

AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on September 19, 2023, effective January 1, 2024

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1
2 **Title 3. Civil Rules**

3
4 **Division 11. Law and Motion**

5
6 **Chapter 3. Provisional and Injunctive Relief**

7
8 **Article 4. Protective Orders**

9
10
11
12 **Rule 3.1162. Service requirement for respondents who appear remotely**

13
14 **(a) Application of rule**

15
16 This rule applies to protective orders issued under Code of Civil Procedure sections
17 527.6, 527.8, and 527.85; Penal Code sections 18100–18205; and Welfare and
18 Institutions Code section 15657.03.

19
20 **(b) No additional proof of service required**

21
22 If the respondent named in an order issued after hearing appears at that hearing
23 through the use of remote technology, and through that appearance has received
24 actual notice of the existence and substance of the restraining order after hearing,
25 no additional proof of service is required for enforcement of the order.

26
27 *Rule 3.1162 adopted effective January 1, 2024*

28
29
30 **Title 3. Civil Rules**

31
32 **Division 20. Unlawful Detainers**

33
34 **Rule 3.2005. Settlement opportunities**

35
36 **(a) Policy favoring an opportunity for resolution without trial**

37
38 The intent of this rule is to promote opportunities for resolution of unlawful
39 detainer cases before trial. Courts should encourage participation, to the extent
40 feasible, in at least one opportunity for resolution before trial, including but not
41 limited to a settlement conference, mediation, or another alternative dispute
42 resolution process.

1 **(b) Exemption for mandatory settlement conference statement deadline**

2
3 The court may exempt the parties in an unlawful detainer case participating in a
4 mandatory settlement conference from the five-court-day deadline for submitting a
5 settlement conference statement set out in rule 3.1380(c).
6

7 *Rule 3.2005 adopted effective January 1, 2024.*
8

9 **Advisory Committee Comment**

10
11 The Judicial Council has adopted an optional form—*Eviction Case (Unlawful Detainer)*
12 *Stipulation* (form UD-155)—that can be used to advise the court about any settlement that has
13 been reached before trial.
14

15 **Subdivision (a).** The committee notes that parties may choose but cannot be required to
16 participate in for-cost mediation or alternative dispute resolution (ADR). This rule is not intended
17 in any way to mandate for-cost mediation or ADR.
18

19 **Subdivision (b).** Because unlawful detainer cases generally proceed on an expedited basis, this
20 exemption allows parties in unlawful detainer cases to participate in and complete mandatory
21 settlement conferences on shorter timelines. Nothing in this rule, including the exemption set out
22 in subdivision (b), is intended to preclude a court from shortening other deadlines related to
23 alternative dispute resolution processes.
24
25

26 **Rule 4.117. Qualifications for appointed trial counsel in capital cases**

27
28 **(a)** * * *

29
30 **(b) General qualifications**

31
32 In cases in which ~~the death penalty is sought~~ a person is charged with a capital
33 offense, the court must assign qualified trial counsel to represent the defendant
34 unless the district attorney has made an affirmative statement on the record that the
35 prosecution will not be seeking the death penalty. The attorney may be appointed
36 only if the court, after reviewing the attorney’s background, experience, and
37 training, determines that the attorney has demonstrated the skill, knowledge, and
38 proficiency to diligently and competently represent the defendant. An attorney is
39 not entitled to appointment simply because he or she meets the minimum
40 qualifications.
41

42 *(Subd (b) amended effective January 1, 2024.)*
43

1 (c)–(i) * * *

2
3 *Rule 4.117 amended effective January 1, 2024; adopted effective January 1, 2003; previously*
4 *amended effective January 1, 2004, and January 1, 2007.*

5
6
7 **Rule 5.151. Request for temporary emergency (ex parte) orders; application;**
8 **required documents**

9
10 (a)–(b) * * *

11
12 (c) **Required documents**

13
14 (1) *Request for order*

15
16 A request for emergency orders must be in writing and must include all of the
17 following completed documents:

18
19 (A) *Request for Order* (form FL-300) that identifies the relief requested.

20
21 (B) When relevant to the relief requested, a current *Income and Expense*
22 *Declaration* (form FL-150) or *Financial Statement (Simplified)* (form
23 FL-155) and *Property Declaration* (form FL-160).

24
25 (C) *Temporary Emergency (Ex Parte) Orders* (form FL-305) to serve as the
26 proposed temporary order.

27
28 (D) A written declaration regarding notice of application for emergency
29 orders based on personal knowledge. *Declaration Regarding Notice*
30 *and Service of Request for Temporary Emergency (Ex Parte) Orders*
31 (form FL-303), a local court form, or a declaration that contains the
32 same information as form FL-303 may be used for this purpose.

33
34 (E) A memorandum of points and authorities only if required by the court.

35
36 (2) *Request to reschedule hearing*

37
38 A request to reschedule a hearing must comply with the requirements of rule
39 5.95.

40
41 (d) **Contents of application and declaration**

42
43 (1) *Identification of attorney or party*

1
2 An application for emergency orders must state the name, address, and
3 telephone number of any attorney known to the applicant to be an attorney
4 for any party or, if no such attorney is known, the name, address, and
5 telephone number of the party, if known to the applicant.
6

7 (2) *Affirmative factual showing required in written declarations*
8

9 The declarations must contain facts within the personal knowledge of the
10 declarant that demonstrate why the matter is appropriately handled as an
11 emergency hearing, as opposed to being on the court's regular hearing
12 calendar.
13

14 An applicant must make an affirmative factual showing of irreparable harm,
15 immediate danger, or any other statutory basis for granting relief without
16 notice or with shortened notice to the other party.
17

18 (3) *Disclosure of previous applications and orders*
19

20 An applicant should submit a declaration that fully discloses all previous
21 applications made on the same issue and whether any orders were made on
22 any of the applications, even if an application was previously made upon a
23 different state of facts. Previous applications include an order to shorten time
24 for service of notice or an order shortening time for hearing.
25

26 (4) *Disclosure of change in status quo*
27

28 The applicant has a duty to disclose that an emergency order will result in a
29 change in the current situation or status quo. Absent such disclosure,
30 attorney's fees and costs incurred to reinstate the status quo may be awarded.
31

32 (5) *Applications regarding child custody or visitation (parenting time)*
33

34 Applications for emergency orders ~~granting or modifying~~ involving child
35 custody or visitation (parenting time) under Family Code section 3064 must:
36

37 (A) Provide a full, detailed description of the most recent incidents
38 showing:
39

40 (i) Immediate harm to the child as defined in Family Code section
41 3064(b); or
42

1 (ii) Immediate risk that the child will be removed from the state of
2 California.

3
4 (B) Specify the date of each incident described in (A);

5
6 (C) Advise the court of the existing custody and visitation (parenting time)
7 arrangements and how they would be changed by the request for
8 emergency orders;

9
10 (D) Include a copy of the current custody orders, if they are available. If no
11 orders exist, explain where and with whom the child is currently living;
12 and

13
14 (E) Include a completed *Declaration Under Uniform Child Custody*
15 *Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105) if the form
16 was not already filed by a party or if the information has changed since
17 it was filed.

18
19 (6) Applications for child custody or visitation (parenting time) when child is in
20 the state for gender-affirming health care or gender-affirming mental health
21 care

22
23 Notwithstanding the requirements in Family Code section 3064, when a child
24 is in the state for the purpose of obtaining gender-affirming health care or
25 gender-affirming mental health care, applications for emergency orders for
26 child custody or visitation (parenting time) under Family Code sections 3427,
27 3428, and 3453.5 must:

28
29 (A) Be filed with, or after filing, either:

30
31 (i) A petition appropriate for the case type (for example, a petition
32 for dissolution of marriage or legal separation, a petition to
33 determine parental relationship, or a petition for custody and
34 support); or

35
36 (ii) Registration of Out-of-State Custody Order (form FL-580) if
37 there is a previous custody determination in another state and the
38 party does not intend to file a petition under (i).

39
40 (B) Include the documents listed in (c) of this rule.

41
42 (C) Include the information specified in (d)(5)(C)–(E) of this rule.
43

1 (e) **Contents of notice and declaration regarding notice of emergency hearing**

2
3 (1) *Contents of notice*

4
5 When notice of a request for emergency orders is given, the person giving
6 notice must:

- 7
8 (A) State with specificity the nature of the relief to be requested;
9
10 (B) State the date, time, and place for the presentation of the application;
11
12 (C) State the date, time, and place of the hearing, if applicable; and
13
14 (D) Attempt to determine whether the opposing party will appear to oppose
15 the application (if the court requires a hearing) or whether ~~he or she~~ the
16 opposing party will submit responsive pleadings before the court rules
17 on the request for emergency orders.
18

19 (2) *Declaration regarding notice*

20
21 An application for emergency orders must be accompanied by a completed
22 declaration regarding notice that includes one of the following statements:

- 23
24 (A) The notice given, including the date, time, manner, and name of the
25 party informed, the relief sought, any response, and whether opposition
26 is expected and that, within the applicable time under rule 5.165, the
27 applicant informed the opposing party where and when the application
28 would be made;
29
30 (B) That the applicant in good faith attempted to inform the opposing party
31 but was unable to do so, specifying the efforts made to inform the
32 opposing party; or
33
34 (C) That, for reasons specified, the applicant should not be required to
35 inform the opposing party.
36

37 *Rule 5.151 amended effective January 1, 2024; adopted effective January 1, 2013; previously*
38 *amended effective July 1, 2016, and July 1, 2020.*

39
40
41 **Advisory Committee Comment**

42 Applications for child custody or visitation (parenting time), including applications involving a
43 child who is present in this state to obtain gender-affirming health care or gender-affirming

1 mental health care under Family Code sections 3427, 3428, and 3453.5, may also be requested
2 under the Domestic Violence Prevention Act (DVPA) (Fam. Code, §§ 6200–6460). Different
3 forms and procedures apply to DVPA cases.
4
5

6 **Rule 5.451. Contact after adoption agreement**

7
8 **(a) Applicability of rule**
9

10 This rule applies to any adoption of a child filed under Family Code section 8714,
11 8714.5, 8802, 8912, or 9000. The adoption petition must be filed under Family
12 Code sections 8714 and 8714.5. If the child is a dependent of the juvenile court, the
13 adoption petition may be filed in that juvenile court and the clerk must open a
14 confidential adoption file for the child, and this file must be separate and apart from
15 the dependency file, with an adoption case number different from the dependency
16 case number. For the purposes of this rule, a “relative” is defined as follows:

17
18 ~~(1) — An adult related to the child or the child’s sibling or half-sibling by blood or~~
19 ~~affinity, including a relative whose status is preceded by the word “step,”~~
20 ~~“great,” “great-great,” or “grand”; or~~
21

22 ~~(2) — The spouse or domestic partner of any of the persons described in (1) even if~~
23 ~~the marriage or domestic partnership was terminated by dissolution or the~~
24 ~~death of the spouse related to the child.~~
25

26 *(Subd (a) amended effective January 1, 2024; previously amended effective January 1,*
27 *2007, and January 1, 2013.)*
28

29 ~~**(b) Contact after adoption agreement**~~
30

31 ~~An adoptive parent or parents; a birth relative or relatives, including a birth parent~~
32 ~~or parents or any siblings of a child who is the subject of an adoption petition; or an~~
33 ~~Indian tribe that the child is a member of and the child may enter into a written~~
34 ~~agreement permitting postadoption contact between the child and birth relatives,~~
35 ~~including the birth parent or parents or any siblings, or an Indian tribe. No~~
36 ~~prospective adoptive parent or birth relative may be required by court order to enter~~
37 ~~into a contact after adoption agreement.~~
38

39 ~~**(e)(b) Court approval; time of decree**~~ **Preparing the agreement**
40

41 Any agreement must be prepared and submitted on *Contact After Adoption*
42 *Agreement* (form ADOPT-310) and include all terms required under section
43 8616.5.

