

AMENDMENT TO THE CALIFORNIA RULES OF COURT
 Adopted by the Judicial Council on September 20, 2022, effective January 1, 2023

1	Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic	
2	filing by court order	4
3	Rule 2.812. Requirements for court appointment of an attorney to serve as a	
4	temporary judge	4
5	Rule 2.813. Contents of training programs	7
6	Rule 2.815. Continuing education	8
7	Rule 3.2200. Application	9
8	Chapter 2. California Environmental Quality Act Proceedings Involving Streamlined	
9	CEQA Projects	9
10	Article 1. General Provisions	9
11	Rule 3.2220. Definitions and application	9
12	Rule 3.2221. Time	11
13	Rule 3.2223. Petition	12
14	Article 3. Trial Court Costs	13
15	Rule 3.2240. Trial court costs in Oakland Ballpark and Inglewood Arena certain	
16	streamlined CEQA projects	13
17	Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving	
18	assisted reproduction; other requirements	13
19	Rule 5.210. Court-connected child custody mediation	14
20	Rule 5.220. Court-ordered child custody evaluations	15
21	Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to	
22	represent a child in family law proceedings	16
23	Rule 5.250. Children’s participation and testimony in family court proceedings ...	17
24	Rule 5.340. Judicial education for child support commissioners	20
25	Chapter 4. Protective Orders [Repealed]	20
26	Rule 5.495. Firearm relinquishment procedures [Repealed]	20
27	Rule 5.618. Placement in short-term residential therapeutic program or community	
28	treatment facility (§§ 361.22, 727.12)	24
29	Rule 5.620. Orders after filing under section 300	29
30	Rule 5.625. Orders after filing of petition under section 601 or 602	30
31	Rule 5.630. Restraining orders	30
32	Rule 5.697. Disposition hearing for a nonminor (Welf. & Inst. Code, §§ 224.1, 295,	
33	303, 358, 358.1, 361, 361.6, 366.31, 390, 391)	35
34	Rule 5.766. General provisions	37

1	Rule 5.768. Report of probation officer.....	38
2	Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707.....	39
3	Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1,	
4	366.3, 366.31, 391, 11403).....	42
5	Rule 7.575. Accounting of conservators and guardians.....	46
6	Rule 7.576. Final account of conservator of the estate.....	47
7	Rule 7.756. Compensation of conservators and guardians.....	47
8	Rule 7.1052. Termination of conservatorship [Repealed].....	48
9	Rule 7.1053. Service of final account of removed or resigned conservator.....	48
10	Rule 7.1054. Service of final account after termination of conservatorship	
11	[Repealed].....	49
12	Rule 7.1060. Investigations and reports by court investigators.....	49
13	Rule 8.50. Applications.....	50
14	Rule 8.60. Extending time.....	51
15	Rule 8.63. Policies and factors governing extensions of time.....	52
16	Rule 8.404. Stay pending appeal.....	53
17	Rule 8.406. Time to appeal.....	53
18	Rule 8.409. Preparing and sending the record.....	54
19	Rule 8.412. Briefs by parties and amici curiae.....	55
20	Rule 8.417. Appeals from orders transferring a minor from juvenile court to a court	
21	of criminal jurisdiction.....	57
22	Rule 8.482. Appeal from judgment authorizing conservator to consent to	
23	sterilization of conservatee.....	60
24	Rule 8.483. Appeal from order of civil commitment.....	60
25	Rule 8.631. Applications to file overlength briefs in appeals from a judgment of	
26	death.....	61
27	Chapter 1. Review of California Environmental Quality Act Cases Involving	
28	Streamlined CEQA Projects.....	63
29	Rule 8.700. Definitions and application.....	63
30	Rule 8.702. Appeals.....	64
31	Rule 8.703. Writ proceedings.....	66
32	Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects.....	67
33	Rule 10.452. Minimum education requirements, expectations, and recommendations	
34	67

1	Rule 10.461. Minimum education requirements for Supreme Court and Court of	
2	Appeal justices	72
3	Rule 10.462. Minimum education requirements and expectations for trial court	
4	judges and subordinate judicial officers	75
5	Rule 10.463. Education requirements for family court judges and subordinate	
6	judicial officers	80
7	Rule 10.464. Education requirements and expectations for judges and subordinate	
8	judicial officers on domestic violence issues.....	82
9	Rule 10.468. Content-based and hours-based education for superior court judges and	
10	subordinate judicial officers regularly assigned to hear probate proceedings	82
11	Rule 10.469. Judicial Education recommendations for justices, judges, and	
12	subordinate judicial officers.....	85
13	Rule 10.471. Minimum education requirements for Supreme Court and Court of	
14	Appeal clerks/ executive clerk/executive officers	87
15	Rule 10.472. Minimum education requirements for Supreme Court and Court of	
16	Appeal managing attorneys, supervisors, and other personnel.....	90
17	Rule 10.473. Minimum education requirements for trial court executive officers...	93
18	Rule 10.474. Trial court managers, supervisors, and other personnel.....	95
19	Rule 10.478. Content-based and hours-based education for court investigators,	
20	probate attorneys, and probate examiners.....	98
21	Rule 10.479. Education recommendations for appellate and trial court personnel	102
22	Rule 10.481. Approved providers; approved course criteria	103
23	Rule 10.491. Minimum education requirements for Judicial Council employees..	105
24	Rule 10.1028. Preservation and destruction of Court of Appeal records	106
25	Standard 4.30. Examination of prospective jurors in criminal cases.....	107

26

27

1 **Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic**
2 **filing by court order**

3
4 (a) * * *

5
6 (b) **Mandatory electronic filing by local rule**

7
8 A court may require parties by local rule to electronically file documents in civil
9 actions directly with the court, or directly with the court and through one or more
10 approved electronic filing service providers, or through more than one approved
11 electronic filing service provider, subject to the conditions in Code of Civil
12 Procedure section 1010.6, the rules in this chapter, and the following conditions:

13
14 (1)–(6) * * *

15
16 ~~(7) — A court that adopts a mandatory electronic filing program under this~~
17 ~~subdivision must report semiannually to the Judicial Council on the operation~~
18 ~~and effectiveness of the court’s program.~~

19
20 *(Subd (b) amended effective January 1, 2023; adopted effective July 1, 2013; previously*
21 *amended effective January 1, 2018.)*

22
23 (c) * * *

24
25 *Rule 2.253 amended effective January 1, 2023; adopted as rule 2053 effective January 1, 2003;*
26 *previously amended and renumbered effective January 1, 2007; previously amended effective*
27 *January 1, 2008, January 1, 2011, July 1, 2013, January 1, 2018, and January 1, 2022.*

28
29 **Rule 2.812. Requirements for court appointment of an attorney to serve as a**
30 **temporary judge**

31
32 (a)–(b) ***

33
34 (c) **Education and training requirements**

35
36 The presiding judge may appoint an attorney to serve as a temporary judge only if
37 the following minimum training requirements are satisfied:

38
39 (1) *Mandatory training on bench conduct and demeanor*

40
41 Within three years before appointment, the attorney must have attended and
42 successfully completed, ~~within the previous three years~~, a course of at least 3
43 hours’ duration on the subjects identified in rule 2.813(a) approved by the

1 court in which the attorney will serve. This course must be of at least three
2 hours' duration, taken in-person instructor-led (live remote or in-person), and
3 be taught by a qualified judicial officer approved by the court.
4

5 (2) *Mandatory training in ethics*
6

7 Within three years before appointment, the attorney must have attended and
8 successfully completed, ~~within the previous three years,~~ a course ~~of at least 3~~
9 ~~hours' duration~~ on the subjects identified in rule 2.813(b) approved by the
10 court in which the attorney will serve. This course must be of at least three
11 hours' duration and may be taken by any means approved by the court,
12 ~~including in-person, by broadcast with participation, or online.~~
13

14 (3) *Substantive training*
15

16 Within three years before appointment, the attorney must have attended and
17 successfully completed, ~~within the previous three years,~~ a course on the
18 substantive law in each subject area in which the attorney will serve as a
19 temporary judge. These courses may be taken by any means approved by the
20 court, ~~including in-person, by broadcast with participation, or online.~~ The
21 substantive courses have the following minimum requirements:
22

23 (A) *Small claims*
24

25 Within three years before appointment, an attorney serving as a
26 temporary judge in small claims cases must have attended and
27 successfully completed, ~~within the previous three years,~~ a course ~~of at~~
28 ~~least 3 hours' duration~~ on the subjects identified in rule 2.813(c). The
29 course must be at least three hours' duration and approved by the court
30 in which the attorney will serve.
31

32 (B) *Traffic*
33

34 Within three years before appointment, an attorney serving as a
35 temporary judge in traffic cases must have attended and completed,
36 ~~within the previous three years,~~ a course ~~of at least 3 hours' duration~~ on
37 the subjects identified in rule 2.813(d). The course must be at least
38 three hours' duration and approved by the court in which the attorney
39 will serve.
40

41 (C) *Other subject areas*
42

1 If the court assigns attorneys to serve as temporary judges in other
2 substantive areas such as civil law, family law, juvenile law, unlawful
3 detainers, or case management, the court must determine what
4 additional training is required ~~and what additional courses are required~~
5 before an attorney may serve as a temporary judge in each of those
6 subject areas. The training required in each area must be of at least ~~3~~
7 three hours' duration. The court may also require that an attorney
8 possess additional years of practical experience in each substantive area
9 before being assigned to serve as a temporary judge in that subject area.

10
11 (D)–(E) ***

12
13 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
14 *2007 and January 1, 2009)*

15
16
17 **(d) Requirements for retired judicial officers**

18
19 Commencing five years after the retired judicial officer last served in a judicial
20 position either as a full-time judicial officer or as an assigned judge, a retired
21 judicial officer serving as a temporary judge must satisfy all the education and
22 training requirements of this rule. ~~However, a retired judicial officer serving as a~~
23 ~~temporary judge in a small claims case must satisfy all the requirements of Code of~~
24 ~~Civil Procedure section 116.240(b) and the rules in this chapter before serving in~~
25 ~~the case.~~

26
27 *(Subd (d) amended effective January 1, 2023; adopted effective January 1, 2009.)*

28
29 **(e)–(g) *****

30
31 *Rule 2.812 amended effective January 1, 2023; adopted as rule 243.13 effective July 1, 2006;*
32 *previously amended and renumbered effective January 1, 2007; previously amended effective*
33 *January 1, 2009.*

34
35 **Advisory Committee Comment**

36
37 The goal of this rule is to ensure that attorneys who serve as court-appointed temporary judges are
38 qualified and properly trained.

39
40 **Subdivision (a). *****

41
42 **Subdivision (b). *****

1 **Subdivision (c).** A court may use attorneys who are not temporary judges to assist in the
2 settlement of cases. For example, attorneys may work under the presiding judge or individual
3 judges and may assist them in settling cases. However, these attorneys may not perform any
4 judicial functions such as entering a settlement on the record under Code of Civil Procedure
5 section 664.6. Settlement attorneys who are not temporary judges are not required to satisfy the
6 requirements of these rules, but they must satisfy any requirements established by the court for
7 attorneys who assist in the settlement of cases.
8
9

10 **Rule 2.813. Contents of training programs**

11
12 **(a)–(b) *****

13
14 **(c) Small claims**

15
16 Before the court may appoint an attorney to serve as a temporary judge in small
17 claims cases, the attorney must have received training under rule 2.812(c)(3)(A) in
18 the following subjects:

- 19
20 (1) Small claims procedures and practices;
21
22 (2) Consumer sales;
23
24 (3) Vehicular sales, leasing, and repairs;
25
26 (4) Credit and financing transactions;
27
28 (5) Professional and occupational licensing;
29
30 (6) Tenant rent deposit law;
31
32 (7) Contract, warranty, tort, and negotiable instruments law; ~~and~~
33
34 (8) The subjects specified in Code of Civil Procedure section 116.240(b); and
35
36 (9) Other subjects deemed appropriate by the presiding judge based on local
37 needs and conditions.
38

39 In addition, an attorney serving as a temporary judge in small claims cases must be
40 familiar with the publications identified in Code of Civil Procedure section
41 116.930.
42

1 (Subd (c) amended effective January 1, 2023; previously amended effective January 1,
2 2007.)

3
4 **(d) *****

5
6 *Rule 2.813 amended effective January 1, 2023; adopted as rule 243.14 effective July 1, 2006;*
7 *previously amended and renumbered effective January 1, 2007.*

8
9
10 **Advisory Committee Comment**

11
12 The purpose of this rule is to ensure that all court-appointed temporary judges have proper
13 training in bench conduct and demeanor, ethics, and each substantive area in which they
14 adjudicate cases. Each court is responsible for approving the training and instructional materials
15 for the temporary judges appointed by that court. The training in bench conduct and demeanor
16 must be ~~in-person~~ instructor-led (live remote or in-person), but in other areas each court may
17 determine the approved method or methods by which the training is provided. ~~The methods may~~
18 ~~include in-person courses, broadcasts with participation, and online courses.~~ Courts may offer
19 Minimum Continuing Legal Education (MCLE) credit for courses that they provide and may
20 approve MCLE courses provided by others as satisfying the substantive training requirements
21 under this rule. Courts may work together with other courts, or may cooperate on a regional basis,
22 to develop and provide training programs for court-appointed temporary judges under this rule.

23
24
25 **Rule 2.815. Continuing education**

26
27 **(a) Continuing education required**

28
29 Every three years, each attorney appointed as a temporary judge must attend and
30 successfully complete ~~every three years~~ a course on bench conduct and demeanor,
31 an ethics course, and a course in each substantive area in which the attorney will
32 serve as a temporary judge. The courses must cover the same subjects and be of the
33 same duration as the courses prescribed in rule 2.812(c). These courses must be
34 approved by the court ~~that appoints the attorney~~ in which the attorney will serve.

35
36 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
37 *2007.)*

38
39 **(b) *****

40
41 *Rule 2.815 amended effective January 1, 2023; adopted as rule 243.17 effective July 1, 2006;*
42 *previously amended and renumbered effective January 1, 2007.*

1 **Rule 3.2200. Application**

2
3 Except as otherwise provided in chapter 2 of the rules in this division, which govern
4 actions under Public Resources Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21178–
5 21189.3, 21189.50–21189.57, and 21189.70–21189.70.10, the rules in this chapter apply
6 to all actions brought under the California Environmental Quality Act (CEQA) as stated
7 in division 13 of the Public Resources Code.

8
9 *Rule 3.2200 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
10 *amended effective January 1, 2017, and March 11, 2022.*

11
12
13 **Chapter 2. California Environmental Quality Act Proceedings Involving**
14 **Streamlined CEQA Projects**

15
16 **Article 1. General Provisions**

17
18 **Rule 3.2220. Definitions and application**

19
20 **(a) Definitions**

21
22 As used in this chapter:

- 23
24 (1) A “streamlined CEQA project” means any project within the definitions
25 stated in (2) through ~~(7)~~(8).
- 26
27 (2) An “environmental leadership development project” or “leadership project”
28 means a project certified by the Governor under Public Resources Code
29 sections 21182–21184.
- 30
31 (3) The “Sacramento entertainment and sports center project” or “Sacramento
32 arena project” means an entertainment and sports center project as defined by
33 Public Resources Code section 21168.6.6, for which the proponent provided
34 notice of election to proceed under that statute described in section
35 21168.6.6(j)(1).
- 36
37 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
38 means a project as defined in Public Resources Code section 21168.6.7 and
39 certified by the Governor under that section.
- 40
41 (5) An “Inglewood arena project” means a project as defined in Public Resources
42 Code section 21168.6.8 and certified by the Governor under that section.
- 43

1 (6) An “expanded capitol building annex project” means a state capitol building
2 annex project, annex project–related work, or state office building project as
3 defined by Public Resources Code section 21189.50.
4

5 (7) An “Old Town Center transit and transportation facilities project” or “Old
6 Town Center project” means a project as defined in Public Resources Code
7 section 21189.70.
8

9 (8) An “environmental leadership transit project” means a project as defined in
10 Public Resources Code section 21168.6.9.
11

12 *(Subd (a) amended January 1, 2023; previously amended effective January 1, 2017, and*
13 *March 11, 2022.)*
14

15 **(b) Proceedings governed**
16

17 The rules in this chapter govern actions or proceedings brought to attack, review,
18 set aside, void, or annul the certification of the environmental impact report or the
19 grant of any project approvals for a streamlined CEQA project. Except as otherwise
20 provided in Public Resources Code sections 21168.6.6–~~21168.6.8~~21168.6.9,
21 21178–21189.3, 21189.50–21189.57, and 21189.70–21189.70.10 and these rules,
22 the provisions of the Public Resources Code and the CEQA Guidelines adopted by
23 the Natural Resources Agency (Cal. Code Regs., tit. 14, § 15000 et seq.) governing
24 judicial actions or proceedings to attack, review, set aside, void, or annul acts or
25 decisions of a public agency on the grounds of noncompliance with the California
26 Environmental Quality Act and the rules of court generally apply in proceedings
27 governed by this rule.
28

29 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
30 *2017, and March 11, 2022.)*
31

32
33 **(c) Complex case rules**
34

35 * * *
36

37 *Rule 3.2220 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
38 *amended effective January 1, 2017, and March 11, 2022.*
39
40

1 **Rule 3.2221. Time**

2
3 **(a) Extensions of time**

4
5 * * *

6
7 **(b) Extensions of time by parties**

8
9 If the parties stipulate to extend the time for performing any acts in actions
10 governed by these rules, they are deemed to have agreed that the statutorily
11 prescribed time for resolving the action may be extended by the stipulated number
12 of days by which the performance of the act has been stipulated to be extended of
13 the extension, and to that extent to have waived any objection to noncompliance
14 with the deadlines for completing review stated in Public Resources Code sections
15 21168.6.6–~~21168.6.8~~21168.6.9, 21185, 21189.51, and 21189.70.3. Any such
16 stipulation must be approved by the court.

17
18 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
19 *2017, and March 11, 2022.)*

20
21 **(c) Sanctions for failure to comply with rules**

22
23 If a party fails to comply with any time requirements provided in these rules or
24 ordered by the court, the court may issue an order to show cause as to why one of
25 the following sanctions should not be imposed:

26
27 (1)–(2) * * *

28
29 (3) If the failure to comply is by respondent or a real party in interest, removal of
30 the action from the expedited procedures provided under Public Resources
31 Code sections 21168.6.6–~~21168.6.8~~21168.6.9, 21185, 21189.51, and
32 21189.70.3, and these rules; or

33
34 (4) * * *

35
36 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
37 *2017, and March 11, 2022.)*

38
39 *Rule 3.2221 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
40 *amended effective January 1, 2017, and March 11, 2022.*

1 **Rule 3.2223. Petition**

2
3 In addition to any other applicable requirements, the petition must:

- 4
5 (1) On the first page, directly below the case number, indicate that the matter is a
6 “Streamlined CEQA Project”;
7
8 (2) State one of the following:
9
10 (A) The proponent of the project at issue provided notice to the lead agency
11 that it was proceeding under Public Resources Code section 21168.6.6,
12 21168.6.7, ~~or 21168.6.8,~~ or 21168.6.9 (whichever is applicable) and is
13 subject to this rule; or
14
15 (B) The project at issue was certified by the Governor as an environmental
16 leadership development project under Public Resources Code sections
17 21182–21184 and is subject to this rule; or
18
19 (C) The project at issue is an expanded capitol building annex project as
20 defined by Public Resources Code section 21189.50 and is subject to
21 this rule; or
22
23 (D) The project at issue is an Old Town Center project as defined by Public
24 Resources Code section 21189.70 and is subject to this rule.
25
26 (3) If an environmental leadership development, Oakland ballpark, or Inglewood
27 arena project, provide notice that the person or entity that applied for
28 certification of the project as such a leadership project must make the
29 payments required by rule 3.2240 and, if the matter goes to the Court of
30 Appeal, make the payments required by rule 8.705;
31
32 (4) If an ~~Oakland ballpark or Inglewood arena project~~ environmental leadership
33 transit project, provide notice that the ~~person or entity that applied for~~
34 ~~certification of the project as an Oakland ballpark or Inglewood arena project~~
35 applicant must make the payments required by rule 3.2240 and, if the matter
36 goes to the Court of Appeal, the payments required by rule 8.705; and
37
38 (5) * * *

39
40 *Rule 3.2223 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
41 *amended effective January 1, 2017, and March 11, 2022.*
42
43

1 **Article 3. Trial Court Costs**

2
3 **Rule 3.2240. Trial court costs in Oakland Ballpark and Inglewood Arena certain**
4 **streamlined CEQA projects**

5
6 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, ~~and~~
7 21168.6.8, 21168.6.9, and 21183 regarding payment of trial court costs with respect to
8 cases concerning ~~certain streamlined CEQA~~ environmental leadership development,
9 environmental leadership transit, Oakland ballpark, and Inglewood arena projects:

10
11 (1) Within 10 days after service of the petition or complaint in a case concerning an
12 environmental leadership development project, the person or entity that applied for
13 certification of the project as an environmental leadership development project
14 must pay a fee of \$180,000 to the court.

15
16 (2) Within 10 days after service of the petition or complaint in a case concerning an
17 environmental leadership transit project, the project applicant must pay a fee of
18 \$180,000 to the court.

19
20 ~~(3)~~(3) Within 10 days after service of the petition or complaint in a case concerning an
21 Oakland ballpark project or an Inglewood arena project, the person or entity that
22 applied for certification of the project as a streamlined CEQA project must pay a
23 fee of \$120,000 to the court.

24
25 ~~(2)~~(4) If the court incurs the costs of any special master appointed by the court in the case
26 or of any contract personnel retained by the court to work on the case, the person or
27 entity that applied for certification of the project or the project applicant must also
28 pay, within 10 days of being ordered by the court, those incurred or estimated costs.

29
30 ~~(3)~~(5) If the party fails to timely pay the fee or costs specified in this rule, the court may
31 impose sanctions that the court finds appropriate after notifying the party and
32 providing the party with an opportunity to pay the required fee or costs.

33
34 ~~(4)~~(6) Any fee or cost paid under this rule is not recoverable.

35
36 *Rule 3.2240 amended effective January 1, 2023; adopted effective March 11, 2022.*

37
38
39 **Rule 5.51. Confidential cover sheet for parentage actions or proceedings involving**
40 **assisted reproduction; other requirements**

41
42 **(a) Application**

1 This rule applies to actions or proceedings filed with the court after January 1,
2 2023, involving assisted reproduction, in which the parties seek to determine a
3 parental relationship under Family Code section 7613 or 7630, or sections 7960–
4 7962.

5
6 **(b) Filing Requirement**

7
8 To comply with Family Code section 7643.5, for all actions in (a):

9
10 (1) Petitioner must complete a Confidential Cover Sheet—Parentage Action
11 Involving Assisted Reproduction (form FL-211) and attach it to the initial
12 papers being filed with the court; and

13
14 (2) The court clerk must maintain form FL-211, the initial papers, and all
15 subsequent papers—other than the final judgment—in a confidential court
16 file.

17
18 *Rule 5.51 adopted effective January 1, 2023.*

19
20 **Rule 5.210. Court-connected child custody mediation**

21
22 **(a)–(c) * * ***

23
24 **(d) Responsibility for mediation services**

25
26 (1) * * *

27
28 (2) Each court-connected mediator must:

29
30 (A)–(C) * * *

31
32 (3) If so informed by the child at any point, each child custody recommending
33 counselor must notify the parties, other professionals serving on the case, and
34 then the judicial officer:

35
36 (A) About the child’s desire to provide input and address the court; and

37
38 (B) As soon as feasible, that the child has changed their choice about
39 addressing the court.

40
41 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
42 *2002, and January 1, 2003, and January 1, 2007.)*

1 (e)–(h) * * *

2
3 *Rule 5.210 amended effective January 1, 2023; adopted as rule 1257.1 effective July 1, 2001;*
4 *amended and renumbered as rule 5.210 effective January 1, 2003; previously amended effective*
5 *January 1, 2003, January 1, 2005, January 1, 2007, and January 1, 2016.*

6
7 **Rule 5.220. Court-ordered child custody evaluations**

8
9 (a)–(c) * * *

10
11 **(d) Responsibility for evaluation services**

12
13 (1) * * *

14
15 (2) The child custody evaluator must:

16
17 (A) Consider the health, safety, welfare, and best interest of the child within
18 the scope and purpose of the evaluation as defined by the court order;

19
20 (B) Strive to minimize the potential for psychological trauma to children
21 during the evaluation process; ~~and~~

22
23 (C) Include in the initial meeting with each child an age-appropriate
24 explanation of the evaluation process, including limitations on the
25 confidentiality of the process;

26
27 (D) Inform the parties, other professionals serving on the case, and then the
28 judicial officer about the child's desire to provide input and address the
29 court; and

30
31 (E) If so informed by the child at any point, provide notice that the child
32 has changed their choice about addressing the court. Notice must be
33 provided as soon as feasible to the parties or their attorneys, other
34 professionals serving on the case, and then to the judicial officer.

