions on bills involving criminal law and procedure, data collection of court-ordered debt, civil discovery sanctions, remote court reporting, probation for specified drug offenses, court findings for probation being recorded in the minutes, firearm relinquishment for persons under protective orders, areas of juvenile dependency, and data reporting and validation of the pretrial risk assessment tool. She welcomed new Governmental Affairs supervising attorney, and lead staff to the committee, Ms. Nichole Rapier Rocha, and new members Judge Eric C. Taylor and Mr. Harrigan.

Rules and Projects Committee

Ms. Rachel W. Hill, member of the Rules and Projects Committee (RUPRO), reported that the committee met to consider 43 proposals to improve the administration of justice through rules, standards, forms, and jury instructions from eight different subject-matter advisory committees. RUPRO recommends approval of the proposals on the consent agenda. RUPRO will meet in mid-October to consider a proposal that fulfills a recommendation made by the Work Group for the Prevention of Discrimination and Harassment and approved by the council for a rule of court that (1) clarifies the responsibility of courts to adopt updated policies that prohibit harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification, and (2) clarifies complaint reporting and response procedures.

Justice Harry E. Hull, Jr., chair of RUPRO, welcomed new committee members, including Justice Fujisaki, Mr. Harrigan, and Mr. Pritt. Justice Hull commented that

RUPRO will be changing its report format to include upcoming work of the committee, as mentioned by Ms. Hill. He added that RUPRO prepared a preliminary draft of a new rule related to the work concerning the prevention of harassment and discrimination and sent it to the trial court presiding judges and court executive officers for initial comment. He anticipates that the rule will be presented to the council in January.

Judicial Council Technology Committee

Judge Kyle C. Brodie, newly appointed chair of the Judicial Council Technology Committee (JCTC), acknowledged incoming vice-chair Judge C. Todd Bottke, who brings a valuable perspective from a smaller court, the Superior Court of Tehama County, where meeting technology needs can be challenging. He reported that the committee met once and received an update on various projects from the Information Technology Advisory Committee. JCTC also reviewed and approved a grant program to distribute more than \$2.5 million for language access technology infrastructure. At its next meeting, the members will review a proposal to distribute money to courts to enable digitizing of their records and transition away from paper-based systems.

Judicial Branch Budget Committee

Judge David M. Rubin, chair of the Judicial Branch Budget Committee, reported that the committee's meeting included an educational session from the Data Analytics Workstream, a subgroup of the Information Technology Advisory Committee. The subgroup is developing a data analytics strategy for the branch. Presenters explained how gathering accurate and reliable data is critical to the success of budget advocacy, court operations management, and improved management of calendar and caseload for greater efficiency and to stretch existing resources to do more work. He welcomed Justice Fujisaki and Judge Ann C. Moorman, newly appointed vice-chair, to the committee.

Judicial Council Members' Liaison Reports

[19-223](#)

Superior Court of Contra Costa County

[19-222](#)

Superior Court of Los Angeles County

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Justice Chin, seconded by Commissioner Wightman, to approve all of the following items on the Consent Agenda. The motion carried by a unanimous vote.

[19-177](#)**Allocations and Reimbursements to Trial Courts | Extension on Receipt of Children's Waiting Room Funds During Temporary Closure (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension for the Superior Court of Contra Costa County to continue receiving Children's Waiting Room (CWR) funds to accumulate sufficient resources in anticipation of the CWR reopening by October 2019. The Contra Costa court closed its CWR in Pittsburg on October 1, 2018, in order to relocate to Martinez. Due to project delays, the court was unable to reopen in July 2019 and submitted a request for a three-month extension in anticipation of reopening by October 2019.

Recommendation: The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective September 24, 2019, approve the continuation of the distribution of Children's Waiting Room funds to the Superior Court of Contra Costa County to allow the court to accumulate sufficient funding to operate the CWR full time at its new location in Martinez, scheduled to reopen in October 2019.

[19-211](#)**Allocations and Reimbursements to Trial Courts | Reallocation of Unspent Funds for V3 Case Management System Replacement (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends approving the reallocation of unspent funds provided in a 2016-17 budget change proposal for the Superior Court of Sacramento County V3 case management system transition. The allocation will increase the 2019-20 adopted allocation from the State Trial Court Improvement and Modernization Fund (IMF) for the Judicial Council Information Technology office (JCIT).

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 24, reallocate \$1,255,900 in 2019-20 of unspent funds to the JCIT for the Superior Court of Sacramento County V3 case management system replacement.

[19-170](#)**Collaborative Justice | Recommended Allocations of Fiscal Year 2019-20 Substance Abuse Focus Grants (Action Required)**

Summary: As part of the Budget Act of 2019 (Stats. 2019, ch. 23), the Legislature allocated a total of \$1.16 million for California collaborative and drug court projects to maintain, expand, or enhance collaborative courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council continue to use this annual allocation to fund court programs through the noncompetitive Collaborative Justice Courts Substance Abuse Focus Grant Program. Additionally, \$75,000 in federal Court Improvement Program funds have been made available for fiscal year (FY) 2019-20 to fund the noncompetitive

Dependency Drug Court Augmentation to the focus grant program. The committee recommends funding programs in 49 courts for FY 2019-20 with these annual grants, and providing augmentation grants to dependency drug courts in 18 counties.

Recommendation: The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective September 23, 2019, approve the distribution of grants from the Collaborative Justice Courts Substance Abuse Focus Grant Program and the Dependency Drug Court Augmentation for FY 2019-20.

[19-207](#)

Court Facilities | Naming Request for the New Civil Courthouse in Menifee (Riverside) (Action Required)

Summary: The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Riverside County's request to name the new civil courthouse in the City of Menifee the *Menifee Justice Center*. This approval provides a name for the new courthouse, whose construction is scheduled to begin in spring 2020 and end in spring 2022.

Recommendation: The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends that the Judicial Council, effective September 24, 2019, approve the request to name the new civil courthouse the *Menifee Justice Center, Superior Court of California, Riverside County*.

[19-208](#)

Court Facilities | Naming Request for the New Main Courthouse in Santa Rosa (Sonoma) (Action Required)

Summary: The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends approving the Superior Court of Sonoma County's request to name the new main courthouse in the City of Santa Rosa the *Hall of Justice*. This approval provides a name for the new courthouse, whose construction is scheduled to begin in spring 2020 and end in summer 2022.

Recommendation: The Subcommittee on Courthouse Names of the Court Facilities Advisory Committee recommends that the Judicial Council, effective September 24, 2019, approve the request to name the new main courthouse the *Hall of Justice, Superior Court of California, County of Sonoma*.

[19-097](#)

Equal Access Fund | Distribution of Funds for Partnership Grants and IOLTA-Formula Grants (Action Required)

Summary: The Budget Act of 2019 includes over \$45 million in the Equal Access Fund for distribution to legal services providers and support centers. The Judicial Council has approved an allocation of \$20 million in funding for homelessness prevention projects. The remaining funds are to be distributed primarily in two parts: IOLTA (Interest on Lawyers' Trust Accounts)-formula grants and partnership grants (with a small amount also distributed for administration). The Legal Services Trust Fund Commission of the State Bar recommends approving distribution of \$23,039,910 in IOLTA-formula grants for fiscal year (FY) 2019-20, according

to the statutory formula in the state Budget Act, and \$2,666,000 in partnership grants for 2020. 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 24, 2019, approve:

1. The distribution of \$23,039,910 in IOLTA-formula grants for FY 2019-20 according to the terms of the state Budget Act;
2. The commission's determination that the proposed budget of each individual grant complies with statutory and other guidelines; and
3. The distribution of \$2,666,000 in Equal Access Fund partnership grants to the following legal services agencies for programs conducted jointly with courts to provide legal assistance to self-represented litigants:
 - a. Bet Tzedek Legal Services
Self-Help Elder and Dependent Adult Restraining Order Clinic
(Los Angeles County)
..... \$80,000
 - b. Central California Legal Services, Inc.
Guardianship Project
..... \$70,000
Tenant/Landlord Housing Law Project (Fresno)
..... \$71,000
Tulare County Unlawful Detainer Workshop
..... \$70,000
 - c. Community Legal Aid SoCal
Consumer Debt Workshop at Norwalk Courthouse (Los Angeles)
..... \$37,000
Orange County Community Court Clinic
..... \$29,000
Orange County Consumer Debt Workshop
..... \$48,000
Unlawful Detainer Workshop at Norwalk Courthouse (Los Angeles)
..... \$59,000
 - d. East Bay Community Law Center
Traffic Flash Clinic (Alameda)
..... \$44,000

- e. Elder Law and Advocacy
Imperial County Unlawful Detainer/Elder Abuse Restraining Order Clinic
..... \$68,000
- f. Family Violence Law Center
Domestic Violence Pro Per Project (Alameda)
..... \$25,000
- g. Greater Bakersfield Legal Services
Partnership Shriver Grant (Kern)
..... \$96,000
- h. Housing and Economic Rights Advocates
Probate Clinic (San Joaquin)
..... \$120,000
- i. Justice and Diversity Center
Family Law Assisted Self-Help/Case Resolution (FLASH/CARE)
Project (San Francisco)
.....\$50,000
Shriver-SASH Self-Help Custody (San Francisco)
..... \$70,000
- j. LACBA (Los Angeles County Bar Association) Counsel for Justice
Domestic Violence Legal Services Project (Los Angeles)
..... \$91,000
- k. Legal Access Alameda
Alameda County Family Law Day of Court Project
..... \$30,000
Family Law Status Conference Project
..... \$65,000
- l. Legal Aid Foundation of Los Angeles
Torrance Self-Help Center
..... \$100,000
- m. Legal Aid Foundation of Santa Barbara
Legal Resource Center Partnership (Lompoc and Santa Barbara)
..... \$110,000

