



Judicial Council of California

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

Meeting Minutes

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

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(Cal. Rules of Court, rule 10.6(a))*

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Friday, May 15, 2020

9:30 AM

Live Audiocast

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 9:30 a.m.

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

Attendance

Council Members

Present: 29 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Administrative Presiding Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Marsha G. Slough, Presiding Judge Joyce D. Hinrichs, Presiding Judge Ann C. Moorman, Judge Marla O. Anderson, Judge C. Todd Bottke, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Jonathan B. Conklin, Judge Samuel K. Feng, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge David M. Rubin, Judge Tam Nomoto Schumann (Ret.), Judge Eric C. Taylor, Commissioner Rebecca Wightman, Senator Hannah-Beth Jackson, Assembly Member Richard Bloom, 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: 1 - Justice Carin T. Fujisaki

Call to Order

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

Public Comment

Comments were submitted in writing and reviewed by the Judicial Council.

Approval of Minutes

[20-142](#)

Minutes of January 17, 2020, March 28, 2020, and April 6, 2020, Judicial Council meetings.

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

Chief Justice's Report

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

Administrative Director's Report

[20-143](#)

Administrative Director's Report

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

Judicial Council Internal Committee Written Reports

[20-046](#)

Judicial Council Internal Committee Written Reports

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Mr. Kelly, seconded by Judge Taylor, to approve all of the following items on the Consent Agenda; item 20-128 was amended to withdraw civil jury instructions 3903C, 3903D, and 3906.28. The motion carried by a unanimous vote.

[20-132](#)

Collaborative Justice | *Survey and Assessment of Veterans Treatment Courts* (Action Required)

Summary: The Criminal Justice Services office recommends that the Judicial Council receive *Collaborative Justice: Survey and Assessment of Veterans Treatment Courts* and direct the Administrative Director to submit this final report to the Legislature (Sen. Bill 339; Stats. 2017, ch. 595). The report presents findings on local policies, practices, and available services from a survey of counties that are and are not operating veterans treatment courts (VTCs); analyzes the impact of a sample of VTCs on outcomes, including program recidivism, mental health, homelessness, employment, social stability, and substance abuse; and includes recommendations to improve access to services for justice-involved veterans.

Recommendation: Criminal Justice Services recommends that the Judicial Council, effective May 15, 2020:

1. Receive *Collaborative Justice: Survey and Assessment of Veterans Treatment Courts*; and
2. Direct the Administrative Director to submit this report to the Legislature as mandated by Senate Bill 339.9

[20-079](#)**Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)**

Summary: The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2020-21 in the amount of \$18.3 million for the trial courts and \$1.3 million for the state judiciary. The committee is also recommending two additional measures to create a more efficient workers' compensation claims settlement process, and to reduce the deficit of the Judicial Branch Workers' Compensation Fund.

Recommendation: The Judicial Branch Workers' Compensation Program Advisory Committee recommends that the Judicial Council, effective May 15, 2020:

1. Approve the workers' compensation cost allocation for fiscal year 2020-21 for participating trial courts and the state judiciary (Attachment A, Actuarial Review of the Self-Insured Judicial Branch Workers' Compensation Program, Member Premium for Program Year 2020-21);
2. Adopt the revised Judicial Branch Workers' Compensation Program (JBWCP) Claims Settlement Authority Policy, Internal JBWCP Procedures for Level III Settlement Authority Requests, and the JBWCP Settlement Authority Request/Notification Form. The text of the amended JBWCP Claims Settlement Authority Policy and the new and revised forms are attached (Attachment B, JBWCP Claims Settlement Authority Documents); and
3. Approve the consolidation of 12 monthly workers' compensation premium payments to 2 payments per year in August and September for trial court members of the program, with contingencies to modify the deposit schedule if members do not have sufficient funding (Attachment C, Judicial Branch Workers' Compensation Fund Transfers from the Trial Court Trust Fund).

[20-128](#)**Jury Instructions | Civil Jury Instructions (Release 37) (Action Required)**

Summary: The Advisory Committee on Civil Jury Instructions recommends approving for publication the new and revised civil jury instructions prepared by the committee. These revisions bring the instructions up to date with developments in the law over the previous six months. On Judicial Council approval, the instructions will be

published in the official midyear supplement to the 2020 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

Recommendation: The Advisory Committee on Civil Jury Instructions recommends that the Judicial Council, effective May 15, 2020, approve for publication the following civil jury instructions prepared by the committee:

1. Revisions to 46 instructions and verdict forms: CACI Nos. 113, 420, 440, 1100, VF-1100, 1102, VF-1201, 1305, VF-2506A, VF-2506B, VF-2506C, VF-2507A, VF-2507B, VF-2507C, VF-2508, 2511, 2521C, 2522C, 2540, 2545, 2560, 2561, 2705, VF-3012, 3020, 3050, 3053, VF-3501, 3704, 3903C, 3903D, 3904A, 4106, 4300, 4301, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4325, 4575, VF-4602, and 4603;
2. The addition of 7 new instructions: CACI Nos. 118, 1812, 1813, 1814, 3906, 4920, and 4921; and
3. A revision to the User Guide.