35
36 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
37 *2003, and January 1, 2007.)*

38
39 *Rule 5.220 amended effective January 1, 2023; adopted as rule 1257.3 effective January 1, 1999;*
40 *previously amended and renumbered effective January 1, 2003; previously amended effective*
41 *July 1, 1999, July 1, 2003, January 1, 2004, January 1, 2007, January 1, 2010, January 1, 2021,*
42 *and September 1, 2022.*

1 (e)–(k) * * *

2
3
4 **Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to**
5 **represent a child in family law proceedings**

6
7 (a)–(i) * * *

8
9 **(j) Responsibilities of counsel for a child**

10
11 Counsel is charged with the representation of the child’s best interest. The role of
12 the child’s counsel is to gather evidence that bears on the best interest of the child
13 and present that admissible evidence to the court in any manner appropriate for the
14 counsel of a party. If the child so desires, the child’s counsel must present the
15 child’s wishes to the court.

16
17 (1)–(3) * * *

18
19 (4) In any case in which counsel is representing a child who is called to testify in
20 the proceeding, counsel must:

21
22 (A)–(B) * * *

23
24 (C) Provide procedures relevant to the child’s participation and, if
25 appropriate, provide an orientation to the courtroom where the child
26 will be testifying; ~~and~~

27
28 (D) Inform the parties, other professionals serving on the case, and then the
29 ~~court~~ judicial officer about the client’s desire to provide input and
30 address the court; and

31
32 (E) If so informed by the child at any point, provide notice that the child
33 has changed their choice about addressing the court. Notice must be
34 provided as soon as feasible to the parties or their attorneys, other
35 professionals serving on the case, and then to the judicial officer.

36
37 *(Subd (j) amended effective January 1, 2023; previously amended effective January 1,*
38 *2012.)*

39
40 (k) * * *

41
42 *Rule 5.242 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
43 *amended effective January 1, 2012, and January 1, 2016.*

1
2
3 **Rule 5.250. Children’s participation and testimony in family court proceedings**
4

5 **(a) Children’s participation Authority and overview**
6

7 This rule is intended to implement Family Code section 3042. ~~Children’s~~
8 ~~participation in family law matters must be considered on a case-by-case basis.~~ No
9 statutory mandate, rule, or practice requires children to participate in court or
10 prohibits them from doing so. ~~When a child wishes to participate, the court should~~
11 ~~find a balance between protecting the child, the statutory duty to consider the~~
12 ~~wishes of and input from the child, and the probative value of the child’s input~~
13 ~~while ensuring all parties’ due process rights to challenge evidence relied upon by~~
14 ~~the court in making custody decisions.~~

15
16 *Subd (a) amended effective January 1, 2023.*
17

18 **(b) Children’s participation**
19

20 When a child wishes to participate in a court proceeding involving child custody
21 and visitation (parenting time):
22

23 (1) The court should find a balance between protecting the child, the statutory
24 duty to consider the wishes of and input from the child, and the probative
25 value of the child’s input while ensuring all parties’ due process rights to be
26 aware of and to challenge evidence relied on by the court in making custody
27 decisions.
28

29 (2) The court must:
30

31 (A) Consider a child’s participation in family law matters on a case-by-case
32 basis; and
33

34 (B) Not permit a child addressing the court about child custody or visitation
35 (parenting time) to do so in the presence of the parties. The court must
36 provide an alternative to having the child address the court in the
37 presence of the parties to obtain input directly from the child.
38

39 (3) Notwithstanding the prohibition in (b)(2)(B), the court:
40

41 (A) May permit the child addressing the court about child custody or
42 visitation (parenting time) to do so in the presence of the parties if the

1 court determines that doing so is in the child’s best interests and states
2 its reasons for that finding on the record; and

3
4 (B) Must, in determining the best interests of the child under (b)(2)(A),
5 consider whether addressing the court regarding child custody or
6 visitation (parenting time) in the presence of the parties is likely to be
7 detrimental to the child.

8
9 *(Subd (b) adopted effective January 1, 2023.)*

10
11 **(b) (c) Determining if the child wishes to address, or has changed their choice about**
12 **addressing, the court**

13
14 (1) The following persons must ~~inform the court~~ notify the persons in (c)(2) if
15 they have information indicating that a child in a custody or visitation
16 (parenting time) matter either wishes to address the court or has changed their
17 choice about addressing the court:

18
19 (A) An ~~minor’s counsel~~ attorney appointed to represent the child in the
20 case;

21
22 (B) An evaluator;

23
24 (C) An investigator; and

25
26 (D) A child custody recommending counselor who provides
27 recommendations to the ~~judge~~ judicial officer under Family Code
28 section 3183; and

29
30 (E) Other professionals serving on the case.

31
32 (2) The notice described in (c)(1) must be given, as soon as feasible, to the
33 following:

34
35 (A) The parties or their attorneys;

36
37 (B) The attorney appointed to represent the child;

38
39 (C) Other professionals serving on the case; and then

40
41 (D) The judicial officer.
42

1 (2) (3) The following persons may inform the court if they have information
2 indicating that a child wishes to address the court:

3
4 (A)–(B) * * *

5
6 (3) (4) In the absence of information indicating a child wishes to address the court,
7 the judicial officer may inquire whether the child wishes to do so.

8
9 *(Subd (c) relettered and amended effective January 1, 2023; adopted as subd (b).)*

10
11 ~~(e)~~ **(d)** * * *

12
13 *(Subd (d) relettered effective January 1, 2023; adopted as subd (c).)*

14
15 ~~(d)~~ **(e) Guidelines for receiving testimony and other input**

16
17 (1)–(4) * * *

18
19 (5) In any case in which a child will be called to testify, the court may consider
20 the appointment of minor’s counsel for that child. The court may consider
21 whether such appointment will cause unnecessary delay or otherwise
22 interfere with the child’s ability to participate in the process. In addition to
23 adhering to the requirements for minor’s counsel under Family Code section
24 3151 and rules 5.240, 5.241, and 5.242, and subdivision (c) of this rule,
25 minor’s counsel must:

26
27 (A)–(C) * * *

28
29 ~~(D) Inform the parties and then the court about the client’s desire to provide~~
30 ~~input~~

31
32 (6) * * *

33
34 *(Subd (e) relettered and amended effective January 1, 2023; adopted as subd (d).)*

35
36 ~~(e)~~ **(f) Additional responsibilities of court-connected or appointed professionals**

37
38 In addition to the duties in (c), a child custody evaluator, a child custody
39 recommending counselor, or a mediator an investigator assigned to meet with a
40 child in a family court proceeding must:

41
42 (1)–(3) * * *

1 (Subd (f) relettered and amended effective January 1, 2023; adopted as subd (e).)

2

3 ~~(f)~~ **(g)** * * *

4

5 (Subd (g) relettered effective January 1, 2023; adopted as subd (f).)

6

7 ~~(g)~~ **(h)** * * *

8

9 (Subd (h) relettered effective January 1, 2023; adopted as subd (g).)

10

11 Rule 5.250 amended effective January 1, 202; adopted effective January 1, 2012.

12

13

14 **Rule 5.340. Judicial education for child support commissioners**

15

16 Every commissioner whose principal judicial assignment is to hear child support matters
17 must attend the following judicial education programs:

18

19 (1) *Basic child support law education*

20

21 Within ~~six months~~ one year of beginning an assignment as a child support
22 commissioner, the judicial officer must attend a basic educational program on
23 California child support law and procedure designed primarily for judicial officers.
24 The training program must include instruction on both state and federal laws
25 concerning child support. A judicial officer who has completed the basic
26 educational program need not attend the basic educational program again.

27

28 ~~(2)–(4)~~ ***

29

30 Rule 5.340 amended effective January 1, 2023; adopted as rule 1280.8 effective July 1, 1999;
31 previously amended and renumbered effective January 1, 2003; previously amended effective
32 January 1, 2007, and January 1, 2017.

33

34 **Chapter 4. Protective Orders [Repealed]**

35

36 **Rule 5.495. Firearm relinquishment procedures [Repealed]**

37

38 ~~(a)~~ **Application of rule**

39

40 ~~This rule applies when a family or juvenile law domestic violence protective order~~
41 ~~as defined in Family Code section 6218 or Welfare and Institutions Code section~~
42 ~~213.5 is issued or in effect.~~

43

1 **(b) Purpose**

2
3 This rule addresses situations in which information is presented to the court about
4 firearms and provides the court with options for appropriately addressing the issue.
5 This rule is intended to:

6
7 (1) Assist courts issuing domestic violence protective orders in determining
8 whether a restrained person has a firearm in or subject to his or her
9 immediate possession or control.

10
11 (2) Assist courts that have issued domestic violence protective orders in
12 determining whether a restrained person has complied with the court's order
13 to relinquish, store, or sell the firearm under Family Code section 6389(c).
14

15 **(c) Firearm determination**

16
17 When relevant information is presented to the court at any noticed hearing that a
18 restrained person has a firearm, the court must consider that information to
19 determine, by a preponderance of the evidence, whether the person subject to a
20 protective order as defined in Family Code section 6218 or Welfare and Institutions
21 Code section 213.5 has a firearm in or subject to his or her immediate possession or
22 control in violation of Family Code section 6389.
23

24 **(d) Determination procedures**

25
26 (1) In making a determination under this rule, the court may consider whether the
27 restrained person filed a firearm relinquishment, storage, or sales receipt or if
28 an exemption from the firearm prohibition was granted under Family Code
29 section 6389(h).
30

31 (2) The court may make the determination at any noticed hearing when a
32 domestic violence protective order is issued, at a subsequent review hearing,
33 or at any subsequent family or juvenile law hearing while the order remains
34 in effect.
35

36 (3) If the court makes a determination that the restrained person has a firearm in
37 violation of Family Code section 6389, the court must make a written record
38 of the determination and provide a copy to any party who is present at the
39 hearing and, upon request, to any party not present at the hearing.
40

41 **(e) Subsequent review hearing**

42

- 1 (1) ~~When presented with information under (c), the court may set a review~~
2 ~~hearing to determine whether a violation of Family Code section 6389 has~~
3 ~~taken place.~~
4
5 (2) ~~The review hearing must be held within 10 court days after the noticed~~
6 ~~hearing at which the information was presented. If the restrained person is not~~
7 ~~present when the court sets the review hearing, the protected person must~~
8 ~~provide notice of the review hearing to the restrained person at least 2 court~~
9 ~~days before the review hearing, in accordance with Code of Civil Procedure~~
10 ~~414.10, by personal service or by mail to the restrained person's last known~~
11 ~~address.~~
12
13 (3) ~~The court may for good cause extend the date of the review hearing for a~~
14 ~~reasonable period or remove it from the calendar.~~
15
16 (4) ~~The court must order the restrained person to appear at the review hearing.~~
17
18 (5) ~~The court may conduct the review hearing in the absence of the protected~~
19 ~~person.~~
20
21 (6) ~~Nothing in this rule prohibits the court from permitting a party to appear by~~
22 ~~telephone under California Rules of Court, rule 5.9.~~

23
24 **(f) ~~Child custody and visitation~~**

- 25
26 (1) ~~If the court determines that the restrained person has a firearm in violation of~~
27 ~~Family Code section 6389, the court must consider that determination when~~
28 ~~deciding whether the restrained person has overcome the presumption in~~
29 ~~Family Code section 3044.~~
30
31 (2) ~~An order for custody or visitation issued at any time during a family law~~
32 ~~matter must be made in a manner that ensures the health, safety, and welfare~~
33 ~~of the child and the safety of all family members, as specified in Family Code~~
34 ~~section 3020. The court must consider whether the best interest of the child,~~
35 ~~based on the circumstances of the case, requires that any visitation or custody~~
36 ~~arrangement be limited to situations in which a third person, specified by the~~
37 ~~court, is present, or that visitation or custody be suspended or denied, as~~
38 ~~specified in Family Code section 6323(d).~~
39
40 (3) ~~An order for visitation issued at any time during a juvenile court matter must~~
41 ~~not jeopardize the safety of the child, as specified in Welfare and Institutions~~
42 ~~Code section 362.1.~~
43

1 ~~(g) — Other orders~~

2
3 (1) ~~The court may consider a determination that the restrained person has a~~
4 ~~firearm in violation of Family Code section 6389 in issuing:~~

5
6 (A) ~~An order to show cause for contempt under section 1209(a)(5) of the~~
7 ~~Code of Civil Procedure for failure to comply with the court’s order to~~
8 ~~surrender or sell a firearm; or~~

9
10 (B) ~~An order for money sanctions under section 177.5 of the Code of Civil~~
11 ~~Procedure.~~

12
13 (2) ~~This rule should not be construed to limit the court’s power to issue orders it~~
14 ~~is otherwise authorized or required to issue.~~

15
16 *Rule 5.495 repealed effective January 1, 2023; adopted effective July 1, 2014.*

17
18 **Advisory Committee Comment**

19
20 ~~When issuing a family or juvenile law domestic violence protective order as defined in Family~~
21 ~~Code section 6218 or Welfare and Institutions Code section 213.5, ex parte or after a noticed~~
22 ~~hearing, the court is required to order a restrained person “to relinquish any firearm in [that~~
23 ~~person’s] immediate possession or control or subject to [that person’s] immediate possession or~~
24 ~~control.” (Fam. Code, § 6389(c)(1).) Several mandatory Judicial Council forms—*Temporary*
25 ~~*Restraining Order* (form DV 110), *Restraining Order After Hearing* (form DV 130), and *Notice*~~
26 ~~*of Hearing and Temporary Restraining Order—Juvenile* (form JV 250)—include mandatory~~
27 ~~orders in bold type that the restrained person must sell to or store with a licensed gun dealer or~~
28 ~~turn in to a law enforcement agency any guns or other firearms within his or her immediate~~
29 ~~possession or control within 24 hours after service of the order and must file a receipt with the~~
30 ~~court showing compliance with the order within 48 hours of receiving the order. California law~~
31 ~~requires personal service of the request for and any temporary protective order at least five days~~
32 ~~before the hearing, unless the court issues an order shortening time for service. Therefore, by the~~
33 ~~date of the hearing, the restrained person should have relinquished, stored, or sold his or her~~
34 ~~firearms and submitted a receipt to the court.~~~~

35
36 ~~Courts are encouraged to develop local procedures to calendar firearm relinquishment review~~
37 ~~hearings for restrained persons.~~

38
39 ~~Section (f) of this rule restates existing law on the safety and welfare of children and family~~
40 ~~members and recognizes the safety issues associated with the presence of prohibited firearms.~~

41
42 ~~Although this rule does not require the court to compel a restrained person to testify, the court~~
43 ~~may wish to advise a party of his or her privilege against self incrimination under the Fifth~~

1 ~~Amendment to the United States Constitution. The court may also consider whether to grant use~~
2 ~~immunity under Family Code section 6389(d).~~

3
4 **Rule 5.618. Placement in short-term residential therapeutic program or community**
5 **treatment facility (§§ 361.22, 727.12)**

6
7 **(a) Applicability**

8
9 This rule applies to the court’s review under section 361.22 or 727.12 following the
10 placement of a child or nonminor dependent in a short-term residential therapeutic
11 program or community treatment facility.

12
13 *(Subd (a) amended effective January 1, 2023.)*

14
15 **(b) Service of request for hearing**

16
17 The social worker or probation officer must use *Placing Agency’s Request for*
18 *Review of Placement in Short-Term Residential Therapeutic Program or*
19 *Community Treatment Facility* (form JV-235) to request a hearing and notify the
20 following parties that a hearing is requested under section 361.22(b)(~~1~~) or
21 727.12(b)(~~1~~), and serve a copy of the form and a blank copy of *Input on Placement*
22 *in Short-Term Residential Therapeutic Program or Community Treatment Facility*
23 (form JV-236) within five calendar days of each placement of a child or nonminor
24 dependent in a short-term residential therapeutic program or community treatment
25 facility on:

- 26
27 (1) The child’s parents and their attorneys of record, if parental rights have not
28 been terminated, or a nonminor dependent’s parents and their attorneys of
29 record, if the parent is receiving family reunification services;
30
31 (2) The child’s legal guardians, if applicable, and their attorneys of record or the
32 nonminor dependent’s legal guardians and their attorneys of record, if the
33 legal guardian is receiving family reunification services;
34
35 (3) The attorney of record for the child or nonminor dependent, or their CAPTA
36 guardian ad litem as defined by rule 5.662, and the child, if ~~older than 10~~
37 years of age or older, or the nonminor dependent;
38
39 (4) The child’s or nonminor dependent’s Indian tribe and any Indian custodian,
40 in the case of an Indian child, and their attorneys of record; ~~and~~
41
42 (5) The district attorney, if the youth is a ward of the juvenile court;

1 ~~(5)(6)~~ For a child or nonminor dependent under section 300 or 450 jurisdiction, The
2 child's or nonminor dependent's Court Appointed Special Advocate
3 volunteer, if applicable; and
4

5 (7) A nonminor dependent's guardian ad litem, if one has been appointed under
6 Code of Civil Procedure section 372 and Probate Code sections 810–813.
7

8 *(Subd (b) amended effective January 1, 2023.)*
9

10 **(c) Setting the hearing**
11

12 After receiving a request for a hearing, the court must set a hearing under section
13 361.22(d) or 727.12(d) after receiving a request for a hearing to be held within 45
14 days of the start of the short-term residential therapeutic program or community
15 treatment facility placement. The court must provide notice of the hearing to the
16 following:
17

18 (1) The child's parents and their attorneys of record, if parental rights have not
19 been terminated, or a nonminor dependent's parents and their attorneys of
20 record, if the parent is receiving family reunification services;
21

22 (2) The child's legal guardians, if applicable, and their attorneys of record or a
23 nonminor dependent's legal guardians and their attorneys of record, if the
24 legal guardian is receiving family reunification services;
25

26 (3) The attorney of record for the child or nonminor dependent, or their CAPTA
27 guardian ad litem as defined by rule 5.662, and the child if ~~older than~~ 10
28 years of age or older, or the nonminor dependent;
29

30 (4) A nonminor dependent's guardian ad litem if one has been appointed under
31 Code of Civil Procedure section 372 and Probate Code sections 810–813;
32

33 ~~(4)(5)~~ The child's or nonminor dependent's Indian tribe and any Indian custodian,
34 in the case of an Indian child, and their attorneys of record; ~~and~~
35

36 (6) The social worker or probation officer;
37

38 (7) The district attorney, if the youth is a ward of the juvenile court;
39

40 (8) The county counsel, if the youth is a dependent of the juvenile court; and
41

42 ~~(5)(9)~~ The child's or nonminor dependent's Court Appointed Special Advocate
43 volunteer, if applicable.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(Subd (c) amended effective January 1, 2023.)

(d) Report for the hearing

- (1) ~~The report described in~~ social worker or probation officer must submit a report to the court that includes the information required by section 361.22(c) or 727.12(c) must be filed with the court no later than seven calendar days before the hearing.
- (2) The report must be served on the individuals listed in (c) of this rule no later than seven calendar days before the hearing.
- (3) The documentation required by section 361.22(c)(1)(A) or 727(c)(1)(A) must not contain information that is privileged or confidential under existing state law or federal law or regulation without the appropriate waiver or consent.

(Subd (d) amended effective January 1, 2023.)

(e) Input on placement

- (1) The following parties who object to the placement may inform the court of the objection by filing *Input on Placement in Short-Term Residential Therapeutic Program or Community Treatment Facility* (form JV-236):
 - (A) The child’s parents and their attorneys of record, if parental rights have not been terminated, or a nonminor dependent’s parents and their attorneys of record, if the parent is receiving family reunification services;
 - (B) The child’s legal guardians, if applicable, and their attorneys of record or the nonminor dependent’s legal guardians and their attorneys of record, if the legal guardian is receiving family reunification services;
 - (C) The attorney of record for the child or nonminor dependent, or their CAPTA guardian ad litem as defined by rule 5.662, and the child, if older than 10 years of age or older, or the nonminor dependent; ~~and~~
 - (D) A nonminor dependent’s guardian ad litem, if one has been appointed under Code of Civil Procedure section 372 and Probate Code sections 810–813;

1 ~~(D)~~(E) The child’s or nonminor dependent’s Indian tribe and any Indian
2 custodian, in the case of an Indian child, and their attorneys of record;
3 and

4
5 (F) The district attorney, if the youth is a ward of the juvenile court.

6
7 (2) ~~Form JV-236 may be used to~~ The individuals listed in (1) and other
8 individuals with an interest in the child or nonminor dependent may use form
9 JV-236 to provide input to the court on the child’s or nonminor’s dependent’s
10 placement in the short-term residential therapeutic program or community
11 treatment facility by the individuals listed in (1) and other individuals with an
12 interest in the child or nonminor.

13
14 (3) Input from a Court Appointed Special Advocate volunteer can also be by a
15 court report under local rule.

16
17 (4) Local county practice and local rules of court determine the procedures for
18 completing, filing, and ~~noticing~~ serving form JV-236, except as otherwise
19 provided in this rule.

20
21 *(Subd (e) amended effective January 1, 2023.)*

22
23 **(f) Approval without a hearing**

24
25 (1) After the court receives a request for a hearing, the court may approve the
26 placement without a hearing if the following conditions are met:

27
28 (A) The service requirements of (b) were met;

29
30 (B) ~~No later than 5 court days before the hearing date,~~ The placing agency
31 has filed *Proof of Service—Short-Term Residential Therapeutic*
32 *Program Placement or Community Treatment Facility* (JV-237)
33 verifying that the parties listed in (e)(1) were served, no later than 10
34 court days before the hearing date, a copy of the report described in
35 section 361.22(c) or 727.12(c) and a completed *Notice of Request for*
36 *Approval of Short-Term Residential Therapeutic Program or*
37 *Community Treatment Facility Without a Hearing* (form JV-240) ~~no~~
38 later than 10 court days before the hearing date;

39
40 (C) No party listed in (e)(1) has notified the court of their objection to the
41 placement within 5 court days of receiving the report described in
42 section 361.22(c) or 727.12(c). Code of Civil Procedure section
43 1013(a) does not apply to this deadline; and

1
2 (D) Based on the information before the court, the court intends to approve
3 the placement consistent with section 361.22(e) or 727.12(e) and (g) of
4 this rule.
5

6 (2) If the court approves the placement without a hearing, it must notify the
7 individuals in (c) of the court's decision to approve the placement and vacate
8 the hearing set under section 361.22(d)(1) or 727.12(d)(1).
9

10 (3) Nothing in this subdivision precludes the court from holding a hearing when
11 no objection to the placement is received.
12

13 (4) Notwithstanding (1)–(3), the court may approve the placement without a
14 hearing under a local rule of court if the local rule is adopted under the
15 procedures in rule 10.613 and meets the following requirements:
16

17 (A) The rule ensures that, before the hearing date, the placing agency has
18 filed form JV-237 verifying that the parties listed in (e)(1) were served,
19 no later than 10 court days before the hearing date, a copy of the report
20 described in section 361.22(c) or 727.12(c) and form JV-240 no later
21 than 10 court days before the hearing date;
22

23 (B) The rule ensures the court does not approve the placement until all the
24 parties listed in (e)(1), after receiving the report, have been given an
25 opportunity to indicate to the court their position on the placement
26 through form JV-236; and
27

28 ~~(C) The rule ensures the court's approval is consistent with section~~
29 ~~361.22(e) or 727.12(e) and (g) of this rule; and~~
30

31 ~~(D)~~(C) The rule ensures that the approval occurs no later than 60 days
32 from the start of the placement.
33

34 *(Subd f) amended effective January 1, 2023.)*
35

36 **(g) Conduct of the hearing**
37

38 (1) In addition to the report described in section 361.22(c) or 727.12(c), the court
39 ~~may~~ must consider all evidence relevant to the court's determinations ~~of~~
40 required under section 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4)
41 and whether the placement in the short-term residential therapeutic program
42 or community treatment facility is consistent with the child's or nonminor
43 dependent's best interest.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

- (2) The court must make the ~~findings~~ determinations in section 361.22(e)(2) and (3) or 727.12(e)(2) and (3) by a preponderance of the evidence.
- (3) The court must approve or disapprove the placement based on the determinations required by section ~~366.22~~ 361.22(e)(2), (3) and (4) or 727.12(e)(2), (3) and (4) and whether it appears that the child’s or nonminor dependent’s best interest will be promoted by the placement.
- (4) If the court continues the hearing for good cause, including for an evidentiary hearing, in no event may the hearing be continued beyond 60 days after the start of the placement.

