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

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Title 3. Civil Rules

Division 11. Law and Motion

Chapter 3. Provisional and Injunctive Relief

Article 4. Protective Orders

Rule 3.1162. Service requirement for respondents who appear remotely

(a) Application of rule

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

(b) No additional proof of service required

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

Rule 3.1162 adopted effective January 1, 2024

Title 3. Civil Rules

Division 20. Unlawful Detainers

Rule 3.2005. Settlement opportunities

(a) Policy favoring an opportunity for resolution without trial

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

(b) Exemption for mandatory settlement conference statement deadline

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

Rule 3.2005 adopted effective January 1, 2024.

Advisory Committee Comment

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

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

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

Rule 4.117. Qualifications for appointed trial counsel in capital cases

(a) * * *

(b) General qualifications

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

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

(c)–(i) * * *

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

Rule 5.151. Request for temporary emergency (ex parte) orders; application; required documents

(a)–(b) * * *

(c) Required documents

(1) *Request for order*

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

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

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

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

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

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

(2) *Request to reschedule hearing*

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

(d) Contents of application and declaration

(1) *Identification of attorney or party*

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

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

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

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

(3) *Disclosure of previous applications and orders*

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

(4) *Disclosure of change in status quo*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) *Contents of notice*

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

(A) State with specificity the nature of the relief to be requested;

(B) State the date, time, and place for the presentation of the application;

(C) State the date, time, and place of the hearing, if applicable; and

(D) Attempt to determine whether the opposing party will appear to oppose the application (if the court requires a hearing) or whether ~~he or she~~ the opposing party will submit responsive pleadings before the court rules on the request for emergency orders.

(2) *Declaration regarding notice*

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

(A) The notice given, including the date, time, manner, and name of the party informed, the relief sought, any response, and whether opposition is expected and that, within the applicable time under rule 5.165, the applicant informed the opposing party where and when the application would be made;

(B) That the applicant in good faith attempted to inform the opposing party but was unable to do so, specifying the efforts made to inform the opposing party; or

(C) That, for reasons specified, the applicant should not be required to inform the opposing party.

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

Advisory Committee Comment

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

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

Rule 5.451. Contact after adoption agreement

(a) Applicability of rule

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

~~(1) An adult related to the child or the child's sibling or half-sibling by blood or affinity, including a relative whose status is preceded by the word "step," "great," "great-great," or "grand"; or~~

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

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

~~(b) Contact after adoption agreement~~

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

~~(c)~~(b) ~~Court approval; time of decree~~ Preparing the agreement

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

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

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

~~(d)~~(c) ~~Terms of agreement~~ Enforcement, modification, or termination of the agreement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(e)~~(d) ~~Child a party~~ Costs and fees

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

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

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

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

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

~~(f) Form and provisions of the agreement~~

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

~~(g) Report to the court~~

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

~~(h) Enforcement of the agreement~~

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

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

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

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

~~(B) The court finds enforcement is in the best interest of the child.~~

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

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

~~(B) The inquiry will not disturb the stability of the child's home to the child's detriment.~~

~~(4) Monetary damages must not be ordered.~~

(i) Modification or termination of agreement

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

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

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

(B) The court finds all of the following:

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

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

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

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

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

(j) Costs and fees

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

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

~~**(k) Adoption final**~~

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

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

Rule 5.482. Proceedings after notice

(a)–(c) * * *

(d) Intervention

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

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

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

(e)–(g) * * *

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

Title 5. Family and Juvenile Rules

Division 2. Rules Applicable in Family and Juvenile Proceedings

Chapter 4. Protective Orders

Chapter 4 adopted effective January 1, 2024.

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

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

(a) Application of rule

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

(b) No additional proof of service required

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

Rule 5.496 adopted effective January 1, 2024.

Rule 5.530. Persons present

(a)–(f) * * *

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

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

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

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

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

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

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

(A) Be present at the hearing;

(B) Address the court;

(C) Request and receive notices of hearings;

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

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

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

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

(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) The court must consider all evidence required by section 361.23(c)(1), 361.23(e)(4), 727.13(b)(1), or 727.13(e)(4), and all evidence relevant to the court's determinations required under section 361.23(d), 361.23(e)(5), 727.13(d), or 727.13(e)(5).

(2) The court must use *Order on Application for Voluntary Admission to Psychiatric Residential Treatment Facility* (form JV-174) to document its findings and orders.

(3) If the court authorizes the admission of the child, nonminor, or nonminor dependent, the court must set a hearing to review the placement in the facility no later than 60 days following the admission.

(d) Notice of hearing on review of placement

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

(e) Conduct of hearing on review of placement

(1) The court must consider all evidence required by section 361.23(f)(1)(C), 361.23(f)(2)(C), 727.13(f)(1)(C), or 727.13(f)(2)(C) and all evidence relevant to the court's determinations required under section 361.23(d), 361.23(e)(5), 727.13(d), or 727.13(e)(5).

(2) The court must use *Review of Voluntary Admission of Child to Psychiatric Residential Treatment Facility* (form JV-175) or *Review of Voluntary Admission of Nonminor or Nonminor Dependent to Psychiatric Residential Treatment Facility* (form JV-176) to document its findings and orders.

(3) If the court authorizes the continued admission of the child, nonminor, or nonminor dependent, the court must set a review hearing on the child's placement in the facility no later than 30 days from the date of the review hearing.

