

JUDICIAL COUNCIL MEETING
Administrative Office of the Courts
San Francisco, California
October 22, 1999
8:30 a.m. –11:50 a.m.

AGENDA

8:30 a.m. – 8:35 a.m. **Approval of Minutes of July 15–16 and August 27, 1999**
[Minutes Tab]

8:35 – 8:45 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. Steven E. Jahr, Chair
[Council Committee Reports Tab]

Consent Agenda (Tab Nos. 1A–2¹)

(If you wish to request that any item be moved from the Consent Agenda to the Discussion Agenda, please notify Jessica Fiske Bailey at (415) 865-7713 at least 48 hours before the meeting.)

ITEM 1 RULES, FORMS, AND STANDARDS

Item 1A Juvenile Court Dependents and Wards: Orders (adopt rules 1428, 1429, and 1429.5; repeal rule 1458; and repeal subdivisions (n) and (o) of rule 1412 of the Cal. Rules of Court; amend Form JV-250; and adopt Form JV-245) (Action Required)

[Tab 1A]

Staff: Mr. Christopher Wu

The Family and Juvenile Law Advisory Committee recommends repealing unnecessary rules and amending and adopting rules and forms to comply with statute.

¹ Please note that there are no Items II and Ii.

Item 1B

Universal Adoption Packet for All Children Subject to Adoption Proceedings (adopt Form ADOPT-050, and amend Forms ADOPT-200, ADOPT-210, ADOPT-215, ADOPT-225, ADOPT-230, ADOPT-310, ADOPT-315, ADOPT-320, ADOPT-325) (Action Required)

[Tab 1B]

Staff: Ms. Jennifer Walter

The Family and Juvenile Law Advisory Committee recommends revising the universal adoption forms to eliminate confusion and make them easier to complete.

Item 1C

Custody and Visitation Orders (amend Forms JV-200 and JV-205) (Action Required)

[Tab 1C]

Staff: Ms. Jennifer Walter

The Family and Juvenile Law Advisory Committee recommends revising *Custody Order — Juvenile* and adopting *Visitation Order — Juvenile* to improve communication between juvenile and family law courts and avoid inconsistent custody and visitation orders for children and families.

Item 1D

Statutory and Clarifying Amendments to Juvenile Law Rules and Forms (amend rules 1455, 1460, and 1461 of the Cal. Rules of Court; adopt Form JV-305) (Action Required)

[Tab 1D]

Staff: Diane Nunn

The Family and Juvenile Law Advisory Committee recommends amending three juvenile law rules to conform to recent statutory changes and adopting a form to clarify that a citation for publication must state that the parent is required to attend the hearing under Welfare and Institutions Code section 366.23.

Item 1E

**Delinquency System Informational Pamphlet for Parents
(Adopt Form JV-060) (Action Required)**

[Tab 1E]

Staff: Diane Nunn

The Family and Juvenile Law Advisory Committee recommends adopting a new form to assist parents and children involved in delinquency cases.

Item 1F

**Family Law Rule Changes Related to the Uniform Child
Custody Jurisdiction and Enforcement Act and Standards
for Computer Software Used to Determine Child Support
(adopt rules 1279 and 1280.9; amend rule 1258, and repeal
rule 1277 of the Cal. Rules of Court) (Action Required)**

[Tab 1F]

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends adopting rules to globally change references in forms to the correct uniform act and to prescribe standards for computer software used to assist in determining the appropriate amount of child or spousal support.

Item 1G

**Family Law Paternity Forms (adopt Forms 1296.77 and
1296.78) (Action Required)**

[Tab 1G]

Staff: Ms. Bonnie Hough

The Family and Juvenile Law Advisory Committee recommends adopting two new forms related to voluntary declaration of paternity to conform to recently adopted statutes.

Item 1H

Minimum Standards for the Office of the Family Law Facilitator (adopt rule 1208 of the Cal. Rules of Court) (Action Required)

[Tab 1H]

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends adopting a rule setting forth the minimum standards of experience, training, protocol, and means of providing service for the office of the family law facilitator as required by Family Code section 10010.