(Subd (g) amended effective January 1, 2023.)

Rule 5.618 amended effective January 1, 2023; adopted effective October 1, 2021.

Advisory Committee Comment

The exception to Code of Civil Procedure section 1013(a) in subdivision (f)(1)(C) was created because of the exigency required by the timelines of sections 361.22 and 727.12 and the need for a prompt resolution of the youth’s placement status in a short-term residential therapeutic program or community treatment facility.

Rule 5.620. Orders after filing under section 300

(a) * * *

(b) Restraining orders (§ 213.5)

After a petition has been filed under section 300, and until the petition is dismissed or dependency is terminated, the court may issue restraining orders as provided in rule 5.630. A temporary restraining order must be prepared on *Notice of Court Hearing and Temporary Restraining Order—Juvenile* (form JV-250). An order after hearing must be prepared on *Restraining Order—Juvenile* *Juvenile Restraining Order After Hearing* (form JV-255).

(Subd (b) amended effective January 1, 2023; previously amended effective January 1, 2007, and January 1, 2014.)

(c)–(e) * * *

1 *Rule 5.620 amended effective January 1, 2023; adopted as rule 1429.1 effective January 1, 2000;*
2 *previously amended and renumbered as rule 5.620 effective January 1, 2007; previously*
3 *amended effective January 1, 2014, January 1, 2016, and January 1, 2021.*

4
5 **Rule 5.625. Orders after filing of petition under section 601 or 602**

6
7 **(a) Restraining orders (§ 213.5)**

8
9 After a petition has been filed under section 601 or 602, and until the petition is
10 dismissed or wardship is terminated, the court may issue restraining orders as
11 provided in rule 5.630. A temporary restraining order must be prepared on *Notice*
12 *of Court Hearing and Temporary Restraining Order—Juvenile* (form JV-250) or, if
13 the restrained person is the subject of a petition under section 601 or 602, on *Notice*
14 *of Court Hearing and Temporary Restraining Order Against a Child* (form JV-
15 *260*). An order after hearing must be prepared on *Restraining Order—Juvenile*
16 *Juvenile Restraining Order After Hearing* (form JV-255) or, if the restrained
17 person is the subject of a petition under section 601 or 602, on *Juvenile Restraining*
18 *Order After Hearing—Against a Child* (form JV-265).

19
20 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
21 *2003, and January 1, 2007, and January 1, 2014.)*

22
23 **(b)–(c) * * ***

24
25 *Rule 5.625 amended effective January 1, 2023; adopted as rule 1429.3 effective January 1, 2000;*
26 *previously amended effective January 1, 2003, January 1, 2014, and January 1, 2021; previously*
27 *amended and renumbered effective January 1, 2007.*

28
29 **Rule 5.630. Restraining orders**

30
31 **(a) Court’s authority (§§ 213.5, 304)**

32
33 (1) After a petition has been filed under section 300, 601, or 602, and until the
34 petition is dismissed or dependency or wardship is terminated, or the ward is
35 no longer on probation, the court may issue restraining orders as provided in
36 section 213.5. The juvenile court has exclusive jurisdiction under section
37 213.5 to issue a restraining order to protect the child who is the subject of a
38 petition under section 300, or any other child in the household.

39
40 (2) The juvenile court, on its own motion, may issue an order as provided for in
41 section 213.5, or as described in Family Code section 6218.

42
43 *(Subd (a) amended effective January 1, 2023; previously effective January 1, 2012.)*

1
2 ~~(e)~~(b) The definition of abuse in Family Code section 6203 applies to restraining
3 orders issued under Welfare and Institutions Code section 213.5.

4
5 *(Subd (b) relettered effective; January 1, 2023); adopted as subd (c) effective January 1,*
6 *2012.)*

7
8 ~~(b)~~(c) **Application for restraining orders**

9
10 (1) Application for restraining orders may be made orally at any scheduled
11 hearing regarding the child who is the subject of a petition under section 300,
12 601, or 602, or may be made by written application, or may be made on the
13 court's own motion.

14
15 (2) If the application is made orally and the court grants a temporary order, the
16 court may direct the requesting party to prepare a temporary order, as
17 directed in (8) below, obtain the judicial officer's signature, file the order
18 with the court, and serve the order on the restrained person.

19
20 ~~(2)(3)~~The written If the application is made in writing, it must be submitted on
21 Request for Restraining Order—Juvenile Request for Juvenile Restraining
22 Order (form JV-245) or, if the request is for a restraining order against the
23 child or youth who is the subject of a petition under section 601 or 602, on
24 Request for Juvenile Restraining Order Against a Child (form JV-258).

25
26 ~~(3)(4)~~A person requesting applying for a restraining order in writing must submit to
27 the court with the request application a completed Confidential CLETS
28 Information Form (form CLETS-001) under rule 1.51.

29
30 ~~(d)~~ **Applications—procedure**

31
32 (5) If the application is related to domestic violence, the application may be
33 submitted without notice, and the court may grant the petition request and
34 issue a temporary order.

35
36 (6) If the application is not related to domestic violence, the notice requirements
37 in Code of Civil Procedure section 527 apply.

38
39 ~~(4)(7)~~In determining whether or not to issue the temporary restraining order
40 without notice, the court must consider all documents submitted with the
41 application and may review the contents of the juvenile court file regarding
42 the child.

1 (2)(8) The temporary restraining order must be prepared on *Notice of Court*
2 *Hearing and Temporary Restraining Order—Juvenile* (form JV-250) or, if
3 the restrained person is the subject of a petition under section 601 or 602, on
4 *Notice of Court Hearing and Temporary Restraining Order Against a Child*
5 (form JV-260), and must state on its face the date of expiration of the order.
6

7 *(Subd (c) amended and relettered effective January 1, 2023; adopted as subd (b);*
8 *previously amended effective January 1, 2003, January 1, 2004, January 1, 2007, and*
9 *January 1, 2012.)*

10
11 **(e)(d) Continuance**

12
13 (1) The court may grant a continuance under ~~Welfare and Institutions Code~~
14 section 213.5.

15
16 (2) The court must grant one request for continuance by the restrained party for a
17 reasonable period of time to respond to the petition.

18
19 (3) A written request for a continuance must be made on *Request to Reschedule*
20 *Restraining Order Hearing* (form JV-251).

21
22 (2)(4) ~~Either *Request and Order to Continue Hearing (Temporary Restraining*~~
23 ~~*Order—Juvenile*) (form JV-251) *Order on Request to Reschedule Restraining*~~
24 ~~*Order Hearing* (form JV-253) or a new *Notice of Court Hearing and*~~
25 ~~*Temporary Restraining Order—Juvenile* (form JV-250) must be used for this~~
26 ~~purpose to grant or deny a request for continuance. If the restrained person is~~
27 ~~the subject of a petition under section 601 or 602, either form JV-253 or a~~
28 ~~new *Notice of Court Hearing and Temporary Restraining Order Against a*~~
29 ~~*Child* (form JV-260) must be used.~~
30

31 *(Subd (d) amended and relettered effective January 1, 2023; adopted as subd (g) effective*
32 *January 1, 2003; amended and relettered as subd (e) effective January 1, 2012; previously*
33 *amended effective January 1, 2004, January 1, 2007, and January 1, 2014, and July 1,*
34 *2016.)*

35
36 **(f)(e) Hearing on application for restraining order**

37
38 (1) Proof may be by the application and any attachments, additional declarations
39 or documentary evidence, the contents of the juvenile court file, testimony, or
40 any combination of these.
41

1 (2) The restraining order hearing may be held at the same time as any hearing to
2 declare the child a dependent or ward of the juvenile court under section 300,
3 601, or 602, or subsequent hearings regarding the dependent or ward.

4
5 (3) The restraining order hearing must be held within the timelines in section
6 213.5(c)(1).

7
8 ~~(2)~~(4) The order after hearing must be prepared on *Restraining Order—Juvenile*
9 *Juvenile Restraining Order After Hearing* (form JV-255) or, if the restrained
10 person is the subject of a petition under section 601 or 602, *Juvenile*
11 *Restraining Order After Hearing—Against a Child* (form JV-265), and must
12 state on its face the date of expiration of the order.

13
14 *(Subd (e) amended and relettered effective January 1, 2023; adopted as subd (d);*
15 *previously amended effective January 1, 2007, and January 1, 2014; previously amended*
16 *and relettered as subd (h) effective January 1, 2003, and as subd (f) effective January 1,*
17 *2012.)*

18
19 ~~(g)~~**(f) Service of restraining order**

20
21 When service of *Notice of Court Hearing and Temporary Restraining Order—*
22 *Juvenile* (form JV-250), *Notice of Court Hearing and Temporary Restraining*
23 *Order Against a Child* (form JV-260), ~~or *Juvenile Restraining Order After*~~
24 *Hearing—Juvenile* (form JV-255), or *Juvenile Restraining Order After Hearing—*
25 *Against a Child* (form JV-265) is made, it must be served with a blank *Proof of*
26 *Firearms Turned In, Sold, or Stored Receipt for Firearms, Firearm Parts, and*
27 *Ammunition* (form DV-800/~~JV-252~~ JV-270) and *How Do I Turn In, Sell, or Store*
28 *My Firearms?, Firearm Parts, and Ammunition?* (form DV-800-INFO/~~JV-252-~~
29 INFO JV-270-INFO). Failure to serve form ~~JV-252~~ or ~~JV-252-INFO~~ JV-270 or JV-
30 270-INFO does not make service of form JV-250, ~~or~~ form JV-255, form JV-260, or
31 form JV-265 invalid.

32 *(Subd (f) amended and relettered effective January 1, 2023; adopted as subd (g) effective*
33 *January 1, 2012; previously amended effective January 1, 2014, and July 1, 2014.)*

34
35 ~~(h)~~**(g) Firearm relinquishment**

36
37 The firearm and ammunition relinquishment procedures in ~~rule 5.495~~ Family Code
38 sections 6322.5 and 6389 also apply to restraining orders issued under section
39 213.5.

40
41 *(Subd (g) amended and relettered effective January 1, 2023; adopted as subd (h) effective*
42 *July 1, 2014.)*

1 ~~(h)~~ * * *

2
3 *(Subd (h) relettered effective January 1, 2023; adopted as subd (h) effective January 1,*
4 *2012; relettered as subd (i) effective July 1, 2014.)*

5
6
7 ~~(i)~~ **(i) Criminal records search (§ 213.5(k) and Stats. 2001, ch. 572, § 7)**

- 8
9 (1) ~~Except as provided in (3),~~ Before any hearing on the issuance or denial of a
10 restraining order, the court must ensure that a criminal records search is or
11 has been conducted as described in Family Code section 6306(a). Before
12 deciding whether to issue a restraining order, the court must consider the
13 information obtained from the search.
14
15 (2) If the results of the search indicate that an outstanding warrant exists against
16 the subject of the search, or that the subject of the search is currently on
17 parole or probation, the court must proceed under section 213.5(k)(3).
18
19 (3) ~~The requirements of (1) and (2) must be implemented in those courts~~
20 ~~identified by the Judicial Council as having resources currently available for~~
21 ~~these purposes. All other courts must implement the requirements to the~~
22 ~~extent that funds are appropriated for this purpose in the annual Budget Act.~~

23
24 *(Subd (i) amended and relettered effective January 1, 2023; adopted as subd (i) effective*
25 *January 1, 2003; previously amended effective January 1, 2007, and January 1, 2012,*
26 *previously relettered as subd (j) effective July 1, 2014.)*

27
28 ~~(k)~~ **(j) Modification of restraining order**

- 29
30 (1) A restraining order may be modified on the court's own motion or in the
31 manner provided for in ~~Welfare and Institutions Code~~ section 388 or 778, as
32 appropriate, and rule ~~5.560~~ 5.570.
33
34 (2) A termination or modification order must be made on *Change to Restraining*
35 *Order After Hearing* (form JV-257). A new ~~*Restraining Order—Juvenile*~~
36 *Juvenile Restraining Order After Hearing* (form JV-255) or, if the restrained
37 person is the subject of a petition under section 601 or 602, a new *Juvenile*
38 *Restraining Order After Hearing—Against a Child* (form JV-265), may be
39 prepared in addition to form JV-257.
40

41 *(Subd (j) amended and relettered effective January 1, 2023; adopted as subd (j) effective*
42 *January 1, 2012; previously amended effective January 1, 2014; previously relettered as*
43 *subd (k) effective July 1, 2014.)*

1
2 *Rule 5.630 amended effective January 1, 2023; adopted as rule 1429.5 effective January 1, 2000;*
3 *amended and renumbered effective January 1, 2007; previously amended effective January 1,*
4 *2003, January 1, 2004, January 1, 2012, January 1, 2014, July 1, 2014, and July 1, 2016.*

5
6 **Rule 5.697. Disposition hearing for a nonminor (Welf. & Inst. Code, §§ 224.1, 295,**
7 **303, 358, 358.1, 361, 361.6, 366.31, 390, 391)**

8
9 (a)–(d) * * *

10
11 (e) **Social study (§§ 358, 358.1, 361.6, 366.31)**

12
13 (1) The petitioner must prepare a social study of the nonminor if the court
14 proceeds to a disposition hearing. The social study must include a discussion
15 of all matters relevant to disposition and a recommendation for disposition.
16 The petitioner’s social study must include the following information:

17
18 ~~(1) The petitioner’s social study must include the following information:~~

19
20 (A)–(G) * * *

21
22 (H) ~~The nonminor’s plans to remain under juvenile court jurisdiction,~~
23 ~~including the criteria in section 11403(b) that the nonminor meets or~~
24 ~~plans to meet. All other relevant information as required in sections 358~~
25 ~~and 358.1.~~

26
27 (I) ~~The efforts made by the social worker to help the nonminor meet the~~
28 ~~criteria in section 11403(b). The requirements of section 366.31(b).~~

29
30 (J) ~~The efforts made by the social worker to comply with the nonminor’s~~
31 ~~Transitional Independent Living Case Plan, including efforts to finalize~~
32 ~~the permanent plan and prepare the nonminor for successful adulthood.~~
33 If the recommendation is to consider the findings in (h)(3)(C) at the
34 disposition hearing:

35
36 (i) the requirements of section 366.31(d), if reunification services
37 under section 361.6 are recommended, or

38
39 (ii) information addressing the required judicial determinations of
40 section 366.31(e).

41
42 ~~(K) The continuing necessity for the nonminor’s placement and the facts~~
43 ~~supporting the conclusion reached.~~

1
2 (L) ~~—The appropriateness of the nonminor's current foster care placement.~~

3
4 (M) ~~—Progress made by the nonminor toward meeting the Transitional~~
5 Independent Living Case Plan goals and the need for any modifications
6 to assist the nonminor in attaining the goals.

7
8 (N) ~~—Verification that the nonminor was provided with the information,~~
9 documents, and services required under section 391.

10
11 (O) ~~—For a placement made on or after October 1, 2021, the information~~
12 specified in section 361.22(e), if the nonminor has been placed in a
13 short-term residential therapeutic program.

14
15 (2) * * *

16
17 *(Subd (e) amended effective January 1, 2023; previously amended effective September 1,*
18 *2021, and October 1, 2021.)*

19
20 (f)–(g) * * *

21
22 (h) **Findings and orders (§§ 358, 358.1, 361, 361.6, 390)**

23
24 * * *

25
26 (1)–(2) * * *

27
28 (3) * * *

29
30 (A)–(B) * * *

31
32 (C) The following findings and orders must be ~~considered~~made either at
33 the nonminor disposition hearing held under this rule and section
34 358(d), or at a nonminor dependent status review hearing under rule
35 5.903 and section 366.31 held within 60 days of the nonminor
36 disposition hearing:

37
38 (i) The findings and orders ~~contained in~~ required by rule
39 5.903(e)(1)(A)–(P);

40
41 (ii) ~~—The orders contained in rule 5.903(e)(2)(A)(i) and (ii); and~~

1 ~~(iii)~~(ii) For a nonminor dependent whose case plan is court-ordered
2 family reunification services, a determination of the following:

3
4 a.–b. * * *

5
6 **Rule 5.766. General provisions**

7
8 **(a) Hearing on transfer of jurisdiction to criminal court (§ 707)**

9
10 A ~~child~~ youth who is the subject of a petition under section 602 and who was 14
11 years or older at the time of the alleged felony offense may be considered for
12 prosecution under the general law in a court of criminal jurisdiction. The district
13 attorney or other appropriate prosecuting officer may make a motion to transfer the
14 ~~child~~ youth from juvenile court to a court of criminal jurisdiction, in one of the
15 following circumstances:

16
17 (1) The ~~child~~ youth was 14 or 15 years ~~or older~~ of age at the time of the alleged
18 offense listed in section 707(b) and was not apprehended before the end of
19 juvenile court jurisdiction.

20
21 (2) The ~~child~~ youth was 16 years or older at the time of the alleged felony
22 offense.

23
24 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
25 *1996, January 1, 2001, and May 22, 2017.)*

26
27 **(b) * * ***

28
29 **(c) Prima facie showing**

30
31 On the ~~child~~ youth's motion, the court must determine whether a prima facie
32 showing has been made that the offense alleged is an offense that makes the ~~child~~
33 youth subject to transfer as set forth in subdivision (a).

34
35 *(Subd (c) amended effective January 1, 2023; adopted effective May 22, 2017.)*

36
37 **(d) Time of transfer hearing—rules 5.774, 5.776**

38
39 The transfer of jurisdiction hearing must be held and the court must rule on the
40 request to transfer jurisdiction before the jurisdiction hearing begins. Absent a
41 continuance under rule 5.776 or the ~~child~~ youth's waiver of the statutory time
42 period to commence the jurisdiction hearing, the jurisdiction hearing must begin
43 within the time limits under rule 5.774.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(Subd (d) amended effective January 1, 2023; adopted as subd (c); previously amended effective January 1, 2007; previously amended and relettered effective May 22, 2017.)

Rule 5.766 amended effective January 1, 2023; adopted as rule 1486 effective January 1, 1991; previously amended and renumbered effective January 1, 2007; previously amended effective May 22, 2017.

Rule 5.768. Report of probation officer

(a) Contents of report (§ 707)

The probation officer must prepare and submit to the court a report on the behavioral patterns and social history of the ~~child~~ youth being considered. The report must include information relevant to the determination of whether the ~~child~~ youth should be retained under the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal court, including information regarding all of the criteria in section 707(a)(~~2~~)(3). The report must also include any written or oral statement offered by the victim pursuant to section 656.2.

(Subd (a) amended effective January 1, 2023; previously amended effective January 1, 2007, and previously amended effective May 22, 2017.)

(b) Recommendation of probation officer (§§ 281, 707)

If the court, under section 281, orders the probation officer to include a recommendation, the probation officer must make a recommendation to the court as to whether the ~~child~~ youth should be retained under the jurisdiction of the juvenile court or transferred to the jurisdiction of the criminal court.

(Subd (b) amended effective January 1, 2023; previously amended effective January 1, 2007; previously amended effective May 22, 2017.)

(c) Copies furnished

The probation officer’s report on the behavioral patterns and social history of the ~~child~~ youth must be furnished to the ~~child~~ youth, the parent or guardian, and all counsel at least two court days before commencement of the hearing on the motion. A continuance of at least 24 hours must be granted on the request of any party who has not been furnished the probation officer’s report in accordance with this rule.

1 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
2 *2007; previously amended effective May 22, 2017.)*

3
4
5
6
7
8

Rule 5.768 amended effective January 1, 2023; adopted as rule 1481 effective January 1, 1991;
previously amended and renumbered effective January 1, 2007; previously amended effective
May 22, 2017.

9 **Rule 5.770. Conduct of transfer of jurisdiction hearing under section 707**

10
11

(a) * * *

12

13 **(b) Criteria to consider (§ 707)**

14

15 Following receipt of the probation officer’s report and any other relevant evidence,
16 the court may order that the ~~child~~ youth be transferred to the jurisdiction of the
17 criminal court if the court finds:

18

19 (1) The ~~child~~ youth was 16 years or older at the time of any alleged felony
20 offense, or the ~~child~~ youth was 14 or 15 years of age at the time of an alleged
21 felony offense listed in section 707(b) and was not apprehended prior to the
22 end of juvenile court jurisdiction; and

23

24 (2) The ~~child~~ youth should be transferred to the jurisdiction of the criminal court
25 based on an evaluation of all the criteria in section 707(a)(2)(3) as provided
26 in that section. The court must state on the record the basis for its decision,
27 including how it weighed the evidence and identifying the specific factors on
28 which the court relied to reach its decision.

29

30 *Subd (b) amended effective January 1, 2023; adopted as subd (b); previously amended and*
31 *relettered as subd (c) effective January 1, 1996; previously amended and relettered*
32 *effective January 1, 2001; previously amended effective January 1, 2007, and May 22,*
33 *2017, and January 1, 2021.)*

34

35 **(c) * * ***

36

37 **(d) Procedure following findings**

38

39 (1) If the court finds the ~~child~~ youth should be retained within the jurisdiction of
40 the juvenile court, the court must proceed to jurisdiction hearing under rule
41 5.774.

42

1 (2) If the court finds the ~~child~~ youth should be transferred to the jurisdiction of
2 the criminal court, the court must make orders under section 707.1 relating to
3 bail and to the appropriate facility for the custody of the ~~child~~ youth, or
4 release on own recognizance pending prosecution. The court must set a date
5 for the ~~child~~ youth to appear in criminal court and dismiss the petition
6 without prejudice upon the date of that appearance.

7
8 (3) When the court rules on the request to transfer the ~~child~~ youth to the
9 jurisdiction of the criminal court, the court must advise all parties present ~~that~~
10 regarding appellate review of the order ~~must be by petition for extraordinary~~
11 writ as provided in subdivision (g) of this rule. The advisement may be given
12 orally or in writing when the court makes the ruling. The advisement must
13 include the time for filing the notice of appeal or the petition for
14 extraordinary writ as set forth in subdivision (g) of this rule. The court must
15 advise the youth of the right to appeal, of the necessary steps and time for
16 taking an appeal, of the right to the appointment of counsel if the youth is
17 unable to retain counsel, and the right to a stay.
18

19 *(Subd (d) amended effective January 1, 2023; adopted as subd (d); previously relettered as*
20 *subd (g) effective January 1, 1996, and as subd (f) effective January 1, 2001; previously*
21 *amended effective July 1, 2002, and January 1, 2007; previously relettered and amended*
22 *effective May 22, 2017.)*

23
24 **(e) Continuance to seek or stay pending review**

25
26 (1) If the prosecuting attorney informs the court orally or in writing that a review
27 of the court's decision not to transfer jurisdiction to the criminal court will be
28 sought and requests a continuance of the jurisdiction hearing, the court must
29 grant a continuance for not less than two judicial days to allow time within
30 which to obtain a stay of further proceedings from the reviewing judge or
31 appellate court.

32
33 (2) If the youth informs the court orally or in writing that a notice of appeal of
34 the court's decision to transfer jurisdiction to the criminal court will be filed
35 and requests a stay, the court must issue a stay of the criminal court
36 proceedings until a final determination of the appeal. The court retains
37 jurisdiction to modify or lift the stay upon request of the youth.
38

39 *(Subd (e) amended effective January 1, 2023; adopted as subd (e); previously relettered as*
40 *subd (h) effective January 1, 1996, and as subd (g) effective January 1, 2001; previously*
41 *amended effective July 1, 2002, and January 1, 2007; previously relettered and amended*
42 *effective May 22, 2017.)*

1 **(f) Subsequent role of judicial officer**

2
3 Unless the ~~child~~ youth objects, the judicial officer who has conducted a hearing on
4 a motion to transfer jurisdiction may participate in any subsequent contested
5 jurisdiction hearing relating to the same offense.

