

Item 1B

Declaration of Lost Summons After Service (adopt Form 982(a)(12)) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends adopting a standard form to be used to comply with Code of Civil Procedure section 417.30(b), which provides that if a summons is lost after service an affidavit of the person who served the summons may be returned with the same effect as if the summons itself were returned.

Item 1C

Wage Garnishment Forms (State Tax Liability) (revise Forms 982.5(11), 982.5(12), 982.5(13), 982.5(14), and 982.5(15); adopt Forms 982.5(11S) and 982.5(14S)) (Action Required)

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising five forms to correct outdated references to code sections and to enable social security numbers to be provided on separate forms that would be kept confidential. The committee recommends two new forms to be used to allow social security numbers to be provided confidentially.

Item 1D

Spousal Property Petition (revise Form DE-221) (Action Required)

Staff: Mr. Patrick O'Donnell

The Probate and Mental Health Task Force recommends revising a form to conform to recent statutory amendments that require disclosures about written agreements relating to the division of community or quasi-community property assets.

Item 1E

**Evaluation of the Child Support Commissioner System:
Report to the Legislature (Action Required)**

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends approving an evaluation of the child support commissioner system and forwarding the report to the Legislature as required by statute.

Item 1F

New Forms for Interstate Child Support Actions: *Judgment Regarding Parental Obligations* (UIFSA) and *Ex Parte Application for Transfer and Order* (UIFSA) (adopt Forms 1298.58 and 1298.60) (Action Required)

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends adopting forms to implement new legislation allowing the respondent in an action under the Uniform Interstate Family Support Act (UIFSA) to be served with a proposed judgment along with the summons and petition and providing an ex parte procedure to transfer UIFSA cases to the appropriate county when the respondent is not, or is no longer, a resident of the county where the action was filed.

Item 1G

Wage Withholding For Child Support (revise Form OMB 0970-0154) (Action Required)

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends revising the form *Order/Notice to Withhold Income for Child Support* to conform to a recent amendment to the Code of Federal Regulations.

Item 1H

**Family Law Facilitators and Information Centers:
Disclosures; Title IV-D Child Support: Training for Clerks
(approve Forms 1294 and 1294.5; adopt Cal. Rules of Court,
rule 1280.11) (Action Required)**

Staff: Ms. Bonnie Hough

The Family and Juvenile Law Advisory Committee recommends adopting a rule to ensure that clerks involved in IV-D child support cases receive information and training in accordance with standards required by Family Code section 4252(b). The committee also recommends approving two forms for optional use to comply with statutory direction to inform litigants about the limited scope of the services provided by family law facilitators and family law information centers pursuant to the requirements of Family Code sections 10015 and 15010(j).

Item 1J

**Request to Set Aside Voluntary Declaration of Paternity
(adopt Forms 1296.77, 1296.78, and 1296.79; adopt Cal.
Rules of Court, rule 1280.10) (Action Required)**

Staff: Ms. Ruth McCreight

The Family and Juvenile Law Advisory Committee recommends adopting a new rule and three forms for use in bringing and responding to a request to set aside a voluntary declaration of paternity, including an order after hearing. The rule provides a uniform procedure for such hearings when no previous action regarding parentage has been filed.

Item 1K

**Rules on Appeal—Requests for Judicial Notice (adopt Cal.
Rules of Court, rule 14.5) (Action Required)**

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends adopting rule 14.5 to require that a request for judicial notice in a cause pending before the Supreme Court or the Court of Appeal be made by a motion filed separately from a brief or other paper. The motion would be accompanied by a proposed order and be served on all parties. (The requirement would not apply to petitions for review or petitions for original writs.)

Item 1L

Sanction Procedures—Appellate Division of the Superior Court (amend Cal. Rules of Court, rule 135(e)) (Action Required)

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends amending rule 135 (costs on appeal in the appellate division of the superior court) to establish a procedure for requesting or imposing sanctions similar to the procedures in rule 26(e).

Item 1M

Appellate Writs—Early Finality and Format Requirements (amend Cal. Rules of Court, rules 24(d), 56(a) and (d)) (Action Required)

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends amending two rules to (1) allow the Court of Appeal to grant early finality of a *denial* of a writ after issuance of an alternative writ or order to show cause; (2) require writ petitions to comply with rule 15, insofar as it is practicable to do so; and (3) require that *all* the exhibits in the volumes be paginated consecutively (not just within each exhibit).