Item 1J

Court Appointed Special Advocate (CASA) Program Administration and Management (amend rule 1424 of the Cal. Rules of Court) (Action Required)

[Tab 1J]

Staff: Ms. Kady von Schoeler

The Family and Juvenile Law Advisory Committee recommends amending a rule to (1) require a CASA program operating under the umbrella of a public agency or private entity to include in its governance plan a clear administrative relationship with the parent organization and clearly delineated delegations of authority and accountability; and (2) prohibit any CASA program from functioning under the auspices of a probation department or department of social services.

Item 1K

Optional Family Law Child Support Forms (approve Forms 1285.74, 1285.76, and 1285.92) (Action Required)

[Tab 1K]

Staff: Mr. George Nielsen

The Family and Juvenile Law Advisory Committee recommends approving forms to assist in collecting child support from parents who are receiving payments from pension plans and to establish a statewide registry of support orders.

Item 1L

Record in Criminal Appeals (amend rule 35(c) of the Cal. Rules of Court) (Action Required)

[Tab 1L]

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends revising a rule to require delivery of the record on appeal to the appellant's *appellate* attorney or to each self-represented appellant instead of to the defendant's trial attorney or the appealing defendant, except in capital cases where trial counsel will continue to receive the record.

Item 1M

Appeals—Procedures for Parties to Submit Support or Opposition to a Request to Answer a Certified Question of Law (amend rules 14 and 29.5 of the Cal. Rules of Court) (Action Required)

[Tab 1M]

Staff: Mr. Ben McClinton

The Appellate Advisory Committee recommends amending rules to specify procedures for parties and amici curiae to make their views known to the Supreme Court on whether the court should accept a request from a federal or sister-state court to answer a certified question of law.

Item 1N

Adopting All Probate Forms as Mandatory Forms (amend Forms DE-111–DE-315 and GC-020–GC-385) (Action Required)

[Tab 1N]

Staff: Mr. Ben McClinton

The Probate and Mental Health Task Force recommends that all probate forms be adopted for mandatory use.

Item 1O **Probate Forms Changes (adopt Forms DE-350, GC-080, GC-085, GC-090, and GC-100; revise Form DE-174) (Action Required)**

[Tab 1O]

Staff: Mr. Ben McClinton

The Probate and Mental Health Task Force recommends adopting a form to be used to petition for the appointment of a guardian ad litem in probate proceedings, revising the form for allowance or rejection of a creditor’s claim, and adopting forms to be used to change the residency of a minor or conservatee.

Item 1P **Judicial Branch Statistical Information System (JBSIS) Rule Change (amend rule 996 of the Cal. Rules of Court) (Action Required)**

[Tab 1P]

Staff: Mr. Barry Lynch

AOC staff recommends revising the rule on JBSIS to change the implementation date from January 1, 2000 to January 1, 2001.

Item 1Q **Trial by Written Declaration (amend rule 828 of the Cal. Rules of Court) (Action Required)**

[Tab 1Q]

Staff: Mr. Courtney Tucker

The Traffic Advisory Committee recommends revising the rule to clarify procedures for trial by written declaration regarding defendants’ and officers’ declarations, case file submission by clerks, and notice methods for the courts.

Item 1R

Statewide Notice to Appear Forms and Manual (revise Forms CR-115, TR-106, TR-110, TR-120, and TR-130) (Action Required)

[Tab 1R]

Staff: Mr. Courtney Tucker

The Traffic Advisory Committee recommends revising notice to appear forms to conform to statute and adopting an updated *Notice to Appear and Related Forms Manual*.

Item 1S

Notice in Change of Court–County Relationship (adopt rule 6.602 of the Cal. Rule of Court) (Action Required)

[Tab 1S]

Staff: Ms. Heather Anderson

AOC staff recommends adopting a rule to require that the AOC receive a copy of the notice when a change occurs in the court-county relationship regarding county services.

Item 1T

Rules Regarding Time for Filing Papers and Application for Order Shortening Time (amend rule 317 and repeal rule 305 of the Cal. Rules of Court) (Action Required)

[Tab 1T]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising a rule to conform to the new time limits for serving and filing papers that will become effective on January 1, 2000 as a result of recent legislative amendment of the Code of Civil Procedure.

