

***JUDICIAL COUNCIL MEETING***  
***Administrative Office of the Courts***  
***San Francisco, California***  
**April 23, 2004**  
**8:00 a.m.–12:30 p.m.**

***AGENDA***

- 8:00–8:05 a.m.      **Approval of Minutes of February 27, 2004**  
                                  [Minutes Tab]
- 8:05–8:20 a.m.      **Judicial Council Committee Presentations**  
                                  Executive and Planning Committee  
                                  Hon. Richard D. Huffman, Chair  
                                  Policy Coordination and Liaison Committee  
                                  Hon. Marvin R. Baxter, Chair  
                                  Rules and Projects Committee  
                                  Hon. Norman L. Epstein, Chair  
                                  [Council Committee Reports Tab]
- 8:20–8:30 a.m.      **Judicial Council Court Visit Reports**  
                                  Hon. Barbara Ann Zúñiga, Team Leader  
                                  Report on visit to the Superior Courts of Merced and Stanislaus  
                                  Counties

***Consent Agenda (Tabs 1–10)***

*(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Dennis Blanchard at 415-865-7455 at least 48 hours before the meeting.)*

**RULES, FORMS, AND STANDARDS**

***Civil and Small Claims***

**Item 1                        Exemptions From the Enforcement of Judgments (revise form EJ-155) (Action Required)**

Conform to Legislation

Staff:      Mr. Patrick O’Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the *Exemptions From the Enforcement of Judgments* (form EJ-155) to indicate where the public can obtain a list of the current amount of exemptions from enforcement of judgments. The committee also recommends that the Administrative Office of the Courts be authorized to periodically update the amounts of exemptions on the list. The revision of the form and the development of the list of the dollar amounts of current exemptions would implement Assembly Bill 182 that requires the Judicial Council to publish a list of the current dollar amounts of the exemptions and adjust those amounts every three years based on changes in the annual California Consumer Price Index for All Urban Consumers.

## Item 2

### **Civil Harassment, Elder Abuse, and Workplace Violence Prevention (revise forms CH-100, CH-101/DV-290, CH-110, CH-120, CH-130, CH-131, CH-140, CH-145, CH-150, EA-100, EA-110, EA-120, EA-130, EA-150, WV-100, WV-110, WV-120, WV-130, WV-131, WV-132, WV-140, and WV-150) (Action Required)**

Conform to Legislation

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the elder abuse, civil harassment, and workplace violence prevention forms. The revisions implement recent legislation relating to firearms. Senate Bill 226 added a new section to the Code of Civil Procedure relating to firearms relinquishment (Code Civ. Proc., § 527.9) that provides procedures for firearm relinquishment for persons subject to civil harassment, elder abuse, and workplace violence orders. The legislation also amended statutes on firearms relinquishment in the Penal Code and Welfare and Institutions Code. The petitions, responses, orders, and instructions would all be revised to reflect the amended statutes.

## Item 3

### **Proof of Sale of Firearms/Turning In of Firearms (approve form CH-145/EA-145/WV-145) (Action Required)**

Conform to Legislation

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee recommends that the Judicial Council approve *Proof of Sale of Firearms/Turning in of Firearms* (form CH-145/EA-145/WV-145). This form would be filed with the court by persons who are restrained under the civil harassment, elder abuse, or workplace violence prevention laws and are required to relinquish firearms to show that they have either (1) sold their firearms to a licensed gun dealer, or (2) turned their firearms in to law enforcement. The form would assist parties and the courts in compliance with the firearms relinquishment law.

#### Item 4

#### **Civil Rules: Technical and Minor Rule Changes (amend Cal. Rules of Court, rules 212, 982.9, 1810, 1811, and 1812) and Interim Rule on Modifying Forms (adopt rule 2061) (Action Required)**

Technical Revisions

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee and its staff recommend several technical or minor amendments to the California Rules of Court. The amendments would (1) correct a cross-reference in rule 212 to rule 209; (2) modify rule 982.9 to more effectively implement recent rule changes relating to computer-generated proofs of service of summons; and (3) correct references to the renumbered civil case cover sheet form mentioned in rules 1810, 1811, and 1812. The committee also recommends the adoption of rule 2061 that would authorize courts that had pilot programs for electronic filing and forms generation under former rule 981.5 to continue to modify Judicial Council forms. The adoption of this rule will enable courts to continue to administer effective programs previously established.

