



## JUDICIAL COUNCIL OF CALIFORNIA MEETINGS

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.6(a))

Ronald M. George State Office Complex

William C. Vickrey Judicial Council Conference Center

Malcolm M. Lucas Board Room

455 Golden Gate Avenue • San Francisco, California 94102-3688

**Thursday, October 24, 2013 • 1:45 p.m.–3:45 p.m.**

**Friday, October 25, 2013 • 8:30 a.m.–12:35 p.m.**

Meeting materials will be hyperlinked to agenda titles as soon as possible after receipt by Judicial Council Support Services. Please check the agenda at <http://www.courts.ca.gov/23770.htm> for recent postings of hyperlinked reports.

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### THURSDAY, OCTOBER 24, 2013 AGENDA

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#### OPEN MEETING (RULE 10.6(A))—EDUCATIONAL AND BUSINESS MEETING AGENDA (ITEMS 1–3)

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**1:45–1:50 p.m. Swearing in of New Council Members**  
The Chief Justice will administer the oath of office to new council members.

**Item 1 1:50–2:50 p.m.**

**[California Economic and Budget Forecast \(No Action Required.\)](#)**

*Presentation (30 minutes) • Discussion (30 minutes)*

Speaker: Dr. Christopher Thornberg, Beacon Economics

**Item 2 2:50–3:20 p.m.**

**[Adoption and Permanency Month: Judicial Council Resolution \(Action Required\)](#)**

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has for the past 13 years in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families

*NOTE: Time is estimated. Actual start and end times may vary.*

with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

*Public Comment and Presentation (20 minutes) • Discussion (10 minutes)*

Speakers: Hon. Michael Nash, Superior Court of California, County of Los Angeles  
Ms. Diane Nunn, Center for Families, Children & the Courts

**Item 3 3:20–3:40 p.m.**

**[AOC Restructuring: Efficiencies and Restructuring at the Center for Families, Children & the Courts \(CFCC\) \(No Action Required\)](#)**

In August 2012, the Judicial Council adopted recommendations of the Strategic Evaluation Committee regarding the restructuring and realignment of the Administrative Office of the Courts (AOC). The Judicial Council created directives based on the recommendations. The Center for Families, Children & the Courts is an AOC office of the Judicial and Court Operations Services Division. CFCC's core mission is to provide centralized and direct services to support effective and efficient court practices that comply with rules and code, reflect local court needs and resources, and meet the diverse needs of children and families in all case types. This informational report provides an update of the work that has been accomplished to fulfill the directives related to CFCC.

*Public Comment and Presentation (10 minutes) • Discussion (10 minutes)*

Speakers: Hon. Steven Jahr, Administrative Director of the Courts  
Mr. Curtis L. Child, Chief Operating Officer  
Ms. Diane Nunn, Center for Families, Children & the Courts  
Ms. Charlene Depner, Center for Families, Children & the Courts

**ITEM 4 DEFERRED TO FUTURE JUDICIAL COUNCIL MEETING**

**Item 4 3:40–3:45 p.m.**

**~~Legislative Resolution: Recognition of Beth Jay, Principal Attorney to the Chief Justice of California (No Action Required.)~~**

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## FRIDAY, OCTOBER 25, 2013 AGENDA—BUSINESS MEETING

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- 8:30–8:35 a.m.**     **Approval of Minutes**  
Approve minutes of the August 22-23, 2013, Judicial Council meeting.
- 8:35–8:45 a.m.**     **Chief Justice’s Report**  
Chief Justice Tani G. Cantil-Sakauye will report.
- 8:45–8:55 a.m.**     **Administrative Director’s Report**  
Hon. Steven Jahr, Administrative Director of the Courts, will report.
- 8:55–9:15 a.m.**     **Judicial Council Committee Presentations**  
**[under Committee Reports Tab]**  
Policy Coordination and Liaison Committee  
    Hon. Kenneth K. So, Chair  
Executive and Planning Committee  
    Hon. Douglas P. Miller, Chair  
Rules and Projects Committee  
    Hon. Harry E. Hull, Jr., Chair  
Technology Committee  
    Hon. James E. Herman, Chair
- 9:15–10:00 a.m.**   **Judicial Council Members’ Liaison Reports**  
Judicial Council members will report on their liaison work.
- 10:00–11:00 a.m.**   **Public Comment**  
[See Cal. Rules of Court, rules 10.6(d) and 10.6(e).]  
  