Item 1U

***Notice of Filing of Claim of Exemption (Wage Garnishment)* (revise Form 982.5(6)) (Action Required)**

[Tab 1U]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising the instructions in a form regarding the times for filing and serving notices to conform to amended Code of Civil Procedure section 1005, effective January 1, 2000.

Item 1V

Memorandum of Costs After Judgment, Acknowledgement of Credit and Declaration of Accrued Interest (revise Form MC-012) (Action Required)

[Tab 1V]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends making technical, stylistic, and formatting changes to a form to make it easier to understand and use.

Item 1W

Writs of Attachment Forms (revise Forms AT-105, AT-115, AT-120, AT-125, AT-130, AT-140, and AT-165) (Action Required)

[Tab 1W]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising writ of attachment forms to conform to current law and to make the forms easier to complete.

Item 1X

Subpoena Forms (revise Forms 982(a)(15), 982(a)(15.1), 982.(a)(15.2), 982.(a)(15.3), 982.(a)(15.4), and 982(a)(15.5); and adopt Form SC-107) (Action Required)

[Tab 1X]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends revising existing trial and deposition subpoena forms, adopting a new small claims subpoena form, and revising *Notice to Consumer or Employee and Objection* to make the process and forms clearer and easier to use.

Item 1Y

Civil Harassment Rule and Forms Relating to Injunctions Prohibiting Workplace Violence (amend rule 363 of the Cal. Rules of Court, approve Forms WV-100, WV-110, WV-120, WV-130, WV-131, WV-140, and WV-150, and repeal Forms WH-100, WH-110, WH-120, WH-130, WH-131, WH-140, and WH-150) (Action Required)

[Tab 1Y]

Staff: Mr. Patrick O'Donnell

The Civil and Small Claims Advisory Committee recommends amending a rule on civil harassment to indicate that it applies to injunctions relating to workplace violence as well as civil harassment. The committee also recommends revoking existing forms developed to implement Code of Civil Procedure section 527.8 and adopting forms that will conform more closely to the statute.

Item 1Z

Rule on the Center for Judicial Education and Research (repeal rule 6.90 of the Cal. Rules of Court) (Action Required)

[Tab 1Z]

Staff: Ms. Melissa Johnson

The Executive and Planning Committee recommends repealing the rule because it is inconsistent with the council's governance policies.

Item 1ii

Small Claims Forms Amendments to Add Military Service Declaration, Conform to Defendant Guarantor Legislation, and Other Technical Amendments (amend Forms SC-100, SC-130, and SC-150) (Action Required)

[Tab 1ii]

Staff: Ms. Cara Vonk

The Civil and Small Claims Advisory Committee recommends amending three forms to assist judges to properly enter a judgment on the default calendar, reduce questions from litigants about whether the prevailing party is entitled to add interest to judgment, and conform to recent statutory changes,

Discussion Agenda (Tab Nos. 3–10)

Item 3

8:45 – 9:15 a.m.

Final Report of the Complex Civil Litigation Task Force: (a) *Deskbook on the Management of Complex Civil Litigation*; (b) *Complex Civil Case Management Judicial Education Curriculum*; (c) *Complex Civil Case Rules and Civil Case Cover Sheet*; (d) *Electronic Filing Rule*; (e) *Conforming Amendments to Statutes, Rules and Standards of Judicial Administration*; and (f) *Recommendation on Appropriate Judicial Council Oversight Committee (adopt rules 1800, 1810, 1811, 1812, and 1830; and amend rules 212, 982.2, 2101, and 2105 of the Cal. Rules of Court; amend § 19, Standards of Jud. Admin.; and revise Form 982.2(b)(1)) (Action Required)*

[Tab 3]

The Complex Civil Litigation Task Force presents its final report and recommends receipt of a deskbook to help judges, attorneys, and court administrators manage complex cases; receipt of a specialized judicial education curriculum on complex civil case management; and changes to rules, forms, and standards to improve how complex civil cases are handled.