[20-087](#)

Juvenile Law | 2019-20 Allocations for Juvenile Dependency Counsel Collections Program and Court-Appointed Counsel Expected Unspent Funding (Action Required)

Summary: The Trial Court Budget Advisory Committee recommends two redistributions of funding for court-appointed juvenile dependency counsel for fiscal year 2019-20. Under the Juvenile Dependency Counsel Collections Program, courts collect reimbursements from parents and other responsible persons liable for the cost of dependency-related legal services to the extent that those persons are able to pay. The committee recommends that the Judicial Council allocate the fiscal year 2018-19 statutorily restricted funds remitted in excess of dependency counsel program administrative costs to the trial courts, calculated according to the methodology adopted by the council. The committee also recommends that the council reallocate unspent dependency counsel funding from courts that have identified funds they do not intend to spend to courts funded at below the average statewide funding level.

Recommendation: The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective May 15, 2020:

1. Allocate fiscal year 2018-19 Juvenile Dependency Counsel Collections Program funds of \$455,346 (Attachment A); and
2. Allocate fiscal year 2019-20 trial court allocations of \$1,081,225 in estimated unspent funding (Attachment B).

[20-083](#)

Report to the Legislature | 2020 Language Need and Interpreter Use Study (Action Required)

Summary: Under Government Code section 68563, every five years the Judicial Council is required to submit to the Governor and the Legislature a study of language need and interpreter use in the trial courts. The *2020 Language Need and Interpreter Use Study*, prepared by the Judicial Council's Language Access Services, details interpreter use in the trial courts for fiscal years 2014-15 through 2017-18 and projects future language need. The Court Interpreters Advisory Panel recommends that the council approve the 2020 study for submission to the Governor and the Legislature.

Recommendation: The Court Interpreters Advisory Panel recommends that the Judicial Council, effective May 15, 2020:

1. Approve the *2020 Language Need and Interpreter Use Study* for submission to the Governor and the Legislature as required by Government Code section 68563; and
2. Direct staff to submit the study to the Governor and the Legislature.

[20-140](#)

Rules and Forms | Appellate Procedure: Appointment of Counsel in Misdemeanor Appeals (Action Required)

Summary: To implement the California Supreme Court's decision in *Gardner v. Appellate Division of Superior Court* (2019) 6 Cal.5th 998, the Appellate Advisory Committee recommends amending the rule regarding appointment of counsel in misdemeanor appeals to expand the circumstances under which the appellate division is authorized to appoint counsel for an indigent defendant. The proposal would also revise two forms to be consistent with the rule amendments.

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

1. Amend California Rules of Court, rule 8.851 to require the appellate division to appoint counsel for an indigent defendant who has been charged with a misdemeanor and the appeal qualifies as a critical stage of the criminal process; allow the appellate division to appoint counsel for any other indigent defendant charged with a misdemeanor; add an advisory committee comment describing *Gardner v. Appellate Division of Superior Court* (2019) 6 Cal.5th 998; and make other conforming changes and corrections;
2. Revise form CR-131-INFO to reflect the amendments to rule 8.851 and to clarify language explaining that a misdemeanor defendant does not have a right of self-representation; and
3. Revise form CR-133 to reflect the amendments to rule 8.851.

[20-126](#)

Rules and Forms | Appellate Procedure: Technical Revisions to Forms to Use Gender-Neutral Language (Action Required)

Summary: As requested by the Rules Committee, the Appellate Advisory Committee

reviewed the Judicial Council forms within its purview to identify any containing gender identity questions or gender terms. The committee identified several forms containing gender terms and recommends that they be revised to use gender-neutral language. The committee also recommends correcting the numbering and lettering of items on one of these forms to be consistent with standard formatting.