1
2 If, at the time the adoption petition is granted, the court finds that the agreement is
3 in the best interest of the child, the court may enter the decree of adoption and grant
4 postadoption contact as reflected in the approved agreement.
5

6 *(Subd (b) relettered and amended effective January 1, 2024; adopted as subd (c);*
7 *previously amended effective January 1, 2003; and January 2013.)*
8

9 **(d)(c) Terms of agreement Enforcement, modification, or termination of the**
10 **agreement**

11
12 (1) The court that grants the petition for adoption and approves the contact after
13 adoption agreement retains jurisdiction over the agreement.
14

15 (2) Any petition for enforcement of an agreement must be filed on *Request to:*
16 *Enforce, Change, End Contact After Adoption Agreement (form*
17 *ADOPT-315).*
18

19 (3) Any petition for modification or termination of an agreement must be filed on
20 *Request to: Enforce, Change, End Contact After Adoption Agreement (form*
21 *ADOPT-315).*
22

23 The terms of the agreement are limited to the following, although they need not
24 include all permitted terms:
25

26 ~~(1) Provisions for visitation between the child and a birth parent or parents;~~
27

28 ~~(2) Provisions for visitation between the child and other identified birth relatives,~~
29 ~~including siblings or half-siblings of the child;~~
30

31 ~~(3) Provisions for contact between the child and a birth parent or parents;~~
32

33 ~~(4) Provisions for contact between the child and other identified birth relatives,~~
34 ~~including siblings or half-siblings of the child;~~
35

36 ~~(5) Provisions for contact between the adoptive parent or parents and a birth~~
37 ~~parent or parents;~~
38

39 ~~(6) Provisions for contact between the adoptive parent or parents and other~~
40 ~~identified birth relatives, including siblings or half-siblings of the child;~~
41

42 ~~(7) Provisions for the sharing of information about the child with a birth parent~~
43 ~~or parents;~~

1
2 ~~(8) Provisions for the sharing of information about the child with other identified~~
3 ~~birth relatives, including siblings or half-siblings of the child; and~~

4
5 ~~(9) The terms of any contact after adoption agreement entered into under a~~
6 ~~petition filed under Family Code section 8714 must be limited to the sharing~~
7 ~~of information about the child unless the child has an existing relationship~~
8 ~~with the birth relative.~~

9
10 *(Subd (c) amended effective January 1, 2024; adopted as subd (d); previously amended*
11 *effective July 1, 2001, January 1, 2003, July 1, 2003, January 1, 2007, and January 1,*
12 *2013.)*

13
14 ~~(e)(d)~~ **Child a party Costs and fees**

15
16 The fee for filing *Request to: Enforce, Change, End Contact After Adoption*
17 *Agreement* (form ADOPT-315) must not exceed the fee assessed for the filing of an
18 adoption petition.

19
20 ~~The child who is the subject of the adoption petition is a party to the agreement~~
21 ~~whether or not specified as such.~~

22
23 ~~(1) Written consent by a child 12 years of age or older to the terms of the~~
24 ~~agreement is required for enforcement of the agreement, unless the court~~
25 ~~finds by a preponderance of the evidence that the agreement is in the best~~
26 ~~interest of the child and waives the requirement of the child's written consent.~~

27
28 ~~(2) If the child has been found by a juvenile court to be described by section 300~~
29 ~~of the Welfare and Institutions Code, an attorney must be appointed to~~
30 ~~represent the child for purposes of participation in and consent to any contact~~
31 ~~after adoption agreement, regardless of the age of the child. If the child has~~
32 ~~been represented by an attorney in the dependency proceedings, that attorney~~
33 ~~must be appointed for the additional responsibilities of this rule. The attorney~~
34 ~~is required to represent the child only until the adoption is decreed and~~
35 ~~dependency terminated.~~

36
37 *(Subd (d) relettered and amended effective January 1, 2024; adopted as subd (e)*
38 *previously amended effective July 1, 2001, January 1, 2003, July 1, 2003, and January 1,*
39 *2013.)*

40
41 ~~(f)~~ **Form and provisions of the agreement**

1 The agreement must be prepared and submitted on *Contact After Adoption*
2 *Agreement* (form ADOPT-310) with appropriate attachments.

3
4 **(g) — Report to the court**

5
6 The department or agency participating as a party or joining in the petition for
7 adoption must submit a report to the court. The report must include a criminal
8 record check and descriptions of all social service referrals. If a contact after
9 adoption agreement has been submitted, the report must include a summary of the
10 agreement and a recommendation as to whether it is in the best interest of the child.

11
12 **(h) — Enforcement of the agreement**

13
14 The court that grants the petition for adoption and approves the contact after
15 adoption agreement must retain jurisdiction over the agreement.

16
17 (1) — Any petition for enforcement of an agreement must be filed on *Request to:*
18 *Enforce, Change, End Contact After Adoption Agreement* (form ADOPT-
19 315). The form must not be accepted for filing unless completed in full, with
20 documentary evidence attached of participation in, or attempts to participate
21 in, mediation or other dispute resolution.

22
23 (2) — The court may make its determination on the petition without testimony or an
24 evidentiary hearing and may rely solely on documentary evidence or offers of
25 proof. The court may order compliance with the agreement only if:

26
27 (A) — There is sufficient evidence of good-faith attempts to resolve the issues
28 through mediation or other dispute resolution; and

29
30 (B) — The court finds enforcement is in the best interest of the child.

31
32 (3) — The court must not order investigation or evaluation of the issues raised in the
33 petition unless the court finds by clear and convincing evidence that:

34
35 (A) — The best interest of the child may be protected or advanced only by
36 such inquiry; and

37
38 (B) — The inquiry will not disturb the stability of the child's home to the
39 child's detriment.

40
41 (4) — Monetary damages must not be ordered.
42

1 ~~(i) — Modification or termination of agreement~~

2
3 The agreement may be modified or terminated by the court. Any petition for
4 modification or termination of an agreement must be filed on *Request to: Enforce,*
5 *Change, End Contact After Adoption Agreement* (form ADOPT-315). The form
6 must not be accepted for filing unless completed in full, with documentary
7 evidence attached of participation in, or attempts to participate in, mediation or
8 other appropriate dispute resolution.

9
10 (1) — The agreement may be terminated or modified only if:

11
12 (A) — All parties, including the child of 12 years or older, have signed the
13 petition or have indicated on the *Answer to Request to: Enforce,*
14 *Change, End Contact After Adoption Agreement* (form ADOPT-320)
15 their consent or have executed a modified agreement filed with the
16 petition; or

17
18 (B) — The court finds all of the following:

19
20 (i) — The termination or modification is necessary to serve the best
21 interest of the child;

22
23 (ii) — There has been a substantial change of circumstances since the
24 original agreement was approved; and

25
26 (iii) — The petitioner has participated in, or has attempted to participate
27 in, mediation or appropriate dispute resolution.

28
29 (2) — The court may make its determination without testimony or evidentiary
30 hearing and may rely solely on documentary evidence or offers of proof.

31
32 (3) — The court may order modification or termination without a hearing if all
33 parties, including the child of 12 years or older, have signed the petition or
34 have indicated on the *Answer to Request to: Enforce, Change, End Contact*
35 *After Adoption Agreement* (form ADOPT-320) their consent or have executed
36 a modified agreement filed with the petition.

37
38 ~~(j) — Costs and fees~~

39
40 The fee for filing a *Request to: Enforce, Change, End Contact After Adoption*
41 *Agreement* (form ADOPT-315) must not exceed the fee assessed for the filing of an
42 adoption petition. Costs and fees for mediation or other appropriate dispute
43 resolution must be assumed by each party, with the exception of the child. All costs

1 and fees of litigation, including any court-ordered investigation or evaluation, must
2 be charged to the petitioner unless the court finds that a party other than the child
3 has failed, without good cause, to comply with the approved agreement; all costs
4 and fees must then be charged to that party.

5
6 **(k) — Adoption final**

7
8 ~~Once a decree of adoption has been entered, the court may not set aside the decree,
9 rescind any relinquishment, modify or set aside any order terminating parental
10 rights, or modify or set aside any other orders related to the granting of the
11 adoption petition, due to the failure of any party to comply with the terms of a
12 postadoption contact agreement or any subsequent modifications to it.~~

13
14 *Rule 5.451 amended effective January 1, 2024; adopted as rule 1180 effective July 1, 1998;
15 previously amended and renumbered as rule 5.400 effective January 1, 2003; previously
16 amended effective July 1, 2001, July 1, 2003; January 1, 2007, and January 1, 2018; previously
17 renumbered effective January 1, 2013.*

18
19
20 **Rule 5.482. Proceedings after notice**

21
22 **(a)–(c) * * ***

23
24 **(d) Intervention**

25
26 (1) The Indian child’s tribe and Indian custodian are entitled to intervene, orally
27 or in writing, at any point in the proceedings. The tribe may, but is not
28 required to, file with the court ~~the~~ *Notice of Designation of Tribal
29 Representative in a Court Proceeding Involving an Indian Child* (form
30 ICWA-040) to give notice of its intent to intervene.

31
32 (2) A tribe that is not entitled to intervene may request permission to participate
33 in the proceedings in accordance with rule 5.530(g).

34
35 *(Subd (d) amended effective January 1, 2024; adopted as subd (e); previously amended
36 effective January 1, 2013, and January 1, 2016; previously relettered as subd (d) effective
37 August 15, 2016.)*

38
39 **(e)–(g) * * ***

40
41 *Rule 5.482 amended effective January 1, 2024; adopted effective January 1, 2008; previously
42 amended effective January 1, 2013, July 1, 2013, August 15, 2016, January 1, 2020, January 1,
43 2021, January 1, 2022, and August 4, 2023.*

1
2
3 **Title 5. Family and Juvenile Rules**
4

5 **Division 2. Rules Applicable in Family and Juvenile Proceedings**
6

7 **Chapter 4. Protective Orders**

8 *Chapter 4 adopted effective January 1, 2024.*
9

10 ***Rule 5.496. Service requirement for proposed restrained persons who appear***
11 ***remotely***

12
13 **Rule 5.496. Service requirement for proposed restrained persons who appear**
14 **remotely**

15
16 **(a) Application of rule**
17

18 This rule applies to orders issued under part 4 of division 10 (Domestic Violence
19 Prevention Act) of the Family Code and Welfare and Institutions Code section
20 213.5.
21

22 **(b) No additional proof of service required**
23

24 If the proposed restrained person named in an order issued after hearing appears at
25 that hearing through the use of remote technology, and through that appearance has
26 received actual notice of the existence and substance of the restraining order after
27 hearing, no additional proof of service is required for enforcement of the order.
28

29 *Rule 5.496 adopted effective January 1, 2024.*
30
31

32 **Rule 5.530. Persons present**
33

34 **(a)–(f) * * ***
35

36 **(g) Discretionary tribal participation (§§ 224, 306.6, 346, 676, 827, 16001.9)**
37

38 (1) The tribe of a child may request to participate in a case, using *Request for*
39 *Tribal Participation* (form ICWA-042). The court should exercise its discretion
40 as follows:
41

42 (A) In a proceeding involving an Indian child, the child’s tribe may request
43 permission to participate in the proceedings under section 346 or 676.

1 Consistent with sections 224 and 16001.9, there is a presumption that
2 the tribe has a direct and legitimate interest in the proceedings under
3 section 346 or 676 and the request should be approved absent a finding
4 by the court that the tribe's participation would not assist the court in
5 making decisions that are in the best interest of the child.