Note: The Chief Justice has waived certain requirements under Rule 10.6(d) for requests to speak at this meeting. If you are requesting the opportunity to comment at the meeting, please e-mail your request to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov) or mail or deliver your request to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Roma Cheadle. A request must pertain to a matter affecting judicial administration or an item on the business agenda and be received by **4 p.m., Tuesday, October 22, 2013**. In the request, please state:
- The speaker’s name, occupation, and (if applicable) name of the entity that the speaker represents;
  - The speaker’s e-mail address, telephone number, and mailing address; and

- The agenda item on which the speaker wishes to comment. If the requestor wants to speak on a matter generally affecting judicial administration, state the nature of the comment in a few sentences.

Time is reserved for public comment about consent agenda items or matters generally affecting the administration of justice at the beginning of the meeting. Time is reserved for public comment about discussion agenda items at the beginning of the presentation on each item. The amount of time allocated to each speaker will be no more than five minutes, the specific time allocation to be determined based on the number of speakers and available time.

The Judicial Council is the policy-making body for the judicial branch. Comments pertaining to a specific court case will not be received.

### **Written Comments Received**

Written comments pertaining to a matter affecting judicial administration or an item on this agenda may be e-mailed to [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov) or mailed or delivered to the Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102-3688, Attention: Roma Cheadle.

Only written comments received by **1 p.m. on Wednesday, October 23, 2013**, will be distributed to council members at the meeting. All comments received will be posted directly to the public Judicial Council web page.

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## **CONSENT AGENDA (ITEMS A1– A33 THROUGH I)**

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*A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Spero at 415-865-7915 at least 48 hours before the meeting.*

### **ITEMS A1–A33      RULES AND FORMS**

#### ***Alternative Dispute Resolution***

#### **Item A1    Alternative Dispute Resolution: Ethics Standards for Neutral Arbitrators in Contractual Arbitration (Action Required)**

All persons serving as neutral arbitrators under an arbitration agreement are required to comply with ethics standards adopted by the Judicial Council under Code of Civil Procedure section 1281.85. The Civil and Small Claims Advisory Committee recommends amendments to these ethics standards in response to recent appellate court decisions concerning the standards and suggestions received. Among other things, these amendments would: (1) codify the holdings in decisions on the inapplicability of the standards to arbitrators in

securities arbitrations and on the time for disclosures when an arbitrator is appointed by the court; (2) require new disclosures about financial interests a party or attorney in the arbitration has in an administering arbitration provider or the provider has in a party or attorney and about any disciplinary action taken against an arbitrator by a professional licensing agency; (3) clarify required disclosures about associations in the private practice of law and other professional relationships between an arbitrator's spouse or domestic partner and a lawyer in the arbitration; (4) require arbitrators in consumer arbitrations to inform the parties in a pending arbitration of any offer of employment from a party or attorney for a party in that arbitration; and (5) prohibit arbitrators from soliciting appointment as an arbitrator in a specific case or specific cases.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Heather Anderson, Legal Services Office

### ***Appellate Procedure***

#### **Item A2 Appellate Procedure: Appellate Division Rules and Forms (Action Required)**

To provide cost savings and efficiencies for trial courts and for litigants, the Appellate Advisory Committee recommends amending the rules and revising the forms for the superior court appellate division proceedings to, among other things: (1) set a time frame for the court to decide whether to grant applications for appointment of counsel for indigent defendants in misdemeanor appeals; (2) provide for more limited records in certain types of misdemeanor appeals; (3) clarify the trial court's authority to adopt local rules establishing procedures to determine whether a full verbatim transcript is necessary in misdemeanor and infraction appeals; (4) expand the options when an appellant in a misdemeanor or infraction case learns of the cost for a record of the oral proceedings or that he or she must pay this cost; (5) add a rule to address defaults in procurement of the record in misdemeanor and infraction appeals; (6) provide that only the appellate division can grant an extension of the time to prepare a verbatim transcript in an appeal to the appellate division; and (7) specifically permit the trial court judge to order the appellant to incorporate corrections or modifications into a statement on appeal.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

#### **Item A3 Appellate Procedure: Civil Case Information Statement (Action Required)**

The Appellate Advisory Committee recommends amending the rule relating to filing civil appeals in the Courts of Appeal to relieve the Court of Appeal clerk of responsibility for mailing the appellant notice of requirement to file the *Civil Case Information Statement* (form APP-004) and a copy of that form, and instead to require that the appellant file this form within 15 days after the superior court mails the required notification of the filing of the notice of appeal. This change is intended to provide cost savings and efficiencies for the

Courts of Appeal by reducing staff time spent on copying form APP-004 and mailing appellants these copies of the form and notice to file the form.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