- n. Legal Aid of Marin
Community Court Expansion
..... \$80,000
- o. Legal Aid Society of San Bernardino
Caregivers Accessing Justice Guardianship Program
..... \$85,000
- p. Legal Aid Society of San Diego, Inc.
Name & Gender Change Clinic
..... \$85,000
Unlawful Detainer Clinic Expansion Project
..... \$80,000
- q. Legal Assistance for Seniors
Partnership to Assist Guardianship Litigants (Alameda)
..... \$50,000
Partnership to Assist Limited Conservatorship Litigants (Alameda)
..... \$60,000
- r. Legal Services of Northern California
Mother Lode Pro Per Project (Amador, Calaveras, El Dorado, Placer)
..... \$98,000
Small Claims, Guardianship & Shriver Housing Self-Help Project (Yolo)
..... \$85,000
- s. Los Angeles Center for Law and Justice
Family Law Information for Parents
..... \$90,000
- t. Neighborhood Legal Services of Los Angeles County
Chatsworth Self-Help Legal Access Center Project
..... \$75,000
Pasadena Unlawful Detainer Assistance Project
..... \$50,000
Shriver LA Self-Help Unlawful Detainer
Clinic..... \$90,000
- u. Public Counsel
Guardianship Clinic (Los Angeles)
..... \$30,000

- v. Public Law Center
De Facto and Adoptive Parent Assistance Project
..... \$50,000
Orange County Courthouse Guardianship Clinic
..... \$60,000
- w. Riverside Legal Aid
Small Estates Assistance Program
..... \$105,000
- x. San Diego Volunteer Lawyer Program
Central Division Restraining Order Clinic
..... \$100,000
- y. Santa Clara University Alexander Law Center
Consumer Debt Clinic
.....\$60,000

Total \$2,666,000

[19-171](#)

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*. Most of the revisions reflect changes in the Public Contract Code. Additional revisions clarify procurement roles and a contractor certification.

Recommendation: The Advisory Committee on Audits and Financial Accountability for the Judicial Branch recommends that the Judicial Council, effective October 1, 2019, revise and adopt proposed revisions to the *Judicial Branch Contracting Manual*.

[19-221](#)

Judicial Branch Administration | Power of Democracy Steering Committee Charge (Action Required)

Summary: The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee to define the scope of the committee's work. Pursuant to the proposed charge, the steering committee would continue its work identifying and assisting with activities and programs that give the judiciary opportunities to participate in community outreach.

Recommendation: The Executive and Planning Committee recommends that the Judicial Council approve the charge to the Power of Democracy Steering Committee.

[19-185](#)**Jury Instructions | Revisions to Criminal Jury Instructions
(Action Required)**

Summary: The Advisory Committee on Criminal Jury Instructions recommends approving the revised and revoked 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 September 2019 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 24, 2019, approve the following changes to the criminal jury instructions prepared by the committee:

1. Revisions to CALCRIM Nos. 101, 200, 362, 376, 402, 403, 511, 520, 524, 540A, 540B, 540C, 548, 561, 600, 703, 732, 860, 862, 863, 875, 970, 982, 983, 1128, 1191A, 1502, 2100, 2101, 2102, 2503, 2572, 2651, 2652, 2720, 2721, 2900, 2902, 3130, and 3145;
2. Technical changes to CALCRIM Nos. 123, 208, 590, 810, 890, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1070, 1080, 1081, 1082, 1090, 1091, 1101, 1123, 1203, 2306, and 3406;
3. Revocation of CALCRIM Nos. 541A, 541B, and 541C; and
4. Updates to the Introduction to Felony-Murder Series.

[19-139](#)**Report to the Legislature | California Community Corrections
Performance Incentives Act of 2009 (Action Required)**

Summary: The Criminal Justice Services office recommends that the Judicial Council receive the 2019 *Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the program--including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration--no later than 18 months after the initial receipt of funding under the act and annually thereafter.

Recommendation: The staff of the Criminal Justice Services office of the Judicial Council recommend that the Judicial Council, effective September 24, 2019:

1. Receive the attached *2019 Report on the California Community Corrections Performance Incentives Act of 2009: Findings from the SB 678 Program* 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 Governor by September 25, 2019, including information on the effectiveness of the program and policy recommendations regarding resource allocation for improvements to the SB 678 program, to comply with Penal Code section 1232.

[19-079](#)

Report to the Legislature | Revenue Collected for Fiscal Year 2018-19 (Action Required)

Summary: The Judicial Council's Funds and Revenues Unit of Budget Services recommends approval of the *Report of Revenue Collected for Fiscal Year 2018-19*. This report is required under Government Code section 68514, which became effective June 27, 2017, and requires the Judicial Council to report annually on revenue collections from criminal fines and fees related to infractions and misdemeanors for each court and county.

Recommendation: The Judicial Council's Funds and Revenue Unit of Budget Services recommends that the Judicial Council, effective September 24, 2019:

1. Approve the *Report of Revenue Collected for Fiscal Year 2018-19*; and
2. Direct Judicial Council staff to submit the report to the Legislature by October 1, 2019.

[19-181](#)

Rules and Forms | Alternative Dispute Resolution (ADR): Mediation Confidentiality Disclosures Under Senate Bill 954 (Action Required)

Summary: The Civil and Small Claims Advisory Committee proposes a new form for Judicial Council approval, *Mediation Disclosure Notification and Acknowledgment* (form ADR-200). This optional form implements Senate Bill 954 (Stats. 2018, ch. 350), which requires attorneys to provide their clients with specific written mediation confidentiality disclosures when they are representing clients in connection with mediation.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council approve *Mediation Disclosure Notification and Acknowledgment* (form ADR-200), effective January 1, 2020.

[19-157](#)

Rules and Forms | Appellate Procedure: Advisement of Appellate Rights in Juvenile Cases (Action Required)

Summary: The Appellate Advisory Committee recommends amending the rule regarding advisement of appellate rights, which currently states that courts need only provide an advisement to parents and guardians who are present at the hearing

that resulted in the judgment or order. The amendment would remove this limitation and require courts to provide this information to parents and guardians who are not present at the hearing. The committee also recommends adopting a new optional information sheet for clerks to send with court orders following a hearing to provide the advisement. This proposal, which originated with a suggestion from an attorney in San Diego, is intended to promote greater awareness of parents' and guardians' appellate rights in juvenile cases and to assist the courts in complying with the requirement to provide this notice.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 5.590, to remove the limitation that courts need only provide an advisement of appellate rights to parents and guardians who are present in court for the hearing and thus require courts to send the advisement to parents and guardians not present at the hearing; and
2. Approve new optional form JV-805-INFO for courts to send after a hearing to provide the advisement of appellate rights.

[19-167](#)

Rules and Forms | Appellate Procedure: Form of Filed Documents in the Appellate Division (Action Required)

Summary: The Appellate Advisory Committee recommends adopting rule 8.815 to govern the form of filed documents in the appellate division. The new rule would incorporate by reference the existing formatting requirements in rule 8.883(c) for civil and misdemeanor briefs filed in the appellate division. The new rule will resolve uncertainty and provide clarity regarding the proper formatting of documents filed in the appellate division of the superior courts.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020, adopt rule 8.815 to govern the form of filed documents in the appellate division by incorporating the existing formatting requirements in rule 8.883(c) for civil and misdemeanor briefs filed in the appellate division set forth.

[19-169](#)

Rules and Forms | Appellate Procedure: Notice of Appeal and the Record in Civil Commitment Cases (Action Required)

Summary: The Appellate Advisory Committee recommends adopting a new rule of court, describing the required contents of the normal record on appeal for civil commitment cases, and highlighting the existence of the new rule in a comment to an existing rule. The committee also proposes a new form notice of appeal for civil commitment and mental health cases. This proposal is intended to provide needed guidance to litigants and the courts and ensure that appellate records in civil commitment cases are complete.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020, adopt California Rules of Court, rule 8.483, describing

the required contents of the normal record on appeal for civil commitment cases. Rule 8.483 would be included in title 8 (Appellate Rules), division 1 (Rules Relating to the Supreme Court and Courts of Appeal), chapter 6 (Conservatorship Appeals), as amended to expand the scope of chapter 6 to also apply to civil commitment appeals by renaming it “Conservatorship and Civil Commitment Appeals.” To address any potential confusion caused by the placement of the new rule, the committee also recommends adding an Advisory Committee comment to existing rule 8.320 alerting litigants to the new rule. The committee also recommends that the council approve *Notice of Appeal-Civil Commitment/Mental Health Proceedings* (form APP-060).

[19-159](#)**Rules and Forms | Appellate Procedure: Oral Argument in Appellate Division Appeals (Action Required)**

Summary: The Appellate Advisory Committee recommends amending the rules regarding oral argument in limited civil and misdemeanor appeals to provide that oral argument will not be set in cases presenting no arguable issues, to state a procedure for waiving oral argument, and to establish a date of submission for appeals that are not set for oral argument. The committee also recommends the adoption of two optional forms, one for limited civil cases and one for misdemeanor cases, to assist litigants in waiving oral argument if they choose to do so. This proposal, which originated from suggestions submitted by a presiding judge of an appellate division and a member of the committee, is intended to increase efficiency for courts and provide guidance for litigants.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 8.885 to provide that oral argument will not be set in appeals that raise no arguable issues and describe the procedure for waiving oral argument in advance;
2. Amend rule 8.886 to provide a date of submission for appeals that are not set for oral argument;
3. Approve new optional form APP-108 for litigants in limited civil appeals to use in waiving oral argument;
4. Approve new optional form CR-138 for litigants in misdemeanor appeals to use in waiving oral argument;
5. Revise form APP-101-INFO to reflect the amendments to rule 8.885 for litigants in limited civil appeals; and
6. Revise form CR-131-INFO to reflect the amendments to rule 8.885 for litigants in misdemeanor appeals and to correct errors.