6
7 *(Subd (f) amended effective January 1, 2023; adopted as subd (f); relettered as subd (i)*
8 *effective January 1, 1996; previously amended and relettered as subd (h) effective January*
9 *1, 2001, and as subd (f) effective May 22, 2017.)*

10
11 **(g) Review of determination on a motion to transfer jurisdiction to criminal court**

12
13 (1) An order granting a motion to transfer jurisdiction of a youth to the criminal
14 court is an appealable order subject to immediate review. A notice of appeal
15 must be filed within 30 days of the order transferring jurisdiction or 30 days
16 after the referee's order becomes final under rule 5.540(c) or after the denial
17 of an application for rehearing of the referee's decision to transfer jurisdiction
18 of the youth to the criminal court. If a notice of appeal is timely filed, the
19 court must prepare and submit the record to the Court of Appeal within 20
20 days.

21
22 (2) An order ~~granting or~~ denying a motion to transfer jurisdiction of a ~~child~~ youth
23 to the criminal court is not an appealable order. Appellate review of the order
24 is by petition for extraordinary writ. Any petition for review of a judge's
25 order ~~denying a motion~~ to transfer jurisdiction of the child to the criminal
26 court, or denying an application for rehearing of the referee's determination
27 not to transfer jurisdiction of the child to the criminal court, must be filed no
28 later than 20 days after ~~the child's first arraignment on an accusatory~~
29 ~~pleading based on the allegations that led to the transfer of jurisdiction order~~
30 the judge's order is entered, or the referee's order becomes final under rule
31 5.540(c).

32
33 *(Subd (g) amended effective January 2, 2023; adopted as subd (g); previously relettered as*
34 *subd (j) effective January 1, 1996; amended and relettered effective 1, 2001, and as subd*
35 *(g) effective May 22, 2017; previously amended as subd (i) effective July 1, 2002.)*

36
37
38 **(h) * * ***

39
40 *Rule 5.770 amended effective January 1, 2023; adopted as rule 1482 effective January 1, 1991;*
41 *previously amended effective January 1, 1996, January 1, 2001, July 1, 2002, May 22, 2017, and*
42 *January 1, 2021; previously amended and renumbered effective January 1, 2007.*

1
2
3 **Advisory Committee Comment**

4 **Subdivision (b).** This subdivision reflects changes to section 707 as a result of the passage of
5 Senate Bill 382 (Lara; Stats. 2015, ch. 234) and Proposition 57, the Public Safety and
6 Rehabilitation Act of 2016. SB 382 was intended to clarify the factors for the juvenile court to
7 consider when determining whether a case should be transferred to criminal court by emphasizing
8 the unique developmental characteristics of children and their prior interactions with the juvenile
9 justice system. Proposition 57 provided that its intent was to promote rehabilitation for juveniles
10 and prevent them from reoffending, and to ensure that a judge makes the determination that a
11 ~~child~~ youth should be tried in a criminal court. Consistent with this intent, the committee urges
12 juvenile courts—when evaluating the statutory criteria to determine if transfer is appropriate—to
13 look at the totality of the circumstances, taking into account the specific statutory language
14 guiding the court in its consideration of the criteria.

15 Under subdivision (b)(2), the court must state on the record the basis for its decision. The
16 statement of decision must fully explain the court’s reasoning to allow for meaningful appellate
17 review. See, e.g., *C.S. v. Superior Court* (2018) 29 Cal.App.5th 1009.

18
19 **Subdivision (c).** * * *

20
21 **Rule 5.903. Nonminor dependent status review hearing (§§ 224.1(b), 295, 366.1,**
22 **366.3, 366.31, 391, 11403)**

23
24 **(a)–(c)** * * *

25
26 **(d) Reports**

27
28 (1) The social worker or probation officer must submit a report to the court that
29 includes ~~information regarding~~ the information required by section 366.31(b),
30 (d), (f), or (h), as applicable, and section 391(e). The following additional
31 information must also be included:

32
33 (A) ~~The continuing necessity for the nonminor dependent's placement and~~
34 ~~the facts supporting the conclusion reached;~~

35
36 (B) ~~The appropriateness of the nonminor dependent's current foster care~~
37 ~~placement;~~

38
39 (C) ~~The nonminor dependent's plans to remain under juvenile court~~
40 ~~jurisdiction including the criteria in section 11403(b) that he or she~~
41 ~~meets;~~
42

- 1 ~~(D) — The efforts made by the social worker or probation officer to help the~~
2 ~~nonminor dependent meet the criteria in section 11403(b);~~
3
4 ~~(E) — Verification that the nonminor dependent was provided with the~~
5 ~~information, documents, and services as required under section 391(e);~~
6
7 ~~(F)(A)~~ How and when the Transitional Independent Living Case Plan
8 was developed, including the nature and the extent of the nonminor
9 dependent’s participation in its development, and for the nonminor
10 dependent who has elected to have the Indian Child Welfare Act
11 continue to apply, the extent of consultation with the tribal
12 representative;
13
14 ~~(G) — The efforts made by the social worker or probation officer to comply~~
15 ~~with the nonminor dependent's Transitional Independent Living Case~~
16 ~~Plan, including efforts to finalize the permanent plan and prepare him~~
17 ~~or her for independence;~~
18
19 ~~(H)(B)~~ Progress made toward meeting the Transitional Independent
20 Living Case Plan goals and the need for any modifications to assist the
21 nonminor dependent in attaining the goals;
22
23 ~~(I) — The efforts made by the social worker or probation officer to maintain~~
24 ~~relationships between the nonminor dependent and individuals who are~~
25 ~~important to him or her, including the efforts made to establish and~~
26 ~~maintain relationships with caring and committed adults who can serve~~
27 ~~as a lifelong connection;~~
28
29 ~~(J) — The efforts made by the social worker or probation officer to establish~~
30 ~~or maintain the nonminor dependent's relationship with his or her~~
31 ~~siblings who are under the juvenile court's jurisdiction as required in~~
32 ~~section 366(a)(1)(D);~~
33
34 ~~(K) — For a nonminor dependent whose case plan is continued court-ordered~~
35 ~~family reunification services, the information required in section~~
36 ~~366.31(d); and~~
37
38 ~~(L) — For a nonminor who has returned to the home of the parent or former~~
39 ~~legal guardian, whether continued juvenile court jurisdiction is~~
40 ~~necessary and the facts in support of that conclusion.~~

41
42 (2)–(3) ***
43

1 (Subd (d) amended effective January 1, 2023; previously amended effective January 1,
2 2014.)
3

4 **(e) Findings and orders**
5

6 The court must consider the safety of the nonminor dependent, ~~and the following~~
7 ~~judicial findings and orders must be made and included~~ make the judicial findings
8 and issue the orders required by section 366.31(d), (e), or (f), and include them in
9 the written court documentation of the hearing, along with the following:
10

11 (1) *Findings*
12

13 (A) Whether notice was given as required by law;
14

15 ~~(B) Whether the nonminor dependent's continuing placement is necessary;~~
16

17 ~~(C) Whether the nonminor dependent's current placement is appropriate;~~
18

19 ~~(D)~~(B) Whether the Transitional Independent Living Case Plan includes
20 a plan for the nonminor dependent to satisfy one or more of the criteria
21 in section 11403(b);
22

23 ~~(E)~~(C) The specific criteria in section 11403(b) the nonminor dependent
24 satisfied since the last hearing held under this rule;
25

26 ~~(F)~~(D) The specific criteria in section 11403(b) it is anticipated the
27 nonminor dependent will satisfy during the next six months;
28

29 ~~(G)~~(E) Whether reasonable efforts were made and assistance provided
30 by the social worker or probation officer to help the nonminor
31 dependent establish and maintain compliance with section 11403(b);
32

33 ~~(H) Whether the nonminor dependent was provided with the information,~~
34 ~~documents, and services as required under section 391(e);~~
35

36 ~~(I)~~(F) Whether the Transitional Independent Living Case Plan was developed
37 jointly by the nonminor dependent and the social worker or probation
38 officer, reflects the living situation and services that are consistent in
39 the nonminor dependent's opinion with what he or she needs to gain
40 independence, and sets out the benchmarks that indicate how both will
41 know when independence can be achieved;
42

1 ~~(J)~~(G) For the nonminor dependent who has elected to have the Indian
2 Child Welfare Act continue to apply, whether the representative from
3 his or her tribe was consulted during the development of the
4 Transitional Independent Living Case Plan;

5
6 ~~(K)~~—Whether reasonable efforts were made by the social worker or
7 probation officer to comply with the Transitional Independent Living
8 Case Plan, including efforts to finalize the nonminor dependent's
9 permanent plan and prepare him or her for independence;

10
11 ~~(L)~~(H) Whether the Transitional Independent Living Case Plan includes
12 appropriate and meaningful independent living skill services that will
13 assist him or her with the transition from foster care to ~~independent~~
14 livingsuccessful adulthood;

15
16 ~~(M)~~(I) Whether the nonminor dependent signed and received a copy of
17 his or her Transitional Independent Living Case Plan;

18
19 ~~(N)~~(J) The extent of progress made by the nonminor dependent toward
20 meeting the Transitional Independent Living Case Plan goals and any
21 modifications needed to assist in attaining the goals; and

22
23 ~~(O)~~ Whether reasonable efforts were made by the social worker or
24 probation officer to maintain relationships between the nonminor
25 dependent and individuals who are important to him or her, including
26 the efforts made to establish and maintain relationships with caring and
27 committed adults who can serve as lifelong connections;

28
29 ~~(P)~~ Whether reasonable efforts were made by the social worker or
30 probation officer to establish or maintain the nonminor dependent's
31 relationship with his or her siblings who are under the juvenile court's
32 jurisdiction as required in section 366(a)(1)(D);

33
34 ~~(Q)~~ For a nonminor dependent whose case plan is continued court-ordered
35 family reunification services, the findings required in section
36 366.31(d); and

37
38 ~~(R)~~(K) For a nonminor who has returned to the home of the parent or
39 former legal guardian, whether continued juvenile court jurisdiction is
40 necessary.

41
42 (2) ***

1 *(Subd (e) amended effective January 1, 2023; previously amended effective January 1,*
2 *2014.)*

3
4 *Rule 5.903 amended effective January 1, 2023; adopted effective January 1, 2012; previously*
5 *amended effective January 1, 2014, and January 1, 2019.*

6
7 **Rule 7.575. Accounting of conservators and guardians**

8
9 * * *

10
11 **(a)** * * *

12
13 **(b) Supporting documents**

14
15 Each accounting filed with the court must include the supporting documents,
16 including all ~~original~~ account statements, specified in Probate Code section 2620(c)
17 of the ~~Probate Code~~.

18
19 ~~(1) If a conservator or guardian receives a statement from the issuing institution~~
20 ~~in electronic form but not in paper form, the court has discretion to accept a~~
21 ~~computer-generated printout of that statement as an original in satisfaction of~~
22 ~~the requirements in section 2620(c) if:~~

23
24 ~~(A) The fiduciary submitting the printout verifies under penalty of perjury~~
25 ~~that the statement was received in electronic form and printed without~~
26 ~~alteration; and~~

27
28 ~~(B) The printout is an “original,” as defined in Evidence Code section 255.~~

29
30 (1) An account statement includes:

31
32 (A) An original account statement; or

33
34 (B) A verified electronic statement.

35
36 ~~(2) This rule does not authorize a fiduciary to submit, or a court to accept, a copy~~
37 ~~of a statement in support of an accounting filed under section 2620. A court~~
38 may also accept a computer-generated printout of an original verified
39 electronic statement if the fiduciary verifies that the statement was received
40 in electronic form and printed without alteration.

41
42 (3) A verification under this subdivision must be executed by the fiduciary as
43 required by Code of Civil Procedure section 2015.5.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(Subd (b) amended effective January 1, 2023; adopted effective January 1, 2020.)

(c)–(f) * * *

Rule 7.575 amended effective January 1, 2023; adopted effective January 1, 2008; previously amended effective January 1, 2010, and January 1, 2020..

Rule 7.576. Final account of conservator of the estate

(a) Filing and approval of final account

A conservator of the estate whose administration is terminated for any reason, including removal, resignation, or termination of the conservatorship, must file and obtain the court’s approval of a final account of the administration.

(b) Delivery of final account of removed or resigned conservator

A conservator of the estate who has resigned or been removed must deliver a copy of the conservator’s final account and the petition for its settlement with the notice of hearing required by Probate Code section 1460(b)(1) to the successor conservator of the estate in any manner permitted by Probate Code section 1215, unless the court dispenses with that notice.

(c) Delivery of final account after termination of conservatorship

After termination of a conservatorship, a conservator of the estate must deliver a copy of the conservator’s final account and the petition for its settlement with the notice of hearing required by Probate Code section 1460(b)(2)–(3) to both the former conservatee and the spouse or domestic partner of the former conservatee in any manner permitted by Probate Code section 1215, unless the court dispenses with that notice.

Rule 7.576 was adopted effective January 1, 2023.

Rule 7.756. Compensation of conservators and guardians

(a) Standards for determining just and reasonable compensation

The court may consider the following nonexclusive factors in determining just and reasonable compensation for a conservator from the estate of the conservatee or a

1 guardian from the estate of the ward for services rendered in the best interest of the
2 conservatee or ward up to that time:

3
4 (1)–(9) * * *

5
6 *(Subd (a) amended effective January 1, 2023.)*

7
8 **(b) No single factor determinative**

9
10 No single factor listed in (a) should be the exclusive basis for the court’s
11 determination of just and reasonable compensation for services rendered in the best
12 interest of the conservatee or ward.

13
14 *(Subd (b) amended effective January 1, 2023.)*

15
16 **(c) * * ***

17
18 *Rule 7.756 amended effective January 1, 2023; adopted effective January 1, 2008.*

19
20 **Rule 7.1052. Termination of conservatorship [Repealed]**

21
22 **~~(a) Operation of law or court order~~**

23
24 ~~A conservatorship of the person or estate may terminate by operation of law or may~~
25 ~~be terminated by court order if the court determines that it is no longer required.~~

26
27 **~~(b) Conservator of the person~~**

28
29 ~~Under Probate Code section 1860(a), a conservatorship of the person terminates by~~
30 ~~operation of law when the conservatee dies, and the conservator of the person need~~
31 ~~not file a petition for its termination.~~

32
33 **~~(c) Duty of conservator of estate on termination~~**

34
35 ~~A conservator of the estate whose administration is terminated by operation of law~~
36 ~~or by court order must file and obtain the court’s approval of a final account of the~~
37 ~~administration.~~

38
39 *Rule 7.1052 repealed effective January 1, 2023; adopted effective January 1, 2004.*

40
41 **~~Rule 7.1053. Service of final account of removed or resigned conservator~~**

1 ~~A resigned or removed conservator of the estate must serve a copy of the conservator's~~
2 ~~final account and the petition for its settlement with the notice of hearing that must be~~
3 ~~served on the successor conservator of the estate under Probate Code section 1460(b)(1),~~
4 ~~unless the court dispenses with such service.~~

5
6 *Rule 7.1053 repealed effective January 1, 2023; adopted effective January 1, 2004.*

7
8 **~~Rule 7.1054. Service of final account after termination of conservatorship~~**
9 **[Repealed]**

10
11 ~~After termination of the conservatorship, the conservator of the estate must serve copies~~
12 ~~of the conservator's final account and the petition for its settlement with the notices of~~
13 ~~hearing that must be served on the former conservatee and on the spouse or domestic~~
14 ~~partner of the former conservatee under Probate Code sections 1460(b)(2) and (3), unless~~
15 ~~the court dispenses with such service.~~

16
17 *Rule 7.1054 repealed effective January 1, 2023; adopted effective January 1, 2004.*

18
19 **Rule 7.1060. Investigations and reports by court investigators**

20
21 **(a) *Order Appointing Court Investigator (form GC-330)***

22
23 *Order Appointing Court Investigator (form GC-330) is an optional form within the*
24 *meaning of rule 1.35 of these rules, except as follows:*

- 25
26 (1) A court may, by local rule, require that form GC-330 be used for orders
27 appointing court investigators and directing them to conduct all or any of the
28 investigations described in the form and to prepare, file, and ~~serve~~ deliver
29 copies of reports concerning those investigations. ~~The local rule may also~~
30 ~~prescribe procedures for the form's preparation, service, delivery to other~~
31 ~~parties, and delivery to the court for execution and filing.~~ Form GC-330 must
32 be prepared only by the court.

- 33
34 (2) * * *

35
36 **(b) *Order Appointing Court Investigator (Review and Successor Conservator***
37 ***Investigations) (form GC-331)***

38
39 *Order Appointing Court Investigator (Review and Successor Conservator*
40 *Investigations) (form GC-331) is an optional form within the meaning of rule 1.35*
41 *of these rules, except as follows:*

1 (1) A court may, by local rule, require that form GC-331 be used for orders
2 appointing court investigators and directing them to conduct all or any of the
3 review investigations under Probate Code sections 1850 or 1850.5 and 1851
4 or investigations concerning the appointment of successor conservators under
5 Probate Code sections 2684 and 2686 described in the form and to prepare,
6 file, and ~~serve~~ deliver copies of reports concerning those investigations. Form
7 GC-331 ~~is to~~ must be prepared only by the court ~~only~~.

8
9 (2) * * *

10
11 ~~(c) **Order Setting Biennial Review Investigation and Directing Status Report Before**~~
12 ~~**Review (form GC-332)**~~

13
14 ~~*Order Setting Biennial Review Investigation and Directing Status Report Before*~~
15 ~~*Review (form GC-332) is an optional form within the meaning of rule 1.35 of these*~~
16 ~~*rules, except as follows:*~~

17
18 ~~(1) A court may, by local rule, require that form GC-332 be used for orders~~
19 ~~setting biennial review investigations and directing status reports under~~
20 ~~Probate Code section 1850(a)(2). Form GC-332 is to be prepared by the court~~
21 ~~only.~~

22
23 ~~(2) A court may, by local rule, require that a general order, a court-prepared~~
24 ~~order, or a local form order instead of form GC-332 be used concerning the~~
25 ~~matters described in form GC-332.~~

26
27 *Rule 7.1060 amended effective January 1, 2023; adopted effective January 1, 2011.*

28
29 **Rule 8.50. Applications**

30
31 (a) * * *

32
33 (b) **Contents**

34
35 The application must state facts showing good cause—or making an exceptional
36 showing of good cause, when required by these rules—for granting the
37 application and must identify any previous application filed by any party.

38
39 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
40 *2007.)*

41
42 (c) * * *

1 *Rule 8.50 amended effective January 1, 2023; repealed and adopted as rule 43 effective January*
2 *1, 2005; previously amended and renumbered as rule 8.50 effective January 1, 2007; previously*
3 *amended effective January 1, 2016.*

4
5
6 **Advisory Committee Comment**

7
8 **Subdivision (a).** * * *

9
10 **Subdivision (b).** An exceptional showing of good cause is required in applications in certain
11 juvenile proceedings under rules 8.416, 8.417, 8.450, 8.452, and 8.454.

12
13 **Rule 8.60. Extending time**

14
15 **(a)** * * *

16
17 **(b) Extending time**

18
19 Except as these rules provide otherwise, for good cause—or on an exceptional
20 showing of good cause, when required by these rules—the Chief Justice or
21 presiding justice may extend the time to do any act required or permitted under
22 these rules.

23
24 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
25 *2007.)*

26
27 **(c) Application for extension**

28
29 **(1)** * * *

30
31 **(2)** The application must state:

32
33 **(A)–(C)** * * *

34
35 **(D)** Good cause—or an exceptional showing of good cause, when required
36 by these rules—for granting the extension, consistent with the factors
37 in rule 8.63(b).

38
39 *(Subd (c) amended effective January 1, 2023; adopted as subd (d); previously amended*
40 *and relettered effective January 1, 2007.)*

1 (d)–(f) * * *

2
3 **Advisory Committee Comment**
4

5 **Subdivisions (b) and (c):** An exceptional showing of good cause is required in applications in
6 certain juvenile proceedings under rules 8.416, 8.417, 8.450, 8.452, and 8.454.
7

8 **Rule 8.63. Policies and factors governing extensions of time**
9

10 **(a) Policies**
11

- 12 (1) The time limits prescribed by these rules should generally be met to ensure
13 expeditious conduct of appellate business and public confidence in the
14 efficient administration of appellate justice.
15
16 (2) The effective assistance of counsel to which a party is entitled includes
17 adequate time for counsel to prepare briefs or other documents that fully
18 advance the party’s interests. Adequate time also allows the preparation of
19 accurate, clear, concise, and complete submissions that assist the courts.
20
21 (3) For a variety of legitimate reasons, counsel may not always be able to prepare
22 briefs or other documents within the time specified in the rules of court. To
23 balance the competing policies stated in (1) and (2), applications to extend
24 time in the reviewing courts must demonstrate good cause—or an
25 exceptional showing of good cause, when required by these rules—under
26 (b). If good cause is shown, the court must extend the time.
27

28 **(b) Factors considered**
29

30 In determining good cause—or an exceptional showing of good cause, when
31 required by these rules—the court must consider the following factors when
32 applicable:
33

34 (1)–(11) * * *

35
36 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
37 *2007.)*
38

39 *Rule 8.63 amended effective January 1, 2023; repealed and adopted as rule 45.5 effective*
40 *January 1, 2005; previously amended and renumbered effective January 1, 2007.*
41

42 **Advisory Committee Comment**
43

1 An exceptional showing of good cause is required in applications in certain juvenile proceedings
2 under rules 8.416, 8.417, 8.450, 8.452, and 8.454.

3
4 **Rule 8.404. Stay pending appeal**

5
6 The court must not stay an order or judgment pending an appeal unless suitable provision
7 is made for the maintenance, care, and custody of the child.

8
9 **Advisory Committee Comment**

10
11 This rule does not apply to a court's order under rule 5.770(e)(2) staying the criminal court
12 proceedings during the pendency of an appeal of an order transferring the minor from juvenile
13 court to a court of criminal jurisdiction.

14
15 **Rule 8.406. Time to appeal**

16
17 **(a) Normal time**

18
19 (1) Except as provided in (2) and (3), (A), (B), and (2), a notice of appeal must
20 be filed within 60 days after the rendition of the judgment or the making of
21 the order being appealed.

22
23 ~~(2)~~ (A) In matters heard by a referee not acting as a temporary judge, a notice
24 of appeal must be filed within 60 days after the referee's order becomes final
25 under rule 5.540(c).

26
27 ~~(3)~~ (B) When an application for rehearing of an order of a referee not acting as
28 a temporary judge is denied under rule 5.542, a notice of appeal from the
29 referee's order must be filed within 60 days after that order is served under
30 rule 5.538(b)(3) or 30 days after entry of the order denying rehearing,
31 whichever is later.

32
33 (2) To appeal from an order transferring a minor to a court of criminal
34 jurisdiction:

35
36 (A) Except as provided in (B) and (C), a notice of appeal must be filed
37 within 30 days of the making of the order.

38
39 (B) If the matter is heard by a referee not acting as a temporary judge, a
40 notice of appeal must be filed within 30 days after the referee's order
41 becomes final under rule 5.540(c).

1 (C) When an application for rehearing of an order of a referee not acting as
2 a temporary judge is denied under rule 5.542, a notice of appeal from
3 the referee's order must be filed within 30 days after entry of the order
4 denying rehearing.

5
6 (Subd (a) amended effective January 1, 2023.)

7
8 **(b)–(d) * * ***

9
10 *Rule 8.406 amended effective January 1, 2016; adopted effective July 1, 2010; previously*
11 *amended effective July 1, 2010, January 1, 2016.*

12
13
14 **Rule 8.409. Preparing and sending the record**

15
16 **(a) Application**

17
18 This rule applies to appeals in juvenile cases except cases governed by rules 8.416
19 and 8.417.

