



Judicial Council of California

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Subject Text

Meeting materials
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File #: 15-368, Version: 1

Title

Forms: Miscellaneous Technical Changes (Action Required)

Summary

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in a rule of the California Rules of Court and Judicial Council forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation

The staff to the Judicial Council recommends that the council, effective January 1, 2016:

1. Amend rule 3.35(b) to correct a reference from “rules 5.70 and 5.71” to “rule 5.425.”
2. Revise forms CH-700, CH-710, and CH-720 to reflect an amendment to Code of Civil Procedure section 527.6(n) proposed in AB 1081. Subdivision (n) currently provides:

(n) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to three years.

The proposed amendment would bring subdivision (n) in line with subdivision (j)(1), which raised the maximum duration of a renewed civil harassment protective order from three years to five. Should the Legislature not pass or the Governor not sign AB 1081, these changes would not go forward.
3. Revise form CR-132, page 2, “Reminder,” to correct a reference from “8.835(b)” to “8.853.”
4. Revise form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*, to remove the word “CLETS” from the title of the form, and to add the word “Cancel” to the parenthetical in the form’s footer to read “(CLETS-CANCEL),” as requested by the Department of Justice. These revisions will facilitate accuracy in coding courts’ termination of criminal protective orders when those orders are entered into the California Law Enforcement Telecommunications System (CLETS) background check database. The revision would also make the format of form CR-165’s footer consistent with proposed form DV-400, *Findings and Order to Terminate Restraining Order After Hearing*.
5. Revise form DV-150 to eliminate all references to “therapeutic visitation providers,” to conform with Family Code section 3200.5. Requirements recently enacted by Family Code section 3200.5, which governs supervised visitation, recognize only two types of supervised visitation providers: nonprofessional or professional. The Judicial Council, effective January 1, 2015, approved revisions to standard 5.20 of the California Standards of Judicial Administration, to conform to these requirements. To ensure that form DV-150 is consistent with both section 3200.5 and standard 5.20, item 5c on this form, which references “therapeutic” as a type of provider, has been eliminated. A similar change was made to form FL-341(A) effective January 1, 2015, to delete the option to order therapeutic visitation.
6. Revise forms JV-100 and JV-110 to allow for auto-text to be programmed rather than requiring manual

entry of one of the checkboxes on both forms. Effective June 20, 2014, Welfare and Institutions Code section 300 was amended to add a new subsection (b)(2) and the previous language in (b) was renumbered as (b)(1) (see Senate Bill 855 [Stats. 2014, ch. 29]). Forms JV-100 and JV-110 are alternative petition forms to initiate a juvenile dependency proceeding and contain checkboxes for each applicable subdivision--on form JV-100, under item a, and on form JV-110 under item b. Most counties use the Child Welfare Services/Case Management System (CMS/CWS) to complete the petitions, and staff for CMS/CWS requested that these current checkboxes be split into b(1) and b(2) on both forms to correspond with the statutory change and allow for auto-text to be programmed rather than requiring manual entry.

7. Revise forms WG-002 and WG-030 to update the table on page 2 to reflect the new state minimum wage of \$10.00, effective January 1, 2016. This change in minimum wage will change the maximum amount of a judgment debtor's earnings that may be garnished under an earnings withholding order. WG-002 and WG-030 include instructions to employers describing the maximum amounts that may be garnished. The forms should be amended so that they will describe the correct amounts to be garnished based on the increased minimum wage.