[19-165](#)**Rules and Forms | Appellate Procedure: Service Copy of Petition for Review (Action Required)**

Summary: The Information Technology Advisory Committee and Appellate Advisory

Committee recommend amending the rule regarding petitions for review in the California Supreme Court to remove the requirement to send to the Court of Appeal a service copy of a petition for review when a petition is filed electronically. Under current practice, when a petition for review is accepted for electronic filing by the Supreme Court, the Court of Appeal automatically receives a filed/endorsed copy of the petition through the electronic filing service provider (EFSP). Thus, in actual practice, the electronic filing of a petition satisfies the requirement to serve the Court of Appeal with a copy, and there is no need for an electronic filer to serve the Court of Appeal with another copy as required by the rules. The proposed amendment does not change the requirement to serve a copy of the petition on the superior court clerk in all instances and, if a petitioner files in paper format, to also serve a copy of the petition on the Court of Appeal.

Recommendation: The Information Technology Advisory Committee and Appellate Advisory Committee recommend that the Judicial Council, effective January 1, 2020, amend California Rules of Court, rule 8.500(f)(1), to require a petitioner to serve a copy of a petition for review on the clerk/executive officer of the Court of Appeal only when the petition is filed in paper format, and to clarify that a service copy to the Court of Appeal is not required when a petition is filed electronically.

[19-164](#)

Rules and Forms | Appellate Procedure: Uniform Formatting Rules for Electronic Documents (Action Required)

Summary: The Appellate Advisory Committee and the Information Technology Advisory Committee propose revising several rules of the California Rules of Court to make uniform the formatting guidelines for electronic documents filed in appellate courts. The rules currently lack various requirements established by local rule. Moreover, most local rules differ in their requirements and scope. By establishing uniform rules for all appellate courts, this proposal will ease the burden on filers caused by differing formatting rules. The proposal originated from a suggestion by a member of the Joint Appellate Technology Subcommittee of the Appellate Advisory Committee and the Information Technology Advisory Committee.

Recommendation: The Appellate Advisory Committee and the Information Technology Advisory Committee recommend that the Judicial Council, effective January 1, 2020, amend the California Rules of Court as follows:

1. Rule 8.40, to limit its scope to cover requirements for documents filed in paper form;
2. Rule 8.44, to:
 - Allow a court to require by local rule the submission of an electronic copy of a paper filing; and
 - Delete references to local court requirements for electronically filed

documents, because e-filing is now mandatory and the format of electronic documents is addressed in rule 8.74;

3. Rule 8.46, to update a cross-reference to rule 8.40 (paper format) and to add a cross-reference to rule 8.74 (electronic format);
4. Rule 8.71, to impose mandatory electronic filing with some limited exceptions, including those established by the *Supreme Court Rules Regarding Electronic Filing*;
5. Rule 8.72, to set out the e-filing responsibilities of courts and electronic filers, and to add an advisory committee comment regarding an electronic filer's responsibilities not to harm the court's electronic filing system or other users of that system;
6. Rule 8.74, to establish uniform formatting rules for electronic documents filed with the appellate courts, and to implement formatting requirements drawn from some best practices developed among the various appellate courts through their local rules and from courts' experience reviewing electronic documents. The amendments to rule 8.74 prioritize uniformity, readability, and user-friendly formatting requirements, as follows:
 - Subdivision (a) addresses format and formatting requirements for all electronic documents;
 - Subdivision (b) sets out additional formatting requirements for documents prepared for electronic filing in the reviewing court, such as font, line spacing, margins, page alignment, and hyperlinks;
 - Subdivision (c) specifies formatting requirements for certain documents, including briefs, requests for judicial notice, appendixes, agreed statements and settled statements, reporters' transcripts and clerks' transcripts, exhibits, and sealed and confidential records;
 - Subdivision (d) provides that this rule prevails over other formatting provisions;
7. Rules 8.77 and 8.78, to make technical changes to existing cross-references;
8. Rule 8.204(b), to provide formatting requirements for briefs filed in paper form; and
9. Rule 8.252, to establish the procedure for seeking judicial notice of a matter, and to reflect the presumption of electronic filing unless an exemption applies.

[19-160](#)**Rules and Forms | Appellate Procedure: Word Limits for Petitions for Rehearing in Unlimited Civil Cases (Action Required)**

Summary: The Appellate Advisory Committee recommends amending the rule that governs the length of briefs in civil cases in the Court of Appeal to reduce the maximum length of petitions for rehearing and answers to those petitions from 14,000 words to 7,000 words for briefs produced on a computer, and from 50 pages to 25 pages for briefs produced on a typewriter. This change, which is based on suggestions from appellate practitioners to consider reducing word limits for all types of briefs filed in the Court of Appeal, is intended to establish limits on briefing that reflect the limited scope of petitions for rehearing in unlimited civil cases.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 8.204, to add a new paragraph providing for a word limit of 7,000 words and a page limit of 25 pages for petitions for rehearing and answers to those petitions; and
2. Amend rule 8.268, the rule that governs rehearing in the Court of Appeal, to cross-reference the maximum length provisions in rule 8.204 for the petition and answer.

[19-187](#)**Rules and Forms | Civil Practice and Procedures: Case Management Rules (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends that the discretionary exemption to the statewide case management rules be made permanent to allow flexibility in case management where courts so desire. In 2013, the Judicial Council amended the statewide rules of court on civil case management to give courts the discretion to exempt certain types or categories of general civil cases from the mandatory case management rules. The amendments were intended as an emergency measure, to help courts to better address the state's fiscal crisis by decreasing the time spent by court staff and judicial officers in filing case management statements, setting and holding individual case management conferences, and performing other actions required by the case management rules. In 2018, the Commission on the Future of California's Court System recommended that the emergency exemption be made permanent and the advisory committee is furthering that recommendation by this proposal.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend California Rules of Court, rule 3.720, effective January 1, 2020, to make the emergency provisions allowing exceptions to the rule permanent.

[19-188](#)**Rules and Forms | Civil Practice and Procedure: Separate Statements for Discovery Motions (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends that California Rules of

Court, rule 3.1345, be amended, effective January 1, 2020, to reflect the change in law regarding separate statements in discovery motions enacted in Assembly Bill 2230 (Stats. 2018, ch. 317). That bill amends three sections of the Code of Civil Procedure to expressly provide that courts, for certain types of discovery, may allow the moving party to submit an outline of the discovery requests and responses in dispute rather than the separate statement currently required by rule. The proposed rule reflects those changes and expands them to several additional types of discovery as well.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council amend California Rules of Court, rule 3.1345, effective January 1, 2020, to implement the provisions of Assembly Bill 2230.

[19-210](#)

Rules and Forms | Criminal Procedure: Diversion for Incompetent Defendants and Posttrial Hearings on Competency (Action Required)

Summary: The Criminal Law Advisory Committee recommends amending rule 4.130 of the California Rules of Court relating to mental competency proceedings in criminal cases to incorporate changes due to Assembly Bill 1810 (Stats. 2018, ch. 34), a bill that significantly altered the statutory landscape for mental competency proceedings.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council amend rule 4.130 of the California Rules of Court, effective January 1, 2020, to:

1. Require an expert competency report to contain an opinion as to whether the symptoms motivating the defendant's behavior would respond to mental health treatment;
2. Address diversion for defendants found to be incompetent; and
3. Address posttrial hearings on competency, both in "off-ramp" cases under Penal Code section 1370(a)(1)(G) and after a defendant has been terminated from diversion.

[19-192](#)

Rules and Forms | Criminal Procedure: Immigration Consequences Advisement on Plea Forms (Action Required)

Summary: The Criminal Law Advisory Committee recommends amending the language in the immigration consequences section of two Judicial Council plea forms to conform to the plain language of Penal Code section 1016.5.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020, revise the immigration consequences advisement of *Plea Form, With Explanations and Waiver of Rights-Felony* (form CR-101) and *Domestic Violence Plea Form With Waiver of Rights-Misdemeanor* (form CR-102) to address concerns that the provision in each form contains inaccuracies, and to conform the provision to the plain language of Penal Code section 1016.5.

[19-193](#)**Rules and Forms | Criminal Procedure: Interpreter's Statement on Judicial Council Forms (Action Required)**

Summary: The Criminal Law Advisory Committee recommends removing a portion of the Interpreter's Statement on three Judicial Council forms to ensure that the statement accurately describes the role and responsibilities of interpreters. The committee also recommends adding the proposed Interpreter's Statement to the form used by mentally disordered defendants to indicate whether the defendant is challenging the Penal Code section 1606 report recommending confinement or continued outpatient treatment, or is waiving that right. Form CR-170 includes the option for waiver of a significant right of the defendant, and therefore, for cases that require an interpreter, it is appropriate to include the Interpreter's Statement certifying the information was correctly translated.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Revise *Plea Form, With Explanations and Waiver of Rights-Felony* (form CR-101), *Domestic Violence Plea Form With Waiver of Rights-Misdemeanor* (form CR-102), and *Defendant's Statement of Assets* (CR-115) by removing a portion of the Interpreter's Statement to ensure that the statement accurately describes the role and responsibilities of interpreters; and
2. Revise *Notification of Decision Whether to Challenge Recommendation* (CR-170), the form used by mentally disordered defendants to indicate whether the defendant is challenging the Penal Code section 1606 report recommending confinement or continued outpatient treatment, or is waiving that right to add the proposed Interpreter's Statement.