Item 1N

Rule Creating the Probate and Mental Health Advisory Committee (adopt Cal. Rules of Court, rule 6.55) (Action Required)

Staff: Mr. Ben McClinton
Mr. Patrick O'Donnell

The Probate and Mental Health Task Force recommends adopting a rule identifying the focus and prescribing the membership of a new Probate and Mental Health Advisory Committee established by the Judicial Council in October 1999.

Item 1P

Unfair Competition Cases: Ensuring Compliance with Special Service Requirements in Unfair Competition Cases (amend Cal. Rules of Court, rules 15, 16, 28, 56, and 105) (Action Required)

Staff: Mr. Joshua Weinstein

The Appellate Advisory Committee recommends adding subdivision (d) to rule 16, requiring service of the Attorney General and district attorney for briefs and petitions in unfair competition proceedings; amending several rules to reference rule 16(d); and amending several rules by adding requirements that the parties include a statement on the cover of the brief or petition that the case involves unfair competition issues.

Item 1Q

Filing the Briefs in Death Penalty Cases (amend Cal. Rules of Court, rule 39.57) (Action Required)

Staff: Mr. Joshua Weinstein

The Appellate Advisory Committee recommends amending the briefing schedule in rule to apply to capital cases commenced on or after January 1, 1997, rather than cases where the sentence of death was imposed on or after January 1, 1997.

Item 1R

Defendant's Statement of Assets (adopt Form CR-115) (Action Required)

Staff: Mr. Joshua Weinstein

The Criminal Law Advisory Committee recommends adopting a form to require convicted criminal defendants to list assets and liabilities to assist crime victims in enforcing restitution orders.

Item 1S

Petition for Modification: Conduct of Hearing (amend Cal. Rules of Court, rule 1432(f))

Staff: Ms. Jennifer Walter

The Family and Juvenile Advisory Committee recommends adopting a proposed amendment to add an exception limiting the court's discretion to decide petitions under Welfare and Institutions Code section 388 based on documentary evidence.

Item 1T

Adoption Forms: Petition for Adoption, Petitioner Consent and Agreement to Adoption, Order of Adoption, and Consent to Termination of Parental Rights and Certification—Adoption of an Indian Child (revise Forms ADOPT-200, ADOPT-210, ADOPT-215, AND ADOPT-225) (Action Required)

Staff: Ms. Jennifer Walter

The Family and Juvenile Advisory Committee recommends revising adoption forms to provide adoptive parents with information about the Adoption Assistance Program, to ensure that adopted children can have the opportunity to remain in contact with their biological siblings, and to change an incorrect citation.

Item 1U

Miscellaneous Technical Changes to Rules and Forms (amend Cal. Rules of Court, rules 828, 1432, and 1452; (revise Forms CH-120, CH-140, CH-150, SC-120, 982(a)(6), 1286.50, and 1299.16) (Action Required)

Staff: Ms. Melissa Johnson

The Rules and Projects Committee recommends revising several rules and forms to correct inaccuracies, conform to statute, and make them easier to follow.

Item 1V

Technical Revisions to Domestic Violence Forms (revise Forms DV-110, DV-130, and DV-220) (Action Required)

Staff: Ms. Tamara Abrams

AOC staff recommends revising forms to comply with newly amended Penal Code section 12021 (g)(3) requiring the Council to provide notice on all protective orders that, among other things, the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect.

Item 2

Designation of Testing Entity for Court Interpreters (Gov. Code § 68562(b)) (Action Required)

Staff: Mr. Joseph Wong

AOC staff recommends that Cooperative Personnel Services (CPS) be designated a testing entity for court interpreters through June 30, 2002, subject to the establishment of a mutually satisfactory agreement between the AOC and CPS.

Item 3

Criteria for 2000–2001 Drug Court Mini-Grant Awards (Action Required)

Staff: Ms. Sandy Claire

The Collaborative Justice Courts Advisory Committee recommends criteria for evaluating drug court mini-grant applications for funding provided by the California Office of Criminal Justice Planning.