20
21 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
22 *2007, July 1, 2010, and January 1, 2015.)*

23
24 **(b) * * ***

25
26 **(c) Preparing and certifying the transcripts**

27
28 Except in cases governed by rule 8.417, within 20 days after the notice of appeal is
29 filed:

- 30
31 (1) The clerk must prepare and certify as correct an original of the clerk's
32 transcript and one copy each for the appellant, the respondent, the child's
33 Indian tribe if the tribe has intervened, and the child if the child is represented
34 by counsel on appeal or if a recommendation has been made to the Court of
35 Appeal for appointment of counsel for the child under rule 8.403(b)(2) and
36 that recommendation is either pending with or has been approved by the
37 Court of Appeal but counsel has not yet been appointed; and
38
39 (2) The reporter must prepare, certify as correct, and deliver to the clerk an
40 original of the reporter's transcript and the same number of copies as (1)
41 requires of the clerk's transcript.
42

1 (4) In dependency cases in which the child is not an appellant but has appellate
2 counsel, the child must serve and file any brief within 10 days after the
3 respondent’s brief is filed.
4

5 (5) Rule 8.220 applies if a party fails to timely file an appellant’s opening brief
6 or a respondent’s brief, but the period specified in the notice required by that
7 rule must be 30 days.
8

9 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
10 *2007, and July 1, 2010.)*
11

12 **(c) Extensions of time**

13
14 The superior court may not order any extensions of time to file briefs. Except in
15 appeals governed by rules 8.416 and 8.417, the reviewing court may order
16 extensions of time for good cause.
17

18 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
19 *2007, and July 1, 2010.)*
20

21 **(d) Failure to file a brief**

22
23 (1) Except in appeals governed by rules 8.416 and 8.417, if a party fails to timely
24 file an appellant’s opening brief or a respondent’s brief, the reviewing court
25 clerk must promptly notify the party’s counsel or the party, if not represented,
26 in writing that the brief must be filed within 30 days after the notice is sent
27 and that failure to comply may result in one of the following sanctions:
28

29 (A)–(B) * * *

30 (2)–(3) * * *

31
32
33 *(Subd (d) amended effective January 1, 2023; adopted effective January 1, 2007;*
34 *previously amended effective July 1, 2010, and January 1, 2016.)*
35

36 **(e) * * ***

37
38 *Rule 8.412 amended effective January 1, 2023; adopted as rule 37.3 effective January 1, 2005;*
39 *previously amended and renumbered as rule 8.412 effective January 1, 2007; previously*
40 *amended effective July 1, 2007, July 1, 2010, and January 1, 2016.*
41

42 **Advisory Committee Comment**

43

1 **Subdivision (b).** Subdivision (b)(1) calls litigants’ attention to the fact that a different rules (~~rule~~
2 ~~8.416(e)~~) governs the time to file an appellant’s opening brief in appeals from judgments or
3 orders terminating parental rights and in dependency appeals in certain counties (rule 8.416(e)),
4 and in appeals from orders granting a motion to transfer a minor from juvenile court to a court of
5 criminal jurisdiction (rule 8.417(f)).
6

7 **Subdivision (c).** Subdivision (c) calls litigants’ attention to the fact that a different rules (~~rule~~
8 ~~8.416(f)~~) governs the showing required for extensions of time to file briefs in appeals from
9 judgments or orders terminating parental rights and in dependency appeals in certain counties
10 (rule 8.416(f)), and in appeals from orders granting a motion to transfer a minor from juvenile
11 court to a court of criminal jurisdiction (rule 8.417(g)).
12

13 **Subdivision (d).** Subdivision (d) calls litigants’ attention to the fact that different rules govern the
14 time period specified in the notice of failure to timely file an appellant’s opening brief or a
15 respondent’s brief in appeals from judgments or orders terminating parental rights, in dependency
16 appeals in certain counties (rule 8.416(g)), and in appeals from orders granting a motion to
17 transfer a minor from juvenile court to a court of criminal jurisdiction (rule 8.417(h)).
18

19 **Rule 8.417. Appeals from orders transferring a minor from juvenile court to a**
20 **court of criminal jurisdiction**

21
22 **(a) Application**

23
24 This rule governs appeals from orders of the juvenile court granting a motion to
25 transfer a minor from juvenile court to a court of criminal jurisdiction.
26

27 **(b) Form of record**

28
29 (1) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.47,
30 relating to sealed and confidential records, and, except as provided in (2),
31 with rule 8.144.
32

33 (2) The cover of the record must prominently display the title “Appeal from
34 Order Transferring a Minor from Juvenile Court to a Court of Criminal
35 Jurisdiction Under Welfare and Institutions Code Section 801.”
36

37 **(c) Record on appeal**

38
39 (1) In addition to the items listed in rule 8.407(a), the clerk’s transcript must
40 contain:
41

42 (A) Any report by the probation officer on the behavioral patterns and
43 social history of the minor, including any oral or written statement

1 offered by the victim under Welfare and Institutions Code section
2 656.2;

3
4 (B) Any other probation report or document filed with the court on the
5 petition under Welfare and Institutions Code section 602; and

6
7 (C) Any document in written or electronic form submitted to the court in
8 connection with the prima facie showing under rule 5.766(c) or the
9 motion to transfer jurisdiction.

10
11 (2) In addition to the items listed in rule 8.407(b), any reporter’s transcript must
12 contain the oral proceedings at any hearings on the prima facie showing
13 under rule 5.766(c) and the motion to transfer jurisdiction.

14
15 **(d) Preparing, certifying, and sending the record**

16
17 (1) Within 20 court days after the notice of appeal is filed:

18
19 (A) The clerk must prepare and certify as correct an original of the clerk’s
20 transcript and one copy each for the appellant, the respondent, and the
21 district appellate project; and

22
23 (B) The reporter must prepare, certify as correct, and deliver to the clerk an
24 original of the reporter’s transcript and the same number of copies as
25 (A) requires of the clerk’s transcript.

26
27 (2) When the clerk’s and reporter’s transcripts are certified as correct, the clerk
28 must immediately send:

29
30 (A) The original transcripts to the reviewing court by the most expeditious
31 method, noting the sending date on each original; and

32
33 (B) One copy of each transcript to the district appellate project and to the
34 appellate counsel for the following, if they have appellate counsel, by
35 any method as fast as United States Postal Service express mail:

36
37 (i) The appellant; and

38
39 (ii) The respondent.

40
41 (3) If appellate counsel has not yet been retained or appointed for the minor,
42 when the transcripts are certified as correct, the clerk must send that
43 counsel’s copies of the transcripts to the district appellate project.

1
2 **(e) Augmenting or correcting the record**

3
4 (1) Except as provided in (2) and (3), rule 8.410 governs any augmentation or
5 correction of the record.

6
7 (2) An appellant must serve and file any motion for augmentation or correction
8 within 15 days after receiving the record. A respondent must serve and file
9 any such motion within 15 days after the appellant's opening brief is filed.

10
11 (3) The clerk and the reporter must prepare any supplemental transcripts within
12 20 days, giving them the highest priority.

13
14 (4) The clerk must certify and send any supplemental transcripts as required by
15 (d).

16
17 **(f) Time to file briefs**

18
19 (1) The appellant must serve and file the appellant's opening brief within 30 days
20 after the record is filed in the reviewing court.

21
22 (2) Rule 8.412(b) governs the time for filing other briefs.

23
24 **(g) Extensions of time**

25
26 The superior court may not order any extensions of time to prepare the record or to
27 file briefs; the reviewing court may order extensions of time but must require an
28 exceptional showing of good cause.

29
30 **(h) Failure to file a brief**

31
32 Rule 8.412(d) applies if a party fails to timely file an appellant's opening brief or a
33 respondent's brief, but the period specified in the notice required by that rule must
34 be 15 days.

35
36 **(i) Oral argument and submission of the cause**

37
38 (1) Unless the reviewing court orders otherwise, counsel must serve and file any
39 request for oral argument no later than 15 days after the appellant's reply
40 brief is filed or due to be filed. Failure to file a timely request will be deemed
41 a waiver.

1 **(a) Application and contents**

2
3 (1) Application

4
5 Except as otherwise provided in this rule, rules 8.300–8.368 and 8.508
6 govern appeals from civil commitment orders under Penal Code sections
7 1026 et seq. (not guilty by reason of insanity), 1370 et seq. (incompetent to
8 stand trial), 1600 et seq. (outpatient placement and revocation), and 2962 et
9 seq. (~~mentally disordered~~ offenders with mental health disorders); Welfare
10 and Institutions Code sections 1800 et seq. (extended detention of dangerous
11 persons), 6500 et seq. (~~developmentally disabled~~ dangerous persons with
12 developmental disabilities), and 6600 et seq. (sexually violent predators); and
13 former Welfare and Institutions Code section 6300 et seq. (mentally
14 disordered sex offenders).

15
16 (2) Contents

17 * * *

18
19
20 *(Subd (a) amended effective January 1, 2023.)*

21
22 **(b)–(e) * * ***

23
24 *Rule 8.483 amended effective January 1, 2023; adopted effective January 1, 2020.*

25
26
27 **Rule 8.631. Applications to file overlength briefs in appeals from a judgment of**
28 **death**

29
30 **(a)–(b) * * ***

31
32 **(c) Factors considered**

33
34 The court will consider the following factors in determining whether good cause
35 exists to grant an application to file a brief that exceeds the limit set by rule 8.630:

36
37 (1) The unusual length of the record. A party relying on this factor must specify
38 the length of each of the following components of the record:

39
40 (A) The reporter’s transcript;

41
42 (B) The clerk’s transcript; and

1 (C) The portion of the clerk’s transcript that is made up of juror
2 questionnaires.

3
4 (2) The number of codefendants in the case and whether they were tried
5 separately from the appellant;

6
7 (3) The number of homicide victims in the case and whether the homicides
8 occurred in more than one incident;

9
10 (4) The number of other crimes in the case and whether they occurred in more
11 than one incident;

12
13 (5) The number of rulings by the trial court on unusual, factually intensive, or
14 legally complex motions that the party may assert are erroneous and
15 prejudicial. A party relying on this factor must briefly describe the nature of
16 these motions;

17
18 (6) The number of rulings on objections by the trial court that the party may
19 assert are erroneous and prejudicial;

20
21 (7) The number and nature of unusual, factually intensive, or legally complex
22 hearings held in the trial court that the party may assert raise issues on
23 appeal; and

24
25 (8) Any other factor that is likely to contribute to an unusually high number of
26 issues or unusually complex issues on appeal. A party relying on this factor
27 must briefly specify those issues.

28
29 (d) * * *

30
31 **Advisory Committee Comment**

32
33 **Subdivision (a).** * * *

34
35 **Subdivision (c)(1)(A).** As in guideline 8 of the Supreme Court’s Guidelines for Fixed Fee
36 Appointments, juror questionnaires generally will not be taken into account in considering
37 whether the length of the record is unusual unless these questionnaires are relevant to an issue on
38 appeal. A record of 10,000 pages or less, excluding juror questionnaires, is not considered a
39 record of unusual length; 70 percent of the records in capital appeals filed between 2001 and 2004
40 were 10,000 pages or less, excluding juror questionnaires.

41
42 **Subdivision (e)(1)(E)(c)(5).** Examples of unusual, factually intensive, or legally complex
43 motions include motions to change venue, admit scientific evidence, or determine competency.

1
2 **Subdivisions ~~(e)(1)(E)–(1)(c)(5)–(8)~~**. Because an application must be filed before briefing is
3 completed, the issues identified in the application will be those that the party anticipates *may* be
4 raised on appeal. If the party does not ultimately raise all of these issues on appeal, the party is
5 expected to have reduced the length of the brief accordingly.

6
7 **Subdivision ~~(e)(1)(1)(c)(7)~~**. Examples of unusual, factually intensive, or legally complex hearings
8 include jury composition proceedings and hearings to determine the defendant’s competency or
9 sanity, whether the defendant ~~is mentally retarded~~ has an intellectual disability, and whether the
10 defendant may ~~represent himself or herself~~ be self-represented.

11
12 **Subdivision (d)(1)(A)(ii)**. To allow the deadline for an application to file an overlength brief to
13 be appropriately tied to the deadline for filing that brief, if counsel requests an extension of time
14 to file a brief, the court will specify in its order regarding the request to extend the time to file the
15 brief, when any application to file an overlength brief is due. Although the order will specify the
16 deadline by which an application must be filed, counsel are encouraged to file such applications
17 sooner, if possible.

18
19 **Subdivision (d)(3)**. * * *

20
21 **Chapter 1. Review of California Environmental Quality Act Cases Involving**
22 **Streamlined CEQA Projects**

23
24 **Rule 8.700. Definitions and application**

25
26 **(a) Definitions**

27
28 As used in this chapter:

- 29
30 (1) A “streamlined CEQA project” means any project within the definitions
31 stated in (2) through ~~(7)~~(8).
32
33 (2) An “environmental leadership development project” or “leadership project”
34 means a project certified by the Governor under Public Resources Code
35 sections 21182–21184.
36
37 (3) The “Sacramento entertainment and sports center project” or “Sacramento
38 arena project” means an entertainment and sports center project as defined by
39 Public Resources Code section 21168.6.6, for which the proponent provided
40 notice of election to proceed under that statute described in section
41 21168.6.6(j)(1).
42

- 1 (4) An “Oakland sports and mixed-use project” or “Oakland ballpark project”
2 means a project as defined in Public Resources Code section 21168.6.7 and
3 certified by the Governor under that section.
4
- 5 (5) An “Inglewood arena project” means a project as defined in Public Resources
6 Code section 21168.6.8 and certified by the Governor under that section.
7
- 8 (6) An “expanded capitol building annex project” means a state capitol building
9 annex project, annex project–related work, or state office building project as
10 defined by Public Resources Code section 21189.50.
11
- 12 (7) An “Old Town Center transit and transportation facilities project” or “Old
13 Town Center project” means a project as defined in Public Resources Code
14 section 21189.70.
15
- 16 (8) An “environmental leadership transit project” means a project as defined in
17 Public Resources Code section 21168.6.9.
18

19 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
20 *2017, and March 11, 2022.)*
21

22 **(b) * * ***
23

24 *Rule 8.700 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
25 *amended effective January 1, 2017, and March 11, 2022.*
26

27
28 **Rule 8.702. Appeals**
29

30 **(a) * * ***
31

32 **(b) Notice of appeal**
33

34 (1) * * *

35
36 (2) *Contents of notice of appeal*
37

38 The notice of appeal must:
39

40 (A) State that the superior court judgment or order being appealed is
41 governed by the rules in this chapter;
42

1 (B) Indicate whether the judgment or order pertains to a streamlined CEQA
2 project; ~~and~~

3
4 (C) If the judgment or order being appealed pertains to an environmental
5 leadership development project, an Oakland ballpark project, or an
6 Inglewood arena project, provide notice that the person or entity that
7 applied for certification or approval of the project as such a project
8 must make the payments required by rule 8.705-; and

9
10 (D) If the judgment or order being appealed pertains to an environmental
11 leadership transit project, provide notice that the project applicant must
12 make the payments required by rule 8.705.

13
14 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
15 *2016, and January 1, 2017, and March 11, 2022.)*

16
17 (c)–(e) * * *

18
19 (f) **Briefing**

20
21 (1)–(3) * * *

22
23 (4) *Extensions of time to file briefs*

24
25 If the parties stipulate to extend the time to file a brief under rule 8.212(b),
26 they are deemed to have agreed that the statutorily prescribed time for
27 resolving the action may be extended by the stipulated number of days ~~by~~
28 ~~which the parties stipulated to extend the time~~ of the extension for filing the
29 brief and, to that extent, to have waived any objection to noncompliance with
30 the deadlines for completing review stated in Public Resources Code sections
31 21168.6.6–~~21168.6.8~~21168.6.9, 21185, 21189.51, and 21189.70.3 for the
32 duration of the stipulated extension.

33
34 (5) * * *

35
36 *(Subd (f) amended effective January 1, 2023; previously amended effective January 1,*
37 *2017, and March 11, 2022.)*

38
39 (g) * * *

40
41 *Rule 8.702 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
42 *amended effective January 1, 2016, January 1, 2017, and March 11, 2022.*

1 **Advisory Committee Comment**

2
3 **Subdivision (b).** It is very important to note that the time period to file a notice of appeal under
4 this rule is the same time period for filing most postjudgment motions in a case regarding the
5 Sacramento arena project, and in a case regarding any other streamlined CEQA project, the
6 deadline for filing a notice of appeal may be earlier than the deadline for filing a motion for a new
7 trial, a motion for reconsideration, or a motion to vacate the judgment.
8

9 **Rule 8.703. Writ proceedings**

10
11 **(a)** * * *

12
13 **(b) Petition**

14
15 (1) * * *

16
17 (2) *Contents of petition*

18
19 In addition to any other applicable requirements, the petition must:

- 20
21 (A) State that the superior court judgment or order being challenged is
22 governed by the rules in this chapter;
23
24 (B) Indicate whether the judgment or order pertains to a streamlined CEQA
25 project; ~~and~~
26
27 (C) If the judgment or order pertains to an environmental leadership
28 development project, an Oakland ballpark project, or an Inglewood
29 arena project, provide notice that the person or entity that applied for
30 certification of the project as such a project must make the payments
31 required by rule 8.705; and
32
33 (D) If the judgment or order pertains to an environmental leadership transit
34 project, provide notice that the project applicant must make the
35 payments required by rule 8.705.
36

37 *Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
38 *2016, and January 1, 2017, and March 11, 2022.)*

39
40 *Rule 8.703 amended effective January 1, 2023; adopted effective July 1, 2014; previously*
41 *amended effective January 1, 2016, January 1, 2017, and March 11, 2022.*
42
43

1 **Rule 8.705. Court of Appeal costs in certain streamlined CEQA projects**

2
3 In fulfillment of the provisions in Public Resources Code sections 21168.6.7, 21168.6.8,
4 ~~and 21168.6.9~~, and 21183 regarding payment of the Court of Appeal’s costs with respect
5 to cases concerning environmental leadership development, environmental leadership
6 transit, Oakland ballpark, and Inglewood arena projects:

7
8 (1) Within 10 days after service of the notice of appeal or petition in a case concerning
9 an environmental leadership development project, the person or entity that applied
10 for certification of the project as an environmental leadership development project
11 must pay a fee of ~~\$100,000~~ \$215,000 to the Court of Appeal.

12
13 (2) Within 10 days after service of the notice of appeal or petition in a case concerning
14 an environmental leadership transit project, the project applicant must pay a fee of
15 \$215,000 to the Court of Appeal.

16
17 ~~(2)(3)~~(3) Within 10 days after service of the notice of appeal or petition in a case concerning
18 an Oakland ballpark project or Inglewood arena project, the person or entity that
19 applied for certification of the project as an Oakland ballpark project or Inglewood
20 arena project must pay a fee of \$140,000 to the Court of Appeal.

21
22 ~~(3)(4)~~(4) If the Court of Appeal incurs the costs of any special master appointed by the Court
23 of Appeal in the case or of any contract personnel retained by the Court of Appeal
24 to work on the case, the person or entity that applied for certification of the project
25 or the project applicant as a leadership project, an Oakland ballpark project, or an
26 Inglewood arena project must also pay, within 10 days of being ordered by the
27 court, those incurred or estimated costs.

28
29 ~~(4)(5)~~(5) If the party fails to timely pay the fee or costs specified in this rule, the court may
30 impose sanctions that the court finds appropriate after notifying the party and
31 providing the party with an opportunity to pay the required fee or costs.

32
33 ~~(5)(6)~~(6) Any fee or cost paid under this rule is not a recoverable cost.

34
35 *Rule 8.705 amended effective January 1, 2023; adopted effective July 1, 2014, previously*
36 *amended effective March 11, 2022.*

37
38
39 **Rule 10.452. Minimum education requirements, expectations, and recommendations**

40
41 (a) **Purpose**

1 Justices, judges, and subordinate judicial officers are entrusted by the public with
2 the impartial and knowledgeable handling of proceedings that affect the freedom,
3 livelihood, and happiness of the people involved. Court personnel assist justices,
4 judges, and subordinate judicial officers in carrying out their responsibilities and
5 must provide accurate and timely services to the public. ~~Each~~ Justices, judges, and
6 subordinate judicial officers, and each court staff members ~~is~~ are individually
7 responsible for maintaining and improving ~~his or her~~ their professional
8 competence. To assist them in enhancing their professional competence, the
9 judicial branch will develop and maintain a comprehensive and high-quality
10 education program, including minimum education requirements, expectations, and
11 recommendations, to provide educational opportunities for all justices, judges,
12 subordinate judicial officers, and court personnel.

13
14 **(b) Goals**

15
16 The minimum education requirements, expectations, and recommendations ~~set~~
17 ~~forth~~ stated in rules 10.461–10.479 are intended to achieve two complementary
18 goals:

- 19
20 (1) To ensure that ~~both individuals who are new to the bench or the court and~~
21 ~~those who are experienced on the bench or court but are beginning a new~~
22 ~~assignment or role~~ all justices, judges, subordinate judicial officers, and court
23 personnel obtain education on the tasks, skills, abilities, and knowledge
24 necessary to be successful in ~~the~~ their new court assignments and roles; and
25
26 (2) To establish broad continuing education parameters, based on ~~time~~ multiyear
27 education cycles; ~~for continuing education for experienced individuals who~~
28 ~~are experienced both on the bench or court and in their assignments or roles,~~
29 while preserving the ability of ~~the individual~~ these individuals, working with
30 the ~~individual who~~ persons oversees overseeing ~~his or her~~ their work, to
31 determine ~~the~~ appropriate education content and providers.

32
33 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
34 *2008.)*

35
36 **(c) Relationship of minimum education requirements and expectations to**
37 **education recommendations**

38
39 The education requirements and expectations ~~set forth~~ stated in rules ~~10.461–10.462~~
40 10.461, 10.462, and 10.471–10.474 are minimums. Justices, judges, and
41 subordinate judicial officers should participate in more judicial education than is
42 required and expected, related to each individual’s responsibilities and ~~particular~~
43 ~~judicial assignment or~~ assignments and in accordance with the judicial education

1 recommendations ~~set forth~~ stated in rule 10.469. Additional education requirements
2 related to specific responsibilities are ~~set forth~~ stated in rule 10.463 (for those
3 hearing family law matters), rule 10.464 (for those hearing domestic violence
4 issues), and rule 10.468 (for those hearing probate proceedings).

5
6 **(d) Responsibilities of Chief Justice and administrative presiding justices**

7
8 The Chief Justice and ~~each~~ administrative presiding justices:

- 9
10 (1) Must grant sufficient leave to Supreme Court and Court of Appeal justices,
11 the clerk/executive officer, and the managing attorney to ~~enable them to~~
12 complete the minimum education requirements stated in rules 10.461, 10.471,
13 and 10.472, respectively;
- 14
15 (2) ***
- 16
17 (3) In addition to the educational leave required under (d)(1)–(2), should grant
18 leave to a justice, clerk/executive officer, or managing attorney to serve on
19 education committees and as a faculty member at education programs when
20 the individual’s services have been requested for ~~these purposes~~ judicial or
21 legal education by Judicial Council staff, the California Judges Association,
22 ~~or the court. If a court’s calendar would not be adversely affected, the court~~
23 ~~should grant additional leave for a justice, the clerk/executive officer, or the~~
24 ~~managing attorney to serve on an educational committee or as a faculty~~
25 ~~member for judicial branch education;~~
- 26
27 (4) Should establish an education plan for ~~his or her~~ the court to facilitate the
28 involvement of justices, the clerk/executive officer, and the managing
29 attorney as both participants and faculty in education activities;
- 30
31 (5) ***
- 32
33 (6) Must retain the records and cumulative histories of participation provided by
34 justices. These records and cumulative histories are subject to periodic audit
35 by Judicial Council staff. The Chief Justice and the administrative presiding
36 justices ~~must report the data from the records and cumulative histories~~ their
37 courts’ compliance with education requirements on an aggregate basis to the
38 Judicial Council, on a form provided by the Judicial Council, within six
39 months after the end of each three-year ~~period~~ education cycle.