Recommendation: The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2021, revise:

1. *Civil Case Information Statement* (form APP-004), the box at the top of page 4, to replace “a party to the appeal may not perform the mailing or delivery himself or herself” with “the mailing or delivery must be performed by someone who is not a party to the appeal,” and Parts 1 and 2, to correct the numbering and lettering of items to be consistent with standard formatting;
2. *Appellant’s Proposed Settled Statement* (form APP-014), item 3a, to replace “his or her” with “the party’s,” and item 5a, to replace “he or she” with “the judge”;
3. *Order on Court Fee Waiver* (form APP-016-GC/FW-016-GC), item 6b(2), to replace “he or she” with “the (proposed) ward or conservatee”;
4. *Proposed Statement on Appeal* (form APP-104), item 7d, to replace “what that witness said in his or her testimony” with “the witness’s testimony”;
5. *What Is Proof of Service?* (form APP-109-INFO), item 4, to replace “he or she” with “the party”;
6. *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO), item 6, to replace “he or she” with “the person” and item 18c, to replace “he or she” with “the petitioner”;
7. *Proposed Statement on Appeal* (form CR-135), item 7e, to replace “what that witness said in his or her testimony” with “the witness’s testimony”;
8. *Proposed Statement on Appeal* (form CR-143), item 6e, to replace “what that witness said in his or her testimony” with “the witness’s testimony”; and
9. *Recommendation for Appointment of Appellate Attorney for Child* (form JV-810) to replace “his or her” with “the child’s” in items 3b, 3c(2), and 3d, and “he or she” with “the child” in item 3c.

[20-006](#)

Rules and Forms | Appellate Procedure: Access to Juvenile Case Files in Appellate Court Proceedings (Action Required)

Summary: Recent Judicial Council-sponsored legislation amended the statute governing access to records in a juvenile case. The statutory amendment provides that individuals who petitioned for, and by order of the juvenile court were granted access to, the juvenile case file are entitled to access those same records for purposes of appellate court proceedings in which they are parties. To implement that legislation, the Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee now recommend amending the rules regarding confidentiality in juvenile court and appellate court proceedings, approving a new

information sheet, and revising a number of forms used in juvenile dependency matters and subsequent appellate proceedings.

Recommendation: The Appellate Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.552 of the California Rules of Court to replace the terms “disclosure” and “disclosed” with “access to” and “released,” to more accurately describe the juvenile court’s action as permitting access to records in the juvenile case file rather than permitting disclosure;
2. Amend rule 8.401 of the California Rules of Court to add new subdivision (b)(2) to implement the new statutory provision, add a new advisory committee comment for the new subdivision, add definitions to clarify terms, and make other changes to clarify the application of each paragraph;
3. Approve *Information on Requesting Access to Records for Persons With a Limited Right to Appeal* (form JV-291-INFO);
4. Revise the following forms to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order:
 - a. Relative Information (form JV-285);
 - b. Caregiver Information Form (form JV-290);
 - c. De Facto Parent Request (form JV-295);
 - d. Request for Prospective Adoptive Parent Designation (form JV-321); and
 - e. Objection to Removal (form JV-325);
5. Revise *Proof of Service-Request for Disclosure* (form JV-569) to rename it *Proof of Service-Petition for Access to Juvenile Case File*, update the language, and add new item 3 for the filer to explain any failure to serve required public entities;
6. Revise *Request for Disclosure of Juvenile Case File* (form JV-570) to rename it *Petition for Access to Juvenile Case File*, update the language, and make other clarifying changes;
7. Revise *Notice of Request for Disclosure of Juvenile Case File* (form JV-571) to rename it *Notice of Petition for Access to Juvenile Case File* and update the language;
8. Revise *Objection to Release of Juvenile Case File* (form JV-572) to update the language;
9. Revise *Order on Request for Disclosure of Juvenile Case File* (form JV-573) to rename it *Order on Petition for Access to Juvenile Case File*, update the language, add check boxes and space in item 1 for the judicial officer to state the reason for denying the petition, and add new item 6 to provide space for other orders;
10. Revise *Order After Judicial Review* (form JV-574) to rename it *Order*

After Judicial Review on Petition for Access to Juvenile Case File, update the language, and add check boxes for the judicial officer to indicate the reason for denying the petition and information regarding redaction and dissemination of records;

11. Revise *Notice of Appeal-Juvenile* (form JV-800) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order, to add an item allowing the litigant who has been granted access to records to indicate this and attach a copy of the order, and to add to the list of appealable orders in item 7 an order under Welfare and Institutions Code section 305.5 denying transfer to the tribal court and an order under section 388;
12. Revise *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26* (form JV-820) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order and to add an item allowing the litigant who has been granted access to indicate this and attach a copy of the order; and
13. Revise *Notice of Intent to File Writ Petition and Request for Record to Review Order Designating or Denying Specific Placement of a Dependent Child After Termination of Parental Rights* (form JV-822) to add a notice to potential parties in appellate proceedings who are not entitled to access records in the juvenile case file absent court order, add an item allowing the litigant who has been granted access to indicate this and attach a copy of the order, and clarify that this form may be signed by the attorney of record.