6
7 (B) In a proceeding involving a child described by section 306.6, the tribe
8 from which the child is descended may request permission to
9 participate in the proceedings. Consistent with sections 224 and
10 16001.9, the request should be approved absent a finding by the court
11 that the tribe's participation would not assist the court in making
12 decisions that are in the best interest of the child.

13
14 (C) When a child does not meet the definition of an Indian child but either
15 of the child's parents is a member of a tribe and the tribe wishes to
16 participate in juvenile proceedings involving the child, the parent's
17 tribe may request permission to participate in the proceedings under
18 section 346 or 676. Consistent with sections 224 and 16001.9, there is a
19 presumption that the tribe has a direct and legitimate interest in the
20 proceedings under section 346 or 676 and the request should be
21 approved absent a finding by the court that the tribe's participation
22 would not assist the court in making decisions that are in the best
23 interest of the child.

24
25 (2) Upon approval of a request, the court must instruct the tribe as to the
26 confidentiality of the proceedings and, although the tribe does not become a
27 party unless the court orders otherwise, the tribe is authorized to:

28
29 (A) Be present at the hearing;

30
31 (B) Address the court;

32
33 (C) Request and receive notices of hearings;

34
35 (D) Request to examine court documents relating to the proceeding
36 consistent with section 827;

37
38 (E) Present information to the court that is relevant to the proceeding;

39
40 (F) Submit written reports and recommendations to the court; and

41
42 (G) Perform other duties and responsibilities as requested or
43 approved by the court.

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(Subd (g) adopted effective January 1, 2024.)

Rule 5.530 amended effective January 1, 2024; adopted as rule 1410 effective January 1, 1990; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1995, January 1, 1997, January 1, 2001, January 1, 2005, January 1, 2012, and July 1, 2013.

Chapter 7. Intercounty Transfers; Out-of-County Placements; Interstate Compact on the Placement of Children

Rule 5.619. Voluntary placement in psychiatric residential treatment facility (Welf. & Inst. Code, §§ 361.23, 727.13)

(a) Applicability

This rule applies to the court’s review under section 361.23 or 727.13 when a voluntary admission into a psychiatric residential treatment facility is sought for a child, nonminor, or nonminor dependent, as defined in rule 5.502.

(b) Notice and setting of hearing on application

(1) The social worker or probation officer must use *Ex Parte Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-172) to request an order authorizing the voluntary admission into a psychiatric residential treatment facility.

(2) After receiving an ex parte application for an order, the court must set a hearing under section 361.23 or 727.13 for the next judicial day. The court must immediately notify the social worker or probation officer and the child, nonminor, or nonminor dependent’s counsel of the date, time, and location of the hearing.

(3) The social worker or probation officer must orally notify the parties identified in section 361.23(b)(3), 361.23(e)(3), 727.13(b)(3), or 727.13(e)(3) of the date, time, and location of the hearing.

(4) The social worker or probation officer must complete and file *Proof of Notice of Hearing on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-173).

(c) Conduct of hearing on application

- 1 (1) The court must consider all evidence required by section 361.23(c)(1),
2 361.23(e)(4), 727.13(b)(1), or 727.13(e)(4), and all evidence relevant to the
3 court’s determinations required under section 361.23(d), 361.23(e)(5),
4 727.13(d), or 727.13(e)(5).
5
6 (2) The court must use *Order on Application for Voluntary Admission to*
7 *Psychiatric Residential Treatment Facility* (form JV-174) to document its
8 findings and orders.
9
10 (3) If the court authorizes the admission of the child, nonminor, or nonminor
11 dependent, the court must set a hearing to review the placement in the facility
12 no later than 60 days following the admission.
13

14 **(d) Notice of hearing on review of placement**

15
16 At least 10 days before the hearing, the child welfare agency or probation
17 department must provide notice of the date, time, and location of the hearing to
18 review the placement to all parties identified in section 361.23(b)(3), 361.23(e)(3),
19 727.13(b)(3), or 727.13(e)(3).
20

21 **(e) Conduct of hearing on review of placement**

- 22
23 (1) The court must consider all evidence required by section 361.23(f)(1)(C),
24 361.23(f)(2)(C), 727.13(f)(1)(C), or 727.13(f)(2)(C) and all evidence relevant
25 to the court’s determinations required under section 361.23(d), 361.23(e)(5),
26 727.13(d), or 727.13(e)(5).
27
28 (2) The court must use *Review of Voluntary Admission of Child to Psychiatric*
29 *Residential Treatment Facility* (form JV-175) or *Review of Voluntary*
30 *Admission of Nonminor or Nonminor Dependent to Psychiatric Residential*
31 *Treatment Facility* (form JV-176) to document its findings and orders.
32
33 (3) If the court authorizes the continued admission of the child, nonminor, or
34 nonminor dependent, the court must set a review hearing on the child’s
35 placement in the facility no later than 30 days from the date of the review
36 hearing.
37
38 (4) If the court does not authorize the continued admission of the child,
39 nonminor, or nonminor dependent, the court must set a hearing in no later
40 than 30 days to verify that the child, nonminor, or nonminor dependent has
41 been discharged.
42

1 **(f) Placement by consent of conservator**

2
3 (1) At any review hearing under section 364, 366.21, 366.22, 366.3, or 366.31, if
4 a child or nonminor dependent has been admitted to a psychiatric residential
5 treatment facility by the consent of a conservator, the court must review the
6 child’s case plan. The court must make findings and orders as required by
7 section 361.23(h).

8
9 (2) The court must use *Admission to Psychiatric Residential Treatment Facility*
10 *by Consent of Conservator—Additional Findings and Orders* (form JV-177)
11 to document its findings and orders, and attach the form to the findings and
12 orders document used for the review hearing.

13
14 *Rule 5.619 adopted effective January 1, 2024.*

15
16
17 **Rule 5.637. Family finding (§§ 309(e), 628(d))**

18
19 **(a) Definition**

20
21 (1) “Family finding” means conducting an investigation to identify kin and
22 connect the child with those kin in an effort to provide family support and
23 possible placement. For an Indian child, family finding also includes
24 contacting the child’s Indian tribe to identify kin.

25
26 (2) “Kin” means any relative as defined in rule 5.502(34), and any nonrelative
27 extended family member of the child or the child’s relatives.

28
29 (3) “Nonrelative extended family member” means an adult who has an
30 established familial or mentoring relationship with a child or a familial
31 relationship with a relative of the child. These adults may include but are not
32 limited to the following people: godparents, teachers, clergy, neighbors,
33 parents of a sibling, and family friends.

34
35 *(Subd (a) amended effective January 1, 2024.)*

36
37 **(b) Juvenile dependency proceedings**

38
39 (1) ~~Within~~ No later than 30 days of a child’s removal after a child is removed
40 from the home of his or her ~~their~~ parent or guardian and detained in a juvenile
41 dependency proceeding, if the child is in or at risk of entering foster care, the
42 social worker or ~~probation officer~~ must use due diligence in conducting
43 family finding, including an investigation to identify, locate, and notify

1 provide notification and information as required in paragraph (2) to the
2 child's parents or alleged parents, all the child's adult relatives kin, parents
3 with legal custody of the child's siblings, any adult siblings, and in the case
4 of an Indian child, any extended family members of the child's tribe.

5
6 (2) After locating persons specified in paragraph (1), the social worker must
7 provide to them, within 30 days of removal, the following:

8
9 (A) Written notification that the child has been removed from the parent,
10 guardian, or Indian custodian's custody;

11
12 (B) An explanation in writing of the available options to participate in the
13 child's care and placement, including the information set forth in
14 section 309(e)(1)(B); and

15
16 (C) A copy of *Relative Information* (form JV-285) for providing
17 information to the social worker and the court regarding the child's
18 needs and to request permission to address the court, if desired.

19
20 Oral notification in person or by telephone of the information must also be
21 provided to the child's kin, when appropriate.

22
23 **(c) Juvenile delinquency proceedings**

24
25 (1) No later than 30 days after a child is detained in a juvenile delinquency
26 proceeding, if the probation officer has reason to believe that the child may
27 be at risk of entering a foster care placement or within 30 days of the court
28 order placing the child into foster care, the probation officer must use due
29 diligence to conduct family finding, including an investigation to identify,
30 locate, and provide notification and information as required in paragraph (2)
31 to the child's parents or alleged parents, all of the child's adult kin, parents
32 with legal custody of the child's siblings, any adult siblings, and in the case
33 of an Indian child, any extended family members of the child's tribe.

34
35 (2) After locating the child's kin and other persons specified in paragraph (1), the
36 probation officer must provide within 30 days of the date on which the child
37 is detained, to all kin who are located, the following:

38
39 (A) Written notification that the child has been removed from the parent,
40 guardian, or Indian custodian's custody; and

1 (B) An explanation in writing of the available options to participate in the
2 child's care and placement, including the information set forth in
3 section 628(d)(2)(B).
4

5 Oral notification in person or by telephone of the information must also be
6 provided to the child's kin, when appropriate.
7

8 **(d) Due diligence (§§ 309, 628, Fam. Code, § 7950)**
9

10 (1) During the time the child is removed from the child's parent, guardian, or
11 Indian custodian, the social worker and probation officer have an ongoing
12 responsibility to exercise due diligence to engage in family finding until the
13 time the child is placed for adoption.
14

15 (2) The court must find whether the social worker or probation officer has
16 exercised due diligence in family finding by:
17

18 (A) Asking the child, in an age-appropriate manner and consistent with the
19 child's best interests, about the identity and location of kin;
20

21 (B) Using a computer-based search engine and internet-based search tools
22 to locate kin identified as support for the child and their family; and
23

24 (C) If it is known or there is reason to know the child is an Indian child as
25 defined by section 224.1, contacting the Indian child's tribe to identify
26 kin.
27

28 (3) When making the finding of due diligence, the court may also consider other
29 efforts, including whether the social worker or probation officer has done any
30 of the following:
31

32 (A) Obtained information regarding the location of the child's kin;
33

34 (B) Reviewed the child's case file for any information regarding kin;
35

36 (C) Telephoned, emailed, or visited all identified kin;
37

38 (D) Asked located kin for the names and locations of other kin; or
39

40 (E) Developed tools—including a genogram, family tree, family map, or
41 other diagram of family relationships—to help the child, parent,
42 guardian, or Indian custodian to identify kin.
43

1 (4) In cases involving a dual-status child, the duty to exercise due diligence in
2 family finding must be assigned in accordance with the written protocols
3 required by section 241.1(b)(4).
4

5 *(Subd (d) adopted effective January 1, 2024.)*
6

7 **(e) When notification of kin is inappropriate**
8

9 The social worker or probation officer is not required to notify kin whose personal
10 history of family or domestic violence would make notification inappropriate. A
11 social worker or probation officer who determines that notification of kin is
12 inappropriate under this subdivision must notify the court that kin has not been
13 notified and explain the reasoning underlying that lack of notification.
14

15 *(Subd (e) adopted effective January 1, 2024.)*
16

17 *Rule 5.637 amended effective January 1, 2024; adopted effective January 1, 2011.*
18

19 **Advisory Committee Comment**
20

21 This rule initially restated the original requirements of section 103 of the federal Fostering
22 Connections to Success and Increasing Adoptions Act (Pub.L. No. 110-351, § 103 (Oct. 7, 2008)
23 122 Stat. 3949, 3956, codified at 42 U.S.C. § 671(a)(29)) as implemented by California Assembly
24 Bill 938 (Com. on Judiciary; Stats. 2009, ch. 261, codified at Welf. & Inst. Code, §§ 309(e) and
25 628(d)). These statutes enacted elements of the child welfare practice known as family finding
26 and engagement, which has been recommended to improve outcomes for children by the Judicial
27 Council’s California Blue Ribbon Commission on Children in Foster Care and the California
28 Child Welfare Council. (See Cal. Blue Ribbon Com. on Children in Foster Care, *Fostering a New*
29 *Future for California’s Children*, pp. 30–31 (Admin. Off. of Cts., May 2009) (final report and
30 action plan), www.courts.ca.gov/documents/brc-finalreport.pdf; *Permanency Committee*
31 *Recommendations to the Child Welfare Council*, pp. 1–4 (Sept. 10, 2009), www.chhs.ca.gov.)
32

33 The rule was amended to reflect Senate Bill 384 (Cortese; Stats. 2022, ch. 811), which revised
34 Welfare and Institutions Code sections 309 and 628 regarding the obligation of the social worker
35 and probation officer to engage in family finding in dependency and delinquency cases.
36

37 **Rule 5.695. Findings and orders of the court—disposition**
38

39 **(a)–(d) * * ***
40

41 **(e) Family-finding determination (§ 309)**
42

1 (1) If the child is removed, the court must consider and determine whether the
2 social worker has exercised due diligence in conducting the required
3 investigation to identify, locate, and notify the child's relatives kin. The court
4 ~~may~~ must consider the mandatory activities listed in ~~(f) as examples of due~~
5 ~~diligence~~ rule 5.637(d)(2) and may consider the additional activities listed in
6 rule 5.637(d)(3) in determining whether the agency has exercised due
7 diligence in family finding. The court must document its determination by
8 making a finding on the record.