**Item A4 Appellate Procedure: Defaults in Procuring the Record and Completion of the Record in Civil Appeals (Action Required)**

The Appellate Advisory Committee recommends amending the rules relating to preparation of clerk's transcripts in civil appeals to give trial court clerks the option, in certain cases, of waiting to determine whether the appeal will proceed before preparing such a transcript. The committee also recommends adopting new rule provisions establishing when the record in a civil appeal is considered complete and ready to be transmitted to the reviewing court. These rule amendments should result in significant cost savings for some trial and appellate courts.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

**ITEM A5 DEFERRED TO FUTURE JUDICIAL COUNCIL MEETING**

**~~Item A5 Appellate Procedure: Number of Copies of Filed Documents (Action Required)~~**

**Item A6 Appellate Procedure: Preparation of Transcripts in Felony and Juvenile Appeals (Action Required)**

The Appellate Advisory Committee recommends amending the rules relating to reporter's transcripts in felony and juvenile appeals to: (1) alert parties and courts that, under statute, they may request a copy of the reporter's transcript in computer-readable format, (2) establish a procedure implementing the exception to the statute's requirement to prepare transcripts in that format upon request, and (3) clarify that the existing procedure for requesting extensions of time applies to requests by court reporters for additional time to prepare transcripts.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

**Item A7 Appellate Procedure: Reporter's Transcripts in Civil Appeals (Action Required)**

The Appellate Advisory Committee and Court Executives Advisory Committee recommend amending the rules relating to reporter's transcripts in civil appeals to, among other things: (1) establish a fee to cover trial court costs associated with administering trust accounts for payment of reporter's transcript costs in civil appeals, (2) establish a lower deposit amount for reporter's transcripts of proceedings that have already been transcribed, and (3) allow the submission of certified transcripts in lieu of a deposit for a reporter's transcript only when the

certified transcripts contain all of the designated proceedings and are in the required format for reporter's transcripts. These changes are intended to generate revenue for trial courts and provide costs savings and efficiencies for trial courts and for litigants.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Mr. David H. Yamasaki, Chair, Court Executives Advisory Committee

Ms. Heather Anderson, Legal Services Office

Ms. Deirdre Benedict, Trial Court Liaison Office

#### **Item A8 Appellate Procedure: Sealed and Confidential Records (Action Required)**

The Appellate Advisory Committee recommends amending the rules relating to sealed and confidential records in Court of Appeal and Supreme Court proceedings to, among other things: (1) consolidate provisions on the format, transmission of, and access to these records; (2) add provisions addressing confidential records in civil appeals and writ proceedings; and (3) establish procedures for preventing the disclosure of material from these records in briefs, petitions, and other filings. These recommendations are intended to improve the administration of justice by clarifying and filling in gaps in these rules.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

#### **Item A9 Appellate Procedure: Signatures on Filed Documents (Action Required)**

The Appellate Advisory Committee recommends adopting a new rule regarding signatures on documents filed in the Supreme Court and Courts of Appeal that allows the use of copies of signature pages in some circumstances. The committee also recommends amending the rule regarding electronic filing in the Supreme Court and Courts of Appeal so that, as in the trial court, a party electronically filing documents that must be signed under penalty of perjury must retain the original signed document, rather than submitting it to the court.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

#### **Item A10 Appellate Procedure: Writ Proceedings (Action Required)**

The Appellate Advisory Committee recommends making a number of clarifying changes to the California Rules of Court relating to writ proceedings in the Supreme Court, Courts of Appeal, and superior court appellate division, including: (1) clarifying when the appellate projects must be served with a return in a habeas corpus proceeding; (2) clarifying that the rules on proceedings for writs of mandate, certiorari, and prohibition do not apply to proceedings for writs under Welfare and Institutions Code sections 366.26 and 366.28 or for writs under rules 8.450–8.456; (3) clarifying the finality of orders dismissing a writ petition and when remittitur must issue; and (4) modifying rule provisions that refer just to attorneys or unnecessarily refer separately to attorneys and self-represented parties.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Ms. Heather Anderson, Legal Services Office

### ***Civil and Small Claims***

#### **Item A11 Civil Procedure: Clerk's Addition of Interest to Judgments (Action Required)**

The Civil and Small Claims Advisory Committee recommends amending California Rules of Court, rule 3.1802, which currently provides that a clerk must include in a judgment any interest awarded by a court and the interest accrued since the entry of the verdict. The amendment deletes the latter provision because it is ambiguous in light of Code of Civil Procedure section 685.020, which states that interest commences to accrue on a judgment from date of entry of judgment). The amendment will conform the rule to statute and eliminate any confusion about what action clerks are required to take vis-à-vis these judgments.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