[20-125](#)

Rules and Forms | Civil Practice and Procedure: Confidential Information Form Under Code of Civil Procedure Section 367.3 (Action Required)

Summary: The Civil and Small Claims Advisory Committee proposes a new form for Judicial Council adoption, *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001). This mandatory form implements Assembly Bill 800 (Stats. 2019, ch. 439), which provides that a party who is participating in the Safe at Home program (an address confidentiality program run by the Secretary of State) may appear pseudonymously in a civil action, and that the true name of the party as well as any other identifying characteristics are to be kept confidential by the court and other parties in the case. The new form allows pseudonymous parties to provide their true names to the courts and the other parties to the action, and to attest to the party's active participation in the Safe at Home confidential address program. The form also allows all parties to such a case to list any identifying characteristics that have been redacted from a pleading or other document filed with the court.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial

Council adopt *Confidential Information Form Under Code of Civil Procedure Section 367.3* (form SH-001), effective September 1, 2020.

[20-130](#)**Rules and Forms | Civil Practice and Procedure: Enforcement of Judgment Forms--Exemptions (Action Required)**

Summary: The Civil and Small Claims Advisory Committee proposes that the Judicial Council revise four enforcement of judgment forms and approve four new forms to implement the provisions of Senate Bill 616, which recently amended several laws regarding exemptions to enforcement of civil money judgments. The amendments have two primary purposes: extending the time for making and opposing claims of exemption, and creating a new automatic exemption for deposit accounts. The amendments also create a new automatic exemption for Federal Emergency Management Agency funds provided to a judgment debtor, as well as a “hardship exemption” for deposit accounts.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2020:

1. Approve *Ex Parte Application for Order on Deposit Account Exemption* (form EJ-157), *Instructions for Ex Parte Application for Order on Deposit Account Exemption* (form EJ157-INFO), *Declaration Regarding Notice and Service for Ex Parte Application for Order on Deposit Account Exemption* (form EJ-158), and *Order on Application for Designation of Deposit Account Exemption* (form EJ-159) to implement the new ex parte process established in section 704.220(e) of the Code of Civil Procedure.
2. Revise *Writ of Execution* (form EJ-130), *Notice of Levy* (form EJ-150), *Exemptions From the Enforcement of Judgments* (form EJ-155), and *Current Dollar Amounts of Exemptions From Enforcement of Judgments* (form EJ-156) to reflect new provisions enacted in Senate Bill 616 and modify existing statutory citations as appropriate, and to authorize the committee to correct the amount of the automatic exemption for deposit accounts, set by the California Consumer Price Index for All Consumers, on form EJ-156 before the form’s effective date.

[20-123](#)**Rules and Forms | Criminal Law: Mental Competency Proceedings (Action Required)**

Summary: The Criminal Law Advisory Committee recommends amending California Rules of Court, rule 4.130, to reflect recent legislative changes by deleting an advisory committee comment stating that expert reports are publicly accessible court documents, and replacing outdated terminology to describe mental health disorders.

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

to:

1. Delete the advisory committee comment that states “[t]he expert reports, unless sealed under rule 2.550, are publicly accessible court documents”; and
2. Replace references to a “mental disorder” with “mental health disorder.”

[20-137](#)

Rules and Forms | Juvenile Law: Educational Rights Holders (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.649 (Right to make educational or developmental-services decisions); revising *Order Designating Educational Rights Holder* (form JV-535) and its attachment (form JV-535(A)); and approving *Information on Educational Rights Holders* (form JV-535-INFO) to clarify requirements, alleviate confusion, and provide more guidance on service of process.

Recommendation: The committee recommends that the Judicial Council, effective September 1, 2020:

1. Amend rule 5.649 of the California Rules of Court to clarify the filing requirements following a hearing designating an educational rights holder; specify requirements for service of process after the hearing; and update references to “parent and guardian” to include the educational rights of an Indian custodian, in compliance with Welfare and Institutions Code section 361.
2. Revise *Order Designating Educational Rights Holder* (form JV-535) to bring key information to the front page, to include more information about the various parties, to better identify confidential names and addresses, and to provide space for the appointment of more than one educational rights holder.
3. Revise *Attachment to Order Designating Educational Rights Holder* (form JV-535(A)) to include room for the names of all parties and others who need to be served if applicable; include an educational rights holder service of process check box that designates the required parties and others that need service if applicable and appropriate; add the Child’s Statewide Student Identifier (SSID) to better track the child or youth through any school changes; and make the form mandatory rather than optional.
4. Approve *Information on Educational Rights Holders* (form JV-535-INFO) to provide key information about educational rights holders, including what an educational rights holder is; what is required of an educational rights holder; what happens at each hearing when there is an educational rights holder; who needs to be served with forms JV-535 and JV-535(A); and how a parent, guardian, or Indian custodian can appeal a court’s limiting or modifying of educational rights.