9
10 If the dispositional hearing is continued, the court may set a hearing to be
11 held 30 days from the date of removal or as soon as possible thereafter to
12 consider and determine whether the social worker has exercised due diligence
13 in conducting the required investigation to identify, locate, and notify the
14 child's relatives kin.

15
16 (2) If the court finds that the social worker has not exercised due diligence, the
17 court may order the social worker to exercise due diligence in conducting an
18 investigation to identify, locate, and notify the child's relatives kin—except
19 for any individual the social worker identifies as inappropriate to notify under
20 rule 5.637~~(b)~~(e)—and may require a written or oral report to the court.

21
22 *(Subd (e) amended effective January 1, 2024; adopted as subd (f) effective January 1,*
23 *2011; previously amended effective January 1, 2014, and January 1, 2015; previously*
24 *amended and relettered effective January 1, 2017)*

25
26
27 ~~(f) — Due diligence (§ 309)~~

28
29 ~~When making the determination required in (e), the court may consider, among~~
30 ~~other examples of due diligence, whether the social worker has done any of the~~
31 ~~following:~~

32
33 ~~(1) — Asked making the determination required in (e), the court may consider,~~
34 ~~among other examples of due diligence, whether the social worker has done~~
35 ~~any of the following:~~

36
37 ~~(2) — Obtained information regarding the location of the child's relatives;~~

38
39 ~~(3) — Reviewed the child's case file for any information regarding relatives;~~

40
41 ~~(4) — Telephoned, e-mailed, or visited all identified relatives;~~

42
43 ~~(5) — Asked located relatives for the names and locations of other relatives;~~

1
2 ~~(6) — Used Internet search tools to locate relatives identified as supports; or~~

3
4 ~~(7) — Developed tools, including a genogram, family tree, family map, or other~~
5 ~~diagram of family relationships, to help the child or parents to identify~~
6 ~~relatives.~~

7
8 **~~(g)~~ (f) Provision of reunification services (§ 361.5)**

9
10 (1)–(10) * * *

11
12 *(Subd (f) relettered and amended effective January 1, 2024; adopted as subd (e);*
13 *previously relettered as subd (f) effective July 1, 1995, and as subd (h) January 1, 2011;*
14 *previously relettered and amended as subd (g) effective January 1, 2017; previously*
15 *amended effective January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995,*
16 *January 1, 1996, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1,*
17 *2001, July 1, 2002, January 1, 2007, January 1, 2010, January 1, 2014, January 1, 2015,*
18 *and January 1*

19
20 **~~(h)~~ (g) Information regarding termination of parent-child relationship (§§ 361,**
21 **361.5)**

22 * * *

23
24
25 *(Subd (g) relettered effective January 1, 2024; adopted as subd (f); previously relettered as*
26 *subd (g) effective July 1, 1995, as subd (i) effective January 1, 2011, and as subd (h)*
27 *effective January 1, 2017; previously amended effective January 1, 2001, July 1, 2002,*
28 *January 1, 2015.)*

29
30 **~~(i)~~ (h) Setting a hearing under section 366.26**

31 * * *

32
33
34 *(Subd (h) relettered effective January 1, 2024; adopted as subd (j) effective July 1, 1997;*
35 *previously amended effective July 1, 2002; previously relettered as subd (l) effective*
36 *January 1, 2011, and as subd (i) effective January 1, 2017.)*

37
38 *Rule 5.695 amended effective January 1, 2024; adopted as rule 1456 effective January 1, 1991;*
39 *previously amended and renumbered effective January 1, 2007; previously amended effective*
40 *January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996,*
41 *January 1, 1997, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July*
42 *1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011,*
43 *January 1, 2014, January 1, 2015, January 1, 2017, January 1, 2019 and January 1, 2021.*

1
2
3
4 **Rule 5.790. Orders of the court**

5
6 **(a)–(e) * * ***

7
8 **(f) Family-finding determination (§ 628(d))**

- 9
10 (1) If the child is detained ~~or~~ and at risk of entering foster care placement or
11 within 30 days of the court order placing the child into foster care, the court
12 must consider and determine whether the probation officer has exercised due
13 diligence in conducting the required investigation to identify, locate, and
14 ~~notify~~ provide notification and information as required in paragraph (2) of
15 rule 5.637(c) to the child’s relatives kin. Due diligence in family finding
16 requires that the probation officer engaged in the mandatory activities listed
17 in rule 5.637(d)(2). The court may also consider the additional activities
18 listed in ~~(g)~~ rule 5.637(d)(3) as examples of due diligence. The court must
19 document its determination by making a finding on the record.
20

21 If the dispositional hearing is continued, the court may set a hearing to be
22 held 30 days from the date of detention or as soon as possible thereafter to
23 consider and determine whether the probation officer has exercised due
24 diligence in conducting the required investigation to identify, locate, and
25 notify the child’s ~~relatives~~ kin.

- 26
27 (2) If the court finds that the probation officer has not exercised due diligence,
28 the court may order the probation officer to exercise due diligence in
29 conducting an investigation to identify, locate, and notify the child’s ~~relatives~~
30 kin—except for any individual the probation officer identifies who is
31 inappropriate to notify under rule 5.637(~~b~~)(e)—and may require a written or
32 oral report to the court.
33

34 **~~(g) Due diligence~~**

35
36 ~~When making the determination required in (f), the court may consider, among~~
37 ~~other examples of due diligence, whether the probation officer has done any of the~~
38 ~~following:~~

- 39
40 ~~(1) Asked the child, in an age-appropriate manner and consistent with the child's~~
41 ~~best interest, about his or her relatives;~~
42
43 ~~(2) Obtained information regarding the location of the child's relatives;~~

- 1
2 ~~(3) — Reviewed the child's case file for any information regarding relatives;~~
3
4 ~~(4) — Telephoned, e-mailed, or visited all identified relatives;~~
5
6 ~~(5) — Asked located relatives for the names and locations of other relatives;~~
7
8 ~~(6) — Used Internet search tools to locate relatives identified as supports; or~~
9
10 ~~(7) — Developed tools, including a genogram, family tree, family map, or other~~
11 ~~diagram of family relationships, to help the child or parents to identify~~
12 ~~relatives.~~

13
14 **~~(h)~~ (g) Wardship orders (§§ 726, 727, 727.1, 730, 731)**

15
16 * * *

17
18 *(Subd (g) relettered effective January 1, 2024; adopted as subd (d); previously amended*
19 *and relettered as subd (e) effective July 1, 2002, and as subd (f) effective January 1, 2007;*
20 *and as subd (h) effective January 1, 2014; previously amended effective January 1, 2004,*
21 *and January 1, 2008.)*

22
23
24 **~~(i)~~ (h) Fifteen-day reviews (§ 737)**

25
26 * * *

27
28 *Subd (h) relettered effective January 1, 2024; adopted as subd (e); previously amended*
29 *effective January 1, 2006; previously amended and relettered as subd (f) effective July 1,*
30 *2002, and as subd (g) effective January 1, 2007; previously relettered as subd (j) effective*
31 *January 1, 2014, and as subd (i) effective July 1, 2023.)*

32
33 **Rule 5.810. Reviews, hearings, and permanency planning**

34
35 **(a)** * * *

36
37 **(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)**

38
39 A permanency planning hearing for any ward who has been removed from the
40 custody of a parent or guardian and not returned at a previous review hearing must
41 be held within 12 months of the date the ward entered foster care as defined in
42 section 727.4(d)(4). However, when no reunification services are offered to the

1 parents or guardians under section 727.2(b), the first permanency planning hearing
2 must occur within 30 days of disposition.

3
4 (1) *Consideration of reports (§ 727.3)*

5
6 The court must review and consider the social study report and updated case
7 plan submitted by the probation officer and the report submitted by any
8 CASA volunteer, and any other reports filed with the court under section
9 727.3(a)(2).

10
11 (2) *Findings and orders (§§ 727.2(e), 727.3(a))*

12
13 At each permanency planning hearing, the court must consider the safety of
14 the ward and make findings and orders regarding the following:

- 15
16 (A) The continuing necessity for and appropriateness of the placement;
- 17
18 (B) The extent of the probation department's compliance with the case plan
19 in making reasonable efforts to safely return the child to the child's
20 home and to complete whatever steps are necessary to finalize the
21 permanent placement of the child;
- 22
23 (C) The extent of progress that has been made by the child and parent or
24 guardian toward alleviating or mitigating the causes necessitating
25 placement in foster care;
- 26
27 (D) The permanent plan for the child, as described in (3);
- 28
29 (E) Whether the child was actively involved, as age- and developmentally
30 appropriate, in the development of his or her own case plan and plan
31 for permanent placement. If the court finds that the child was not
32 appropriately involved, the court must order the probation officer to
33 actively involve the child in the development of his or her own case
34 plan and plan for permanent placement, unless the court finds that the
35 child is unable, unavailable, or unwilling to participate; ~~and~~
- 36
37 (F) Whether each parent was actively involved in the development of the
38 case plan and plan for permanent placement. If the court finds that any
39 parent was not actively involved, the court must order the probation
40 department to actively involve that parent in the development of the
41 case plan and plan for permanent placement, unless the court finds that
42 the parent is unable, unavailable, or unwilling to participate; ~~and~~
- 43

1 (G) If sibling interaction has been suspended and will continue to be
2 suspended, that sibling interaction is contrary to the safety or well-
3 being of either child; and
4

5 (H) Whether the probation officer has exercised due diligence under rule
6 5.637 in conducting the required investigation to identify, locate, and
7 provide notification and information as required in paragraph (2) of
8 rule 5.637(c) to the child’s kin. The court must consider the mandatory
9 activities listed in rule 5.637(d)(2) and may consider the additional
10 activities listed in rule 5.637(d)(3) in determining whether the
11 department has exercised due diligence in family finding. The court
12 must document its determination by making a finding on the record.
13

14 (3)–(4) * * *

15
16 *(Subd (b) amended effective January 1, 2024; adopted effective January 1, 2001;*
17 *previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, January*
18 *1, 2016, and January 1, 2018.)*
19

20 **(c) Postpermanency status review hearings (§ 727.2)**
21

22 A postpermanency status review hearing must be conducted for wards in placement
23 no less frequently than once every six months.