#### **Item A12 Civil Practice and Procedure: Telephonic Appearances (Action Required)**

The Civil and Small Claims Advisory Committee recommends amending rule 3.670 of the California Rules of Court to clarify that the hearings, conferences, and proceedings at which a party may appear by telephone include all civil conferences, hearings, and proceedings except those expressly listed as requiring personal appearances; to shorten the time for notice of such appearances from three to two court days; to add ex parte applications to the types of proceedings at which a party may appear by telephone; and to clarify that a court should grant leave to appear by telephone on shortened notice if good cause exists. The proposal would also amend rule 3.1207 (regarding ex parte appearances generally) and rule 5.324 (regarding telephonic appearances in certain child support proceedings) to reflect the changes in the telephonic appearance rule.

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee

Ms. Anne Ronan, Legal Services Office

### ***Criminal Justice***

#### **Item A13 Criminal Cases: Encouraging Local Mental Health Protocols and Adding Stakeholders to Currently Mandated Meetings (Action Required)**

The Mental Health Issues Implementation Task Force recommends amending rule 10.951 to add a subsection to encourage courts to develop mental health case protocols and rule 10.952 to include additional justice system stakeholders in courts' regular meetings concerning the criminal court system. These recommended rule amendments are designed to encourage judicial leadership in facilitating interbranch and interagency coordinated responses to people



with mental illness in the criminal justice system and to improve case processing and outcomes for defendants with mental illness or co-occurring disorders.

Hon. Richard J. Loftus, Jr., Chair, Mental Health Issues Implementation Task Force

Ms. Carrie Zoller, Center for Families, Children & the Courts

**Item A14 Criminal Procedure: Petition and Order for Dismissal (Action Required)**

The Criminal Law Advisory Committee recommends revising the *Petition for Dismissal* (form CR-180) and the *Order for Dismissal* (form CR-181) to incorporate an additional statutory basis for dismissal, add a check box to the petition to apply the forms to infractions, add an advisement to the order to clarify that dismissals do not automatically relieve petitioners of requirements to register as a sex offender, and delete certain personal identifying information. The committee also recommends revisions to the format, advisements, and instructions on both forms to reduce confusion and update and enhance the information on the forms.

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Ms. Eve Hershcopf, Criminal Justice Court Services Office

***Family and Juvenile Law***

**Item A15 Family Law: Approval of New Form Declaration of Supervised Visitation Provider (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2014, approve a new optional form, *Declaration of Supervised Visitation Provider* (form FL-324) for use regarding training and qualifications of a provider of supervised visitation. Effective January 1, 2013, Assembly Bill 1674 (Stats. 2012, ch. 692) added section 3200.5 to the Family Code, relating to supervised visitation providers. Family Code section 3200.5(d)(2) requires the professional provider of supervised visitation to sign a declaration indicating that they meet the training and qualification requirements as set forth in Family Code sections 3200.5(c)(2), (d)(1), and (d)(2). Family Code section 3200.5(c)(1) also sets forth qualifications for a nonprofessional provider of supervised visitation. Although Family Code section 3200.5 does not specifically require the Judicial Council to develop a form for this purpose, there is no current Judicial Council form declaration that incorporates the new requirements of Family Code section 3200.5. The Family and Juvenile Law Advisory Committee believe approval of this form would assist the courts by providing a readily accessible form declaration for providers of supervised visitation.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Shelly La Botte and Mr. Michael Wright, Center for Families, Children & the Courts

**Item A16 Family Law: Clarification of Rules on Service and Posting of a Summons and Forms of Pleading (Action Required)**

In response to the suggestions of court personnel following the implementation of the restructured title V family rules, the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend amending rules 5.68 (Manner of service of summons and petition; response; jurisdiction), 5.72 (Court order for service by publication or posting when respondent's address is unknown), and 5.74 (Pleadings and amended pleadings) to clarify their meaning so as to better educate parties and their attorneys and increase court efficiencies in the subject areas of these rules. The Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force recommend that the Judicial Council, effective January 1, 2014: 1) Amend rule 5.68 (Manner of service of summons and petition; response; jurisdiction) to reflect procedures used by the court to help effect service of judicial documents on a person located in a foreign state; 2) Amend rule 5.72 (Court order for service by publication or posting when respondent's address is unknown) to clarify that any order waiving court fees and costs (not only an order granted on form FW-003) qualifies a party to request a court order for service of a summons by posting; and 3) Amend rule 5.74 (Pleadings and amended pleadings) to state that summary adjudications may not be filed in family law matters.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Hon. Laurie D. Zelon, Chair, Elkins Family Law Implementation Task Force