40
41 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
42 *2008, January 1, 2016, and January 1, 2018.)*

1
2 **(e) Responsibilities of presiding judges**

3
4 ~~Each~~ Presiding judges:

- 5
6 (1) Must grant sufficient leave to ~~all~~ their judges and subordinate judicial officers
7 and to the court executive officer to enable them to complete the minimum
8 education requirements and expectations stated in rules 10.462 and 10.473,
9 respectively;
- 10
11 (2) To the extent compatible with the efficient administration of justice, must
12 grant to ~~all~~ their judges and subordinate judicial officers and to the court
13 executive officer sufficient leave to participate in education programs
14 consistent with the education recommendations stated in rules 10.469 and
15 10.479. After a judge or subordinate judicial officer has completed the new
16 judge education required under rule 10.462, the presiding judge should grant
17 each judge and subordinate judicial officer at least eight court days per
18 calendar year to participate in continuing education relating to the judge's or
19 subordinate judicial officer's responsibilities or current or future court
20 assignment;
- 21
22 (3) In addition to the educational leave required or authorized under rule 10.603
23 or (e)(1)–(2), should grant leave to a judge or subordinate judicial officer or
24 the executive officer to serve on education committees and as a faculty
25 member at education programs when the judicial officer's or executive
26 officer's services have been requested for ~~these purposes~~ judicial or legal
27 education by Judicial Council staff, the California Judges Association, or the
28 court. ~~If a court's calendar would not be adversely affected, the presiding~~
29 ~~judge should grant additional leave for a judge or subordinate judicial officer~~
30 ~~or executive officer to serve on an educational committee or as a faculty~~
31 ~~member for judicial branch education;~~
- 32
33 (4) Should establish an education plan for ~~his or her~~ the court to facilitate the
34 involvement of judges, subordinate judicial officers, and the executive officer
35 as both participants and faculty in education activities and should consult
36 with each judge, each subordinate judicial officer, and the executive officer
37 regarding their education needs and requirements related to their current and
38 future assignments;
- 39
40 (5) Should use ~~his or her~~ their assignment powers to enable all judges and
41 subordinate judicial officers, ~~particularly those assigned to specific calendar~~
42 ~~courts~~, to participate in educational activities;
- 43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

(6) ***

(7) Must retain the records and cumulative histories of participation provided by judges. These records and cumulative histories are subject to periodic audit by Judicial Council staff. ~~The Presiding judges~~ must report ~~the data from the records and cumulative histories~~ their courts' compliance with education requirements on an aggregate basis to the Judicial Council, on a form provided by the Judicial Council, within six months after the end of each three-year ~~period~~ education cycle.

(Subd (e) amended effective January 1, 2023; previously amended effective January 1, 2008, and January 1, 2016.)

(f) Responsibilities of Supreme Court and Court of Appeal justices, clerks/~~executive~~ clerk/executive officers, managing attorneys, and supervisors

~~Each court's~~ Justices, clerk/executive officers, managing attorneys, and supervisors:

(1)~~–(2)~~ ***

(3) Should allow and encourage court personnel, in addition to participating as students in educational activities, to serve on court personnel education committees and as faculty at court personnel education programs when an employee's services have been requested for these purposes ~~by Judicial Council staff or the court~~;

(4) Should establish an education plan for their court to facilitate the involvement of court personnel as both participants and faculty in educational activities, and should consult with each court staff member regarding ~~his or her~~ their education needs and requirements and professional development; and

(5) Must ensure that ~~supervisors and other~~ court personnel are reimbursed by their court in accordance with the travel policies issued by the Judicial Council for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the Judicial Council; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. ~~The clerk/executive officer or the managing attorney may approve~~ Reimbursement of travel expenses incurred by supervisors and other court personnel in attending out-of-state education programs as a participant may be approved by designated court administrators, as defined in local court policies.

1
2 **(g) Responsibilities of trial court executive officers, managers, and supervisors**

3
4 Each Trial court's executive officers, managers, and supervisors:

5
6 (1)–(2) ***

7
8 (3) Should allow and encourage court personnel, in addition to participating as
9 students in education activities, to serve on court personnel education
10 committees and as faculty at court personnel education programs when an
11 employee's services have been requested for these purposes by Judicial
12 Council staff or the court;

13
14 (4) Should establish an education plan for their court to facilitate the involvement
15 of court personnel as both participants and faculty in educational activities,
16 and should consult with each court staff member regarding ~~his or her~~ their
17 education needs and requirements and professional development; and

18
19 (5) Must ensure that ~~managers, supervisors, and other~~ court personnel are
20 reimbursed by their court in accordance with the *Trial Court Financial*
21 *Policies and Procedures Manual* for travel expenses incurred in attending in-
22 state education programs as a participant, except to the extent that: (i) certain
23 expenses are covered by the Judicial Council; or (ii) the education provider or
24 sponsor of the program pays the expenses. Provisions for these expenses
25 must be part of every court's budget. The court executive officer may
26 approve reimbursement of travel expenses incurred by ~~managers, supervisors,~~
27 ~~and other~~ court personnel in attending out-of-state education programs as a
28 participant.

29
30 *(Subd (g) amended effective January 1, 2023; adopted as subd (f); previously amended and*
31 *relettered as subd (g) effective January 1, 2008; previously amended effective January 1,*
32 *2016.)*

33
34 *Rule 10.452 amended effective January 1, 2023; adopted effective January 1, 2007; previously*
35 *amended effective January 1, 2008, January 1, 2012, January 1, 2016, and January 1, 2018.*

36
37 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**
38 **Appeal justices**

39
40 **(a)–(b) *****

41
42 **(c) Hours-based continuing education**

- 1 (1) Each justice must complete 30 hours of continuing judicial education every
2 three years, beginning on the dates outlined:
3
4 (A) A new Supreme Court justice enters the three-year continuing
5 education ~~period~~ cycle on January 1 of the year following confirmation
6 of appointment, and a new Court of Appeal justice enters the three-year
7 continuing education ~~period~~ cycle on January 1 of the year following
8 the period provided for completion of the required new justice
9 ~~education orientation program~~; continuing education requirements are
10 prorated based on the number of years remaining in the three-year
11 ~~period~~ education cycle.
12
13 (B) For all other justices, the first continuing education ~~period~~ cycle begins
14 January 1, 2008.
15
16 (C) The first continuing education ~~period~~ cycle for Supreme Court and
17 Court of Appeal justices is for two years from January 1, 2008, through
18 December 31, 2009, rather than three years. The continuing education
19 requirements and limitations in (c) are consequently prorated for this
20 two-year ~~period~~ education cycle. The first three-year ~~period~~ education
21 cycle then begins January 1, 2010.
22
23 (2) The following education applies toward the required 30 hours of continuing
24 judicial education:
25
26 (A) Any education offered by an approved provider (~~see under rule~~
27 10.481(a)) and any other education, ~~including education taken to satisfy~~
28 ~~a statutory or other education requirement~~, approved by the Chief
29 Justice or the administrative presiding justice as meeting the criteria
30 listed in rule 10.481(b).
31
32 (B) Each hour of participation in ~~traditional (live, face-to-face) education;~~
33 ~~distance education such as broadcasts, videoconferences, and online~~
34 ~~coursework; self-directed study; and faculty service~~ education by an
35 approved provider under rule 10.481, including education that is
36 instructor-led (live remote or in-person), asynchronous (such as videos
37 and e-learning), and self-directed study, counts toward the continuing
38 education requirement on an hour-for-hour basis. ~~Each~~ Justices must
39 complete at least half of ~~his or her~~ their continuing education hours
40 requirement as a participant in ~~traditional (live, face-to-face)~~ instructor-
41 led (live remote or in-person) education. ~~The~~ Justices may complete the
42 balance of ~~his or her~~ their education hours requirement through any
43 other means with no limitation on any particular type of education.

1
2 (C) A justice who serves as faculty by teaching legal or judicial education
3 to a legal or judicial audience may apply faculty service as continuing
4 education hours as faculty service. There is no restriction on the
5 number or percentage of hours that a justice may claim as faculty
6 service. Credit for faculty service counts toward the continuing
7 education requirement on an hour-for-hour basis in the same manner as
8 all other types of education—~~on an hour-for-hour basis.~~
9

10 *(Subd (c) amended effective January 1, 2023; adopted effective January 1, 2008;*
11 *previously amended effective January 1, 2012, and January 1, 2013.)*
12

13 **(d) Extension of time**
14

15 (1) Upon request and for good cause, the Chief Justice or the administrative
16 presiding justice may grant a justice a one-year extension of time to complete
17 the continuing education requirement in ~~(e)~~ this rule.
18

19 (2) If the Chief Justice or the administrative presiding justice grants a request for
20 an extension of time, ~~the justice, in consultation with~~ the Chief Justice or the
21 administrative presiding justice and the justice; should ~~also~~ pursue interim
22 means of obtaining relevant educational content.
23

24 (3) An extension of time to complete the hours-based continuing education
25 requirement does not affect what is required in the next three-year ~~period~~
26 education cycle.
27

28 *(Subd (d) amended effective January 1, 2023; adopted effective January 1, 2008.)*
29

30 **(e) Records and summaries of participation for justices**
31

32 ~~Each Justice~~ is ~~is~~ are responsible for:
33

34 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
35 of participation for three years after each course or activity that is applied
36 toward the requirements, on a form provided by the Chief Justice for the
37 Supreme Court or by the administrative presiding justice for each appellate
38 district of the Court of Appeal. The form must include the information
39 regarding a justice's participation in education that is needed by the Chief
40 Justice or the administrative presiding justice to complete the aggregate form
41 required by rule 10.452(d)(6);
42

1 (2) At the end of each year, giving the Chief Justice or the administrative
2 presiding justice a copy of ~~his or her~~ their record of participation in education
3 for that year, on the form provided by the Chief Justice or the administrative
4 presiding justice; and
5

6 (3) At the end of each three-year ~~period~~ education cycle, giving the Chief Justice
7 or the administrative presiding justice a copy of ~~his or her~~ their record of
8 participation in education for that year and a cumulative history of
9 participation for that three-year ~~period~~ cycle, on the form provided by the
10 Chief Justice or the administrative presiding justice.
11

12 *(Subd (e) amended effective January 1, 2023; adopted effective January 1, 2008;
13 previously amended effective August 15, 2008.)*
14

15 *Rule 10.461 amended effective January 1, 2023; adopted effective January 1, 2007; previously*
16 *amended effective January 1, 2008, August 15, 2008, January 1, 2012, January 1, 2013, and*
17 *January 1, 2016.*
18

19 **Advisory Committee Comment**

20

21 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,
22 are carried forward without change in rule 10.461(b).
23

24 Judicial Council staff have developed ~~both a manual format and an automated format of the~~
25 ~~individual justice's recording and reporting form referenced in an individual reporting form that~~
26 ~~justices may use in tracking their own participation in education as required by rule 10.461(e)(1).~~
27 ~~that gathers all the information needed by the Chief Justice or the administrative presiding justice~~
28 ~~to complete the aggregate report to the Judicial Council required under rule 10.452(d)(6). The~~
29 ~~form is available from the council's Center for Judicial Education and Research. The Chief~~
30 ~~Justice or and the administrative presiding justices may determine which form should be used in~~
31 ~~his or her their court and may provide the manual or automated format of council-developed form~~
32 ~~(available from the council's Center for Judicial Education and Research) or may provide another~~
33 ~~appropriate form that has been developed by his or her their court or by another court that gathers~~
34 ~~all the information needed by the Chief Justice or the administrative presiding justice to complete~~
35 ~~the aggregate report to the Judicial Council.~~
36
37

38 **Rule 10.462. Minimum education requirements and expectations for trial court** 39 **judges and subordinate judicial officers** 40

41 **(a)–(b) *****
42

1 (c) **Content-based requirement**

2
3 (1) ~~Each~~ New trial court judges and subordinate judicial officers must complete
4 the “new judge education” curriculum provided by the Judicial Council’s
5 Center for Judicial Education and Research (CJER) as follows:

6
7 (A) The new judge orientation program within six months of taking the
8 oath as a judge or subordinate judicial officer. For purposes of the new
9 judge orientation program, a judge or subordinate judicial officer is
10 considered “new” only once, and any judge or subordinate judicial
11 officer who has completed the new judge orientation program, as
12 required under this rule or under former rule 970, is not required to
13 complete the program again. A judge or subordinate judicial officer
14 who was appointed, elected, or hired before rule 970 was adopted on
15 January 1, 1996, is not required to complete the program;

16
17 (B) An orientation course in ~~his or her~~ their primary assignment (civil,
18 criminal, family, juvenile ~~delinquency~~ justice or dependency, probate,
19 or traffic) within one year of taking the oath as a judge or subordinate
20 judicial officer; and

21
22 (C) The B. E. Witkin Judicial College of California within two years of
23 taking the oath as a judge or subordinate judicial officer; ~~unless the~~ If a
24 new judge previously completed the Judicial College as a new
25 subordinate judicial officer, ~~in which case~~ then the presiding judge may
26 determine whether the new judge must complete it again.

27
28 (2) ~~Each~~ Judges beginning a supervising judge role ~~is~~ are expected to complete
29 ~~the following education, CJER’s supervising judge orientation program~~
30 within one year of beginning the supervising judge role, preferably before
31 beginning the role. This expectation does not apply unless he or she is if they
32 are returning to a similar supervising judge role after less than two years in
33 another assignment or ~~is~~ are beginning a supervising judge role less than two
34 years after serving in the presiding judge role and completing ~~the Presiding~~
35 ~~Judges Orientation and Court Management Program~~ CJER’s presiding judge
36 and court executive officer orientation program.

37
38 (A) ~~For a judge who has administrative responsibility, CJER’s Supervising~~
39 ~~Judges Overview course within one year of beginning the supervising~~
40 ~~judge role, preferably before beginning the role;~~

41
42 (B) ~~For a judge who has calendar management responsibility, a calendar~~
43 ~~management overview course, provided either by the local court or by~~

1 CJER, ~~within one year of beginning the supervising judge role,~~
2 ~~preferably before beginning the role;~~

3
4 ~~(C) For a judge who has both administrative and calendar management~~
5 ~~responsibility, both overview courses within one year of beginning the~~
6 ~~role.~~

7
8 (3) ~~Each~~ Judges beginning a presiding judge role ~~is~~ are expected to complete
9 CJER's ~~Presiding Judges Orientation and Court Management Program~~
10 presiding judge and court executive officer orientation program within one
11 year of beginning the presiding judge role, preferably before beginning the
12 role. ~~This expectation does not apply unless he or she is~~ if they are returning
13 to a presiding judge role after two years or less in another role or assignment.

14
15 (4) ~~Each judge~~ Judges ~~is~~ are expected to and ~~each~~ subordinate judicial officer
16 officers must, if beginning a new primary assignment (unless ~~he or she is~~
17 they are returning to an assignment after less than two years in another
18 assignment), complete a course on the new primary assignment, provided by
19 CJER, the California Judges Association (CJA), or the local court, within ~~six~~
20 months one year of beginning the new assignment. CJER is responsible for
21 identifying content for these courses and will share the identified content with
22 CJA and the local courts.

23
24 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
25 *2008, July 1, 2008, January 1, 2012, and January 1, 2016.)*

26
27 **(d) Hours-based continuing education**

28
29 (1) Each judge is expected to and each subordinate judicial officer must complete
30 30 hours of continuing judicial education every three years, beginning on the
31 dates outlined:

32
33 (A) A new judge or new subordinate judicial officer enters the three-year
34 continuing education ~~period~~ cycle on January 1 of the year following
35 the period provided for completion of the required new judge
36 education; continuing education expectations for judges and
37 requirements for subordinate judicial officers are prorated based on the
38 number of years remaining in the three-year ~~period~~ education cycle.

39
40 (B) For all other judges and subordinate judicial officers, the first three-
41 year ~~period~~ education cycle begins on January 1, 2007.
42

1 (2) The following education applies toward the expected or required 30 hours of
2 continuing judicial education:

3
4 (A) The content-based courses under (c)(2), (3), and (4) for a new
5 supervising judge, a new presiding judge, and a judge or subordinate
6 judicial officer beginning a new primary assignment (the “new judge
7 education” required under (c)(1) does not apply); and

8
9 (B) Any other education offered by an approved provider (~~see under rule~~
10 10.481(a)) and any other education, ~~including education taken to satisfy~~
11 ~~a statutory or other education requirement~~, approved by the presiding
12 judge as meeting the criteria listed in rule 10.481(b).

13
14 (3) Each hour of participation in ~~traditional (live, face-to-face) education;~~
15 ~~distance education, such as broadcasts, videoconferences, and online~~
16 ~~coursework; self-directed study; and faculty service education by an~~
17 approved provider under rule 10.481, including education that is instructor-
18 led (live remote or in-person), asynchronous (such as videos and e-learning),
19 and self-directed study, counts toward the continuing education expectation
20 or requirement on an hour-for-hour basis. ~~Each~~ Judges and subordinate
21 judicial officers ~~must complete at least half of his or her~~ their continuing
22 education hours expectation or requirement as a participant in ~~traditional~~
23 ~~(live, face-to-face) instructor-led (live remote or in-person) education.~~ The
24 Judges or subordinate judicial officers may complete the balance of ~~his or her~~
25 their judicial education hours expectation or requirement through any other
26 means with no limitation on any particular type of education.

27
28 (4) A judge or subordinate judicial officer who serves as faculty by teaching
29 legal or judicial education for a legal or judicial audience may apply faculty
30 service as continuing education hours as ~~faculty service~~. There is no
31 restriction on the number or percentage of hours that a judge may claim as
32 faculty service. Credit for faculty service counts toward the continuing
33 education expectation or requirement on an hour-for-hour basis in the same
34 manner as all other types of education—~~on an hour-for-hour basis~~.

35
36 (5) ***

37
38 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
39 *2008, January 1, 2012, and January 1, 2013.)*

40
41
42 (e) **Extension of time**

1 (1) Upon request and for good cause, a presiding judge may grant a judge or
2 subordinate judicial officer an extension of time, up to one year, to complete
3 the education expectations or requirements in (c)(2)-(4) and the continuing
4 education expectation or requirement in (d) as follows: this rule.

5
6 (A) ~~A time extension to complete the content-based expectations or~~
7 ~~requirements in (c)(2)-(4) is limited to the original time period provided~~
8 ~~for completion that is, one year, one year, or six months, respectively.~~

9
10 (B) ~~A time extension to complete the hours-based continuing education~~
11 ~~expectation or requirement in (d) is limited to one year.~~

12
13 (2) If the presiding judge grants a request for an extension of time, the presiding
14 judge and the judge or subordinate judicial officer, in consultation with the
15 presiding judge, should also pursue interim means of obtaining relevant
16 educational content.

17
18 (3) An extension of time to complete the hours-based continuing education
19 expectation or requirement does not affect what is expected or required in the
20 next three-year ~~period~~ education cycle.

21
22 *(Subd (e) amended effective January 1, 2023.)*

23
24 **(f) Records and cumulative histories of participation for judges**

25
26 ~~Each Judge~~ Judges ~~is~~ are responsible for:

27
28 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
29 of participation for three years after each course or activity that is applied
30 toward the requirements and expectations, on a form provided by the
31 presiding judge. The form must include the information regarding a judge's
32 participation in education that is needed by the presiding judge to complete
33 the aggregate form required by rule 10.452(e)(7);

34
35 (2) At the end of each year, giving the presiding judge a copy of ~~his or her~~ their
36 record of participation in education for that year, on the form provided by the
37 presiding judge; and

38
39 (3) At the end of each three-year ~~period~~ education cycle, giving the presiding
40 judge a copy of ~~his or her~~ their record of participation in education for that
41 year and a cumulative history of participation for that three-year ~~period~~
42 education cycle, on the form provided by the presiding judge.

1 (Subd (f) amended effective January 1, 2023; previously amended effective January 1,
2 2008, and August 15, 2008.)

3
4 **(g) Records of participation for subordinate judicial officers**

5
6 (1) ***

7
8 (2) ~~Each~~ Subordinate judicial officers must keep records of ~~his or her~~ their own
9 participation for three years after each course or activity that is applied
10 toward the requirements.

11
12
13 (Subd (g) amended effective January 1, 2023.)

14
15 Rule 10.462 amended effective January 1, 2023; adopted effective January 1, 2007; previously
16 amended effective January 1, 2008, July 1, 2008, August 15, 2008, January 1, 2012, January 1,
17 2013, and January 1, 2016

18
19 **Advisory Committee Comment**

20
21 The minimum judicial education requirements in rule 10.462 do not apply to retired judges
22 seeking to sit on regular court assignment in the Temporary Assigned Judges Program. Retired
23 judges who seek to serve in the Temporary Assigned Judges Program must comply with the
24 education requirements included in the program's standards and guidelines established by the
25 Chief Justice's Standards and Guidelines for Judges Who Serve on Assignment, which includes
26 education requirements.

27
28 Judicial Council staff have developed ~~both a manual format and an automated format of the~~
29 ~~individual judge's recording and reporting form referenced in an individual reporting form that~~
30 judges may use in tracking their own participation in education as required by rule 10.462(f), that
31 gathers all the information needed by the presiding judge to complete the aggregate report to the
32 Judicial Council required under rule 10.452(e)(7). The form is available from the council's Center
33 for Judicial Education and Research. The Presiding judges may determine which form should be
34 used in his or her their court and may provide the manual or automated format of the council-
35 developed form (available from the Judicial Council's Center for Judicial Education and
36 Research) or may provide another appropriate form that has been developed by his or her their
37 court or by another court that gathers all the information needed by the presiding judge to
38 complete the aggregate report to the Judicial Council.

39
40
41 **Rule 10.463. Education requirements for family court judges and subordinate**
42 **judicial officers**

1 Each judge or subordinate judicial officer whose primary assignment is to hear family
2 law matters, or who ~~is the sole judge hearing~~ regularly hears family law matters
3 regardless of their primary assignment, must complete the following education:
4

5 **(a) Basic family law education**
6

7 (1) Within ~~six months~~ one year of beginning a family law assignment, ~~or within~~
8 ~~one year of beginning a family law assignment in courts with five or fewer~~
9 ~~judges~~, the judge or subordinate judicial officer must complete a basic
10 educational program on California family law and procedure designed
11 primarily for judicial officers. A judge or subordinate judicial officer who has
12 completed the basic educational program need not complete the basic
13 educational program again.
14

15 (2) All other judicial officers who regularly hear family law matters, including
16 retired judges who sit on court assignment, must complete appropriate family
17 law educational ~~programs~~.
18

19 *(Subd (a) amended effective January 1, 2023; adopted as (1) effective January 1, 1992;*
20 *previously amended and lettered effective January 1, 2003; previously amended effective*
21 *January 1, 2008.)*
22

23 **(b) Continuing family law education**
24

25 The judge or subordinate judicial officer must complete a periodic update on new
26 developments in California family law and procedure at least once each education
27 cycle.
28

29 *(Subd (b) amended effective January 1, 2023; adopted as (2) effective January 1, 1992;*
30 *previously amended and lettered effective January 1, 2003; previously amended effective*
31 *January 1, 2008.)*
32

33 **(c) *****
34

35 *Rule 10.463 amended effective January 1, 2023; adopted as rule 1200 effective January 1, 1992;*
36 *previously amended and renumbered as rule 5.30 effective January 1, 2003, and as 10.463*
37 *effective January 1, 2008.*
38

39 **Advisory Committee Comment**
40

41 In determining what constitutes “appropriate” education, judges and subordinate judicial officers
42 should determine the number of hours of education on family law matters that is adequate for

1 their assignment, taking into account the size of the court, the nature of their assignment, the mix
2 of assignments, and other factors.

3
4
5 **Rule 10.464. Education requirements and expectations for judges and subordinate**
6 **judicial officers on domestic violence issues**

7
8 **(a) Judges and subordinate judicial officers hearing specified matters**

9
10 ~~Each~~ Judges or subordinate judicial officers who hears criminal, family, juvenile
11 ~~delinquency justice~~, juvenile dependency, or probate matters must participate in
12 appropriate education on domestic violence issues as part of ~~his or her~~ their hours-
13 based continuing education requirements and expectations under rule 10.462(d)
14 each education cycle. Each judge or subordinate judicial officer whose primary
15 assignment is in one of these areas also must participate in a periodic update on
16 domestic violence as part of these requirements and expectations at least once each
17 education cycle.

18
19 *(Subd (a) amended effective January 1, 2023.)*

20
21 **(b) Specified courses to include education on domestic violence issues**

22
23 The education provider must include education on domestic violence issues at the
24 Judicial College under rule 10.462(c)(1)(C) and in courses for primary assignments
25 in criminal, family, juvenile ~~delinquency justice~~, juvenile dependency, or probate
26 under rule 10.462(c)(1)(B) or (c)(4).

27
28 *Rule 10.464 amended effective January 1, 2023; adopted effective January 1, 2010.*

29
30 **Advisory Committee Comment**

31
32 In determining what constitutes “appropriate” education, ~~each~~ judges ~~or~~ and subordinate judicial
33 officers should determine the number of hours of education on domestic violence that is adequate
34 for ~~his or her~~ their assignment, taking into account the size of the court, the nature of ~~his or her~~
35 their assignment, the mix of assignments, and other factors.