24 (1) * * *

25
26 (2) *Findings and orders (§ 727.2(g))*
27

28 At each postpermanency status review hearing, the court must consider the
29 safety of the ward and make findings and orders regarding the following:
30

31 (A) Whether the current permanent plan continues to be appropriate. If not,
32 the court must select a different permanent plan, including returning the
33 child home, if appropriate. If the plan is another planned permanent
34 living arrangement, the court must meet the requirements ~~set forth~~
35 stated in Welfare and Institutions Code section 727.3(a)(5);
36

37 (B) The continuing necessity for and appropriateness of the placement;
38

39 (C) The extent of the probation department’s compliance with the case plan
40 in making reasonable efforts to complete whatever steps are necessary
41 to finalize the permanent plan for the child;
42

1 (D) Whether the child was actively involved, as age appropriate and
2 developmentally appropriate, in the development of his or her own case
3 plan and plan for permanent placement. If the court finds that the child
4 was not appropriately involved, the court must order the probation
5 department to actively involve the child in the development of his or
6 her own case plan and plan for permanent placement, unless the court
7 finds that the child is unable, unavailable, or unwilling to participate;
8 ~~and~~

9
10 (E) If sibling interaction has been suspended and will continue to be
11 suspended, sibling interaction is contrary to the safety or well-being of
12 either child-; and

13
14 (F) Whether the probation officer has exercised due diligence under rule
15 5.637 in conducting the required investigation to identify, locate, and
16 provide notification and information as required in paragraph (2) of
17 rule 5.637(c) to the child’s kin. The court must consider the mandatory
18 activities listed in rule 5.637(d)(2) and may consider the additional
19 activities listed in rule 5.637(d)(3) in determining whether the
20 department has exercised due diligence in family finding. The court
21 must document its determination by making a finding on the record.

22
23 (3) * * *

24
25 *(Subd (c) amended effective January 1, 2024; adopted effective January 1, 2001;*
26 *previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, January*
27 *1, 2016, January 1, 2018, and January 1, 2018.)*

28
29
30 (d)–(f) * * *

31
32 *Rule 5.810 amended effective January 1, 2024; adopted as rule 1496 effective January 1, 1991;*
33 *previously amended and renumbered as rule 5.810 effective January 1, 2007; previously*
34 *amended effective January 1, 1998, January 1, 2001, January 1, 2003, January 1, 2004, January*
35 *1, 2006, January 1, 2014, January 1, 2016, January 1, 2018, September 1, 2020, and January 1,*
36 *2021.*

37
38
39 **Rule 7.1103. Qualifications and annual education required for counsel appointed to**
40 **represent a conservatee, proposed conservatee, or person alleged to lack legal**
41 **capacity (Prob. Code, §§ 1456, 1470(a), 1471)**
42

1 Except as provided in rule 7.1104(b), an attorney appointed to represent the interests of a
2 conservatee, proposed conservatee, or person alleged to lack legal capacity must have
3 met the qualifications in (a) or (b) and, in every calendar year after first availability for
4 appointment, must meet the annual education requirements in (c).

5
6 **(a)–(b) * * ***

7
8 **(c) Annual education**

9
10 (1) Each calendar year after first availability for appointment, an attorney
11 appointed by the court to represent a conservatee, proposed conservatee, or
12 person alleged to lack legal capacity must complete at least three hours of
13 professional education approved by the State Bar for MCLE credit in the
14 subjects listed in (d).

15
16 (2) The annual education in (1) must include at least one hour of instruction on
17 less restrictive alternatives to conservatorship, as specified in (d)(4).

18
19 *(Subd (c) amended effective January 1, 2024.)*

20
21 **(d) Subject matter and delivery of education**

22
23 Education in the following subjects—delivered in person or by any State Bar–
24 approved method of distance learning—may be used to satisfy this rule’s education
25 requirements:

26
27 (1)–(2) * * *

28
29 (3) Special considerations for representing an older adult or a person with a
30 disability, including:

31
32 (A) * * *

33
34 (B) Vulnerability of older adults and persons with disabilities to undue
35 influence, physical and financial abuse, and neglect; and

36
37 (C) Effects of aging, major neurocognitive disorders (including dementia),
38 and intellectual and developmental disabilities on a person's ability to
39 perform the activities of daily living; and.

40
41 ~~(D) Less restrictive alternatives to conservatorship, including supported~~
42 ~~decisionmaking.~~

1 (4) The less restrictive alternatives to conservatorship, including supported
2 decisionmaking, stated in Probate Code section 1800.3.

3
4 (Subd (d) amended effective January 1, 2024.)

5
6 *Rule 7.1103 amended effective January 1, 2024; adopted effective January 1, 2020.*

7
8
9 **Rule 8.13. Amendments to rules**

10
11 Only the Judicial Council may amend these rules, except the rules in division 5 7, which
12 may be amended only by the Supreme Court. An amendment by the Judicial Council
13 must be published in the advance pamphlets of the Official Reports and takes effect on
14 the date ordered by the Judicial Council.

15
16 *Rule 8.13 amended effective January 1, 2024; repealed and adopted as rule 54 effective January*
17 *1, 2005; previously renumbered and amended effective January 1, 2007.*

18
19
20 **Title 8. Appellate Rules**

21
22 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

23
24 **Chapter 2. Civil Appeals**

25
26 **Article 2. Record on Appeal**

27 **Rule 8.124. Appendixes**

28
29 **(a) Notice of election**

30
31 (1) Unless the superior court orders otherwise on a motion served and filed
32 within 10 days after the notice of election is served, this rule governs if:

33
34 (A) The appellant elects to use an appendix under this rule in the notice
35 designating the record on appeal under rule 8.121; or

36
37 (B) The respondent serves and files a notice in the superior court electing to
38 use an appendix under this rule within 10 days after the appellant's
39 notice of appeal designating the record on appeal is filed and no waiver
40 of the fee for a clerk's transcript is granted to the appellant. If the
41 appellant has a fee waiver, the respondent cannot elect an appendix
42 instead of a clerk's transcript.

1 (2) When a party files a notice electing to use an appendix under this rule, the
2 superior court clerk must promptly send a copy of the register of actions, if
3 any, to the attorney of record for each party and to any unrepresented party.
4

5 (3) The parties may prepare separate appendixes or they may stipulate to a joint
6 appendix.
7

8 *(Subd (a) amended effective January 1, 2024; previously amended effective January 1,*
9 *2005, January 1, 2007, January 1, 2008, January 1, 2010, and January 1, 2016.)*

10
11 **(b)–(d) * * ***

12
13 **(e) Service and filing**

14
15 (1) A party preparing an appendix must:

16
17 (A) Serve the appendix on each party, unless otherwise agreed by the
18 parties or ordered by the reviewing court; and

19
20 (B) File the appendix in the reviewing court.
21

22 (2) A joint appendix or an appellant’s appendix must be served and filed before
23 or together with the appellant’s opening brief.
24

25 (3) A respondent’s appendix, if any, must be served and filed with the
26 respondent’s brief.
27

28 (4) An appellant’s reply appendix, if any, must be served and filed with the
29 appellant’s reply brief.
30

31 *(Subd (e) amended effective January 1, 2024; adopted as subd (d); relettered effective*
32 *January 1, 2005; previously amended effective January 1, 2007.)*
33

34 **(f)–(g) * * ***

35
36 *Rule 8.124 amended effective January 1, 2024; repealed and adopted as rule 5.1 effective*
37 *January 1, 2002; previously amended and renumbered as rule 8.124 effective January 1, 2007;*
38 *previously amended effective January 1, 2005, January 1, 2008, January 1, 2010, January 1,*
39 *2016, January 1, 2017, and January 1, 2018.*
40
41

42 **Advisory Committee Comment**
43

1 **Subdivision (a).** * * *

2
3 **Subdivision (b).** * * *

4
5 **Subdivision (d).** * * *

6
7 **Subdivision (e).** Subdivision (e)(2) requires a joint appendix to be filed with the appellant’s
8 opening brief or before the filing of the appellant’s opening brief. The provision is intended to
9 improve the briefing process by enabling the appellant’s opening brief to include citations to the
10 record and, by allowing earlier filing of the appendix, to assist courts in considering petitions for
11 supersedeas. To provide for the case in which a respondent concludes in light of the appellant’s
12 opening brief that the joint appendix should have included additional documents, subdivision
13 (b)(5) permits such a respondent to present in an appendix filed with its respondent’s brief (see
14 subd. (e)(3)) any document that could have been included in the joint appendix.

15
16 Under subdivision (e)(2)–(4) an appendix is required to be filed, at the latest, “with” the
17 associated brief. This provision is intended to clarify that an extension of a briefing period ipso
18 facto extends the filing period of an appendix associated with the brief.

19
20 **Subdivision (g).** * * *

21
22
23
24 **Rule 8.130. Reporter’s transcript**

25
26 **(a)** * * *

27
28 **(b) Deposit or substitute for cost of transcript**

29
30 (1)–(2) * * *

31
32 (3) Instead of a deposit under (1), the party may substitute:

33
34 (A) The reporter’s written waiver of a deposit. A reporter may waive the
35 deposit for a part of the designated proceedings, but such a waiver
36 replaces the deposit for only that part.

37
38 (B) A copy of a Transcript Reimbursement Fund application filed under
39 (c)(1).

40
41 (C) A certified transcript of all of the proceedings designated by the party.
42 The transcript submitted by the party must not be accepted as a

1 substitute for a deposit under (1) unless it complies ~~must comply~~ with
2 the format requirements of rule 8.144.

3
4 *(Subd (b) amended effective January 1, 2024; previously amended effective January 1,*
5 *2007, January 1, 2010, January 1, 2014, and January 1, 2016.)*

6
7 **(c)–(h) * * ***

8
9 *Rule 8.130 amended effective January 1, 2024; repealed and adopted as rule 4 effective January*
10 *1, 2002; previously amended and renumbered as rule 8.130 effective January 1, 2007; previously*
11 *amended effective January 1, 2005, January 1, 2008, July 1, 2008, January 1, 2010, January 1,*
12 *2014, January 1, 2016, January 1, 2017, and 2018.*

13
14
15 **Advisory Committee Comment**

16
17 **Subdivision (a). * * ***

18
19 **Subdivision (b).** Where a certified transcript has been previously prepared, subdivision (b) makes
20 clear that the certified transcript may be filed in lieu of a deposit for the transcript only where the
21 certified transcript contains all of the proceedings identified in the notice of designation and the
22 transcript complies with the format requirements of rule 8.144 (e.g., cover information,
23 renumbered pages, required indexes). Parties using this alternative to a deposit are responsible for
24 ensuring that such transcripts are in the proper format. Parties may arrange with a court reporter
25 to do the necessary formatting of the transcript or may do the formatting themselves. Otherwise,
26 where a certified transcript has been previously prepared for only some of the designated
27 proceedings, subdivision (b)(1) authorizes a reduced fee to be deposited for those proceedings.
28 This reduced deposit amount was established in recognition of the holding in *Hendrix v. Superior*
29 *Court of San Bernardino County* (2011) 191 Cal.App.4th 889 that the statutory rate for an
30 original transcript only applies to the first transcription of the reporter’s notes. The amount of the
31 deposit is based on the rate established by Government Code section 69950(b) for a first copy of
32 a reporter’s transcript purchased by any court, party, or other person who does not simultaneously
33 purchase the original.