Presentation (20 minutes)

Speakers: Hon. Richard D. Aldrich, Chair
Prof. Clark Kelso
Ms. Cara Vonk

Discussion/Council Action (10 minutes)

Item 4

9:15 – 9:50 a.m.

Tactical Plan for Court Technology (Action Required)

[Tab 4]

The Court Technology Advisory Committee recommends circulating the plan for comment.

Presentation (15 minutes)

Speakers: Hon. Judith Ford, Chair
Ms. Patricia Yerian
Mr. Victor Rowley
Mr. Allen McMillen, Consultant

Discussion/Council Action (20 minutes)

9:50 – 10:05 a.m.

Break

Item 5
10:05 – 10:20 a.m.

**Community-Based Treatment Courts Advisory Committee
Rule and Policy Statement on Therapeutic Justice Initiatives
(adopt rule 6.56 of the Cal. Rules of Court) (Action Required)**
[Tab 5]

AOC staff recommends adopting a rule creating the Community-Based Treatment Courts Advisory Committee and prescribing its membership and responsibilities. Staff also recommends adopting a policy statement on therapeutic justice initiatives to guide further activities in this area.

Presentation (5 minutes)

Speakers: Ms. Kate Harrison
Ms. Monica Driggers

Discussion/Council Action (10 minutes)

Item 6
10:20 – 10:40 a.m.

**Creation of a Permanent Advisory Committee on Probate and
Mental Health (Action Required)**
[Tab 6]

The Probate and Mental Health Task Force recommends the establishment of an advisory committee on probate and mental health.

Presentation (10 minutes)

Speakers: Hon. William McKinstry
Mr. Ben McClinton
Mr. Patrick O'Donnell

Discussion/Council Action (10 minutes)

Item 7
10:40 – 11:00 a.m.

**Statewide Uniform Probate Rules (adopt Title 7 and rules 7.1,
7.150, 7.2, 7.201, 7.202, 7.203, 7.204, 7.205, 7.206, 7.250, 7.3,
7.301, 7.4, 7.401, 7.402, 7.403, 7.451, 7.452, 7.453, 7.501, 7.650,
and 7.801 of the Cal. Rules of Court) (Action Required)**
[Tab 7]

The Probate and Mental Health Task Force recommends establishing statewide uniform rules of court in the area of probate law and adding a new title 7 to the California Rules of Court that includes an initial set of 22 probate rules.

Presentation (10 minutes)

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

Discussion/Council Action (10 minutes)

Item 8
11:00 – 11:30 a.m.

Concept Paper on Allocating Fiscal Year 1999–2000 Funds for Increased Baseline Budgets, Negotiated Salary Increases, and Other Critical Unfunded Costs (Action Required)

[Tab 8]

The Trial Court Budget Commission recommends approving a concept paper on trial court allocations that will guide funding in three unfunded areas: baseline budget increases for court systems with insufficient resources, Negotiated Salary Increases, and other critical unfunded costs.

Presentation (15 minutes)

Speakers: Ms. Kiri Torre

Discussion/Council Action (15 minutes)

Item 9
11:30 – 11:40 a.m.

Fiscal Year 2000–2001 Budget Request: Judicial Salary Increase (No Action Required)

[Tab 9]

AOC staff recommends approving the submission of a Budget Change Proposal to increase salaries of judicial officers 8.5 percent in both fiscal years 2000–2001 and 2001–2002 to make judicial compensation more comparable with salaries in the public sector.

Presentation (5 minutes)

Speakers: Mr. Frank Schultz

Ms. Mary Jo Ejercito

Discussion/Council Action (5 minutes)

Item 10
11:40 – 11:50 a.m.

Trial Court Financial Reports for Fiscal Years 1998–1999 and 1999–2000 (No Action Required)

[Tab 10]

AOC staff presents financial reports on trial court operations to provide a review of trial court fiscal activity and highlight problems that may require management action.

Presentation (5 minutes)

Speakers: Mr. Frank Schultz

Discussion/Council Action (5 minutes)

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

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