Ms. Gabrielle Selden, Center for Families, Children & the Courts

**Item A17 Family Law: Ex Parte Application to Terminate Earnings Assignment Order (Action Required)**

The Family and Juvenile Law Advisory Committee proposes revising the *Ex Parte Application for Earnings Assignment Order* (form FL-430), effective January 1, 2014, to comply with Assembly Bill 1727 (Stats. 2012, ch. 77), which amended Family Code section 5240 to permit a support obligor to seek ex parte relief to terminate an earnings assignment order under specified circumstances. In addition, the form would be renamed, reorganized and additional information about the underlying order would be added to make it more intelligible for users.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Anna L. Maves, Center for Families, Children & the Courts

**Item A18 Family Law: New Rule for Title IV-D Case Transfers to Tribal Court (Action Required)**

The Tribal Court/State Court Forum and the Family and Juvenile Law Advisory Committee jointly propose a new California rule of court that would provide a consistent procedure for

the discretionary transfer of title IV-D child support cases from the state superior courts to tribal courts when there is concurrent jurisdiction over the matter in controversy. This proposal was initiated as a result of meetings between the Yurok Tribe, federal Office of Child Support Enforcement, and the California Department of Child Support Services.

Hon. Richard C. Blake and Hon. Dennis M. Perluss, Cochairs, California Tribal Court/State Court Forum

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Ann Gilmour and Ms. Anna L. Maves, Center for Families, Children & the Courts

**Item A19 Family Law: Revisions to Family Law Summons (Action Required)**

The Family and Juvenile Law Advisory Committee proposes revisions to the family law summons, form FL-110. The changes address the requirements of Assembly Bill 792 (Stats. 2012, ch.851), which, effective January 1, 2014, requires courts to provide a notice upon filing of a petition for divorce, legal separation, or annulment, or a petition for adoption, informing the petitioner and respondent that they may be eligible for reduced or no-cost insurance coverage through the California Health Benefit Exchange or no-cost coverage through Medi-Cal. The changes further respond to Senate Bill 1206, which requires that the standard restraining orders in a summons for dissolution, legal separation, or annulment include a notice informing the parties that they are restrained from applying for a new or replacement passport for the minor child or children of the parties without the prior written consent of the other party or an order of the court. To address commentators' requests that the summons be kept to two pages, a number of changes were made to tighten up language and to remove boxes that asked the petitioner to note whether the respondent was served as an individual, on behalf of a minor, or as a conservator.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Donna Clay-Conti and Ms. Bonnie Rose Hough, Center for Families, Children & the Courts

**Item A20 Family and Juvenile Law: Miscellaneous Technical Changes to Judicial Council Forms (Action Required)**

The Family and Juvenile Law Advisory Committee has identified two Judicial Council forms that require minor changes to accurately reflect the law and to avoid confusion for court users, clerks, and judicial officers.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Audrey Fancy, Center for Families, Children & the Courts

**Item A21 Juvenile Law: Access to Services for Children, Nonminors, and Nonminor Dependents (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending 11 California Rules of Court, approving one new Judicial Council form for optional use, and revising nine existing forms. These rules and forms guide juvenile-court practice and establish procedures for the court, parties, and agencies seeking to ensure the access of children and youth before the juvenile court to legally mandated educational, developmental, and other services. Almost all the recommended amendments and revisions respond to statutory changes enacted in the past three years. Additional recommended changes respond to requests from judicial officers, court staff, and juvenile-court justice partners.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Mr. Corby Sturges, Center for Families, Children & the Courts

**Item A22 Juvenile Law: Extended Foster Care (Action Required)**

The Family and Juvenile Law Advisory Committee recommends adopting two new rules, amending seven rules, approving seven new optional forms, and revising five forms to implement new legislation and provide further guidance and procedures to fully implement earlier legislation regarding the extension of juvenile court jurisdiction and foster care services to dependents and wards up to 21 years of age.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Kerry Doyle and Ms. Tracy Kenny, Center for Families, Children & the Courts