[19-213](#)**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 legislation (Assembly Bill 2867) that clarifies the timing and procedural requirements of Penal Code section 1473.7 for vacating a conviction or a sentence based on prejudicial error related to immigration consequences or newly discovered evidence of actual innocence.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Revise *Motion to Vacate Conviction or Sentence* (form CR-187) and *Order on Motion to Vacate Conviction or Sentence* (form CR-188) to incorporate clarifications of timing and procedural requirements consistent with amendments to Penal Code section 1473.7; and
2. Further revise the format of *Motion to Vacate Conviction or Sentence* (form CR-187) so that it is appropriate for use by both self-represented litigants and

those represented by attorneys.

[19-194](#)**Rules and Forms | Criminal Procedure: Petition for Resentencing (Military) (Action Required)**

Summary: The Criminal Law Advisory Committee recommends approval of a new optional form, *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412), for petitions for resentencing under Assembly Bill 865 (Stats. 2018, ch. 523). The legislation allows veterans to benefit retroactively from the passage of Penal Code section 1170.91, which permits a judge to consider enumerated conditions (sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems) that have resulted from military service as a mitigating factor at sentencing. Due to a pending bill (Assem. Bill 581 (2019-2020 Reg. Sess.)) that would affect one element of the form, the committee is submitting alternate forms to the council and recommending that the appropriate form go into effect depending on whether Assembly Bill 581 is enacted.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Approve *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412), only if Assembly Bill 581 is not enacted, to be used by individuals who were sentenced before January 1, 2015, to petition for resentencing under Penal Code section 1170.91.
2. Approve *Petition for Resentencing Based on Health Conditions From Military Service Listed in Penal Code Section 1170.91(b)* (form CR-412/MIL-412), only if Assembly Bill 581 is enacted, to be used by individuals to petition for resentencing under Penal Code section 1170.91, regardless of the date of the original sentence.
3. The form that does not become effective on January 1, 2020, is not approved for any use.

[19-214](#)**Rules and Forms | Criminal Procedure: Proof of Service in Criminal Record Clearing Requests (Action Required)**

Summary: The Criminal Law Advisory Committee recommends approval of a new optional form and an accompanying information sheet for petitioners to use with requests for a court to review a criminal record for dismissal, vacatur, resentencing, reduction, sealing, or other record clearing remedies. The new forms will help self-represented petitioners meet requirements for service on the prosecuting agency and other relevant parties.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020, approve:

1. *Proof of Service-Criminal Record Clearing* (form CR-106), which can be used

- by petitioners to provide proof of service of a criminal record clearing request; and
2. *Information on How to File a Proof of Service in Criminal Record Clearing Requests* (form CR-106-INFO), which provides general information and directions on how to use and file form CR-106.

[19-120](#)

Rules and Forms | Criminal Procedure: Vacatur Relief for Human Trafficking Victims (Action Required)

Summary: The Criminal Law Advisory Committee recommends adopting a new standard of judicial administration to provide guidance to judges and court administrators on implementing vacatur relief under Penal Code section 236.14, which provides for a petition process to vacate an arrest or conviction for a nonviolent offense that occurred while the petitioner was a victim of human trafficking.

Recommendation: The Criminal Law Advisory Committee recommends that the Judicial Council adopt California Standards of Judicial Administration, standard 4.15, effective January 1, 2020, to:

1. Provide guidance on procedures to consolidate hearings to vacate multiple arrests and convictions that occurred in the same county;
2. Recommend measures to preserve the confidentiality of the petition, related filings, court records, and the petitioner's identity in proceedings accessible to the public;
3. Recommend an initial court review period prior to setting a hearing;
4. Recommend that courts provide timely notification of their decisions to relevant parties; and
5. Identify additional relief the court should consider when granting a petition for vacatur relief.

[19-155](#)

Rules and Forms | Electronic Filing and Service (Action Required)

Summary: The Information Technology Advisory Committee recommends the Judicial Council amend several rules of court relating to electronic filing and service that implement legislation that requires parties and other persons provide express consent to electronic service. In particular, the amendments (1) specify how notice of consent to electronic service is to be given, (2) provide example language for consent, and (3) require electronic filing service providers and electronic filing managers to transmit consent to the courts. In addition, the committee recommends amendments to the rule governing signatures on electronically filed documents. The amendments will reduce the reliance on paper for signatures and include other persons in addition to the parties within the scope of the rule.

Recommendation: The Information Technology Advisory Committee recommends the Judicial Council,

effective January 1, 2020, amend the California Rules of Court as follows:

1. Amend rule 2.251 to specify how notice of consent to electronic service is to be given, and add an advisory committee comment on example language for consent;
2. Amend rule 2.255 to require electronic filing service providers and electronic filing managers to transmit the consent to the court; and
3. Amend rule 2.257 to include requirements for electronic signatures on documents signed under penalty of perjury when the declarant and filer are not the same person, allow electronic signatures of opposing parties, include other persons in addition to the parties within the scope of the rule, and add an advisory committee comment about electronic signatures.

[19-166](#)

Rules and Forms | Family Law: Certification of Statewide Uniform Guideline Support Calculators (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes amending California Rules of Court, rule 5.275, to require guideline child support calculators to display the low-income adjustment range on the first page of the calculator results printout, if applicable per Family Code section 4055(b)(7), to improve consistency in child support calculations for low-income obligors, and to delete the requirement to submit an application form and fee for certification to better align with current practice for certifying guideline calculators.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020, amend California Rules of Court:

1. Rule 5.275(b), to add a provision requiring the printout of the calculation results to display the range of the low-income adjustment as permitted by Family Code section 4055(b)(7) on the first page of the results, if the low-income adjustment applies; and
2. Rule 5.275(i), to remove the requirement for guideline software developers to submit an application form supplied by the Judicial Council and a fee for certification of the software.

[19-178](#)

Rules and Forms | Family Law: Changes to Continuance Rules and Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends changes to four rules of court and three forms, and the adoption of one new rule of court and one new form; and the approval of three new forms, including an information sheet to implement new procedures for rescheduling a hearing in family court. The new procedures would (1) respond to the concerns raised by court professionals following the publication of an amended rule and revised forms relating to continuing hearings in family court, and (2) specify when a party can and cannot file a request to reschedule

a hearing without first notifying and serving the other party.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2020:

1. Adopt rule 5.95 of the California Rules of Court, “Request to reschedule hearing”;
2. Amend rule 5.2 to include a new item 11 to provide that “reschedule the hearing” means the same as “continue the hearing” and to include a definition that both refer to “moving a hearing to another date and time”;
3. Amend rule 5.94 by revoking subdivision (f), “Procedures to request continued hearing date,” and changing the rule title to *Order shortening time; other filing requirements; failure to serve request for order* to reflect the change; replacing the word “continue” with “reschedule” in subdivision (e); and adding “as described in rule 5.95” at the end;
4. Amend rules 5.151 to incorporate the term “reschedule” and refer to new rule 5.95.
5. Amend rule 5.165(a) by eliminating “in writing” and adding “fax transmission,” “electronic means,” or “overnight carrier” as delivery options;
6. Adopt mandatory form *Order on Request to Reschedule Hearing* (form FL-309) to implement new rule 5.95;
7. Approve optional forms *How to Reschedule a Hearing in Family Court* (form FL 304-INFO), *Agreement and Order to Reschedule Hearing* (form FL-308), and *Responsive Declaration to Request to Reschedule Hearing* (form FL-310) to implement new rule 5.95;
8. Revise *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-303) and *Request to Reschedule Hearing* (form FL-306) to incorporate the term “reschedule” and refer to new rule 5.95; and
9. Revoke and replace form FL-307 from Order on Request to Continue Hearing to Request to Reschedule Hearing Involving Temporary Emergency (Ex Parte) Orders to implement new rule 5.95.