34
35 * * *

36
37
38 **Rule 8.144. Form of the record**

39
40 **(a) * * ***

41
42 **(b) Format**

1 (1)–(5) * * *

2

3 (6) *Volumes*

4

5 (A) Except as provided in (B), clerks' and reporters' transcripts must be
6 produced in volumes of no more than 300 pages.

7

8 (B) If a clerk's or reporter's transcript is being delivered in electronic form
9 to all courts, parties, and persons entitled to the transcript, it may be
10 produced in a single volume but must comply with the requirements of
11 rule 8.74(a)(5).

12

13 (7) * * *

14

15 *(Subd (b) amended effective January 1, 2024; adopted as subd (a); previously amended*
16 *effective January 1, 2007, January 1, 2014, January 1, 2016, and January 1, 2017;*
17 *previously amended and relettered effective January 1, 2018.)*

18

19 (c) * * *

20

21 (d) **Additional requirements for reporter's transcript delivered in electronic form**

22

23 (1) *General*

24

25 In addition to complying with (b), a reporter's transcript delivered in
26 electronic ~~format~~ form must:

27

28 (A)–(B) * * *

29

30 (C) Ensure that the electronic page counter in the PDF file viewer matches
31 the transcript page numbering except as provided in (f)(2) or (3).

32

33 (D)–(G) * * *

34

35 (2) *Multivolume or multireporter transcripts*

36

37 In addition to the requirements in (1), for multivolume or multireporter
38 transcripts delivered in electronic ~~format~~ form, each individual reporter must
39 provide a digitally and electronically signed certificate with his or her
40 respective portion of the transcript. If the court reporter lacks the technical
41 ability to provide a digital signature, then only an electronic signature is
42 required.

43

1 (3) * * *

2

3 *(Subd (d) amended effective January 1, 2024; adopted effective January 1, 2018.)*

4

5

6 (e) * * *

7

8 (f) **Pagination in multiple reporter cases**

9

10 (1) In a multiple reporter case, each reporter must promptly estimate the number
11 of pages in each segment reported and inform the designated primary reporter
12 of the estimate. The primary reporter must then assign beginning and ending
13 page numbers for each segment.

14

15 (2) If a segment exceeds the assigned number of pages, the reporter must number
16 the additional pages with the ending page number, a hyphen, and a new
17 number, starting with 1 and continuing consecutively.

18

19 (3) If a segment has fewer than the assigned number of pages, on the last page of
20 the segment, before the certificate page, the reporter must state in parentheses
21 “(next volume and page number is ____),” and on the certificate page, the
22 reporter must add a hyphen to the last page number used, followed by the
23 segment’s assigned ending page number.

24

25 *(Subd (f) amended effective January 1, 2024; adopted as subd (e); previously amended and*
26 *relettered effective January 1, 2018.)*

27

28 (g) * * *

29

30 *Rule 8.144 amended effective January 1, 2024; repealed and adopted as rule 9 effective January*
31 *1, 2002; previously amended and renumbered as rule 8.144 effective January 1, 2007; previously*
32 *amended effective January 1, 2008, January 1, 2014, January 1, 2016, January 1, 2017, and*
33 *January 1, 2018.*

34

35 **Rule 8.204. Contents and format of briefs**

36

37 (a) **Contents**

38

39 (1) Each brief must:

40

41 (A)–(B) * * *

42

1 (C) Support any reference to a matter in the record by a citation to the
2 volume and page number of the record where the matter appears. If any
3 part of the record is submitted in an electronic ~~format~~ form, citations to
4 that part must identify, with the same specificity required for the
5 printed record, the place in the record where the matter appears.
6

7 (2) * * *

8
9 *(Subd (a) amended effective January 1, 2024; previously amended effective January 1,*
10 *2006.)*

11
12 **(b)–(e) * * ***

13
14 *Rule 8.204 amended effective January 1, 2024; repealed and adopted as rule 14 effective January*
15 *1, 2002; previously amended and renumbered as rule 8.204 effective January 1, 2007; previously*
16 *amended effective January 1, 2004, July 1, 2004, January 1, 2006, January 1, 2011, January 1,*
17 *2013, January 1, 2014, January 1, 2016, January 1, 2017, and January 1, 2020.*

18
19
20 **Rule 8.452. Writ petition to review order setting hearing under Welfare and**
21 **Institutions Code section 366.26**

22
23 **(a)–(d) * * ***

24
25 **(e) Augmenting or correcting the record in the reviewing court**

26
27 (1)–(2) * * *

28
29 (3) A party must attach to its motion a copy, if available, of any document or
30 transcript that it wants added to the record. Except as provided in rule
31 8.144(f) for reporters’ transcripts in multiple reporter cases, the pages of the
32 attachment must be consecutively numbered, beginning with the number one.
33 If the reviewing court grants the motion, it may augment the record with the
34 copy.
35

36 (4) If the party cannot attach a copy of the matter to be added, the party must
37 identify it as required under rules 8.122(a)(1) and 8.130(a)(1).
38

39 (5)–(6) * * *

40
41 *(Subd (e) adopted as subd (e) effective January 1, 2024; previously relettered as subd (f)*
42 *effective January 1, 2006; previously amended effective January 1, 2007; previously*
43 *amended and relettered effective July 1, 2010.)*

1
2 **(f)–(i) * * ***

3
4 *Rule 8.452 amended effective January 1, 2024; adopted as rule 38.1 effective January 1, 2005;*
5 *previously amended and renumbered effective January 1, 2007; previously amended effective*
6 *January 1, 2006, July 1, 2010, January 1, 2017, and January 1, 2018.*

7
8 **Rule 8.456. Writ petition under Welfare and Institutions Code section 366.28 to**
9 **review order designating or denying specific placement of a dependent child**
10 **after termination of parental rights**

11
12 **(a)–(d) * * ***

13
14 **(e) Augmenting or correcting the record in the reviewing court**

15
16 **(1)–(2) * * ***

17
18 (3) A party must attach to its motion a copy, if available, of any document or
19 transcript that it wants added to the record. Except as provided in rule
20 8.144(f) for reporters' transcripts in multiple reporter cases, the pages of the
21 attachment must be consecutively numbered, beginning with the number one.
22 If the reviewing court grants the motion, it may augment the record with the
23 copy.

24
25 (4) If the party cannot attach a copy of the matter to be added, the party must
26 identify it as required under rules 8.122(a)(1) and 8.130(a)(1).

27
28 **(5)–(6) * * ***

29
30 *(Subd (e) amended effective January 1, 2024; adopted as subd (e) effective January 1,*
31 *2005; previously relettered as subd (f) effective January 1, 2006; previously amended*
32 *effective January 1, 2007; previously amended and relettered effective July 1, 2010.)*

33
34 **(f)–(i) * * ***

35
36 *Rule 8.456 amended effective January 1, 2024; adopted as rule 38.3 effective January 1, 2005;*
37 *previously amended and renumbered effective January 1, 2007; previously amended effective*
38 *January 1, 2006, February 24, 2006, July 1, 2010, January 1, 2017, and January 1, 2018.*

39
40 **Rule 8.504. Form and contents of petition, answer, and reply**

41
42 **(a) * * ***

1 **(b) Contents of a petition**

2
3 (1)–(5) * * *

4
5 (6) If the petition seeks review of a Court of Appeal order summarily denying a
6 writ petition, a copy of the underlying trial court order that was the subject of
7 the writ proceeding in the Court of Appeal showing the date it was entered
8 must be bound at the back of the original petition and each copy filed in the
9 Supreme Court or, if the petition is not filed in paper form, attached.

10
11 ~~(6)~~(7) The title of the case and designation of the parties on the cover of the petition
12 must be identical to the title and designation in the Court of Appeal opinion
13 or order that is the subject of the petition.

14
15 ~~(7)~~(8) Rule 8.508 governs the form and content of a petition for review filed by the
16 defendant in a criminal case for the sole purpose of exhausting state remedies
17 before seeking federal habeas corpus review.

18
19 *(Subd (b) amended effective January 1, 2024; previously amended effective January 1,*
20 *2004, January 1, 2007, January 1, 2009, and January 1, 2016.)*

21
22 **(c)–(d) * * ***

23
24 **(e) Attachments and incorporation by reference**

25
26 (1) No attachments are permitted except:

27
28 (A) An opinion or order required to be attached under ~~(b)(4) or (5)~~(4)–(6);

29
30 (B)–(D) * * *

31
32 (2) The attachments under ~~(1)(B)–(C)~~(B) and (C) must not exceed a combined
33 total of 10 pages.

34
35 (3) * * *

36
37 *(Subd (e) amended effective January 1, 2024; adopted as subd (f); previously relettered*
38 *effective January 1, 2004; previously amended effective January 1, 2007, and effectively*
39 *January 1, 2009.)*

40
41 *Rule 8.504 amended effective January 1, 2024; adopted as rule 28.1 effective January 1, 2003;*
42 *previously amended and renumbered as rule 8.504 effective January 1, 2007; previously*
43 *amended effective January 1, 2004, January 1, 2009, January 1, 2011, and January 1, 2016.*

1
2
3 **Rule 8.622. Certifying the trial record for accuracy**
4

5 **(a) Request for corrections or additions**
6

7 (1) Within 90 days after the clerk delivers the record to defendant’s appellate
8 counsel:
9

10 (A) Any party may serve and file a request for corrections or additions to
11 the record. Immaterial typographical errors that cannot conceivably
12 cause confusion are not required to be brought to the court’s attention.
13 Items that a party may request to be added to the clerk’s transcript
14 include a copy of any exhibit admitted in evidence, refused, or lodged
15 that is a document in paper or electronic ~~format~~ form. The requesting
16 party must state the reason that the exhibit needs to be included in the
17 clerk’s transcript. Parties may file a joint request for corrections or
18 additions.
19

20 (B) * * *

21
22 (2)–(4) * * *

23
24 *(Subd (a) amended effective January 1, 2024; previously amended effective April 25,*
25 *2019.)*
26

27 **(b)–(e) * * ***
28

29 *Rule 8.622 amended effective January 1, 2024; adopted as rule 35.2 effective January 1, 2004;*
30 *previously amended and renumbered as rule 8.622 effective January 1, 2007; previously*
31 *amended effective January 1, 2018, and April 25, 2019.*
32
33

34 **Rule 8.834. Reporter’s transcript**
35

36 **(a) * * ***
37

38 **(b) Deposit or substitute for cost of transcript**
39

40 (1) * * *
41

1 (2) Within 10 days after the clerk notifies the appellant of the estimated cost of
2 preparing the reporter’s transcript—or within 10 days after the reporter
3 notifies the appellant directly—the appellant must do one of the following:
4

5 (A) Deposit with the clerk an amount equal to the estimated cost and a fee
6 of \$50 for the superior court to hold this deposit in trust;
7

8 (B)–(C) * * *

9
10 (D) File a certified transcript of all of the designated proceedings. The
11 transcript submitted by the party must not be accepted as a substitute
12 for a deposit under (A) unless it complies ~~must comply~~ with the format
13 requirements of rule ~~8.144~~ 8.838; or
14

15 (E) * * *

16
17 (3) * * *

18
19 *(Subd (b) amended effective January 1, 2024; previously amended effective January 1,*
20 *2014 and January 1, 2016.)*
21

22 (c)–(f) * * *

23
24 *Rule 8.834 amended effective January 1, 2024; adopted effective January 1, 2009; previously*
25 *amended effective March 1, 2014, January 1, 2016, January 1, 2017, and January 1, 2018*
26

27 Advisory Committee Comment

28
29 **Subdivision (b).** Sometimes a party in a trial court proceeding will purchase a reporter’s
30 transcript of all or part of the proceedings before any appeal is filed. In recognition of the fact that
31 such transcripts may already have been purchased, this rule allows an appellant, in lieu of
32 depositing funds for a reporter’s transcript, to deposit with the trial court a certified transcript of
33 the proceedings necessary for the appeal. Subdivision (b)(2)(D) makes clear that the certified
34 transcript may be filed in lieu of a deposit for a reporter’s transcript only where the certified
35 transcript contains all of the proceedings designated, and the transcript complies with the format
36 requirements of rule 8.838 (e.g., cover information, renumbered pages, required indexes). Parties
37 using this alternative to a deposit are responsible for ensuring that such transcripts are in the
38 proper format. Parties may arrange with a court reporter to do the necessary formatting of the
39 transcript or may do the formatting themselves.
40

41 **Rule 8.838. Form of the record**

1 **(a) Paper and format**

2
3 Except as otherwise provided in this rule, ~~clerk's~~ clerks' and ~~reporter's~~ reporters'
4 transcripts must comply with the requirements of rule 8.144(a), (b)(1)–(4) and (6),
5 (c), and (d).