[20-135](#)**Rules and Forms | Juvenile Law: Psychotropic Medication
Information Release (Action Required)**

Summary: The Family and Juvenile Law Advisory Committee recommends adopting one rule of the California Rules of Court and amending four rules, approving two forms, adopting one form, and revising four forms, to conform to recent statutory changes regarding children for whom the juvenile court has approved requests for prescription of psychotropic medications, which were enacted by Senate Bill 377 (McGuire; Stats. 2019, ch. 547).

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

1. Amend rule 5.640 of the California Rules of Court to add three new forms (discussed below) to the list of the documents the applicant must provide the child's attorney when providing notice of the request for psychotropic medication, and to add "Indian custodian" whenever there is a reference to "parent or legal guardian."
2. Adopt rule 5.642 to provide the requirements for processing the forms, including providing the forms to the child and child's attorney, signing the authorization form, and sending the authorization form to the California Department of Social Services (CDSS).
3. Amend rules 5.706 and 5.708 to require the social worker to provide before the hearing a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229) to the child if the child has signed *Position on Release of Information to Medical Board of California* (form JV-228) if it is the last hearing before the child turns 18 years of age or if the social worker is recommending termination of juvenile court jurisdiction.
4. Amend rule 5.810 to require the probation officer to provide before the hearing a blank copy of *Withdrawal of Release of Information to Medical Board of California* (form JV-229) to the child if the child has signed *Position on Release of Information to Medical Board of California* (form JV-228) if it is the last hearing before the child turns 18 years of age or if the social worker is recommending termination of juvenile court jurisdiction.
5. Approve *Position on Release of Information to Medical Board of California* (form JV-228) for the child or child's attorney to indicate whether the child authorizes CDSS to release the child's identification information to the Medical Board of California (the board) so it can ascertain whether there is excessive prescribing of psychotropic medication.
6. Approve *Background on Release of Information to Medical Board of California* (form JV-228-INFO) to give to the child and child's attorney to explain why form JV-228 is being provided, what information may be revealed to the board, the confidentiality of the information revealed to the board, and a description of the process to withdraw any authorization.

7. Adopt *Withdrawal of Release of Information to Medical Board of California* (form JV-229) as a mandatory form for the child or child's attorney to use to withdraw any authorization to release information to the board.
8. Revise *Proof of Notice on Application* (form JV-221) to include the three additional documents that must be served on the child and child's attorney by the applicant.
9. Revise *Order on Application for Psychotropic Medication* (form JV-223) to add a new item for the court to indicate whether the authorization is for three or more concurrent psychotropic medications for 90 days or more and, if so, order the applicant to provide the child and the child's attorney blank copies of *Position on Release of Information to Medical Board of California* (form JV-228), *Background on Release of Information to Medical Board of California* (form JV-228-INFO), and *Withdrawal of Release of Information to Medical Board of California* (form JV-229).
10. Revise *County Report on Psychotropic Medication* (form JV-224) to add an item for the social worker or probation officer to indicate whether the court order is for three or more concurrent psychotropic medications for 90 days or longer. If so, the item would ask whether form JV-228 has been filed with the court.
11. Revise *Confidential Information* (form JV-287) to amend the instructions to indicate the form can be used with form JV-228, that the form must be kept under seal in the court file, and that only the court, the agency, and the child's attorney can look at the information.

[20-133](#)

Rules and Forms | Protective Orders: Duration and Categories of Petitioners for Gun Violence Restraining Orders; Relinquishment of Firearm Rights (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends adopting 1 new gun violence restraining order (GVRO) form and revising 18 existing forms. These changes are needed to implement recent amendments in the Penal Code: Assembly Bill 12, allows an officer to file a GVRO in the name of the officer's law enforcement agency and extends the duration of a GVRO to a maximum of five years; Assembly Bill 61, allows an employer, coworker, or school administrator or teacher of a person believed to be dangerous to file a petition requesting a GVRO; and Assembly Bill 1493, authorizes a person who is the subject of a GVRO to submit a form to the court voluntarily relinquishing his or her firearm rights.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective September 1, 2020:

1. Adopt *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) to implement AB 1493, which amends the

Penal Code to allow the subject of a petition to file a form relinquishing his or her firearm rights; and

