



Judicial Council of California

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Title

Rules and Forms: Miscellaneous Technical Amendments (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 March 5, 2018:

1. Amend rule 8.866 of the California Rules of Court to correct the numbering of subdivision (d) to reflect amendments approved by the Judicial Council in September and November 2017. The proposed amendment would renumber subdivision (d) to reinstate paragraph number “(1)” in the first paragraph and to add paragraph number “(2)” in what is now the second paragraph. In addition, the text of subdivision (d)(2) would be added back, as it was inadvertently left out of the amendment approved by the Judicial Council in November, due to the two successive amendments close in time.
2. Amend a heading in Chapter 4 of Title 2, Trial Court Rules. In November 2017, the Language Access Plan Implementation Task Force recommended that the Judicial Council adopt new rules 2.850 (Language Access Representative) and 2.851 (Language access services complaints) (both effective January 1, 2018). The header of the new rules indicated that they should be added to:

Title 2. Trial Court Rules
Chapter 4. Language Access
Article 1. General Provisions

As a result, existing Chapter 4, Court Interpreters, should have been renumbered as Article 2 within Chapter 4. This amendment recommends changing the heading for rules 2.890-2.895 from “Chapter 4. Court Interpreters” to “Article 2. Court Interpreters,” as shown below, so that the new and existing rules will be properly sequenced.

Title 2. Trial Court Rules
Chapter 4. Language Access
Article 1. General Provisions
Rule 2.850. Language Access Representative
Rule 2.851. Language access services complaints

~~Chapter 4.~~ Article 2. Court Interpreters

Rule 2.890. Professional conduct for interpreters
Rule 2.891. Periodic review of court interpreter skills and professional conduct
Rule 2.892. Guidelines for approval of certification programs for interpreters for deaf and hard-of-hearing persons
Rule 2.893. Appointment of interpreters in court proceedings
Rule 2.894. Reports on appointments of certified and registered interpreters and noncertified and nonregistered interpreters
Rule 2.895. Requests for interpreters

3. Revise *Order for Victim Restitution* (form CR-110/JV-790) to add a statutory citation. Assembly Bill 756 amended Penal Code section 1202.4, subdivision (f)(3)(F) to allow restitution for noneconomic losses for psychological harm stemming from felony incidents of repeated or recurring incidents of sexual abuse of a child under 14 years of age or from felony incidents of sexual contact with a child under 10 years of age. Prior to AB 756, restitution for noneconomic losses for psychological harm under the section was limited to felony incidents of lewd and lascivious acts with a minor (Pen. Code, § 288). Thus, form CR3 110/JV-790 should be revised to include Penal Code sections 288.5 and 288.7 as noneconomic losses included in the amount of restitution.