6
7 *(Subd (a) amended effective January 1, 2024; previously amended effective January 1,*
8 *2018.)*

9
10 **(b) * * ***

11
12 **(c) Binding and cover**

13
14 (1) If filed in paper form, clerks' and ~~reporter's~~ reporters' transcripts must be
15 bound on the left margin ~~in volumes of no more than 300 sheets~~, except that
16 transcripts may be bound at the top if required by a local rule of the appellate
17 division.

18
19 (2)–(3) * * *

20
21 *(Subd (c) amended effective January 1, 2024; previously amended effective January 1,*
22 *2014, and January 1, 2016.)*

23
24 *Rule 8.838 amended effective January 1, 2024; adopted effective January 1, 2009; previously*
25 *amended effective January 1, 2014, January 1, 2016, and January 1, 2018.*

26
27
28 **Division 4. Rules Relating to the Superior Court Appellate Division**

29
30 **Chapter 2. Appeals and Records in Limited Civil Cases**

31
32 **Article 2. Record in Civil Appeals**

33
34 **Rule 8.845. Appendixes**

35
36 **(a) Notice of election**

37
38 (1) Unless the superior court orders otherwise on a motion served and filed
39 within 10 days after the notice of election is served, this rule governs if:

40
41 (A) The appellant elects to use an appendix under this rule in the notice
42 designating the record on appeal under rule 8.831; or
43

1 (B) The respondent serves and files a notice in the superior court electing to
2 use an appendix under this rule within 10 days after the appellant's
3 notice of appeal designating the record on appeal is filed, and no waiver
4 of the fee for a clerk's transcript is granted to the appellant. If the
5 appellant has a fee waiver, the respondent cannot elect an appendix
6 instead of a clerk's transcript.
7

8 (2) When a party files a notice electing to use an appendix under this rule, the
9 superior court clerk must promptly send a copy of the register of actions, if
10 any, to the attorney of record for each party and to any unrepresented party.
11

12 (3) The parties may prepare separate appendixes or they may stipulate to a joint
13 appendix.
14

15 *(Subd (a) amended effective January 1, 2024.)*
16

17 **(b)–(d) * * ***
18

19 **(e) Service and filing**
20

21 (1) A party preparing an appendix must:
22

23 (A) Serve the appendix on each party, unless otherwise agreed by the
24 parties or ordered by the reviewing court; and
25

26 (B) File the appendix in the reviewing court.
27

28 (2) A joint appendix or an appellant's appendix must be served and filed before
29 or together with the appellant's opening brief.
30

31 (3) A respondent's appendix, if any, must be served and filed with the
32 respondent's brief.
33

34 (4) An appellant's reply appendix, if any, must be served and filed with the
35 appellant's reply brief.
36

37 *(Subd (e) amended effective January 1, 2024.)*
38

39 **(f)–(g) * * ***
40

41 *Rule 8.845 amended effective January 1, 2024; previously adopted effective January 1, 2021.*
42
43

1 **Advisory Committee Comment**

2
3 **Subdivision (a).** * * *

4
5 **Subdivision (b).** * * *

6
7 **Subdivision (d).** * * *

8
9 **Subdivision (e).** Subdivision (e)(2) requires a joint appendix to be filed with the appellant’s
10 opening brief or before the filing of the appellant’s opening brief. The provision is intended to
11 improve the briefing process by enabling the appellant’s opening brief to include citations to the
12 record and, by allowing earlier filing of the appendix, to assist courts in considering petitions for
13 supersedeas. To provide for the case in which a respondent concludes in light of the appellant’s
14 opening brief that the joint appendix should have included additional documents, subdivision
15 (b)(5) permits such a respondent to present in an appendix filed with its respondent’s brief (see
16 subd. (e)(3)) any document that could have been included in the joint appendix.

17
18 Under subdivision (e)(2)–(4) an appendix is required to be filed, at the latest, “with” the
19 associated brief. This provision is intended to clarify that an extension of a briefing period ipso
20 facto extends the filing period of an appendix associated with the brief.

21
22 **Subdivision (g).** * * *

23
24
25
26 **Rule 8.866. Preparation of reporter’s transcript**

27
28 **(a) When preparation begins**

29
30 (1) * * *

31
32 (2) If the notice sent to the reporter by the clerk under rule 8.864(a)(1) indicates
33 that the appellant is the defendant and that the defendant was not represented
34 by appointed counsel at trial:

35
36 (A) * * *

37
38 (B) The clerk must promptly notify the appellant and his or her counsel of
39 the estimated cost of preparing the reporter’s transcript. The
40 notification must show the date it was sent.

41
42 (C) Within 10 days after the date the clerk sent the notice under (B), the
43 appellant must do one of the following:

1
2 (i) Deposit with the clerk an amount equal to the estimated cost of
3 preparing the transcript;

4
5 (ii)–(iii) * * *

6
7 (iv) File a certified transcript of all of the proceedings required to be
8 included in the reporter’s transcript under rule 8.865. The
9 transcript submitted by the appellant must not be accepted as a
10 substitute for a deposit under (i) unless it complies ~~must comply~~
11 with the format requirements of rule 8.144 8.838;

12
13 (v)–(vii) * * *

14
15 (D) If the trial court determines that the appellant is not indigent, within 10
16 days after the date the clerk sends notice of this determination to the
17 appellant, the appellant must do one of the following:

18
19 (i) Deposit with the clerk an amount equal to the estimated cost of
20 preparing the transcript;

21
22 (ii) * * *

23
24 (iii) File a certified transcript of all of the proceedings required to be
25 included in the reporter’s transcript under rule 8.865. The
26 transcript submitted by the appellant must not be accepted as a
27 substitute for a deposit under (i) unless it complies ~~must comply~~
28 with the format requirements of rule 8.144 8.838;

29
30 (iv)–(vi) * * *

31
32 (E) * * *

33
34 *(Subd (a) amended effective January 1, 2024; previously amended effective March 1, 2014,*
35 *and January 1, 2016.)*

36
37 **(b) Format of transcript**

38
39 The reporter’s transcript must comply with rule 8.144 8.838.

40
41 *(Subd (b) amended effective January 1, 2024.)*
42

1 (c)–(f) * * *

2
3 *Rule 8.866 amended effective January 1, 2024; adopted effective January 1, 2009; previously*
4 *amended effective March 1, 2014, January 1, 2016, January 1, 2017, January 1, 2018, and*
5 *March 5, 2018.*

6
7
8 **Advisory Committee Comment**
9

10 **Subdivision (a).** If the appellant was not represented by the public defender or other appointed
11 counsel in the trial court, the appellant must use *Defendant's Financial Statement on Eligibility*
12 *for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form
13 CR-105) to show indigency. This form is available at any courthouse or county law library or
14 online at www.courts.ca.gov/forms.

15
16 **Subdivisions (a)(2)(C)(iv) and (a)(2)(D)(iii).** Sometimes a party in a trial court proceeding will
17 purchase a reporter's ~~transcripts~~ transcript of all or part of the proceedings before any appeal is
18 filed. In recognition of the fact that such transcripts may already have been purchased, this rule
19 allows an appellant, in lieu of depositing funds for a reporter's transcript, to deposit with the trial
20 court a certified transcript of the proceedings necessary for the appeal. Subdivisions (a)(2)(C)(iv)
21 and (a)(2)(D)(iii) make clear that the certified transcript may be filed in lieu of a deposit for a
22 reporter's transcript only where the certified transcript contains all of the proceedings required
23 under rule 8.865 and the transcript complies with the format requirements of rule 8.144 8.838
24 (e.g., cover information, renumbered pages, required indexes). Parties using this alternative to a
25 deposit are responsible for ensuring that such transcripts are in the proper format. Parties may
26 arrange with a court reporter to do the necessary formatting of the transcript or may do the
27 formatting themselves.

28
29
30 **Rule 8.919. Preparation of reporter's transcript**

31
32 **(a) When preparation begins**

33
34 (1) * * *

35
36 (2) If the notice sent to the reporter by the clerk under rule 8.915(a)(3) indicates
37 that the appellant is the defendant:

38
39 (A) * * *

40
41 (B) The clerk must promptly notify the appellant and his or her counsel of
42 the estimated cost of preparing the reporter's transcript. The
43 notification must show the date it was sent.

- 1
2 (C) Within 10 days after the date the clerk sent the notice under (B), the
3 appellant must do one of the following:
4
5 (i) Deposit with the clerk an amount equal to the estimated cost of
6 preparing the transcript;
7
8 (ii)–(iii) * * *
9
10 (iv) File a certified transcript of all of the proceedings required to be
11 included in the reporter’s transcript under rule 8.918. The
12 transcript submitted by the appellant must not be accepted as a
13 substitute for a deposit under (i) unless it complies ~~must comply~~
14 with the format requirements of rule 8.144 8.838;
15
16 (v)–(vii) * * *
17
18 (D) If the trial court determines that the appellant is not indigent, within 10
19 days after the date the clerk sends notice of this determination to the
20 appellant, the appellant must do one of the following:
21
22 (i) Deposit with the clerk an amount equal to the estimated cost of
23 preparing the transcript;
24
25 (ii) * * *
26
27 (iii) File a certified transcript of all of the proceedings required to be
28 included in the reporter’s transcript under rule 8.918. The
29 transcript submitted by the appellant must not be accepted as a
30 substitute for a deposit under (i) unless it complies ~~must comply~~
31 with the format requirements of rule 8.144 8.838;
32
33 (iv)–(vi) * * *
34
35 (E) * * *

36
37 *(Subd (a) amended effective January 1, 2024; previously amended effective March 1, 2014,*
38 *and January 1, 2016.)*

39
40 **(b) Format of transcript**

41
42 The reporter’s transcript must comply with rule 8.144 8.838.
43

1 (Subd (b) amended effective January 1, 2024.)

2
3 (c)–(f) * * *

4
5 Rule 8.919 amended effective January 1, 2024; adopted effective January 1, 2009; previously
6 amended effective March 1, 2014, January 1, 2016, January 1, 2017, and January 1, 2018.

7
8
9 **Advisory Committee Comment**

10
11 **Subdivision (a).** The appellant must use *Defendant’s Financial Statement on Eligibility for*
12 *Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form CR-
13 105) to show indigency. This form is available at any courthouse or county law library or online
14 at www.courts.ca.gov/forms.