2. Revise the following forms to implement recent statutory changes legislated in AB 12, AB 61, and AB 1493, and to use gender-neutral terms where appropriate:
 - *Gun Violence Emergency Protective Order* (form EPO-002)
 - *Notice of Court Hearing* (form GV-009)
 - *Response to Gun Violence Emergency Protective Order* (form GV-020)
 - *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO)
 - *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030)
 - *Petition for Gun Violence Restraining Order* (form GV-100)
 - *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO)
 - *Notice of Court Hearing* (form GV-109)
 - *Temporary Gun Violence Restraining Order* (form GV-110)
 - *Response to Petition for Gun Violence Restraining Order* (form GV-120)
 - *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO)
 - *Gun Violence Restraining Order After Hearing* (form GV-130)
 - *Request to Terminate Gun Violence Restraining Order* (form GV-600)
 - *Notice of Hearing on Request to Terminate Gun Violence Restraining Order* (form GV-610)
 - *Response to Request to Terminate Gun Violence Restraining Order* (form GV-620)
 - *Order on Request to Terminate Gun Violence Restraining Order* (form GV-630)
 - *Request to Renew Gun Violence Restraining Order* (form GV-700)
 - *Notice of Hearing on Request to Renew Gun Violence Restraining Order* (form GV-710)

[20-062](#)

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

Summary: Current law provides that a minor or minor's legal guardian may ask the court to make certain information regarding the minor confidential in a domestic violence or civil harassment restraining order proceeding. Assembly Bill 925 (Stats. 2019, ch. 294) changes the penalty associated with misuse or disclosure of a minor's

confidential information, provides circumstances in which the confidential information may be disclosed, and allows third-party access to the confidential information under limited circumstances. This proposal is urgently needed because AB 925 took effect on January 1, 2020.

Recommendation: The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee jointly recommend amending rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revising several forms, in order to implement the provisions in AB 925. Specifically, the proposal includes the following rules and forms, which would take effect on September 1, 2020:

1. Amend rules 3.1161 (civil harassment) and 5.382 (domestic violence);
2. Adopt *Request for Release of Minor's Confidential Information* (forms CH-176 and DV-176);
3. Adopt *Notice of Request for Release of Minor's Confidential Information* (forms CH-177 and DV-177);
4. Adopt *Response to Request for Release of Minor's Confidential Information* (forms CH-178 and DV-178);
5. Adopt *Order on Request for Release of Minor's Confidential Information* (forms CH-179 and DV-179);
6. Revise *Notice of Court Hearing* (forms CH-109 and DV-109);
7. Revise *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160);
8. Revise *Privacy Protection for a Minor (Person Under 18 Years Old)* (forms CH-160-INFO and DV-160-INFO);
9. Revise *Order on Request to Keep Minor's Information Confidential* (forms CH-165 and DV-165);
10. Revise *Notice of Order Protecting Information of Minor* (forms CH-170 and DV-170); and
11. Revise *Cover Sheet for Confidential Information* (forms CH-175 and DV-175).

[20-134](#)

Rules and Forms | Unlawful Detainer: Complaint and Answer Forms (Action Required)

Summary: The Civil and Small Claims Advisory Committee recommends revising the Judicial Council unlawful detainer complaint and answer forms to reflect recent changes to landlord-tenant law enacted by Assembly Bill 1482 (Stats. 2020, ch. 597), the Tenant Protection Act of 2019. This new law adds several sections to the Civil Code—one to place restrictions on terminations of tenancies (Civ. Code, § 1946.2) and two relating to caps on rent increases over a 12-month period (Civ. Code, §§ 1947.12, 1947.13). The new laws went into effect January 1, 2020, and will remain in effect until January 1, 2030.

Recommendation: The Civil and Small Claims Advisory Committee recommends that the Judicial

Council, effective September 1, 2020, revise *Complaint--Unlawful Detainer* (form UD-100) and *Answer--Unlawful Detainer* (form UD-105) to include new and revised items reflecting the provisions in the Tenant Protection Act requiring, for certain tenancies, just cause for evictions, additional notices in advance of eviction for certain reasons, and a cap on rental increases. The committee also recommends revising an item in form UD-100 relating to venue for unlawful detainer cases generally.

[20-074](#)**Sargent Shriver Civil Counsel Act | Report to Legislature
(Action Required)**

Summary: The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council approve the *Sargent Shriver Civil Counsel Act Evaluation* (June 2020), and forward the report to the Legislature. This report is required by Government Code section 68085.1(c). The report examines the effect of providing legal representation to low-income persons over a period of five years in cases involving landlord/tenant matters, highly conflicted custody cases, and guardianship and conservatorship matters of the person. The report includes a review of data from legal services case records, court files, and interviews with clients, courts, and legal services programs and other stakeholders, in addition to providing a review of other research.