#### Item 5

#### **Civil Forms: Technical Changes (revise forms CM-020, NC-100, NC-200, and POS-010) (Action Required)**

Technical Revisions

Staff: Mr. Patrick O'Donnell, Office of the General Counsel

The Civil and Small Claims Advisory Committee and its staff recommend that the Judicial Council make technical revisions to four forms used in civil cases. The *Ex Parte Application for Extension of Time to Serve Pleadings and Orders* would provide space for more detailed information about rescheduled case management conferences; the *Name Change* forms would be revised to refer correctly to the new designation of the *Civil Case Cover Sheet* form referenced in the instructions; and the *Proof of Service of Summons* form would be revised to correct or clarify three items. The revisions will make the forms more accurate and easier to use.

***Family and Juvenile Law***

**Item 6                      Juvenile Law: Orders Under Welfare and Institutions Code  
Section 366.26 (revise form JV-320) (Action Required)**

Conform to Legislation

Staff:            Mr. John A. Sweeney  
                                Center for Families, Children & the Courts

The Family and Juvenile Law Advisory Committee recommends changes to the form used for orders regarding the termination of parental rights in dependency cases. These changes would conform the form to the California statutory requirements and ensure compliance with the federal Adoption and Safe Families Act.

**Item 7                      Family Law: Confidential Declaration of Social Security  
Numbers (adopt form FL-102) (Action Required)**

Conform to Legislation

Staff:            Ms. Bonnie Hough  
                                Center for Families, Children & the Courts

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2004, adopt form FL-102, *Confidential Declaration of Social Security Numbers (Family Law)*, to fulfill the legislative requirement of Family Code section 2024.5. This new statute requires the Judicial Council to develop a form to be filed with any petition or first responsive pleading in a dissolution, legal separation or nullity of action that lists the social security numbers (known to the party) of the petitioner, the respondent, and any minor child of the parties.

**Item 8                      Child Support: Revised Forms for Orders Based on Low-  
Income Adjustment and Set-Aside of Orders Based on  
Presumed Income (revise forms DV-160, FL-342, FL-615, FL-  
625, FL-630, FL-635, FL-640, and FL-692) (Action Required)**

Conform to Legislation

Staff:            Ms. Ruth McCreight,  
                                Center for Families, Children & the Courts

The Family and Juvenile Law Advisory Committee recommends minor technical changes to child support forms. These changes would conform the forms to recent changes in the law concerning the low-income adjustment and the setting aside of support orders based on presumed income.

***Jury Instructions***

**Item 9**

Conform to Case Law  
Respond to Comments

**Judicial Council Jury Instructions: Approve Publication of Revisions and Additions to Civil Instructions (Action Required)**

Staff: Ms. Lyn Hinegardner, Office of the General Counsel

The Advisory Committee on Civil Jury Instructions recommends approval of the publication of revisions to the Judicial Council of California Civil Jury Instructions that were first published in September 2003. The instructions would be added or revised based on new developments in the law and to improve clarity and accuracy.

***Miscellaneous***

**Item 10**

**Miscellaneous Technical Changes to California Rules of Court and Judicial Council Forms (amend Cal. Rules of Court, title one, division 1, chapter 1, part VI; and rules 14, 28, 39.1, 44.5, 892, 4.102, 4.310, 4.405, 4.420, 4.428, 4.431, 4.447, 1606, 2073, and 5.225; revise forms APP-002, APP-003, APP-004, APP-005, APP-006, APP-007, FL-150, JV-299, and JV-505) (Action Required)**

Technical Revisions

Staff: Mr. Kenneth Kann, Office of the General Counsel

This report contains technical amendments to rules and forms. Staff recommends that the council adopt the amendments to make noncontroversial corrections to minor errors in rules and forms

***Judicial Branch Budget Hearing***

8:30–12:30 p.m.

[Testimony by court users on the impact of the state budget on the courts.](#)

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

**Judicial Council Appointment Orders Since Last Business Meeting**

[Appointment Orders Tab]