15
16 **Subdivisions (a)(2)(C)(iv) and (a)(2)(D)(iii).** Sometimes a party in a trial court proceeding will
17 purchase a reporter’s ~~transcripts~~ transcript of all or part of the proceedings before any appeal is
18 filed. In recognition of the fact that such transcripts may already have been purchased, this rule
19 allows an appellant, in lieu of depositing funds for a reporter’s transcript, to deposit with the trial
20 court a certified transcript of the proceedings necessary for the appeal. Subdivisions (a)(2)(C)(iv)
21 and (a)(2)(D)(iii) make clear that the certified transcript may be filed in lieu of a deposit for a
22 reporter’s transcript only where the certified transcript contains all of the proceedings required
23 under rule 8.865 and the transcript complies with the format requirements of rule 8.144 8.838
24 (e.g., cover information, renumbered pages, required indexes). Parties using this alternative to a
25 deposit are responsible for ensuring that such transcripts are in the proper format. Parties may
26 arrange with a court reporter to do the necessary formatting of the transcript or may do the
27 formatting themselves.

28
29 **Rule 10.468. Content-based and hours-based education for superior court judges**
30 **and subordinate judicial officers regularly assigned to hear probate**
31 **proceedings**

32
33 **(a) Definitions**

34
35 As used in this rule, the following terms have the meanings stated below:

36
37 (1) “Probate proceedings” are decedents’ estates, guardianships and
38 conservatorships under division 4 of the Probate Code, trust proceedings
39 under division 9 of the Probate Code, and other matters governed by
40 provisions of that code and by the rules in division 1 of title 7 of the
41 California Rules of Court.

42
43 (2) * * *

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(Subd (a) amended effective January 1, 2024; previously amended effective January 1, 2016, and January 1, 2023.)

(b) Content-based requirements

(1) Judicial officers beginning a regular assignment to hear probate proceedings after the effective date of this rule, unless they are returning to this assignment after less than two years in another assignment, must complete six hours of education on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3, within one year of starting the assignment.

~~(2)–(4)~~ * * *

(Subd (b) amended effective January 1, 2024; previously amended effective January 1, 2023.)

(c) Hours-based continuing education

(1) In a court with five or more authorized judges, judicial officers regularly assigned to hear probate proceedings must complete 12 hours of continuing education every three-year education cycle on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

(2) In a court with four or fewer authorized judges, judicial officers regularly assigned to hear probate proceedings must complete nine hours of continuing education every three-year education cycle on probate guardianships and conservatorships, including court-supervised fiduciary accounting and the less restrictive alternatives to conservatorship stated in Probate Code section 1800.3.

~~(3)–(7)~~ * * *

(Subd (c) amended effective January 1, 2024; previously amended effective January 1, 2012, January 1, 2016, and January 1, 2023.)

(d)–(e) * * *

1 *Rule 10.468 amended effective January 1, 2024; adopted effective January 1, 2008; previously*
2 *amended effective January 1, 2012, January 1, 2016, and January 1, 2023.*

3
4 **Rule 10.478. Content-based and hours-based education for court investigators,**
5 **probate attorneys, and probate examiners**

6
7 **(a) Definitions**

8
9 As used in this rule, the following terms have the meanings specified below, unless
10 the context or subject matter otherwise require:

11
12 (1)–(2) * * *

13
14 (3) A “probate examiner” is a person employed by a court to review filings in
15 probate proceedings in order to assist the court and the parties to get the filed
16 matters properly ready for consideration by the court in accordance with the
17 requirements of the Probate Code, the rules in division 1 of title 7 of the
18 California Rules of Court, and the court’s local rules; and

19
20 (4) “Probate proceedings” are decedents’ estates, guardianships and
21 conservatorships under division 4 of the Probate Code, trust proceedings
22 under division 9 of the Probate Code, and other matters governed by
23 provisions of that code and by the rules in division 1 of title 7 of the
24 California Rules of Court; and

25
26 *(Subd (a) amended effective January 1, 2024; previously amended effective January 1,*
27 *2016, and January 1, 2023.)*

28
29 **(b) Content-based requirements for court investigators**

30
31 (1) Court investigators must complete 12 hours of education within one year of
32 their start date after January 1, 2008. The education must include the
33 following general topics:

34
35 (A)–(D) * * *

36
37 (E) Accessing and evaluating community resources for children and
38 mentally impaired elderly or developmentally disabled adults; ~~and~~

39
40 (F) Interviewing children and persons with mental function or
41 communication deficits; and

1 (G) The less restrictive alternatives to conservatorship stated in Probate
2 Code section 1800.3.

3
4 (2)–(4) * * *

5
6 *(Subd (b) amended effective January 1, 2024; previously amended effective January 1,*
7 *2012, January 1, 2016, and January 1, 2023.)*

8
9 **(c) Content-based education for probate attorneys**

10
11 (1) Probate attorneys must complete 12 hours of education within six months of
12 their start date after January 1, 2008, in probate-related topics, including
13 guardianships, conservatorships, ~~and~~ court-supervised fiduciary accounting,
14 and the less restrictive alternatives to conservatorship stated in Probate Code
15 section 1800.3.

16
17 (2)–(4) * * *

18
19 *(Subd (c) amended effective January 1, 2024; previously amended effective January 1,*
20 *2012, January 1, 2016, and January 1, 2023.)*

21
22 **(d) Content-based education for probate examiners**

23
24 (1) Probate examiners must complete 20 hours of education within one year of
25 their start date after January 1, 2008, in probate-related topics, of which 12
26 hours must be in guardianships and conservatorships, including court-
27 appointed fiduciary accounting and the less restrictive alternatives to
28 conservatorship stated in Probate Code section 1800.3.

29
30 (2)–(4) * * *

31
32 *(Subd (d) amended effective January 1, 2024; previously amended effective January 1,*
33 *2012, January 1, 2016, and January 1, 2023.)*

34
35 **(e) * * ***

36
37 **(f) Hours-based education for probate attorneys**

38
39 (1) Probate attorneys must complete 12 hours of continuing education each two-
40 year education cycle in probate-related subjects, of which six hours per year
41 must be in guardianships and conservatorships, including court-supervised
42 fiduciary accounting and the less restrictive alternatives to conservatorship

1 stated in Probate Code section 1800.3. The education cycle is determined in
2 the same manner as in rule 10.474(c)(3).

3
4 (2)–(4) * * *

5
6 *(Subd (f) amended effective January 1, 2024; previously amended effective January 1,*
7 *2012, January 1, 2016, and January 1, 2023.)*

8
9 **(g) Hours-based education for probate examiners**

10
11 (1) Probate examiners must complete 12 hours of continuing education each two-
12 year education cycle in probate-related subjects, of which six hours per year
13 must be in guardianships and conservatorships, including court-appointed
14 fiduciary accounting and the less restrictive alternatives to conservatorship
15 stated in Probate Code section 1800.3. The education cycle is determined in
16 the same manner as in rule 10.474(c)(3).

17
18 (2)–(4) * * *

19
20 *(Subd (g) amended effective January 1, 2024; previously amended effective January 1,*
21 *2012, January 1, 2016, and January 1, 2023.)*

22
23 **(h)–(i) * * ***

24
25 *Rule 10.478 amended effective January 1, 2024; adopted effective January 1, 2008; previously*
26 *amended effective January 1, 2012, January 1, 2016, and January 1, 2023.*

27
28 **Rule 10.493. ~~Instructor-led training~~ Delivery methods defined**

29
30 **~~(a)~~—Definition**

31
32 (1) “Asynchronous education” refers to training that learners participate in at their own
33 pace outside the presence of an instructor or other learners. Asynchronous
34 education includes viewing or listening to videos or audio files or participating in
35 self-paced online courses.

36
37 (2) “E-learning” refers to any kind of instruction that is delivered through an electronic
38 device using electronic media. E-learning can be either synchronous or
39 asynchronous and either live or prerecorded, such as participating in live webinars,
40 viewing or listening to videos or audio files, or participating in online courses.

41
42 (3) “Instructor-led training” refers to synchronous education, guided by faculty, that
43 allows for real-time communication between faculty and participants ~~and is offered~~

1 by an approved provider under rule 10.481. Live, synchronous education facilitated
2 by an instructor may be delivered remotely via e-learning or in person. Examples of
3 instructor-led training include in-person trainings in a classroom setting; and live
4 webinars, and live videoconferences.

5
6 (4) “Self-directed study” refers to education in which learners engage in a process
7 where they take primary responsibility for planning, executing, and evaluating a
8 course of study with or without guidance from a manager, supervisor, or peer. In
9 self-directed learning, the individual learner assumes responsibility for the design
10 and completion of a course of study. Prior approval to engage in self-directed study
11 may be required to qualify for continuing education credit.

12
13 ~~(b) Application~~

14
15 Notwithstanding any other rule, instructor-led training may be used to satisfy all
16 continuing education requirements specified in the California Rules of Court that
17 require traditional (live, face-to-face) education. This provision applies whether the
18 requirement relates to a specific course or to a certain percentage or number of
19 hours of education.

20
21 *Rule 10.493 amended effective January 1, 2024; adopted January 1, 2021.*

22
23 **Advisory Committee Comment**

24
25 This rule is intended to eliminate within the California Rules of Court any restriction that
26 requires that a specific course or a certain number or percentage of hours of education be
27 taken in a traditional (live, face-to-face) learning environment. This rule applies whether
28 the education is described as "traditional (live, face-to-face)," "live (face-to-face)," "in
29 person," or any combination of these terms

30
31
32 **Chapter XX**

33
34 ***Rule 10.970 Reports of findings and orders affecting voting rights (Elec. Code, §***
35 ***2211.5)***

36
37 **Rule 10.970 Reports of findings and orders affecting voting rights (Elec. Code,**
38 **§ 2211.5)**

39
40 **(a) Application**

1 This rule applies to the reports required by Elections Code section 2211.5 regarding
2 findings and orders disqualifying a person from voting or restoring a person’s right
3 to register to vote under Elections Code sections 2208–2211.

4
5 **(b) Forms**

6
7 (1) The clerk must use *Confidential Report of Findings and Orders Affecting*
8 *Voting Rights* (form MC-600) to submit each report under this rule.

9
10 (2) To report the information required by Elections Code section 2211.5(a)(1)
11 and (b) for the period covered by each report, the clerk must attach to form
12 MC-600 either:

13
14 (A) A completed *Attachment to Confidential Report of Findings and*
15 *Orders Affecting Voting Rights* (form MC-600A) that includes the
16 required information about each applicable determination made by the
17 court in the period covered by the report; or

18
19 (B) A computer-generated report that presents the required information for
20 the period covered by the report using the same clearly identified
21 spaces as form MC-600A.

22
23 *Rule 10.970 adopted effective January 1, 2024.*

24
25
26 **Title 2. Standards for Proceedings in the Trial Courts**

27
28 **Standard 2.2. Trial court case disposition time goals**

29
30 ~~(a)–(l)~~ * * *

31
32 ~~(m) Exceptional criminal cases~~

33
34 ~~An exceptional criminal case is not exempt from the time goal in (j), but case~~
35 ~~progress should be separately reported under the Judicial Branch Statistical~~
36 ~~Information System (JBSIS) regulations.~~

37
38 ~~(n)(m)~~ * * *

39
40 *(Subd (m) relettered and amended effective January 1, 2024; adopted as subd (n) effective*
41 *January 1, 2004; previously amended effective January 1, 2007)*

1 ~~(o)~~(n) * * *

2

3 *(Subd (n) relettered and amended effective January 1, 2024; adopted as subd (o) effective*
4 *January 1, 2004.)*

5

6 *Standard 2.2 amended effective January 1, 2024; adopted as sec. 2.1 effective July 1, 1987;*
7 *previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990,*
8 *July 1, 1991, and January 1, 2004; previously amended and renumbered effective January 1,*
9 *2007.*

10

11

12