**Item A23 Juvenile Law: Interstate Compact on the Placement of Children Regulation Changes (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.616, to implement recent changes in the law related to the Interstate Compact on the Placement of Children (ICPC). The national regulations implementing the ICPC have been repeatedly updated over the past three years, most recently in 2012. The California Rules of Court and Judicial Council forms regarding ICPC were extensively revised last year in response to the 2010 and 2011 changes to the regulations. Now, additional, minor changes are needed to rule 5.616 to bring the rule into compliance with the 2012 regulatory changes.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Mara Bernstein and Ms. Audrey Fancy, Center for Families, Children & the Courts

**Item A24 Juvenile Law: Minor Changes for Statutory Compliance (Action Required)**

Following legislation enacted in 2012, the Family and Juvenile Law Advisory Committee recommends amending various juvenile law-related rules to ensure that the California Rules

of Court accurately and comprehensively reflect the current state of the law. Specifically, code amendments in Senate Bill 1064 and Assembly Bill 324 have prompted this recommendation of updates to rules 5.695, 5.710, 5.715, 5.720, and 5.805 to reflect the changes.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Tracy Kenny, Center for Families, Children & the Courts

**Item A25 Juvenile Law: Psychotropic Medications (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending rule 5.640 of the California Rules of Court and revising three related forms to (1) clarify the time frame for filing an opposition to an application for the juvenile court to authorize the administration of psychotropic medication for a child, (2) clarify appropriate methods of service and notice protocols, and (3) add notice requirements for an Indian child's tribe if psychotropic medication is being sought for an Indian child. The rule and form revisions are based on a 2012 Court of Appeal opinion that called on the council to consider tying the due date for filing an opposition to the date of service rather than receipt of notice, as well as a request by the California Tribal Court/State Court Forum to include tribal notice requirements in these cases.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Melissa Ardaiz, Center for Families, Children & the Courts

**Item A26 Juvenile Law: Restraining Orders (Action Required)**

The Family and Juvenile Law Advisory Committee recommends amending rules 5.620, 5.625, and 5.630 of the California Rules of Court and revising and renumbering forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would make the juvenile forms more consistent with current forms in the Civil Harassment Prevention, Domestic Violence Prevention, Elder or Dependent Adult Abuse Prevention, School Violence Prevention, and Workplace Violence Prevention form families, benefiting judicial officers who may be assigned to preside over varying types of protective order proceedings. The recommended changes would also eliminate deficiencies of the current *Restraining Order—Juvenile* (form JV- 250) that present barriers to proper enforcement of these orders and, therefore, pose a danger to the members of the public who seek protection through issuance of these restraining orders.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Kerry Doyle, Center for Families, Children & the Courts

**Item A27 Juvenile Law and Criminal Law: Order for Restitution and Abstract of Judgment (Action Required)**

The Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee recommend revising two forms and approving two forms to improve court efficiency and reflect the way the forms are actually used. Current form *Order for Restitution and Abstract of Judgment* (form CR-110/JV-790) contains both an order for restitution and an abstract of judgment. It is appropriate from an overall case management perspective to separate the order for restitution and the abstract of judgment into individual forms. This change also necessitates separating the related information form—*Instructions: Order for Restitution and Abstract of Judgment* (form CR-112/JV-792)—into individual forms.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Hon. Tricia Ann Bigelow, Chair, Criminal Law Advisory Committee

Ms. Melissa Ardaiz, Center for Families, Children & the Courts

### ***Judicial Administration***

#### **Item A28 Judicial Administration: Notification to State Bar of Attorney Misconduct (Action Required)**

The Trial Court Presiding Judges Advisory Committee and the Administrative Presiding Justices Advisory Committee recommend that the Judicial Council adopt parallel rules of court, one for the trial courts (rule 10.609) and one for the appellate courts (rule 10.1017), to improve compliance with Business and Professions Code section 6086.7. That statute requires “a court” to notify the State Bar of certain instances of misconduct by and incompetence of attorneys. The rules would specify whose responsibility it is to notify the State Bar under the statute.

Hon. Tani G. Cantil-Sakauye, Chair, Administrative Presiding Justices Advisory Committee

Hon. Brian Walsh, Chair, Trial Court Presiding Judges Advisory Committee

Mr. Mark Jacobson, Legal Services Office

#### **Item A29 Judicial Administration: Repeal Rules Mandating Use of Recycled Paper (Action Required)**

The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend the elimination of all California Rules of Court mandating use of recycled paper—those rules addressed to courts as well as those addressed to parties. The statutory mandate that courts ensure at least 50 percent of reportable purchases, including paper products, are recycled products would remain in effect. This proposal was originally made by the Superior Court of Orange County, as one of the suggestions that the Court Executives Advisory Committee submitted to the Rules and Project Committee of the Judicial Council to achieve cost savings and efficiencies.

