



Judicial Council of California

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Subject Details (With Text)

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Title

Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798 (Action Required)

Summary

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend new rules and forms to comply with a statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings. The recommendation also provides clarifying amendments to current rules and forms that apply to writ proceedings in the appellate division, generally to the extent that those apply to small claims proceedings relating to postjudgment enforcement actions.

Recommendation

The Civil and Small Claims Advisory Committee (CSCAC) and the Appellate Advisory Committee (AAC) together recommend that the Judicial Council amend or adopt a set of proposed changes to the California Rules of Court designed to fulfill the statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings, and revise or approve forms to help litigants participating in these proceedings. This recommendation has three main parts:

1. Adopt a new set of rules for writ proceedings relating to actions by small claims divisions other than postjudgment enforcement orders (Cal. Rules of Court, rules 8.970-8.977).
2. Approve two new forms for these writ proceedings:
 - a. A form for the petition-*Petition for Writ (Small Claims)* (form SC-300); and
 - b. An information sheet explaining these writ proceedings-*Information on Writ Proceedings in Small Claims Cases* (form SC-300-INFO).
3. Adopt changes to the existing rules and forms relating to writ proceedings in the superior court appellate division to reflect both the new procedures for writ proceedings relating to actions by small claims divisions other than postjudgment enforcement orders and to clarify jurisdiction in other small claims writ proceedings (Cal. Rules of Court, rules 8.930 and 8.950; *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form APP-150-INFO); and *Petition for Writ (Misdemeanor, Infraction, and Limited Civil Cases)* (form APP-151)).