36
37
38 **Rule 10.468. Content-based and hours-based education for superior court judges**
39 **and subordinate judicial officers regularly assigned to hear probate**
40 **proceedings**

41
42 **(a) Definitions**

1 As used in this rule, the following terms have the meanings stated below:

2
3 ~~(1) “Judge” means a judge of the superior court.~~

4
5 ~~(2) “Subordinate judicial officer” has the meaning specified in rule 10.701(a).~~

6
7 ~~(3) “Judicial officer” means a judge or a subordinate judicial officer.~~

8
9 ~~(4)(1)~~ “Probate proceedings” are decedents’ estates, guardianships and
10 conservatorships under division 4 of the Probate Code, trust proceedings
11 under division 9 of the Probate Code, and other matters governed by
12 provisions of that code and the rules in title 7 of the California Rules of
13 Court.

14
15 ~~(5)(2)~~ A judicial officer “regularly assigned to hear probate proceedings” is a
16 judge or subordinate judicial officer who is:

17
18 (A) Assigned to a dedicated probate department where probate proceedings
19 are customarily heard on a full-time basis;

20
21 (B) Responsible for hearing most of the probate proceedings filed in a court
22 that does not have a dedicated probate department; or

23
24 (C) Responsible for hearing probate proceedings on a regular basis in a
25 department in a branch or other location remote from the main or
26 central courthouse, whether or not ~~he or she~~ the judicial officer also
27 hears other kinds of matters in that department and whether or not there
28 is a dedicated probate department in the main or central courthouse; or

29
30 (D) Designated by the presiding judge of a court with four or fewer
31 authorized judges.

32
33 ~~(6) “CJER” is the Judicial Council’s Center for Judicial Education and Research.~~

34
35 ~~(7) “CJA” is the California Judges Association.~~

36
37 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
38 *2016.)*

39
40 **(b) Content-based requirements**

41
42 (1) ~~Each~~ Judicial officers beginning a regular assignment to hear probate
43 proceedings after the effective date of this rule, ~~unless he or she is~~ they are

1 returning to this assignment after less than two years in another assignment,
2 must complete, ~~as soon as possible but not to exceed six months from the~~
3 ~~assignment's commencement date,~~ 6 six hours of education on probate
4 guardianships and conservatorships, including court-supervised fiduciary
5 accounting, within one year of starting the assignment.
6

7 (2) The education required in (1) is ~~in addition to the New Judge Orientation~~
8 ~~program for new judicial officers and the B. E. Witkin Judicial College~~
9 ~~required under rule 10.462(e)(1)(A) and (C) and may be applied toward~~
10 satisfaction of the ~~30 hours-based~~ of continuing education expected of judges
11 and required of subordinate judicial officers under rule 10.462(d).
12

13 (3) The education required in (1) must be provided by ~~CJER, CJA, or the judicial~~
14 ~~officer's court. CJER is responsible for identifying content for this education~~
15 ~~and will share the identified content with CJA and the courts~~ the Center for
16 Judicial Education and Research (CJER), an approved provider under rule
17 10.481(a), or education approved by the judicial officer's presiding judge as
18 meeting the education criteria specified in rule 10.481(b).
19

20 (4) The education required in (1) may be ~~by traditional (face to face) instructor-~~
21 ~~led (live remote or in-person), asynchronous (such as videos and e-learning),~~
22 ~~or self-directed study or distance learning means, such as broadcasts,~~
23 ~~videoconferences, or online coursework, but may not be by self-study.~~
24

25 *(Subd (b) amended effective January 1, 2023.)*
26

27 **(c) Hours-based continuing education**
28

29 (1) In a court with five or more authorized judges, ~~each~~ judicial officers regularly
30 assigned to hear probate proceedings must complete ~~48~~ 12 hours of
31 continuing education every ~~three years~~ three-year education cycle, with a
32 ~~minimum of six hours required in the first year~~, on probate guardianships and
33 conservatorships, including court-supervised fiduciary accounting. ~~The three-~~
34 ~~year period begins on January 1 of the year following the judicial officer's~~
35 ~~completion of the education required in (b)(1) or, if he or she is exempt from~~
36 ~~that education, on January 1 of the year the assignment commenced after the~~
37 ~~effective date of this rule.~~
38

39 (2) In a court with four or fewer authorized judges, ~~each~~ judicial officers
40 regularly assigned to hear probate proceedings must complete nine hours of
41 continuing education every ~~three years~~ three-year education cycle, with a
42 ~~minimum of three hours per year~~, on probate guardianships and
43 conservatorships, including court-supervised fiduciary accounting. ~~The three-~~

1 year period begins on begins on January 1 of the year following the judicial
2 officer's completion of the education required in (b)(1) or, if he or she is
3 exempt from that education, on January 1 of the year the assignment
4 commenced after the effective date of this rule.
5

6 (3) ~~The first continuing education period for judicial officers who were regularly~~
7 ~~assigned to hear probate proceedings before the effective date of this rule and~~
8 ~~who continue in the assignment after that date is two years, from January 1,~~
9 ~~2008, through December 31, 2009, rather than three years. The continuing~~
10 ~~education requirements in (1) are prorated for the first continuing education~~
11 ~~period under this paragraph. The first full three-year period of continuing~~
12 ~~education for judicial officers under this paragraph begins on January 1,~~
13 ~~2010. The three-year education cycle begins on and runs concurrently with~~
14 ~~the dates specified in rule 10.462(d)(1).~~
15

16 (4)–(5) ***
17

18 (6) A Judicial officers may fulfill the education requirement in (1) or (2) through
19 council-sponsored education, an approved provider (~~see under rule~~
20 10.481(a)), or education approved by the judicial officer's presiding judge as
21 meeting the education criteria specified in rule 10.481(b).
22

23 (7) The education required in (1) or (2) may be ~~by traditional (face to face)~~
24 instructor-led (live remote or in-person), asynchronous (such as videos and e-
25 learning), or self-directed study broadcasts, videoconferences, or online
26 ~~coursework, but may not be by self-study.~~
27

28 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
29 *2012, and January 1, 2016.)*
30

31 (d)–(e) ***
32

33 *Rule 10.468 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
34 *amended effective January 1, 2012, and January 1, 2016.*
35
36

37 **Rule 10.469. Judicial Education recommendations for justices, judges, and**
38 **subordinate judicial officers**
39

40 (a) **Judicial education recommendations generally**
41

42 ~~Each~~ Justices, judges, and subordinate judicial officers, as part of ~~his or her~~ their
43 continuing judicial education, should regularly participate in educational activities

1 related to ~~his or her~~ their responsibilities and particular judicial assignment or
2 assignments. Minimum education requirements and expectations related to judicial
3 responsibilities and assignments are ~~set forth~~ stated in rules 10.461–10.462.
4 Additional education requirements related to specific responsibilities are ~~set forth~~
5 stated in rule 10.463 (for those hearing family law matters), rule 10.464 (for those
6 hearing domestic violence issues), and rule 10.468 (for those hearing probate
7 proceedings). The following recommendations illustrate for some specific
8 responsibilities and assignments how justices, judges, and subordinate judicial
9 officers should participate in more judicial education than is required and expected.

10
11 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
12 *2012.)*

13
14 **(b) Jury trial assignment**

15
16 ~~Each~~ Judges or subordinate judicial officers assigned to jury trials should regularly
17 ~~use refer to the Judicial Council CJER educational materials or other~~ appropriate
18 educational materials and should regularly complete ~~CJER or other~~ appropriate
19 educational programs devoted to the conduct of jury voir dire and the treatment of
20 jurors.

21
22 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
23 *2012, and January 1, 2016.)*

24
25 **(c) Hearing of juvenile dependency matters**

26
27 ~~Each~~ Judges or subordinate judicial officers who hears juvenile dependency
28 matters, including retired judges who sit on court assignment, should regularly ~~use~~
29 refer to appropriate educational materials and should annually complete appropriate
30 education programs on juvenile dependency law and procedure, consistent with the
31 requirements in Welfare and Institutions Code section 304.7.

32
33 *(Subd (c) amended effective January 1, 2023.)*

34
35 **(d) Capital case assignment**

36
37 ~~Each~~ Judges assigned to hear a capital case should complete, before the
38 commencement of the trial, a comprehensive education program on California law
39 and procedure relevant to capital cases provided by ~~CJER~~ the Center for Judicial
40 Education and Research (CJER). A judge with a subsequent assignment to a capital
41 case should complete a periodic update course within two years before the
42 commencement of the trial. The periodic update may be provided through actual

1 classroom instruction or through ~~video, audio, or~~ any other media as determined by
2 CJER.

3
4 **(e) Education on fairness and access, unconscious bias, and prevention of**
5 **harassment, discrimination, retaliation, and inappropriate workplace conduct**
6

7 (1) In order to achieve the objective of assisting judicial officers in preserving
8 the integrity and impartiality of the judicial system through the prevention of
9 bias, each justice, judge, and subordinate judicial officer should regularly
10 participate in education on fairness and access. The education should include
11 the following subjects: race and ethnicity; gender; sexual orientation; ~~and~~
12 persons with disabilities; persons with limited economic means; and persons
13 without stable housing.
14

15 (2) Each justice, judge, and subordinate judicial officer must participate in
16 education on unconscious bias, as well as the prevention of harassment,
17 discrimination, retaliation, and inappropriate workplace conduct. This
18 education must be taken at least once every three-year continuing education
19 period cycle as determined by rules 10.461(c)(1) and 10.462(d).
20

21 *(Subd (e) amended effective January 1, 2023; previously amended effective January 1,*
22 *2021.)*
23

24 *Rule 10.469 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
25 *amended effective January 1, 1999, January 1, 2012, January 1, 2015, January 1, 2016; and*
26 *January 1, 2021; previously amended and renumbered effective January 1, 2007.*
27
28

29 **Rule 10.471. Minimum education requirements for Supreme Court and Court of**
30 **Appeal ~~clerks/executive clerk/executive~~ clerk/executive officers**
31

32 **(a) Applicability**
33

34 All ~~clerks/executive clerk/executive~~ clerk/executive officers of the California Supreme Court and
35 Courts of Appeal must complete these minimum education requirements. All
36 ~~clerks/executive clerk/executive~~ clerk/executive officers should participate in more education than
37 is required, related to each individual's responsibilities and in accordance with the
38 education recommendations set forth in rule 10.479.
39

40 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
41 *2018.)*
42

1 (b) **Hours-based requirement**

- 2
- 3 (1) ~~Each Clerk/executive officers~~ must complete 30 hours of continuing
4 education every three years beginning on the following dates:
- 5
- 6 (A) ~~For a new clerk/executive officers,~~ the first three-year ~~period~~ cycle
7 begins on January 1 of the year following ~~his or her~~ their hire.
- 8
- 9 (B) For all other ~~clerks/executive~~ clerk/executive officers, the first three-
10 year ~~period~~ cycle begins on January 1, 2008.
- 11
- 12 (2) The following education applies toward the required 30 hours of continuing
13 education:
- 14
- 15 (A) Any education offered by an approved provider (~~see under rule~~
16 10.481(a)) and any other education, ~~including education taken to satisfy~~
17 ~~a statutory or other education requirement,~~ approved by the Chief
18 Justice or the administrative presiding justice as meeting the criteria
19 listed in rule 10.481(b).
- 20
- 21 (B) Each hour of participation in ~~traditional (live, face-to-face) education;~~
22 ~~distance education such as broadcasts, videoconferences, and online~~
23 ~~coursework; faculty service; education by an approved provider under~~
24 rule 10.481, including education that is instructor-led (live remote or
25 in-person), asynchronous (such as videos and e-learning), and self-
26 directed study, counts toward the continuing education requirement on
27 an hour-for-hour basis. ~~Each clerk/executive officer must complete at~~
28 ~~least half of his or her continuing education hours requirement as a~~
29 ~~participant in traditional (live, face-to-face) education. The~~
30 ~~clerk/executive officer may complete the balance of his or her~~
31 ~~education hours requirement through any other means with no~~
32 ~~limitation on any particular type of education. The Chief Justice or the~~
33 administrative presiding justice has discretion to determine the number
34 of hours, if any, of instructor-led (live remote or in-person) education
35 required to meet the continuing education requirement.
- 36
- 37 (C) A clerk/executive officer who serves as faculty by teaching legal or
38 judicial education to a legal or judicial audience may apply education
39 hours as faculty service. There is no restriction on the number or
40 percentage of hours that a clerk/executive officer may claim as faculty
41 service. Credit for faculty service counts toward the continuing
42 education requirement on an hour-for-hour basis in the same manner as
43 all other types of education—~~on an hour-for-hour basis.~~

1 (Subd (b) amended effective January 1, 2023; previously amended effective January 1,
2 2012, January 1, 2014, and January 1, 2018.)

3
4
5 **(c) Extension of time**

6
7 (1) Upon request and for good cause, the Chief Justice or the administrative
8 presiding justice may grant ~~a one-year extension of time~~ a clerk/executive
9 officer an extension of time, up to one year, to complete the education
10 requirements in (b).

11
12 (2) If the Chief Justice or the administrative presiding justice grants a request for
13 an extension of time, the Chief Justice or the administrative presiding justice
14 and the clerk/executive officer, ~~in consultation with the Chief Justice or the~~
15 ~~administrative presiding justice~~, must also pursue interim means of obtaining
16 relevant educational content.

17
18 (3) An extension of time to complete the hours-based requirement does not affect
19 the timing of the clerk/executive officer's next three-year ~~period~~ education
20 cycle.

21
22 (Subd (c) amended effective January 1, 2023; previously amended effective January 1,
23 2018.)

24
25
26 **(d) Record of participation; statement of completion**

27
28 ~~Each~~ Clerk/executive officers ~~is~~ are responsible for:

29
30 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
31 of participation for three years after each course or activity that is applied
32 toward the requirements;

33
34 (2) At the end of each year, giving the Chief Justice or the administrative
35 presiding justice a copy of ~~his or her~~ their record of participation in education
36 for that year; and

37
38 (3) At the end of each three-year ~~period~~ education cycle, giving the Chief Justice
39 or the administrative presiding justice a signed statement of completion for
40 that three-year ~~period~~ education cycle.

41
42 (Subd (d) amended effective January 1, 2023; previously amended effective January 1,
43 2018.)

1
2 *Rule 10.471 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
3 *amended effective January 1, 2012, January 1, 2014, and January 1, 2018.*

4
5 **Rule 10.472. Minimum education requirements for Supreme Court and Court of**
6 **Appeal managing attorneys, supervisors, and other personnel**

7
8 **(a) *****

9
10 **(b) Content-based requirements**

11
12 (1) Each new managing attorney or supervisor must complete orientation courses
13 within ~~six months~~ one year of becoming a managing attorney or supervisor,
14 unless the individual's supervisor determines that the new managing attorney
15 or supervisor has already completed these orientation courses or courses
16 covering equivalent content. The courses must include orientation about:

17
18 (A) The judicial branch of California;

19
20 (B) The local court; and

21
22 (C) Basic management and supervision.

23
24 (2) Each new court employee who is not a managing attorney or supervisor must
25 complete orientation courses within ~~six months~~ one year of becoming a court
26 employee, unless the employee's supervisor determines that the new court
27 employee has already completed these orientation courses or courses
28 covering equivalent content. The courses must include orientation about:

29
30 (A) The judicial branch of California;

31
32 (B) The local court;

33
34 (C) Basic employee issues, such as sexual harassment and safety; and

35
36 (D) The employee's specific job.

37
38 (3) ***

39
40 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
41 *2018.)*

1 (c) **Hours-based requirements**

2
3 (1)–(2) ***

4
5 (3) The ~~first two-year period~~ education cycle for all managing attorneys,
6 supervisors, and other personnel begins on January 1, ~~2008~~ of each even-
7 numbered year. The orientation education required for new managing
8 attorneys, supervisors, and other personnel under (b) ~~does not apply~~ applies
9 toward the required hours of continuing education ~~because it must be~~
10 ~~completed before they enter the two-year period~~. Each New managing
11 attorneys, supervisors, or employees enters the two-year continuing education
12 period cycle on the first day of the quarter following his or her completion of
13 the orientation education required under (b); the quarters begin on January 1,
14 April 1, July 1, and October 1. Each managing attorney, supervisor, or
15 employee who enters the two-year continuing education period after it has
16 ~~begun~~ their first day of employment and must complete a prorated number of
17 continuing education hours for that two-year ~~period~~ education cycle, based on
18 the number of quarters remaining in it.

19
20 (4) Any education offered by an approved provider (see under rule 10.481(a))
21 and any other education, ~~including education taken to satisfy a statutory,~~
22 ~~rules-based, or other education requirement,~~ that is approved by the
23 clerk/executive officer, the managing attorney, or the employee's supervisor
24 as meeting the criteria listed in rule 10.481(b) applies toward the orientation
25 education required under (b) and the continuing education required under
26 (c)(1) and (2).

27
28 (5) Each hour of participation in ~~traditional (live, face-to-face) education;~~
29 ~~distance education such as broadcasts, videoconferences, online coursework;~~
30 ~~and faculty service~~ education by an approved provider under rule 10.481,
31 including education that is instructor-led (live remote or in-person),
32 asynchronous (such as videos and e-learning), and self-directed study
33 approved in advance by the supervisor of the managing attorney, supervisor,
34 appellate judicial attorney, or other employee, counts toward the continuing
35 education requirement on an hour-for-hour basis. ~~Each managing attorney,~~
36 ~~supervisor, and other employee must complete at least half of his or her~~
37 ~~continuing education hours requirement as a participant in traditional (live,~~
38 ~~face-to-face) education. The managing attorney, supervisor, or other~~
39 ~~employee may complete the balance of his or her education hours~~
40 ~~requirement through any other means with no limitation on any particular~~
41 ~~type of education. Self-directed study is encouraged for professional~~
42 ~~development but does not apply toward the required hours. The~~
43 administrative presiding justice or the clerk/executive officer has discretion to

1 determine the number of hours, if any, of instructor-led (live remote or in-
2 person) education required to meet the continuing education requirement.

- 3
- 4 (6) A managing attorney, supervisor, appellate judicial attorney, or other
5 employee who serves as faculty by teaching legal or judicial education for a
6 legal or judicial audience may apply education hours for the faculty service.
7 There is no restriction on the number or percentage of hours that a managing
8 attorney, supervisor, appellate judicial attorney, or other employee may claim
9 as faculty service. Credit for faculty service counts toward the continuing
10 education requirement on an hour-for-hour basis in the same manner as all
11 other types of education—~~on an hour-for-hour basis~~.
12
- 13 (7) The administrative presiding justice or the clerk/executive officer,~~the~~
14 ~~managing attorney, or the employee's supervisor~~ may require supervisors and
15 other court personnel to participate in specific courses or to participate in
16 education in a specific subject matter area as part of their continuing
17 education.
18

19 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
20 *2012, and January 1, 2018.)*

21

22 **(d) Extension of time**

- 23
- 24 (1) Upon request and for good cause, a the administrative presiding justice (for
25 that justice's chambers staff), the managing attorney, or the clerk/executive
26 officer, or a supervisor, if delegated by the clerk/executive officer, or the
27 employee's supervisor may grant a six-month extension of time an extension,
28 up to one year, to complete the education requirements in this rule.
29
- 30 (2) If the administrative presiding justice,~~managing attorney, or the~~
31 ~~clerk/executive officer or supervisor~~ grants a request for an extension of time,
32 the administrative presiding justice or the clerk/executive officer and the
33 managing attorney, supervisor, or employee who made the request, in
34 ~~consultation with the justice, managing attorney, clerk/executive officer, or~~
35 ~~supervisor, must also~~ pursue interim means of obtaining relevant educational
36 content.
37
- 38 (3) An extension of time to complete the hours-based requirement does not affect
39 the timing of the next two-year period education cycle.
40

41 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
42 *2018.)*

1
2 **(e) Records of participation**

3
4 (1) ***

5
6 (2) ~~Each~~ Managing attorneys, supervisors, and employees must keep records of
7 ~~his or her~~ their own participation for two years after each course or activity
8 that is applied toward the requirements.
9

10 *Rule 10.472 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
11 *amended effective January 1, 2012, and January 1, 2018.*

12
13
14 **Rule 10.473. Minimum education requirements for trial court executive officers**

15
16 **(a) *****

17
18 **(b) Content-based requirement**

19
20 (1) ~~Each~~ New executive officers must complete the ~~Presiding Judges Orientation~~
21 ~~and Court Management Program~~ presiding judge and court executive officer
22 orientation program provided by the Judicial Council's Center for ~~Judiciary~~
23 Judicial Education and Research (CJER) within one year of becoming an
24 executive officer and should participate in additional education during the
25 first year.

26
27 (2) ~~Each~~ Executive officers should participate in CJER's ~~Presiding Judges~~
28 ~~Orientation and Court Management Program~~ presiding judge and court
29 executive officer orientation program each time a new presiding judge from
30 ~~his or her~~ their court participates in the course and each time the executive
31 officer becomes the executive officer in a different court.
32

33 *(Subd (b) amended January 1, 2023; previously amended effective July 1, 2015.)*

34
35 **(c) Hours-based requirement**

36
37 (1) ***

38
39 (2) For a new executive officer, the first three-year ~~period~~ education cycle begins
40 on January 1 of the year following the period provided for completion of the
41 required education for new executive officers.
42

- 1 (3) The following education applies toward the required 30 hours of continuing
2 education:
3
4 (A) Any education offered by an approved provider (~~see under rule~~
5 10.481(a)) and any other education, ~~including education taken to satisfy~~
6 ~~a statutory or other education requirement~~, approved by the presiding
7 judge as meeting the criteria listed in rule 10.481(b).
8
9 (B) Each hour of participation in ~~traditional (live, face-to-face) education;~~
10 ~~distance education such as broadcasts, videoconferences, and online~~
11 ~~coursework; self-directed study; and faculty service education by an~~
12 approved provider under rule 10.481, including education that is
13 instructor-led (live remote or in-person), asynchronous (such as videos
14 and e-learning), and self-directed study, counts toward the continuing
15 education requirement on an hour-for-hour basis. The presiding judge
16 has discretion to determine the number of hours, if any, of ~~traditional~~
17 ~~(live, face-to-face)~~ instructor-led (live remote or in-person) education
18 required to meet the continuing education requirement.
19
20 (C) A court executive officer who serves as faculty by teaching legal or
21 judicial education to a legal or judicial audience may apply education
22 hours as faculty service. There is no restriction on the number or
23 percentage of hours that a court executive officer may claim as faculty
24 service. Credit for faculty service counts toward the continuing
25 education requirement on an hour-for-hour basis in the same manner as
26 all other types of education—~~on an hour-for-hour basis.~~
27

28 *(Subd (c) amended effective July 1, 2023; previously amended effective January 1, 2008,*
29 *January 1, 2011, January 1, 2012, January 1, 2013, and July 1, 2015.)*
30

31 **(d) Extension of time**
32

- 33 (1) Upon request and for good cause, a presiding judge may grant a one-year
34 extension of time an extension, up to one year, to complete the education
35 requirements in ~~(b) and (c)~~ this rule.
36
37 (2) If the presiding judge grants a request for an extension of time, the presiding
38 judge and the executive officer, ~~in consultation with the presiding judge,~~ must
39 ~~also~~ pursue interim means of obtaining relevant educational content.
40
41 (3) An extension of time to complete the hours-based requirement does not affect
42 the timing of the executive officer's next three-year ~~period~~ education cycle.
43

1 (Subd (d) amended effective January 1, 2023.)
2

3 **(e) Record of participation; statement of completion**
4

5 ~~Each~~ Executive officers ~~is~~ are responsible for:

- 6
7 (1) Tracking ~~his or her~~ their own participation in education and keeping a record
8 of participation for three years after each course or activity that is applied
9 toward the requirements;
10
11 (2) At the end of each year, giving the presiding judge a copy of ~~his or her~~ their
12 record of participation in education for that year; and
13
14 (3) At the end of each three-year ~~period~~ education cycle, giving the presiding
15 judge a signed statement of completion for that three-year ~~period~~ education
16 cycle.
17

18 *Rule 10.473 amended effective January 1, 2023; adopted as rule 10.463 effective January 1,*
19 *2007; previously amended and renumbered effective January 1, 2008; previously amended*
20 *effective January 1, 2011, January 1, 2012, January 1, 2013, and July 1, 2015.*
21

22 **Rule 10.474. Trial court managers, supervisors, and other personnel**
23

24 **(a) *****
25

26 **(b) Content-based requirements**
27

- 28 (1) Each new manager or supervisor must complete orientation courses within
29 ~~six months~~ one year of becoming a manager or supervisor, unless the court's
30 executive officer determines that the new manager or supervisor has already
31 completed these orientation courses or courses covering equivalent content.
32 The courses must include orientation about:
33
34 (A) The judicial branch of California;
35
36 (B) The local court; and
37
38 (C) Basic management and supervision.
39
40 (2) Each new court employee who is not a manager or supervisor must complete
41 orientation courses within ~~six months~~ one year of becoming a court
42 employee, unless the employee's supervisor determines that the new court

1 employee has already completed these orientation courses or courses
2 covering equivalent content. The courses must include orientation about:

- 3
- 4 (A) The judicial branch of California;
- 5
- 6 (B) The local court; ~~and~~
- 7
- 8 (C) Basic employee issues, such as sexual harassment and safety; and
- 9
- 10 (D) The employee's specific job.