Hon. Raymond J. Ikola, Chair, Appellate Advisory Committee

Hon. Dennis M. Perluss, Chair, Civil and Small Claims Advisory Committee



Ms. Heather Anderson and Ms. Anne Ronan, Legal Services Office

**Item A30 Judicial Administration: Rules for Advisory Groups (Action Required)**

RUPRO, the Executive and Planning Committee (E&P), and the Technology Committee recommend establishing rules for two new Judicial Council advisory committees—the Tribal Court–State Court Forum and the Court Security Advisory Committee—and repealing the rules concerning three advisory groups that no longer exist—the Judicial Service Advisory Committee (rule 10.57), the Working Group on Court Security (rule 10.170), and the Working Group on Court Security Fiscal Guidelines (rule 10.171). At its meeting on April 25, 2013, the Judicial Council approved the *Report and Recommendations to Improve the Governance, Structure, and Organization of Judicial Council Advisory Group*, which made these recommendations.

Hon. Harry E. Hull, Jr., Chair, Rules and Projects Committee

Hon. Douglas P. Miller, Chair, Executive and Planning Committee

Hon. James E. Herman, Chair, Technology Committee

Ms. Susan R. McMullan, Legal Services Office

***Probate and Mental Health***

**Item A31 Probate Guardianship: Special Immigrant Juvenile Status for Wards (Action Required)**

The Probate and Mental Health Advisory Committee recommends the adoption of a new mandatory Judicial Council form. When signed by a judicial officer presiding in a California probate guardianship case, the *Order Regarding Eligibility for Special Immigrant Juvenile Status—Probate Guardianship* (form GC-224) would make findings that are necessary to support the application of an immigrant ward for special immigration juvenile status under federal law. That status would entitle the ward to permanent lawful residence in the United States and eligibility to apply for citizenship in the future.

Hon. Mitchell L. Beckloff, Chair, Probate and Mental Health Advisory Committee

Mr. Douglas C. Miller, Legal Services Office

***Miscellaneous***

**Item A32 Military Service: Notification of a Party's Military Status (Action Required)**

The Collaborative Justice Courts Advisory Committee proposes approving a new optional form to inform the court that a party in a court case is in the military. Knowledge of a party's status as a current or former member of the armed services or reserves enables courts to address legal issues for which military status is relevant and to better administer justice. It also helps courts comply with the sentencing requirements of Penal Code section 1170.9 and makes it easier to identify when outside resources are available to military and former military court users. This proposal responds to Assembly Bill 2371 and a request to the AOC

to amend Judicial Council forms to allow identification of court litigants who have a military affiliation.

Hon. Richard Vlavianos, Chair, Collaborative Justice Courts Advisory Committee

Ms. Carrie Zoller, Center for Families, Children & the Courts

**Item A33 Rules and Forms: Miscellaneous Technical Changes (Action Required)**

Various Judicial Council advisory committee members, court personnel, members of the public, and AOC staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, or changes in the rules and forms name and numbering systems, as well as changes resulting from legislation. The AOC recommends making the necessary corrections to avoid confusion for court users, clerks, and judicial officers.

Ms. Deborah Brown, Legal Services Office

Ms. Susan R. McMullan, Legal Services Office

**ITEM B DEFERRED TO FUTURE JUDICIAL COUNCIL MEETING**

**~~Item B Judicial Branch Administration: Reduced Annual Membership Dues for the National Center for State Courts (Action Required)~~**

**Item C Judicial Dependency: Proposed Allocation for Fiscal Year 2013–2014 for Court Appointed Special Advocate (CASA) Local Assistance (Action Required)**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council approve Court Appointed Special Advocate (CASA) grant funding allocations for fiscal year (FY) 2013–2014. The recommended allocations will fund 45 current programs using the new funding methodology and set aside funds for technical assistance.

Hon. Jerilyn L. Borack and Hon. Kimberly J. Nystrom-Geist, Cochairs, Family and Juvenile Law Advisory Committee

Ms. Amy Nuñez, Center for Families, Children & the Courts

**Item D Subordinate Judicial Officers: Allocation of Conversions for Fiscal Year 2013–2014 (Action Required)**

The AOC recommends that the Judicial Council approve a modification to the allocation schedule for Subordinate Judicial Officer (SJO) conversions authorized under Government Code Section 69615(c)(1)(A). The modification will allow the Superior Court of Orange County to convert a second vacant SJO position to a judgeship in fiscal year (FY) 2013–2014. The request for this modification was provisionally approved by E&P pending Judicial Council confirmation and will facilitate the timely implementation of SJO conversion policy.