[19-218](#)

Rules and Forms | Family Law: Changes to Parentage Rules and Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes amending rules 5.350

and 5.635 of the California Rules of Court, and revising forms FL-100, FL-120, FL-170, FL-200, FL-220, FL-230, FL-235, FL-250, FL-260, FL-270, FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, FL-290, FL-300-INFO, FL-600, FL-610, FL-615, FL-686, and FL-694. The revisions are necessary to comply with amendments to the Family Code made by Assembly Bill 2684 (Bloom; Stats. 2018, ch. 876) that replaced the word “paternity” with “parentage” and made statutes gender inclusive when possible.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend rules 5.350 and 5.635 of the California Rules of Court to replace current text with the terms “voluntary declaration of parentage or paternity,” “parentage,” and “genetic testing” as needed.
2. Revise the following forms by replacing current text with the terms “voluntary declaration of parentage or paternity,” “parentage,” and “genetic testing” as needed:
 - *Petition-Marriage/Domestic Partnership* (form FL-100);
 - *Response-Marriage/Domestic Partnership* (form FL-120);
 - *Declaration for Default or Uncontested Dissolution or Legal Separation* (form FL-170);
 - *Petition to Establish Parental Relationship* (form FL-200);
 - *Response to Petition to Establish Parental Relationship* (form FL-220);
 - *Declaration for Default or Uncontested Judgment* (form FL-230);
 - *Advisement and Waiver of Rights Re: Establishment of Parental Relationship* (form FL-235);
 - *Judgment (Uniform Parentage-Custody and Support)* (form FL-250);
 - *Petition for Custody and Support of Minor Children* (form FL-260);
 - *Response to Petition for Custody and Support of Minor Children* (form FL-270);
 - *Notice of Motion to Set Aside Judgment of Paternity* (form FL-272);
 - *Declaration in Support of Motion to Set Aside Judgment of Paternity* (form FL-273);
 - *Information Sheet for Completing Notice of Motion to Set Aside Judgment of Paternity* (Forms FL-272 and FL-273) (form FL-274);
 - *Response to Notice of Motion to Set Aside Judgment of Paternity* (form FL-276);
 - *Order After Hearing on Motion to Set Aside Judgment of Paternity* (form FL-278);
 - *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (form FL-280);
 - *Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity* (Form FL-280) (form FL-281);

- *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity* (form FL-285);
 - *Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity* (form FL-290);
 - *Information Sheet for Request for Order* (form FL-300-INFO);
 - *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600);
 - *Answer to Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-610);
 - *Stipulation for Judgment or Supplemental Judgment Regarding Parental Obligations and Judgment* (form FL-615);
 - *Proof of Service by Mail* (form FL-686); and
 - *Advisement and Waiver of Rights for Stipulation* (form FL-694).
3. Revise forms FL-273, FL-274, FL-280, and FL-281 to reflect the new rules regarding setting aside a voluntary declaration of parentage or paternity.
 4. Revise forms FL-272, FL-276, FL-280, and FL-285 by changing the layout and language of the forms to make them more accessible and provide better clarity to litigants.
 5. Revise and rename forms FL-272, FL-273, FL-274, FL-276, FL-278, FL-280, FL-281, FL-285, and FL-290 by rephrasing “set aside” as “cancel (set aside).”
 6. Revise the following forms to include gender-inclusive references to the parties and children or to make the interpreter’s declaration gender inclusive: FL-100, FL-120, FL-200, FL-220, FL-260, FL-270, and FL-300-INFO.
 7. Revise the following forms to make them consistent with current law and the formatting of other nongovernmental family law forms: FL-100, FL-120, FL-170, FL-200, FL-220, FL-260, and FL-270.
 8. Revise form FL-615 to remove references to relief currently available to child support obligors under Family Code section 4007.5, which will sunset effective January 1, 2020.

[19-217](#)**Rules and Forms | Family Law: Duty of Judge Hearing Matter Under Family Code Sections 4521(a) and 4252(b)(7) (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee proposes amending the rule governing the circumstances under which a judge may hear a title IV-D matter when exceptional circumstances prevent a child support commissioner from doing so. By removing the requirement that a judge must make an “interim” order with a follow-up hearing set in front of a commissioner, costs currently incurred by the courts, parties, and local child support agencies resulting from the second hearing would be eliminated.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020, amend California Rules of Court, rule 5.305(b) to more clearly define the roles of the judge and the court at the hearing, as authorized in

Family Code sections 4521(a), 4252(b)(7).

[19-199](#)

Rules and Forms | Family Law: Legislative Addition of New Category of Child Custody Evaluator (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending a rule of court and revising two Judicial Council forms for use in family law custody proceedings. These changes are necessitated by Assembly Bill 2296 (Stats. 2018, ch. 389), which added to Family Code section 3110.5(c)(5) an additional category of licensed child custody evaluator to those qualified to provide court-connected and private child custody evaluations.

Recommendation: The Family and Juvenile Law Advisory committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend rule 5.225 of the California Rules of Court to add “Professional clinical counselor qualified to assess couples and families” to the category of evaluators; and
2. Revise item 4a on Declaration of Court-Connected Child Custody Evaluator Regarding Qualifications (form FL-325) and on Declaration of Private Child Custody Evaluator Regarding Qualifications (form FL-326) to include “professional clinical counselor qualified to assess couples and families.”

[19-216](#)

Rules and Forms | Family Law: Registration of Support Order (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt a new Judicial Council form and revise two other Judicial Council forms for registration of support orders. These changes are required to make the forms suitable for use by all parties to the action and to correct inadvertent omissions.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Adopt *Request for Hearing Regarding Registration of California Support Order* (form FL-445); and
2. Revise *Notice of Registration of Out-of-State Support Order* (form FL-570) and *Request for Hearing Regarding Registration of Support Order* (form FL-575).

[19-200](#)

Rules and Forms | Family Law: Rule and Forms for Minor to Marry or Establish a Domestic Partnership (Action Required)

Summary: The Family and Juvenile Law Advisory Committee proposes adopting a new rule, approving a new form, and revising two forms to implement the requirements of Senate Bill 273 (Hill; Stats. 2018, ch. 660) relating to minors who seek a court order

to marry, establish a domestic partnership, or both.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the council, effective January 1, 2020:

1. Adopt California Rules of Court, rule 5.448 to set forth procedures to implement recent statutory changes concerning court approval of a request by a minor to marry or establish a domestic partnership;
2. Approve *Consent for Minor to Marry or Establish Domestic Partnership* (form FL-912) to allow a parent or legal guardian to consent to the marriage of his or her child;
3. Revise *Request of Minor to Marry or Establish Domestic Partnership* (form FL-910) and *Order and Notices to Minor on Request to Marry or Establish a Domestic Partnership* (form FL-915) to implement recent statutory changes to the requirements to seek court approval for minors to marry or establish domestic partnerships and make them mandatory forms.

[19-197](#)

Rules and Forms | Graduated Filing Fee in Estate Administration Proceedings (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends that the Judicial Council amend one rule and repeal one rule of the California Rules of Court to remove references to a graduated filing fee in estate administration proceedings. The statute that imposed a graduated filing fee in estate administration proceedings based on the value of the estate was held unconstitutional in 2008. The council repealed two other rules implementing the graduated filing fee scheme, effective January 1, 2015, but did not repeal or amend the rules addressed in this proposal.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend California Rules of Court, rule 7.550 to repeal subdivision (b)(10), which requires the report mandated by Probate Code section 10954(c)(1) when an account is waived to include the information required by former rule 7.552(a) and (b); and
2. Repeal rule 7.151.

[19-195](#)

Rules and Forms | Indian Child Welfare Act (ICWA): Implementation of Assembly Bill 3176 for Indian Children (Action Required)

Summary: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend adopting a new rule of court, amending 16 other rules, creating 3 new forms for Indian Child Welfare Act (ICWA) proceedings, and revising

27 forms for ICWA and juvenile court dependency proceedings to comply with statutory changes in Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833), as well as changes to governing federal regulations and guidelines. The proposal also addresses technical amendments and corrections and responds to several appellate court decisions regarding ICWA rules and forms.

Recommendation: The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2020:

1. Adopt rule 5.484 to create a rule related specifically to emergency proceedings in ICWA cases consistent with federal regulations and revised state law;
2. Amend rule 5.480 to reflect the four distinct proceedings set out in the federal regulations and AB 3176;
3. Amend rule 5.481 to implement changed inquiry and notice requirements;
4. Amend rule 5.482 to reflect the changes in ICWA noticing requirements;
5. Amend rule 5.483 to conform the jurisdictional and transfer provisions to the new language of Welfare and Institutions Code section 305.5;
6. Amend rules 5.484 and 5.485 to revise the analysis of placement preferences and active efforts to reflect the language of the new federal regulations and renumber as rules 5.485 and 5.486, respectively;
7. Amend rules 5.485 and 5.486 to reflect requirements regarding active efforts and compelling reasons not to terminate parental rights and renumber as rules 5.486 and 5.487, as rules respectively;
8. Amend rule 5.550 to reflect the limitations on continuances and time requirements found in AB 3176;
9. Amend rule 5.570 to reflect the distinction between reasonable and active efforts;
10. Amend rule 5.668 to reflect the initial ICWA inquiry that must be made by the court;
11. Amend rule 5.674 to include the findings that revised Welfare and Institutions Code section 309(a)(3) requires the court make on the record at a detention hearing;
12. Amend rule 5.676 to reflect the detention requirements for an Indian child;

13. Amend rule 5.678 to reflect the specific requirements when the court knows or has reason to know the child is an Indian child, consistent with the requirements of AB 3176;
14. Amend rule 5.690 to reference the placement preference requirements and time requirements to get to disposition when the child is an Indian child;
15. Amend rule 5.725 to conform to the Court of Appeal decision in *In re J.Y.* (2018) 30 Cal.App.5th 712;
16. Renumber rule 5.487 as rule 5.488;
17. Revise form ICWA-005-INFO to reflect the revised requirements of AB 3176;
18. Revise form ICWA-020 to have the questions asked of parents more closely follow the inquiry required in the federal regulations and AB 3176;
19. Revise form ICWA-030 to add a section for information on direct lineal ancestors in response to the Court of Appeal decision in *In re E.H.* (2018) 26 Cal.App.5th 1058;
20. Revise form ICWA-040 to simplify the purpose of the form to designate a tribal representative;
21. Revise form ICWA-060 to conform the language to the requirements of AB 3176 concerning what is good cause not to transfer a case to tribal court;
22. Adopt forms ICWA-070, ICWA-080, and ICWA-090 to create a process to seek return of an Indian child removed on an emergency basis as mandated by AB 3176;
23. Revise forms JV-100, JV-110, and JV-600 to clarify the way ICWA inquiry is made and attested to;
24. Revise form JV-320 findings required by AB 3176 when a child is an Indian child;
25. Revise form JV-405 to include required inquiry and findings about Indian status;
26. Revise form JV-410 to include the required ICWA findings regarding inquiry, ICWA status, placement preferences, and active efforts;
27. Revise form JV-412 to reflect ICWA notice requirements;

28. Revise forms JV-415 and JV-418 to add findings related to active efforts;
29. Revise form JV-421 to reflect ICWA evidentiary requirements;
30. Revise forms JV-430 and JV-432 to add findings regarding active efforts;
31. Revise forms JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-455, and JV-457 to add required ICWA findings and orders.