Item 4

Allocation in Fiscal Years 2000–2001 and 2001–2002 for the Complex Civil Litigation Pilot Program (Action Required)

Staff: Ms. Alice Vilardi

The Trial Court Budget Commission recommends allocating \$100,800 to continue funding the complex civil litigation pilot program in six courts at a fully annualized level.

Discussion Agenda (Tab Nos. 5–10)

Item 5A
9:20 – 9:50 a.m.

Uniform Statewide Rules in Preempted Fields (amend Cal. Rules of Court, rules 201, 313, 324, 325, 376, 379, 391, 501, and 981.1; and adopt rule 388) (Action Required)

The Civil and Small Claims Advisory Committee recommends amending eight rules of court and adopting one new rule to implement the council's policy of promoting uniform rules in civil practice and procedure. These rules will enable courts throughout California to conduct pretrial proceedings in civil cases in a consistent, uniform manner.

Item 5B

Motion to Be Relieved as Counsel (Action Required)

The Civil and Small Claims Advisory Committee recommends approving new forms for use by attorneys on motions to be relieved as counsel of record in civil proceedings.

Presentation (15 minutes)

Speakers: Hon. Elaine Watters, Chair, Uniform Rules
Subcommittee
Mr. Patrick O'Donnell

Discussion/Council Action (15 minutes)

Item 6
9:50 – 10:05 a.m.

Allocations for Previously Provided Probation Services and Underreporting of Fiscal Year 1996–1997 Expenditures (Action Required)

The Trial Court Budget Commission recommends (1) allocating \$2.7 million in one-time funding to 26 courts to pay for mandated previously county-funded services for fiscal year 1999–2000; (2) allocating \$336,000 to increase the base budgets of two counties to fund underreported costs; and (3) approving the policy that all outstanding reporting errors issues must be reported to the AOC by December 31, 2000, and that only courts that have not previously received an allocation for reporting errors may request funds.

Presentation (10 minutes)

Speakers: Hon. Ray Hart, Chair
Mr. Jonathan Wolin

Discussion/Council Action (5 minutes)

Item 7
10:05 – 10:20 a.m.

Interim Policy for Carryover of State Budget Funds from Fiscal Year 1998–1999 to 1999–2000 (Action Required)

The Trial Court Budget Commission recommends approving an interim policy on carryover funds, including the rule that court systems that are not fully coordinated can carry over from one fiscal year to the next unexpended 2 percent automation funds but not any other unexpended state trial court funds.

Presentation (10 minutes)

Speakers: Hon. Ray Hart, Chair
Mr. Jonathan Wolin

Discussion/Council Action (5 minutes)

Item 8
10:20 – 10:30 a.m.

Creation of an Incentive for Courts to Establish a Local Reserve from the One-Percent Reserve (Action Required)

The Trial Court Budget Commission recommends allocating the remainder of the one-percent reserve to courts as an incentive to establish a local reserve.

Presentation (5 minutes)

Speakers: Hon. Ray Hart, Chair
Mr. Jonathan Wolin

Discussion/Council Action (5 minutes)

10:30 – 10:45 a.m.

Break

Item 9
10:45 – 11:20 a.m.

Kern County Trial Courts' Coordination Status (Action Required)

The Trial Court Coordination Advisory Committee recommends that the council find the Kern County Trial Courts not in compliance with rule 991 of the California Rules of Court and presents the implications of such a finding. The committee also recommends that it be retired, effective June 30, 2000, and that future coordination plan review and assessments be referred to the Administrative Director.

Presentation (10 minutes)

Speakers: Hon. John Tiernan
Ms. Lesley Duncan

Discussion/Council Action (25 minutes)

Item 10
11:20 – 11:30 a.m.

Appeals—Amicus Curiae Briefs by the Attorney General and Time Limits (amend Cal. Rules of Court, rules 14(b)-(c) and 105(b)) (Action Required)

Presentation (5 minutes)

Speakers: Mr. Ben McClinton

Discussion/Council Action (5 minutes)

The Appellate Advisory Committee recommends amending rules to (1) allow the Attorney General to file an amicus curiae brief without obtaining the permission of the Chief Justice or a presiding judge; and (2) specify time limits in the Court of Appeal for the Attorney General to file this amicus curiae brief and for other parties to file an answer to it.

Circulating Orders Approved Since Last Business Meeting
[Circulating Orders Tab]

Judicial Council Appointment Orders Since Last Business Meeting
[Appointment Order Tab]