Mr. Curt L. Child, Chief Operating Officer

Mr. Chad Finke and Dr. David Smith, Court Operations Special Services Office

*NOTE: Time is estimated. Actual start and end times may vary.*



**Item E Subordinate Judicial Officers: Notification to Legislature on Conversions (Action Required)**

Assembly Bill 159 (Stats. 2007, ch. 722), which authorized the conversion of 162 subordinate judicial officer positions to judgeships, requires periodic notification from the Judicial Council to the Legislature on what positions the council seeks to convert. The AOC recommends approving two versions of a letter that will serve as the council's notification to the Legislature for fiscal year 2013–2014. The version that will be submitted depends on the action the council takes at its October 2013 meeting regarding the allocation of conversions to the Superior Court of Orange County.

Mr. Cory Jaspersen, Office of Governmental Affairs

Mr. Alan Herzfeld, Office of Governmental Affairs

**Item F Trial Courts: A Model Mentoring Program for Court Staff in California's Superior Courts (Action Required)**

The Access and Fairness Advisory Committee recommends that the Judicial Council approve a model trial court staff mentoring program, effective January 1, 2014. The voluntary program is designed to enhance the ability of all individuals serving in their courts to achieve high standards of professionalism, ethics, and performance and to promote diversity in all levels of the courts. The instructions and other materials necessary to implement a local mentoring program would be available on SERRANUS, the California Judicial Branch Extranet, to all courts that are interested in a mentoring program. The program would be modeled after the pilot mentoring program conducted from May 1, 2012, through April 30, 2013, in the Superior Courts of Alameda, Contra Costa, San Francisco, and Solano Counties.

Hon. Laurie D. Zelon, Cochair, Access and Fairness Advisory Committee

Hon. Diana Becton, Cochair, Access and Fairness Advisory Committee and Chair, Pilot Mentoring Program

Ms. Donna Clay-Conti, Center for Families, Children & the Courts

**Item G Judicial Branch Report to the Legislature: Allocation of New Judgeships Funding in Fiscal Year 2012–2013 (Action Required)**

The AOC recommends approval of the attached *Report on Allocation of Funding in Fiscal Year (FY) 2012–2013 for Support of New Judgeships Authorized in FY 2007–2008*. The Budget Act of 2007 requires that this report be submitted each year until all judgeships are appointed and new staff hired.

Hon. Steven Jahr, Administrative Director of the Courts

Mr. Zlatko Theodorovic, Fiscal Services Office

**Item H    Judicial Branch Report to the Legislature: Electronic Recording (Action Required)**

The AOC recommends approving the Report on Purchase or Lease of Electronic Recording Equipment by Superior Courts (January 1–June 30, 2013), which includes an amended report for the time period July 1, 2012—December 31, 2012. Government Code section 69958 requires that the Judicial Council report to the Legislature semiannually regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

Mr. Zlatko Theodorovic and Mr. Patrick Ballard, Fiscal Services Office

**Item I    Judicial Council Report to the Legislature: Allocations and Reimbursements to Trial Courts for Fiscal Year 2012–2013 (Action Required)**

The AOC recommends that the Judicial Council approve the report on allocations and reimbursements to trial courts for fiscal year 2012–2013, required by Government Code section 77202.5(a), to the chairs of the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary.

Hon. Steven Jahr, Administrative Director of the Courts

Mr. Zlatko Theodorovic, Fiscal Services Office

**Break        11:00–11:15 a.m. (approx.)**

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**DISCUSSION AGENDA (ITEMS J–L)**

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**Item J        11:15–11:55 a.m.**

**California’s Language Access Plan: Status Report (No Action Required)**

The Joint Working Group for California’s Language Access Plan, which comprises members of both the Court Interpreters Advisory Panel and the Access and Fairness Advisory Committee, was established in June 2013 to create a comprehensive statewide Language Access Plan that will serve all of California’s limited-English-proficient court users. This informational report provides an update on the working group’s goals, timeline, and anticipated steps in the development of the plan.

*Public Comment and Presentation (30 minutes) • Discussion (10 minutes)*

Speakers:        Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel  
                      Hon. Maria P. Rivera, former Chair, Access and Fairness Advisory Committee



Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 22nd report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, five superior courts—those of Tulare, Inyo, Kings, Stanislaus, and Tehama Counties—have issued new notices.

**There have been no Circulating Orders since the last business meeting.**

**[Appointment Orders](#) (since the last business meeting)**