[19-179](#)

Rules and Forms | Juvenile Law: Competency (Action Required)

Summary: The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending and renumbering one rule, and amending one rule, to conform to recent statutory changes regarding a child who is the subject of a petition filed under Welfare and Institutions Code sections 601 or 602, when the court has a doubt as to the child's competency to understand the court proceedings.

Recommendation: The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2020:

1. Renumber California Rules of Court, rule 5.645(a)-(c) as rule 5.643; and
2. Amend rule 5.645 to address expert qualifications and court proceedings for juvenile competency evaluations.

[19-203](#)

Rules and Forms | Juvenile Law: Legal Accuracy of Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends revising three forms to comply with recent statutory changes reforming juvenile justice and out-of-home case processes in child welfare cases. In compliance with Senate Bill 190 (Mitchell; Stats. 2017, ch. 678), references to fees associated with probation conditions and out-of-home placement of a child will be removed from one juvenile justice form. Two child welfare related forms will be revised: one to include required title IV-E findings and the other to comply with permanency goals established by Continuum of Care Reform (CCR).

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Revise *Waiver of Rights* (form JV-618) to delete the reference to payment of "fees" and reflect the correct Penal Code section related to firearm restrictions, which changed since the form was last revised;

2. Revise Termination of Dependency (form JV-364) to clarify that the form is only to be used when the permanent plan achieved is adoption and to include two title IV-E findings, the reasonable efforts finding and the permanent plan finding; and
3. Revise Request to Change Court Order (form JV-180) to include a check box in item 2 that allows parents to request statutorily authorized resumption of services and to change gendered terms to nongendered terms.

[19-168](#)**Rules and Forms | Juvenile Law: Out-of-County Placements
(Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends amending one rule and revising one form to conform to recent statutory changes regarding (1) the circumstances that allow waiving the requirement for notice of the child welfare agency's intent to place a child out of county and (2) the time frame for notice of, and objection to, the agency's intent to move a foster child to a different county if that child is transitioning from a temporary placement facility.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend rule 5.614 to ensure it conforms to the new statutory requirements;
2. Amend rule 5.614(b) by adding a cross-reference to new Welfare and Institutions Code section 361.2(h)(2)(A);
3. Amend rule 5.614(d) with the correct reference to Welfare and Institutions Code section 224.3 and amend rule 5.614(f) to add a paragraph requiring that notice of the hearing comply with that section;
4. Amend rule 5.614(e) to delete the time frame for written notice specified in Welfare and Institutions Code section 361.2(h) and replace it with a cross-reference to that section;
5. Amend the title of rule 5.614 to read "Out-of-county placements";
6. Amend the title of chapter 7 (in division 3 of title 5 of the rules) to read "Intercounty Transfers; Out-of-County Placements; Interstate Compact on the Placement of Children"; and
7. Revise Notice of Intent to Place Child Out of County (form JV-555) to indicate in the instructions the new time frames for notice and objection if the child is transitioning from a temporary placement facility.

[19-201](#)**Rules and Forms | Juvenile Law: Sealing of Records (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one information form so that they conform to recently enacted statutory provisions concerning the sealing of juvenile records. The proposal would update the recently adopted rule and form, which implement sealing of records for cases sealed under Welfare and Institutions Code section 786, to include changes to that section that went into effect on January 1, 2019.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council effective January 1, 2020:

1. Amend California Rules of Court, rule 5.840, to incorporate changes to Welfare and Institutions Code section 786; and
2. Revise Sealing of Records for Satisfactory Completion of Probation (form JV-596-INFO) to accurately describe Welfare and Institutions code section 786.

[19-202](#)**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)**

Summary: Recent changes in the law on the transfer of jurisdiction to a criminal court for children 14 and 15 years of age require rule and form changes to be consistent with the new provisions. Senate Bill 1391 (Lara; Stats. 2018, ch. 1012) amends Welfare and Institutions Code section 707 to provide that a child 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. To implement these age-related changes in the jurisdiction of the juvenile court, the Family and Juvenile Law Advisory Committee recommends that the Judicial Council amend three rules of court and one form pertaining to the transfer-of-jurisdiction process and an informational form to reflect the new provisions.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. 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;
2. Revise *Juvenile Justice Court: Information for Parents* (form JV-060-INFO) to reflect modified age limits on transferring jurisdiction to criminal court over juvenile offenders; and

3. Revise *Order to Transfer Juvenile to Criminal Court Jurisdiction* (form JV-710) to reflect recent changes in the transfer statute and case law.

[19-191](#)**Rules and Forms | Miscellaneous Technical Changes (Action Required)**

Summary: Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation, and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation: Judicial Council staff recommend that the council, effective January 1, 2020:

1. Amend rule 8.380(a) to update the reference to *Petition for Writ of Habeas Corpus* (form MC-275), which was relettered and renumbered as form HC-001;
2. Amend rule 8.384(a)(1) to update the reference to form MC-275 to form HC-001;
3. Amend the Advisory Committee Comments to rules 8.851, 8.866(a), 8.868, 8.917, and 8.919 to update the reference to *Defendant's Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210), which was relettered and renumbered as form CR-105;
4. Revise form APP-013 to refer to the correct rule of court in the footer;
5. Revise Request for Entry of Default (form CIV-100) and Request for Entry of Default (Fair Debt Buying Practices Act) (form CIV-105) to update to update the statutory;
6. Revise form CR-131-INFO, items 14a and 14b, to update the references to form MC-210 to form CR-105 citation in the declaration of nonmilitary status on each form. This revision will implement the changes enacted in Assembly Bill 3212, which amended Military and Veterans Code section 400 et seq.
7. Revise form CR-132, item 4b, to update the reference to form MC-210 to form CR-105;
8. Revise form CR-133, item 2b, to update the references to form MC-210 to form CR-105;
9. Revise form CR-134, items 5a(3)(b), 5b(2)(b), and 5c(2)(b), to update the

reference to form MC-210 to form CR-105;

10. Revise form CR-141-INFO, items 13b and 13c, to update the references to form MC-210 to form CR-105;
11. Revise form CR-142, items 5b(2), 5c(2), and 5d(4), to update the references to form MC-210 to form CR-105;
12. Revise *Petition for Transfer Orders* (form GC-363) to add a box below the case number box in the form header to indicate the date, time, and place of the initial hearing on the petition;
13. Revise *Petition for Orders Accepting Transfer* (form GC-366) to add a box below the case number box in the form header to indicate the date, time, and place of the initial hearing on the petition; and
14. Revise *Proof of Service-Civil* (form POS-040), to correct the time frame in the Declaration of Messenger on page 2, to conform to the recently-amended time frame for leaving documents at a party's residence permitted in Code of Civil Procedure section 1011.

[19-196](#)

Rules and Forms | Notices of Hearings in Probate Proceedings (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends adopting one mandatory form and revising one mandatory form to solicit information and give advisements required by statute in a notice of hearing on a petition filed under Probate Code section 850 and a notice of hearing on a report of status of estate administration filed under Probate Code section 12201. These revisions have been requested by courts and stakeholders. They are needed to conform to existing law, promote access to the courts, and reduce delays to hearings.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Adopt *Notice of Hearing on Petition to Determine Claim to Property* (form DE-115/GC-015) to give the required notice of a hearing on a petition under Probate Code section 850; and
2. Revise *Notice of Hearing-Decedent's Estate or Trust* (form DE-120) to add a required advisement, update instructions, and make technical corrections.

[19-189](#)

Rules and Forms | Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends adopting two forms,

approving one information form, and revising an information form and one other form to implement the provisions in Assembly Bill 2694 (Stats. 2018, ch. 219). The bill allows for alternative service for domestic violence restraining order requests when, after diligent efforts, personal service has not been accomplished and there is reason to believe that the person to be served is evading service.

Recommendation: The Family and Juvenile Law Advisory Committee recommends the following, effective January 1, 2020:

1. Adopt form DV-117, *Order Granting Alternative Service*, and form, DV-210, *Summons (Domestic Violence Restraining Order)*;
2. Approve form DV-205-INFO, *What if the Person I Want Protection From is Avoiding (Evading) Service?*;
3. Revise form DV-200-INFO, What is “Proof of Personal Service”?; and
4. Revise form DV-250, Proof of Service by Mail.

[19-198](#)

Rules and Forms | Probate Conservatorship and Guardianship: Accounting (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends amending one rule of the California Rules of Court and approving one form to clarify existing requirements, provide guidance on submitting original account statements when they are issued and received electronically, and require submission of specified information about a ward’s or conservatee’s personal residence in support of a request for a waiver of an otherwise required periodic accounting. The amendments are needed to facilitate implementation of statutory accounting requirements and to protect a personal residence from loss or foreclosure by verifying that the fiduciary is using ordinary care and diligence.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Amend rule 7.575 of the California Rules of Court to:
 - Restructure the existing provisions of the rule to clarify the distinction between standard and simplified accountings and the requirements for each;
 - Add subdivision (b) to provide guidance on submitting original account statements in paper form in support of a court accounting; and
 - Add subdivision (f) to require submission of specific documents regarding a conservatee’s or ward’s personal residence in support of a request for a waiver of an otherwise required accounting; and
2. Approve *Request and Order for Waiver of Accounting* (form GC-410) for optional use.

