



Judicial Council of California

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Subject Text

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File #: 20-130, Version: 1

Title

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.