Recommendation: The Sargent Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective June 30, 2020, approve for submission the *Sargent Shriver Civil Counsel Act Evaluation* (June 2020), as required by Government Code section 68085.1(c).

[20-073](#)**Sargent Shriver Civil Counsel Act | Selection of Pilot Projects
(Action Required)**

Summary: The Sargent Shriver Civil Counsel Act (Assem. Bill 590; Stats. 2009, ch. 457) provided that, commencing in fiscal year 2011-12, one or more pilot projects selected by the Judicial Council are to be funded to provide legal representation and improved court services to low-income parties on critical legal issues affecting basic human needs. These grants are awarded every three years and recommendations are to be made to the council by the Shriver Civil Counsel Act Implementation Committee.

Recommendation: The Shriver Civil Counsel Act Implementation Committee recommends that the Judicial Council, effective October 1, 2020, approve Sargent Shriver Civil Counsel Act grants in an amount not to exceed \$11,813,025 per year for the period beginning October 1, 2020, and ending September 30, 2023. It also recommends deferring two applications and one request for additional funding pending further information on projected revenue based on the uncertainty created by the COVID-19 pandemic. The committee will make further recommendations to the Judicial Council once there is more certainty regarding funding. The committee is making initial recommendations at this time to allow ongoing

programs sufficient time to make informed decisions regarding staffing and services to clients, and for new programs to begin to make preparations.

The following partnerships between legal services agencies and superior courts are recommended for funding at the following annual level for three years to provide legal representation and improved court services to eligible low-income litigants:

Central California Legal Services
Superior Court of Fresno County
Housing Pilot Project.....\$386,858

Centro Legal de la Raza
Superior Court of Alameda County
Housing Pilot Project.....\$640,323

Greater Bakersfield Legal Assistance
Superior Court of Kern County
Housing Pilot Project.....\$813,579

Legal Access Alameda
Superior Court of Alameda County
Child Custody Pilot Project.....\$93,342

Legal Aid Foundation of Santa Barbara County
Superior Court of Santa Barbara County
Northern Santa Barbara County Housing and Probate
Guardianship/Conservatorship Pilot Project.....\$1,072,239

Legal Aid Society of San Diego
Superior Court of San Diego County
Housing and Child Custody Pilot Project.....\$3,047,856

Legal Services of Northern California
Superior Court of Yolo County
Housing Pilot Project.....\$423,789

Los Angeles Center for Law and Justice
Superior Court of Los Angeles County.
Child Custody Pilot Project.....\$882,598

Neighborhood Legal Services of Los Angeles County
Superior Court of Los Angeles County

Housing Pilot Project\$3,125,555

San Diego Voluntary Legal Services Program

Superior Court of San Diego County

Child Custody Pilot Project.....\$409,352

Domestic Violence Pilot Project.....\$231,135

San Luis Obispo Legal Assistance Foundation

Superior Court of San Luis Obispo County

Housing, Elder Abuse, Guardianship, Probate

.....\$686,399

Total: \$11,813,025

[20-076](#)

Trial Courts | *Trial Court Financial Policies and Procedures Manual (11th Edition)* (Action Required)

Summary: Judicial Council staff recommend adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), 11th edition. The manual was last updated in 2019. It requires both substantive and nonsubstantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

Recommendation: Judicial Council staff recommend that the Judicial Council, effective May 15, 2020, adopt the 11th edition of the *Trial Court Financial Policies and Procedures Manual*, as follows:

1. Clarify language regarding trial court use of electronic documents and electronic signatures;
2. Incorporate the existing Judicial Council *Fund Balance Policy*;
3. Edit unexpended fund balance carryover from 1 percent to 3 percent, effective June 30, 2020;
4. Clarify the supplemental schedules that are incorporated into Schedule 1 - Budget.
5. Clarify that the Quarterly Financial Statements available in the Phoenix Financial System fulfill court reporting requirements;
6. Edit the Schedule of Constraints fund balance categories to match existing Judicial Council policy and Governmental Accounting Standards Board Statement No. 54;
7. Incorporate clarification on prepayments previously provided by the Judicial Council Branch Accounting and Procurement director.
8. To align with Judicial Council and State of California travel policies, incorporate the requirement to be eligible for lodging and per diem travel expense reimbursement, the expenses must be incurred while traveling to/from a destination at least 50 miles from tax home (main place of business); also