[19-220](#)**Rules and Forms | Probate Conservatorship and Guardianship:
Qualifications and Education of Appointed Counsel (Action
Required)**

Summary: The Probate and Mental Health Advisory Committee recommends repealing one rule of court and adopting five rules to update the minimum qualifications and annual education required for counsel to be appointed by the court under Probate Code sections 1470 and 1471 to represent wards and conservatees in proceedings under division 4 of the Probate Code. The committee also recommends revising one form for attorneys to certify their eligibility for appointment, approving the revised form for optional use, and revoking a second certification form. The amendments and revisions respond to suggestions from courts, stakeholders, and advocates to tailor the required qualifications and education more closely to statute, ensure the knowledge and experience needed for effective representation, and simplify the certification process.

Recommendation: The Probate and Mental Health Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Repeal rule 7.1101 of the California Rules of Court;
2. Adopt rule 7.1101 to specify the scope of the chapter, define the terms used in the chapter, and establish general qualifications for appointed counsel;
3. Adopt rule 7.1102 to specify minimum qualifications and annual education related to guardianships required for an attorney to be appointed under Probate Code section 1470 to represent a ward or proposed ward in a guardianship or other proceeding under division 4 of the Probate Code;
4. Adopt rule 7.1103 to specify minimum qualifications and annual education related to conservatorships and legal capacity required for an attorney to be appointed under Probate Code section 1470 or 1471 to represent a conservatee, proposed conservatee, or person alleged to lack legal capacity in a conservatorship or other proceeding under division 4 of the Probate Code;
5. Adopt rule 7.1104 to affirm a court's authority to establish local procedures to administer appointment of qualified attorneys and authorize the court, on an express finding of necessity, to appoint an attorney who does not meet the minimum qualifications or annual education requirements in rule 7.1102 or 7.1103;
6. Adopt rule 7.1105 to specify initial and annual certification requirements;
7. Revise *Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorships or Guardianships* (form GC-010) to

conform to the amended certification requirements, incorporate annual certification, simplify the certification process, and approve the form for optional use; and

8. Revoke *Annual Certification of Court-Appointed Attorney* (form GC-011).

[19-180](#)

Rules and Forms | Protective Orders: New Forms for Protecting Minors' Information (Action Required)

Summary: The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee jointly recommend that the Judicial Council adopt two information sheets to help litigants understand a new law that enables courts to make confidential certain information regarding a minor in civil harassment and domestic violence restraining order proceedings. The new law went into effect on January 1, 2018, under Assembly Bill 953 (Stats. 2017, ch. 384). New Judicial Council forms to implement this law went into effect January 1, 2019.

Recommendation: The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective January 1, 2020:

1. Adopt form CH-160-INFO, Privacy Protection for a Minor, in the Civil Harassment Prevention series; and
2. Adopt form DV-160-INFO, Privacy Protection for a Minor, in the Domestic Violence Prevention series.

[19-190](#)

Rules and Forms | Protective Orders: Revisions to Continuance Forms (Action Required)

Summary: The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend revising 17 protective order forms: the request and order forms for continuances and accompanying information forms, where applicable, for several forms series. Changes to the order forms are recommended to ensure that these protective orders are properly entered into the California Law Enforcement Telecommunications System (CLETS), a California protective order database. Revisions are also needed to the domestic violence and gun violence series to implement recent changes in the law.

Recommendation: The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee recommend that the Judicial Council, effective January 1, 2020:

1. Revise the *Request to Continue Hearing* form in each protective order form series (forms CH-115, DV-115, EA-115, GV-115, SV-115, and WV-115);
2. Revise the *Order on Request to Continue Hearing* form in each series (forms CH-116, DV-116, EA-116, GV-116, SV-116, and WV-116); and
3. Revise the information sheets *How to Ask for a New Hearing Date* (forms CH-115-INFO, DV-115-INFO, EA-115-INFO, SV-115-INFO, and WV-115-INFO) to reference correct items and to use the same plain language

terms as used on forms 115 and 116.

[19-156](#)**Rules and Forms | Remote Access to Electronic Records by Government Entities (Action Required)**

Summary: The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.540 of the California Rules of Court to add “county public administrator” and “county public conservator” to the list of government entities that may be granted remote access to certain court electronic records, and make a minor amendment to the good cause provision of the rule. These amendments will make the rule more comprehensive and remove a need to make a good cause finding for those entities.

Recommendation: The Information Technology Advisory Committee recommends the Judicial Council, effective January 1, 2020, amend rule 2.540(b)(1) to:

1. Add “county public administrator” to the list of government entities in the rule, and allow remote access to probate electronic records by county public administrators;
2. Add “county public conservator” to the list of government entities in the rule, and allow remote access to criminal, mental health, and probate electronic records by county public conservators; and
3. Change “statutory duties” to “legal duties” in the standard for good cause.

[19-186](#)**Rules and Forms | Small Claims: Information About Court Interpreters (Action Required)**

Summary: The Civil and Small Claims Advisory Committee recommends revisions to two small claims forms in light of the repeal of Code of Civil Procedure section 116.550 in Senate Bill 1155. Previously, that statute had authorized a small claims court to permit another individual other than an attorney to assist a party if the court determines that the party does not speak or understand English sufficiently to comprehend the proceedings or give testimony and needs assistance. The law had also required each court to make a reasonable effort to maintain and make available to the parties a list of interpreters who were able and willing to aid parties in small claims actions. Senate Bill 1155 repealed section 116.550 and at the same time made all the statutory provisions regarding interpreters in other civil cases applicable to small claims cases. The proposed form revisions would remove from the forms all references to the content of this repealed law and more closely reflect current law.

Recommendation: To correct information in the forms regarding interpreters, the Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2020, revise:

1. The “How to Get Help With Your Case” section of *Information for the Small Claims Plaintiff* (form SC-100-INFO); and
2. The “Information for the defendant” section of *Plaintiff’s Claim and ORDER to*

Go to Small Claims Court (form SC-100).

[19-215](#)

Rules and Forms | Technical Changes Required by Sunsetting of Family Code Section 4007.5 (Action Required)

Summary: Family Code section 4007.5, which currently provides that any money judgment or order for child support is automatically suspended and set to zero (\$0.00) when an obligor is incarcerated or involuntarily institutionalized for more than 90 consecutive days, is due to sunset January 1, 2020. Legislation was proposed this session to remove the sunset date and make the measure permanent. However, the bill unexpectedly lost support and is now inactive, meaning that this statute will expire as of January 1, 2020. The Family and Juvenile Law Advisory Committee recommends making the necessary corrections to certain forms to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation: The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Revise the following forms to remove references to relief currently available to child support obligors under Family Code section 4007.5, which will sunset effective January 1, 2020:

- *Child Support Information and Order Attachment* (form FL-342),
- *Stipulation to Establish or Modify Child Support and Order* (form FL-350),
- *Application to Determine Arrears* (form FL-490),
- *Judgment Regarding Parental Obligations* (form FL-530),
- *Stipulation and Order* (form FL-625),
- *Judgment Regarding Parental Obligations* (form FL-630),
- *Findings and Recommendation of Commissioner* (form FL-665),
- *Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL-676),
- *Information Sheet: Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL-676-INFO),
- *Order After Hearing* (form FL-687),
- *Short Form Order After Hearing* (form FL-688), and
- *Minutes and Order or Judgment* (form FL-692).

2. Make additional, minor technical changes to forms FL-342, FL-350, FL-490, FL-530, FL-625, FL-676, and FL-676-INFO as detailed below.

[19-176](#)

Trial Court Budget | 2018-19 Preliminary One-Time Reduction for Fund Balances Above the 1 Percent Cap (Action Required)

Summary: Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a preliminary one-time allocation reduction of \$7,890,830 to 16 courts that are projecting the portion of their 2018-19 ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$7,890,830. Government Code section 68502.5(c)(2)(A) requires the council to make a preliminary allocation reduction in July of each fiscal year. This year, submission information was not received in time to present to the Judicial Council at its July business meeting.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 24, 2019, approve a preliminary one-time allocation reduction of \$7,890,830 to 16 courts that are projecting the portion of their 2018-19 ending fund balance that is subject to the 1 percent balance cap to exceed the cap by \$7,890,830.

[19-147](#)

Trial Court Budget | Allocation Methodology for Cannabis Convictions Resentencing Funding (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the proportional allocation methodology for allocating funding provided in the Budget Act of 2019. This funding will support increased workload at the trial courts as a result of the enactment of Assembly Bill 1793 (Stats. 2018, ch. 993), which requires sentence modification of past cannabis conviction cases pursuant to the Control, Regulate and Tax Adult Use of Marijuana Act of 2016.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 24, 2019, approve the proportional allocation methodology based on the percentage of potentially eligible cases by county, as provided by the state Department of Justice, to allocate funding provided in the Budget Act of 2019.

[19-212](#)

Trial Court Budget | Reporting Requirement for Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund Encumbrances (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends foregoing the reporting requirement for outstanding encumbrances for all programs funded from the Trial Court Trust Fund and/or State Trial Court Improvement and Modernization Fund, unless requested. This recommendation is in response to a change in the circumstances that triggered the original reporting requirement and will assist to reduce Judicial Council staff workload.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective September 24, 2019, forego the annual reporting requirement for outstanding encumbrances from the TCTF and IMF, unless requested.