11

12 (3) ***

13

14 **(c) Hours-based requirements**

15

16 (1)-(2) ***

17

18 (3) The two-year continuing education cycle for all managers, supervisors, and
19 other personnel begins on January 1 of each odd-numbered year. The
20 orientation education required for new managers, supervisors, and other
21 personnel under (b) ~~does not apply~~ applies toward the required hours of
22 continuing education, because it must be completed before they enter the
23 two-year period. Each new manager, supervisor, or employee enters the two-
24 year continuing education period on the first day of the quarter following his
25 or her completion of the orientation education required under (b); the quarters
26 begin on January 1, April 1, July 1, and October 1. Each manager, supervisor,
27 or employee who enters the two-year continuing education period after it has
28 begun New managers, supervisors, or employees enter the two-year
29 continuing education cycle on their first day of employment and must
30 complete a prorated number of continuing education hours for that two-year
31 education cycle period, based on the number of quarters remaining in it.

32

33 (4) Any education offered by an approved provider (~~see under rule 10.481(a)~~)
34 and any other education, ~~including education taken to satisfy a statutory,~~
35 ~~rules-based, or other education requirement,~~ that is approved by the executive
36 officer or the employee's supervisor as meeting the criteria listed in rule
37 10.481(b) applies toward the ~~orientation~~ education required under (b) ~~and the~~
38 ~~continuing education required under (c)(1) and (2) this rule.~~

39

40 (5) Each hour of participation in ~~traditional (live, face-to-face) education;~~
41 ~~distance education such as broadcasts, videoconferences, online coursework;~~
42 ~~and faculty service~~ education by an approved provider under rule 10.481,
43 including education that is instructor-led (live remote or in-person),

1 asynchronous (such as videos and e-learning), and self-directed study
2 approved in advance by the direct supervisor of the manager, supervisor, or
3 court employee, counts toward the continuing education requirement on an
4 hour-for-hour basis. The court executive officer has discretion to determine
5 the number of hours, if any, of traditional (live, face-to-face) instructor-led
6 (live remote or in-person) education required to meet the continuing
7 education requirement. Self-directed study is encouraged for professional
8 development but does not apply toward the required hours.
9

10 (6) A manager, supervisor, or employee who serves as faculty by teaching legal
11 or judicial education to a legal or judicial audience may apply education
12 hours as faculty service. There is no restriction on the number or percentage
13 of hours that a manager, supervisor, or employee may claim as faculty
14 service. Credit for faculty service counts toward the continuing education
15 requirement on an hour-for-hour basis in the same manner as all other types
16 of education—~~on an hour-for-hour basis.~~

17
18 (7) The court executive officer may require managers, supervisors, and other
19 court personnel to participate in specific courses or to participate in education
20 in a specific subject matter area as part of their continuing education.
21

22 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
23 *2008, January 1, 2012, January 1, 2013, and January 1, 2015.)*
24

25 **(d) Extension of time**
26

27 (1) Upon request and for good cause, the executive officer may grant a one-year
28 extension of time an extension, up to one year, to complete the education
29 requirements in this rule. If an extension is granted, the subsequent two-year
30 compliance period begins immediately after the extended compliance period
31 ends, unless otherwise determined by the executive officer.
32

33 (2) If the executive officer grants a request for an extension of time, the
34 executive officer and the manager, supervisor, or employee who made the
35 request, ~~in consultation with the executive officer,~~ must also pursue interim
36 means of obtaining relevant educational content.
37

38 (3) An extension of time to complete the hours-based requirement does not affect
39 the timing of the next two-year education cycle.
40

41 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
42 *2015.)*
43

1
2 **(e) Records of participation**

3
4 (1) ***

5
6 (2) ~~Each~~ Managers, supervisors, and employees must keep records of ~~his or her~~
7 their own participation for two years after each course or activity that is
8 applied toward the requirements.

9
10 *(Subd (e) amended effective January 1, 2023.)*

11
12 *Rule 10.474 amended effective January 1, 2023; adopted as rule 10.464 effective January 1,*
13 *2007; previously amended and renumbered effective January 1, 2008; previously amended*
14 *effective January 1, 2012, January 1, 2013, and January 1, 2015.*

15
16
17 **Rule 10.478. Content-based and hours-based education for court investigators,**
18 **probate attorneys, and probate examiners**

19
20 **(a) Definitions**

21
22 As used in this rule, the following terms have the meanings specified below, unless
23 the context or subject matter otherwise require:

24
25 (1)–(4) ***

26
27 ~~(5) “CJER” is the Judicial Council’s Center for Judicial Education and Research.~~

28
29 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
30 *2016.)*

31
32 **(b) Content-based requirements for court investigators**

33
34 (1) ~~Each~~ Court investigators must complete ~~18~~ 12 hours of education within one
35 year of ~~his or her~~ their start date after January 1, 2008 ~~the effective date of~~
36 ~~this rule~~. The education must include the following general topics:

37
38 (A)–(F) ***

39
40 (2)–(3) ***

41
42 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
43 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~

1 but may not be by self study. Each hour of participation in education by an
2 approved provider under rule 10.481, including education that is instructor-
3 led (live remote or in-person), asynchronous (such as videos and e-learning),
4 and self-directed study approved in advance by the court executive officer or
5 the court investigator's supervisor, counts toward the continuing education
6 requirement in (1) on an hour-for-hour basis.

7
8 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
9 *2012, and January 1, 2016.)*

10
11 **(c) Content-based education for probate attorneys**

12
13 (1) ~~Each~~ Probate attorneys must complete ~~48~~ 12 hours of education within six
14 months of ~~his or her~~ their start date after January 1, 2008, in probate-related
15 topics, including guardianships, conservatorships, and court-supervised
16 fiduciary accounting.

17
18 (2)-(3) ***

19
20 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
21 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
22 ~~but may not be by self study. Each hour of participation in education by an~~
23 approved provider under rule 10.481, including education that is instructor-
24 led (live remote or in-person), asynchronous (such as videos and e-learning),
25 and self-directed study approved in advance by the court executive officer or
26 the probate attorney's supervisor, counts toward the continuing education
27 requirement in (1) on an hour-for-hour basis.

28
29 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
30 *2012, and January 1, 2016.)*

31
32 **(d) Content-based education for probate examiners**

33
34 (1) ~~Each~~ Probate examiners must complete ~~30~~ 20 hours of education within one
35 year of ~~his or her~~ their start date after January 1, 2008, in probate-related
36 topics, of which ~~48~~ 12 hours must be in guardianships and conservatorships,
37 including court-appointed fiduciary accounting.

38
39 (2)-(3) ***

40
41 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
42 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
43 ~~but may not be by self study. Each hour of participation in education by an~~

1 approved provider under rule 10.481, including education that is instructor-
2 led (live remote or in-person), asynchronous (such as videos and e-learning),
3 and self-directed study approved in advance by the court executive officer or
4 the probate examiner's supervisor, counts toward the continuing education
5 requirement in (1) on an hour-for-hour basis.
6

7 *(Subd (d) amended effective January 1, 2023; previously amended effective January 1,*
8 *2012, and January 1, 2016.)*
9

10 **(e) Hours-based education for court investigators**
11

12 (1) Each court investigator must complete 12 hours of continuing education on
13 some or all of the general topics listed in (b)(1) each ~~calendar year~~ two-year
14 education cycle. ~~For court investigators employed by or performing services~~
15 ~~under contract with the court before the effective date of this rule, the first~~
16 ~~calendar year the education is required begins on January 1, 2008. For court~~
17 ~~investigators who begin their employment or performance of services under~~
18 ~~contract with the court after the effective date of this rule, the first year this~~
19 ~~education is required begins on January 1 of the year immediately following~~
20 ~~completion of the education required in (b).~~ The education cycle is
21 determined in the same manner as in rule 10.474(c)(3).
22

23 (2)–(3) ***
24

25 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
26 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
27 ~~but may not be by self-study.~~ Each hour of participation in education by an
28 approved provider under rule 10.481, including education that is instructor-
29 led (live remote or in-person), asynchronous (such as videos and e-learning),
30 and self-directed study approved in advance by the court executive officer or
31 the court investigator's supervisor, counts toward the continuing education
32 requirement in (1) on an hour-for-hour basis.
33

34 *(Subd (e) amended effective January 1, 2023; previously amended effective January 1,*
35 *2012, and January 1, 2016.)*
36

37 **(f) Hours-based education for probate attorneys**
38

39 (1) ~~Each~~ Probate attorneys must complete 12 hours of continuing education each
40 ~~calendar year~~ two-year education cycle in probate-related subjects, of which
41 six hours per year must be in guardianships and conservatorships, including
42 court-supervised fiduciary accounting. ~~For probate attorneys employed by or~~
43 ~~performing services under contract with the court before the effective date of~~

1 this rule, the first calendar year the education is required begins on January 1,
2 2008. For probate attorneys who begin their employment with the court after
3 the effective date of this rule, the first year this education is required begins
4 on January 1 of the year immediately following completion of the education
5 required in (e). The education cycle is determined in the same manner as in
6 rule 10.474(c)(3).

7
8 (2)–(3) ***

9
10 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
11 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
12 ~~but may not be by self-study. Each hour of participation in education by an~~
13 ~~approved provider under rule 10.481, including education that is instructor-~~
14 ~~led (live remote or in-person), asynchronous (such as videos and e-learning),~~
15 ~~and self-directed study approved in advance by the court executive officer or~~
16 ~~the probate attorney’s supervisor, counts toward the continuing education~~
17 ~~requirement in (1) on an hour-for-hour basis.~~

18
19 *(Subd (f) amended effective January 1, 2023; previously amended effective January 1,*
20 *2012, and January 1, 2016.)*

21
22 **(g) Hours-based education for probate examiners**

23
24 (1) ~~Each Probate examiners~~ must complete 12 hours of continuing education
25 each ~~calendar year~~ two-year education cycle in probate-related subjects, of
26 which six hours per year must be in guardianships and conservatorships,
27 including court-appointed fiduciary accounting. ~~For probate examiners~~
28 ~~employed by the court before the effective date of this rule, the first calendar~~
29 ~~year the education is required begins on January 1, 2008. For probate~~
30 ~~examiners who begin their employment with the court after the effective date~~
31 ~~of this rule, the first year this education is required begins on January 1 of the~~
32 ~~year immediately following completion of the education required in (d). The~~
33 ~~education cycle is determined in the same manner as in rule 10.474(c)(3).~~

34
35 (2)–(3) ***

36
37 (4) ~~The education required in (1) may be by traditional (face-to-face) or distance-~~
38 ~~learning means, such as broadcasts, videoconferences, or on-line coursework,~~
39 ~~but may not be by self-study. Each hour of participation in education by an~~
40 ~~approved provider under rule 10.481, including education that is instructor-~~
41 ~~led (live remote or in-person), asynchronous (such as videos and e-learning),~~
42 ~~and self-directed study approved in advance by the court executive officer or~~

1 the probate examiner’s supervisor, counts toward the continuing education
2 requirement in (1) on an hour-for-hour basis.

3
4 *(Subd (g) amended effective January 1, 2023; previously amended effective January 1,*
5 *2012, and January 1, 2016.)*

6
7 **(h)–(i) *****

8
9 *Rule 10.478 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
10 *amended effective January 1, 2012, and January 1, 2016.*

11
12 **Rule 10.479. Education recommendations for appellate and trial court personnel**

13
14 **(a) Education recommendations generally**

15
16 ~~Each~~ Appellate and trial court executive or administrative officers, managers,
17 supervisors, and other employees, as part of ~~his or her~~ their continuing education,
18 should regularly participate in educational activities related to ~~his or her~~ their
19 responsibilities. Minimum education requirements for court personnel are ~~set forth~~
20 stated in rules 10.471–10.474. The following recommendations illustrate ~~for some~~
21 ~~specific responsibilities~~ how executive and administrative officers, managers,
22 supervisors, and other personnel should participate in more education than is
23 required for some specific responsibilities.

24
25 *(Subd (a) amended effective January 1, 2023.)*

26
27 **(b) Education on treatment of jurors**

28
29 The presiding judge of each trial court should ensure that all court executives and
30 all court employees who interact with jurors are properly trained in the appropriate
31 treatment of jurors. Court executives and jury staff employees should regularly ~~use~~
32 refer to ~~CJER educational materials or other~~ appropriate educational materials and
33 should regularly ~~participate in~~ complete ~~CJER programs or other~~ appropriate
34 educational programs devoted to the treatment of jurors.

35
36 *(Subd (b) amended effective January 1, 2023.)*

37
38 **(c) Fairness and access education**

39
40 In order to achieve the objective of assisting court employees in preserving the
41 integrity and impartiality of the judicial system through the prevention of bias, all
42 court ~~personnel~~ executives and all court employees should regularly participate in
43 education on fairness and access. The education should include instruction on the

1 following subjects: race and ethnicity;² gender;² sexual orientation;² persons with
2 disabilities;² ~~and sexual harassment;~~ persons with limited economic means; and
3 persons without stable housing.
4

5 *(Subd (c) amended effective January 1, 2023.)*
6

7 **(d) Education on quality service to court users**
8

9 All court employees who regularly interact with members of the public should
10 regularly participate in education covering appropriate skills and conduct for
11 working with court ~~customers~~ users ~~offered locally or by the Judicial Council~~
12 ~~through CJER.~~
13

14 *(Subd (d) amended effective January 1, 2023.)*
15

16 *Rule 10.479 amended effective January 1, 2023; adopted effective January 1, 2008.*
17

18 **Rule 10.481. Approved providers; approved course criteria**
19

20 **(a) Approved providers**
21

22 The Judicial Council’s Center for Judicial Education and Research (CJER) is
23 responsible for maintaining a current list of approved providers. The list of
24 approved providers must include the Judicial Council, the California Judges
25 Association, and all California state courts. The list and should also include other
26 reputable national and state organizations that regularly offer education directed to
27 justices, judges, and court personnel. The director of CJER may add or remove
28 organizations from the list of approved providers as appropriate according to these
29 the criteria contained in (b). Any education program offered by any of the approved
30 providers that is relevant to the work of the courts or enhances the ~~individual~~
31 ~~participant’s~~ participants’ ability to perform ~~his or her~~ their jobs may be applied
32 toward the education requirements and expectations stated in rules 10.461–10.479,
33 except for the requirements stated in the rules 10.461(b), 10.462(c), and 10.473(b),
34 ~~for that require a specific provider or providers are required.~~
35

36 *(Subd (a) amended effective January 1, 2023; previously amended effective January 1,*
37 *2008, and January 1, 2012, and January 1, 2016.)*
38

39 **(b) Approved education criteria**
40

41 Education is not limited to the approved providers referred to in (a). Any education
42 from another provider that is approved by the Chief Justice, the administrative
43 presiding justice, or the presiding judge as meeting the criteria listed below may be

1 applied toward the continuing education expectations and requirements for justices,
2 judges, ~~and subordinate judicial officers, or requirements for clerks/executive~~
3 clerk/executive officers, or court executive officers. Similarly, any education from
4 another provider that is approved by the clerk/executive officer, the court executive
5 officer, or the employee’s supervisor as meeting the criteria listed below may be
6 applied toward the orientation or continuing education requirements for managers,
7 supervisors, and other employees or the content-based or hours-based continuing
8 education requirements for probate court investigators, probate attorneys, and
9 probate examiners in rule 10.478.

10
11 (1) The education must meet the following ~~three~~ two criteria:

12
13 (A) The subject matter is relevant to the work of the courts or the judicial
14 branch; and

15
16 ~~(B) The education is at least one hour in length; and~~

17
18 ~~(C)~~(B) Anticipated learning outcomes (how new knowledge, skills, or
19 abilities will be applied, demonstrated, or used) are identified prior to
20 the education work.

21
22 (2) The education must also meet at least two of the following five criteria:

23
24 ~~(A)–(D) ***~~

25
26 (E) An assessment tool or activity (such as the development of an action
27 plan to apply the newly gained knowledge or skill) enables the
28 participants to determine whether the skills, abilities, or knowledge
29 gained through the education can be used in the future in ~~his or her~~
30 their work.

31
32 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
33 *2008; January 1, 2012, and January 1, 2018.)*

34
35 *Rule 10.481 amended effective January 1, 2023; adopted as rule 10.471 effective January 1,*
36 *2007; previously amended and renumbered as rule 10.481 effective January 1, 2008; previously*
37 *amended effective January 1, 2012, January 1, 2016, and January 1, 2018.*

38
39
40 **Advisory Committee Comment**
41

1 **Subdivision (b).** The director of CJER or their designee is available to assist those authorized to
2 approve a request to apply education offered by a non-approved provider in determining whether
3 the education meets the listed criteria.

4
5
6 **Rule 10.491. Minimum education requirements for Judicial Council employees**

7
8 **(a) *****

9
10 **(b) Education requirements for new employees and new managers and**
11 **supervisors**

12
13 (1) Each new employee with supervisory or management responsibilities must
14 complete the new manager/supervisor orientation within six months of being
15 hired or appointed ~~or as soon as possible after being hired or appointed.~~

16
17 (2) Each new employee, including those with supervisory or management
18 responsibilities, must complete the new employee orientation within six
19 months of being hired ~~or as soon as possible after being hired.~~

20
21 (3) For good cause, the Administrative Director or the employee's office director
22 may grant an extension, up to six months, to complete the education
23 requirements in (1) and (2).

24
25 ~~(3)~~(4) Completion of the orientation courses counts toward the education hours
26 requirement in (c).

27
28 *(Subd (b) amended effective January 1, 2023; previously amended effective January 1,*
29 *2016, and January 1, 2017.)*

30
31 **(c) Continuing education requirements**

32
33 (1)–(2) ***

34
35 (3) The Administrative Director may require management or employees to
36 complete specific compliance courses ~~or specific courses for management.~~
37 This compliance education applies toward the continuing education
38 requirement in (c)(1) on an hour-for-hour basis.

39
40 (4) ***

41
42 (5) ~~Continuing education may be live (face-to-face) or distance education, such~~
43 ~~as webinars, videoconferencing, online courses, and broadcasts. Each hour of~~

1 participation in education by an approved provider under rule 10.481,
2 including education that is instructor-led (live remote or in-person),
3 asynchronous (such as videos and e-learning), and self-directed study
4 approved in advance by an employee’s supervisor, counts toward the
5 continuing education requirement on an hour-for-hour basis.

6
7 (6) ***

8
9 *(Subd (c) amended effective January 1, 2023; previously amended effective January 1,*
10 *2012, July 1, 2013, January 1, 2016, and January 1, 2017.)*

11
12 *Rule 10.491 amended effective January 1, 2023; adopted effective January 1, 2008; previously*
13 *amended effective July 1, 2008, January 1, 2012, July 1, 2013, January 1, 2016, and January 1,*
14 *2017.*

15
16 **Rule 10.1028. Preservation and destruction of Court of Appeal records**

17
18 **(a) Form or forms in which records may be preserved**

19
20 (1) Court of Appeal records may be created, maintained, and preserved in any
21 form or forms of communication or representation, including paper or
22 optical, electronic, magnetic, micrographic, or photographic media or other
23 technology, if the form or forms of representation or communication satisfy
24 the standards or guidelines for the creation, maintenance, reproduction, and
25 preservation of court records established under rule 10.854.

26
27 (2) If records are preserved in a medium other than paper, the following
28 provisions of Government Code section 68150 apply: subdivisions (c)–(l),
29 excluding subdivision (i)(1).

30
31 **(b) Methods for signing, subscribing, or verifying documents**

32
33 Any notice, order, ruling, decision, opinion, memorandum, certificate of service, or
34 similar document issued by an appellate court or by a judicial officer of an
35 appellate court may be signed, subscribed, or verified using a computer or other
36 technology in accordance with procedures, standards, and guidelines established by
37 the Judicial Council. Notwithstanding any other provision of law, all notices,
38 orders, rulings, decisions, opinions, memoranda, certificates of service, or similar
39 documents that are signed, subscribed, or verified by computer or other
40 technological means under this subdivision shall have the same validity, and the
41 same legal force and effect, as paper documents signed, subscribed, or verified by
42 an appellate court or a judicial officer of the court.
43

1 (c) **Permanent records**

2
3 The clerk/executive officer of the Court of Appeal must permanently keep the
4 court's minutes and a register of appeals and original proceedings.
5

6 (d) **Time to keep other records**

7
8 (1) Except as provided in (2) and (3), the clerk/executive officer may destroy all
9 other records in a case 10 years after the decision becomes final, as ordered
10 by the administrative presiding justice or, in a court with only one division,
11 by the presiding justice.
12

13 (2) Except as provided in (3), in a criminal case in which the court affirms a
14 judgment of conviction in whole or in part, the clerk/executive officer must
15 keep the original reporter's transcript or, if the original is in paper, either the
16 original or a true and correct electronic copy of the transcript, for 20 years
17 after the decision becomes final.
18

19 (3) In a felony case in which the court affirms a judgment of conviction in whole
20 or in part, the clerk/executive officer must keep the original reporter's
21 transcript or, if the original is in paper, either the original or a true and correct
22 electronic copy of the transcript, for 75 years after the decision becomes
23 final.
24

25 *(Subd (d) amended effective January 1, 2023; adopted as subd (c); previously relettered as*
26 *subd (d) effective January 1, 2013; previously amended effective January 1, 2017, and*
27 *January 1, 2018.)*
28

29 *Rule 10.1028 amended effective January 1, 2023; adopted as rule 70 effective January 1, 2005;*
30 *previously renumbered effective January 1, 2007; previously amended effective January 1, 2013,*
31 *and January 1, 2017, January 1, 2018.*
32

33 **Standard 4.30. Examination of prospective jurors in criminal cases**

34
35 (a) * * *

36
37 (b) **Examination of jurors**

38
39 The trial judge's examination of prospective jurors in criminal cases should include
40 the areas of inquiry listed below and any other matters affecting their qualifications
41 to serve as jurors in the case. The trial judge may want to use the *Juror*
42 *Questionnaire for Criminal Cases* (form JURYMC-002) to assist in the
43 examination of prospective jurors. Form JURYMC-002 is an optional form and is

1 not intended to constitute the complete examination of prospective jurors. Form
2 JURYM~~C~~-002 is a tool for trial judges to use to make the initial examination of
3 prospective jurors more efficient. If the court chooses to use form JURYM~~C~~-002,
4 its use and any supplemental questions submitted by counsel must be discussed at
5 the pre-voir dire conference required by rule 4.200. Excusing jurors based on
6 questionnaire answers alone is generally not advisable.

7
8 (1)-(27) * * *

9
10 *(Subd (b) amended effective January 1, 2023; adopted as subd (c) effective July 1, 1974;*
11 *amended and relettered effective June 6, 1990; previously amended effective January 1,*
12 *1997, January 1, 2004, January 1, 2006, and January 1, 2007.)*

13
14 **(c)** * * *

15
16 *Standard 4.30 amended effective January 1, 2023; adopted as sec. 8.5 July 1, 1974; previously*
17 *amended effective January 1, 1988, January 1, 1990, June 6, 1990, January 1, 1997, January 1,*
18 *2004, and January 1, 2006; previously amended and renumbered as standard 4.30 effective*
19 *January 1, 2007*