- clarify travel reimbursement taxability;
9. Add clarification for segregation of duties of staff using a case management system and the Phoenix Financial System;
 10. Add the requirement that courts must not destroy records related to any audit currently in progress, or any upcoming audits with formal notice to courts, before the retention period expiration until conclusion of the audit;
 11. Add a requirement of courts to use “due diligence” when attempting to contact lawful owners of unclaimed money;
 12. Clarify the retention period for escheatment-related documents;
 13. Incorporate the existing *Process for Trial Court Trust Fund Funds Held on Behalf of Trial Courts*;
 14. Incorporate a policy for reimbursements under Assembly Bill 2695 (Stats. 2010, ch. 605, §1), service of protective and restraining orders in Domestic Violence Prevention Act and elder and dependent adult abuse cases in certain civil harassment and workplace violence cases;
 15. Incorporate a policy for reimbursement for reasonable and necessary costs connected with state prisons or prisoners under Penal Code sections 4750 and 6005;
 16. Incorporate a policy for reimbursement of extraordinary costs of homicide trials provided by California Rules of Court, rule 10.811; and
 17. Incorporate a policy for reimbursement of elder/dependent abuse petitions.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[20-104](#)

Court Facilities | Trial Court Facility Modifications Report for Quarters 1 and 2 of Fiscal Year 2019-20

Summary: This report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) and second quarter (October through December) of fiscal year 2019-20. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council’s *Trial Court Facility Modifications Policy*.

[20-096](#)

Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 2 Report

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the second quarter of fiscal year (FY) 2019-20.

[20-043](#)

Report to the Legislature | 2018-19 Fee Revenues and Expenditures for Court Reporter Services in Superior Court Civil Proceedings

Summary: Government Code section 68086(f) requires that the Judicial Council annually report to the Joint Legislative Budget Committee information concerning court reporter fees collected under Government Code sections 68086(a)(1)-(2), and 68086.1; and

expenditures on court reporter services in superior court civil proceedings statewide. To comply with the statute, the Judicial Council staff submitted to the Joint Legislative Budget Committee on February 1, 2020, the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2018-19*.

[20-080](#)**Report to the Legislature | California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20)**

Summary: Family Code section 3204(d) requires that the Judicial Council submit a report to the Legislature, on the first day of March of each even-numbered year, on the Access to Visitation Grant programs administered by the Judicial Council. *California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20): 2020 Report to the Legislature*, provides information on the programs funded for federal fiscal years 2018-20 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.

[20-100](#)**Report to the Legislature | Compliance with Welfare and Institutions Code Section 304.7**

Summary: The attached report, submitted to the Legislature annually as required by Welfare and Institutions Code section 304.7(c), demonstrates compliance by judges, commissioners, and referees with Juvenile Judicial Officer Training education requirements of the statute. The information provided in this report was gathered from the courts by staff of the Judicial Council's Center for Judicial Education and Research.

[20-136](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2019)**

Summary: Penal Code section 13155 requires the Judicial Council, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment legislation and make the data available annually to the California Department of Finance, Board of State and Community Corrections, and Joint Legislative Budget Committee by September 1. This is the eighth annual court realignment data report. The report, *Court Realignment Data (Calendar Year 2019)*, is included as Attachment A to this report.

[20-124](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judges**

Summary: This informational report to the Judicial Council is of aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, and veteran and disability status of California's justices and judges by specific jurisdiction, which council staff is required by statute to collect and release annually. In general, findings indicate that the California bench has become more diverse over time.

[20-041](#)**Report to the Legislature | Judicial Branch Courthouse Construction Program Update for 2018-19**

Summary: Government Code section 70371.8 requires the Judicial Council to report annually to the Joint Legislative Budget Committee and the chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of the judicial branch courthouse construction program.

The report includes information on the status of each project established by the State Public Works Board under section Government Code 70371.7, and a detailed accounting of the \$220.1 million in revenues and \$263 million in expenditures, including \$32.2 million for capital outlay expenses from the Immediate and Critical Needs Account (ICNA) in 2018-19.

[20-078](#)**Report to the Legislature | *Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of July 1 through December 31, 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 February 1, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2019.

[20-044](#)**Trial Courts | Quarterly Investment Report for Fourth Quarter of 2019**

Summary: This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2019* covers the period of October 1, 2019, through December 31, 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.

Circulating Orders[20-144](#)**Circulating Orders since the last business meeting.****Appointment Orders**[20-145](#)**Appointment Orders since the last business meeting.**

Adjournment

With the meeting's business completed, the Chief Justice adjourned the meeting at approximately 10:55 a.m.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on July 23, 2020.