



Subject Text

Meeting materials
are available through

File #: 17-056, Version: 1

Title

Rules and Forms: Miscellaneous Technical Changes (Action Required)

Summary

Various Judicial Council advisory committees, 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 recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommends that the council, effective July 1, 2017:

1. Amend rule 1.100 and revise form MC-410 to conform to AB 1709 (Gallagher; Ch. 94, 2016), which would remove the words “impairment” and “impaired” when describing a person with a disability. AB 1709 would replace the term “hearing impaired” with the term “hard of hearing,” or a close variation of “hard of hearing,” and would make additional technical, non-substantive changes in Sections 54.1 and 54.2 of the Civil Code, Section 224 of the Code of Civil Procedure, and other statutes relating to deaf or hard-of-hearing individuals.
2. Revise form CP10, page 1, item 4, to read “(This date is in the accompanying Writ of Possession.)”;
3. Revise *Petition for Probate* (form DE-111) and *Waiver of Bond by Heir or Beneficiary* (form DE-142/DE-111(A-3d)) to correct cross-references superseded by the recent addition of item 3b to form DE-111. The *Petition for Probate* was revised, effective January 1, 2017, to add item 3b regarding the decedent’s foreign citizenship. That addition required renumbering items 3b-3g as 3c-3h. In the revision process, one cross reference to renumbered item 3d in item 2d(1) on form DE-111 was overlooked. Several references to renumbered item 3d on the *Waiver of Bond by Heir or Beneficiary* were overlooked. Staff recommends revising both forms, effective July 1, 2017, to replace all references to renumbered item 3d with references to item 3e;
4. Renumber *Attorney for Child in a Family Law Case--Information Sheet* (form FL-321-INFO) which was approved, effective January 1, 2012, to provide information to parties about the appointment of an attorney for a minor child involved in a family law case. Effective July 1, 2012, the Judicial Council approved *Witness List* (form FL-321) for optional use. The numbering of these forms has caused some confusion to parties and court professionals since they believe form FL-321-INFO provides information about form FL-321. However, form FL-321-INFO is not related to the witness list. Because FL-321-INFO relates to the appointment of a minor’s counsel, the Family and Juvenile Law Advisory Committee recommends that the information sheet be renumbered to reflect its association with *Order Appointing Counsel for a Child* (form FL-323). Specifically, the committee recommends that the form FL-321-INFO be renumbered to form FL-323-INFO and that all translated versions of form FL-321-INFO be revised to reflect this change;
5. Revise *Summons (UIFSA)* (form FL-510) to add a Spanish translation of “FOR COURT USE ONLY” to be consistent with other family law summons forms, to correct the misspelling of a Spanish word (“Desea”)--inadvertently spelled “Desia”--and to replace the date and signature line for the clerk that was inadvertently removed from the form during the recent form change. Form FL-510 was revised,

effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;

6. Revise *Notice of Registration of Out-of- State Support Order* (form FL-570) to replace “Item 1” with “Section 1” in item 3, to break the text regarding arrears in item 3 into two sentences with the checkbox placed before the second sentence for more clarity, and to change item 7 to replace “registration statement” in the first sentence with “Letter of Transmittal Requesting Registration” and to replace “registration statement” in the last sentence to “Personal Information Form.” These changes are being proposed at the request of counsel at the California Department of Child Support Services to comply with modifications to the federal Uniform Interstate Family Support Act forms, which were made after this form’s effective date, and for more clarity. Form FL-570 was revised, effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;
7. Revise *Notice of Registration of an International Hague Convention Support Order* (form FL-592) to break the text regarding arrears in item 3 into two sentences with the checkbox placed before the second sentence for more clarity. This change is being proposed at the request of counsel for the California Department of Child Support Services for more clarity. Form FL-592 was revised, effective January 1, 2017, to comply with the modifications to the Uniform Interstate Family Support Act;
8. Revise *Information Sheet: Request for Determination of Support Arrears or Adjustment of Child Support Arrears Due to Incarceration or Involuntary Institutionalization* (form FL- 676-INFO) to correct the words “Other Parent/Parent” under the third paragraph in the section titled “Instructions for Completing Form FL-676” to “Other Parent/Party.” Form FL- 676-INFO was revised, effective January 1, 2017, to reflect the AB 610 changes in the process for adjusting arrears and to update and clarify instructions; and
9. Revise *Information for the Small Claims Plaintiff* (form SC-100-INFO) and *How to Serve a Business or Public Entity (Small Claims)* (form SC-104C) to reflect changes in several reference web addresses.