[19-161](#)**Trial Court Budget | Trial Court Financial Policies and Procedures Manual Encumbrance Guidelines (Action Required)**

Summary: Judicial Council staff recommends adoption of newly revised encumbrance guidelines into the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), 10th edition. The manual was last updated in June 2019. The TCFPPM requires substantive revisions to correct inconsistencies between the TCFPPM and an encumbrance policy recommended by the Trial Court Budget Advisory Committee and adopted by the Judicial Council in June 2014.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective September 24, 2019, adopt the revised 10th edition of the *Trial Court Financial Policies and Procedures Manual*, which:

1. Corrects inconsistencies between the TCFPPM and encumbrance guidelines recommended by the TCBAC and adopted by the Judicial Council in June 2014; and
2. Incorporates Finance Memo supersession language.

[19-098](#)**Trial Court Budget | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)**

Summary: The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving six new requests and seven amended requests from nine trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts totaling \$6,801,392. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

Recommendation: Based on actions taken at its meeting on July 25, 2019, the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective September 24, 2019:

1. Approve the following new Trial Court Trust Fund (TCTF) funds held on behalf of the trial courts requests totaling \$3,228,801 (Attachment A):
 - \$40,000 request of the Sutter Superior Court (Attachment B);
 - \$110,000 request of the Placer Superior Court (Attachment C);
 - \$777,000 request of the Mendocino Superior Court (Attachment D);
 - \$110,000 request of the Orange Superior Court (Attachment E);
 - \$1,776,000 request of the Sacramento Superior Court (Attachment F); and
 - \$415,801 request of the San Benito Superior Court (Attachment G).
2. Approve the following amended requests totaling \$3,572,591 (Attachment H):
 - \$175,000 request of the Sutter Superior Court, which increases its original

request of \$50,000 by \$125,000 (Attachment I);

- \$645,000 request of the Colusa Superior Court, to expend \$400,000 in 2019-20 and \$245,000 in 2020-21 (Attachment J);
- \$465,234 request of the Orange Superior Court, to amend the fiscal year to expend \$465,234 from 2018-19 to 2019-20 (Attachment K);
- \$50,000 request of the Placer Superior Court, to amend the fiscal year to expend \$50,000 from 2018-19 to 2019-20 (Attachment L);
- \$1,412,664 request of the Sacramento Superior Court, to amend the fiscal year to expend \$1,412,664 from 2018-19 to \$784,800 in 2019-20 and \$627,864 in 2020-21 (Attachment M);
- \$385,693 request of the San Francisco Superior Court, to expend \$100,000 in 2019-20 and \$285,693 in 2020-21 (Attachment N); and
- \$439,000 request of the Tehama Superior Court, to expend \$100,000 in 2018-19; \$225,621 in 2019-20; and \$113,379 in 2020-21 (Attachment O).

DISCUSSION AGENDA

[19-068](#)

Rules and Forms | Court Interpreters: California Court Interpreter Credential Review Procedures (Action Required)

Summary: To implement Recommendation 64 of the *Strategic Plan for Language Access in the California Courts*, the Court Interpreters Advisory Panel recommends that the Judicial Council (1) repeal rule 2.891 of the California Rules of Court, Periodic review of court interpreter skills and professional conduct; (2) adopt new rule 2.891; (3) approve the *California Court Interpreter Credential Review Procedures*, to take effect on January 1, 2020; and (4) delegate authority to the Administrative Director to approve future changes, when necessary, to the *California Court Interpreter Credential Review Procedures*.

Recommendation: To implement Recommendation 64 of the *Strategic Plan for Language Access in the California Courts* and fulfill the legislative mandate that directs the Judicial Council, under Government Code section 68562(d), to adopt standards and requirements for interpreter discipline at the credentialing level, the Court Interpreters Advisory Panel recommends that the Judicial Council, effective January 1, 2020:

1. Repeal rule 2.891 of the California Rules of Court;
2. Adopt new rule 2.891;
3. Approve the new *California Court Interpreter Credential Review Procedures*; and
4. Delegate authority to the Administrative Director to approve future changes, when necessary, to the *California Court Interpreter Credential Review Procedures*.

A motion was made by Justice Chin, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote.

[19-175](#)**Language Access Plan | Signage and Technology Grants (Action Required)**

Summary: The 2018 Budget Act included \$2.55 million ongoing for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving a proposed grant process and directing the Language Access Services unit (LAS) of the Center for Families, Children & the Courts to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council. Following council approval of grant awards each year, LAS will disburse funding to awarded courts annually, beginning in fiscal year 2019-20.

Recommendation: The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend that the Judicial Council, effective September 24, 2019:

1. Adopt the proposed *Language Access Signage and Technology Grants: Process Overview*; and
2. Direct LAS to solicit and review grant applications and develop recommendations for review and approval by PAF, ITAC, and the Judicial Council.

A motion was made by Mr. Kelly, seconded by Judge Lyons, that this proposal be approved. The motion carried by a unanimous vote.

[19-083](#)**Judicial Workload Assessment | 2018 Judicial Workload Study Updated Caseweights (Action Required)**

Summary: The Workload Assessment Advisory Committee recommends that the Judicial Council adopt the proposed Judicial Workload Study updated model parameters that are used as part of the formula for assessing judicial need in the trial courts. The council previously approved the Judicial Workload Study in 2001 and 2011; the current update accounts for changes in the law and practice that have affected judicial workload since the last study update in 2011. The recommendation also reflects direction from the Judicial Council, at its July 18, 2019 meeting, to perform additional analysis to ensure the model best represents courts of all sizes. Further, WAAC recommends that the council approve an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new judicial workload measures and the established methodology for prioritization of judgeships. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

Recommendation: The Workload Assessment Advisory Committee recommends that the Judicial Council:

1. Approve the *2018 Judicial Workload Study Update-Draft Caseweights and Standards* for use in evaluating statewide judicial workload, including for use in

the biennial judicial needs assessment, and to meet the requirements of Government Code section 69614(c)(2);

2. Approve the updated *2018 Update of the Judicial Needs Assessment* for transmittal to the Legislature. The updated *Needs Assessment* replaces a preliminary version that was issued in November 2018 prior to completion of the *2018 Judicial Workload Study Update*.

A motion was made by Justice Chin, seconded by Judge Hopp, that this proposal be approved. The motion carried by a unanimous vote.

[19-206](#)

Trial Court Budget | Policy for Courts that Exceed 100 Percent of Workload Formula Funding (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a new Workload Formula policy for courts whose funding allocations relative to workload exceed 100 percent. Further, the committee recommends that the council allocate any funding received for cost increase adjustments to trial courts separately from the Workload Formula allocation. These actions continue efforts previously made by the council to refine the Workload Formula, make progress towards trial court funding equity, and ensure adequate funding for trial courts.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council:

1. Approve a change to the workload formula policy concerning reallocations in years with no new money so that any court above 105 percent of funding be subject to a 2 percent reduction of funding without going below 104 percent; and
2. Allocate any funding received for cost increase adjustments to trial courts separately from the workload formula allocation.

A motion was made by Judge Bottke, seconded by Mr. Kelly, that this proposal be approved. The motion carried by a unanimous vote.

[19-140](#)

Judicial Branch Education | Update on Judicial Diversity Toolkit (No Action Required)

Summary: The *Pathways to Achieving Judicial Diversity in the California Courts* toolkit (Judicial Diversity Toolkit) is a compilation of model mentorship programs, seminars, and outreach resources designed to increase the diversity of applicants for judicial appointment in California. Conceived as a result of the 2006 Summit on Judicial Diversity, the Judicial Diversity Toolkit was first published in 2010 by the Judicial Council in consultation with the Access and Fairness Advisory Committee--now the Advisory Committee on Providing Access and Fairness (PAF). In January 2019, in partnership with the State Bar's Council on Access and Fairness, PAF formed the Judicial Diversity Toolkit Working Group to redesign a "digital-first" version of the toolkit as an online resource, with a goal of making its content and resources more user-friendly for judicial officers and courts to adopt in outreach efforts to diverse communities statewide.

[19-084](#)**Court Innovations Grant Program Project Presentation (No Action Required. There are no materials for this item.)**

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of Fresno County will present and provide information related to the court's Human Trafficking Court Project.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[19-096](#)**Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2018-19, Quarter 4**

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the fourth quarter of fiscal year (FY) 2018-19.

[19-163](#)**Judicial Branch Education | Report on Compliance with Education Rules 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 2016-2018 education cycle, which concluded on December 31, 2018.

[19-095](#)**Report to the Legislature | Cash Flow Loans Made to Courts in 2018-19**

Summary: Government Code section 68502.6 requires that the Judicial Council report to the Legislature annually on all cash flow loans made to the courts. On August 30, 2019, Judicial Council staff submitted to the Legislature the report entitled *Cash Flow Loans Made to Courts in 2018-19*.

[19-162](#)**Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of January 1 through June 30, 2019**

Summary: Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts; (2) for every vendor or contractor receiving more than one payment, the amount of the payment and the type of goods or services provided; and (3) the judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on August 1, 2019, which listed all judicial branch entity contracts that were amended during the reporting period covering January 1 through June 30, 2019.

[19-094](#)**Trial Courts | Annual Investment Report for Fiscal Year 2018-19**

Summary: This *Trial Courts: Annual Investment Report for Fiscal Year 2018-19* covers the period of July 1, 2018, through June 30, 2019, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Appointment Orders[19-209](#)**Appointment Orders since the last business meeting.****Adjournment (approximately 12:15 p.m.)**

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 12:45 p.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on November 14, 2019.