(4) If the court does not authorize the continued admission of the child, nonminor, or nonminor dependent, the court must set a hearing in no later than 30 days to verify that the child, nonminor, or nonminor dependent has been discharged.

(f) Placement by consent of conservator

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

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

Rule 5.619 adopted effective January 1, 2024.

Rule 5.637. Family finding (§§ 309(e), 628(d))

(a) Definition

(1) "Family finding" means conducting an investigation to identify kin and connect the child with those kin in an effort to provide family support and possible placement. For an Indian child, family finding also includes contacting the child's Indian tribe to identify kin.

(2) "Kin" means any relative as defined in rule 5.502(34), and any nonrelative extended family member of the child or the child's relatives.

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

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

(b) Juvenile dependency proceedings

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

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

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

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

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

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

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

(c) Juvenile delinquency proceedings

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) When notification of kin is inappropriate

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

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

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

Advisory Committee Comment

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

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

Rule 5.695. Findings and orders of the court—disposition

(a)–(d) * * *

(e) Family-finding determination (§ 309)

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

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

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

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

~~**(f) Due diligence (§ 309)**~~

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

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

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

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

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

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

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

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

~~(g)~~ (f) Provision of reunification services (§ 361.5)

(1)–(10) * * *

(Subd (f) relettered and amended effective January 1, 2024; adopted as subd (e); previously relettered as subd (f) effective July 1, 1995, and as subd (h) January 1, 2011; previously relettered and amended as subd (g) effective January 1, 2017; previously amended effective January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, January 1, 1996, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July 1, 2002, January 1, 2007, January 1, 2010, January 1, 2014, January 1, 2015, and January 1

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

* * *

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

~~(i)~~ (h) Setting a hearing under section 366.26

* * *

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

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

Rule 5.790. Orders of the court

(a)–(e) * * *

(f) Family-finding determination (§ 628(d))

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

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

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

~~(g) Due diligence~~

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

~~(1) Asked the child, in an age-appropriate manner and consistent with the child's best interest, about his or her relatives;~~

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

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

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

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

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

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

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

* * *

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

~~(i)~~ (h) Fifteen-day reviews (§ 737)

* * *

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

Rule 5.810. Reviews, hearings, and permanency planning

(a) * * *

(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)

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

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

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

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

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

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

(A) The continuing necessity for and appropriateness of the placement;

(B) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the child to the child's home and to complete whatever steps are necessary to finalize the permanent placement of the child;

(C) The extent of progress that has been made by the child and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care;

(D) The permanent plan for the child, as described in (3);

(E) Whether the child was actively involved, as age- and developmentally appropriate, in the development of his or her own case plan and plan for permanent placement. If the court finds that the child was not appropriately involved, the court must order the probation officer to actively involve the child in the development of his or her own case plan and plan for permanent placement, unless the court finds that the child is unable, unavailable, or unwilling to participate; ~~and~~

(F) Whether each parent was actively involved in the development of the case plan and plan for permanent placement. If the court finds that any parent was not actively involved, the court must order the probation department to actively involve that parent in the development of the case plan and plan for permanent placement, unless the court finds that the parent is unable, unavailable, or unwilling to participate; ~~and~~

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

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

(3)–(4) * * *

(Subd (b) amended effective January 1, 2024; adopted effective January 1, 2001; previously amended effective January 1, 2003, January 1, 2007, January 1, 2014, January 1, 2016, and January 1, 2018.)

(c) Postpermanency status review hearings (§ 727.2)

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

(1) * * *

(2) *Findings and orders (§ 727.2(g))*

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

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

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

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

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

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

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

(3) * * *

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

(d)–(f) * * *

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

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

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

(a)–(b) * * *

(c) Annual education

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

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

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

(d) Subject matter and delivery of education

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

(1)–(2) * * *

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

(A) * * *

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

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

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

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

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

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

Rule 8.13. Amendments to rules

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

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

Title 8. Appellate Rules

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

Chapter 2. Civil Appeals

Article 2. Record on Appeal

Rule 8.124. Appendixes

(a) Notice of election

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

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

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

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

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

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

(b)–(d) * * *

(e) Service and filing

(1) A party preparing an appendix must:

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

(B) File the appendix in the reviewing court.

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

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

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

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

(f)–(g) * * *

Rule 8.124 amended effective January 1, 2024; repealed and adopted as rule 5.1 effective January 1, 2002; previously amended and renumbered as rule 8.124 effective January 1, 2007; previously amended effective January 1, 2005, January 1, 2008, January 1, 2010, January 1, 2016, January 1, 2017, and January 1, 2018.

Advisory Committee Comment

Subdivision (a). * * *

Subdivision (b). * * *

Subdivision (d). * * *

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

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

Subdivision (g). * * *

Rule 8.130. Reporter's transcript

(a) * * *

(b) Deposit or substitute for cost of transcript

(1)–(2) * * *

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

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

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

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

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

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

(c)–(h) * * *

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

Advisory Committee Comment

Subdivision (a). * * *

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

* * *

Rule 8.144. Form of the record

(a) * * *

(b) Format

(1)–(5) * * *

(6) *Volumes*

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

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

(7) * * *

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

(c) * * *

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

(1) *General*

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

(A)–(B) * * *

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

(D)–(G) * * *

(2) *Multivolume or multireporter transcripts*

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

(3) * * *

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

(e) * * *

(f) Pagination in multiple reporter cases

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

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

(3) If a segment has fewer than the assigned number of pages, on the last page of the segment, before the certificate page, the reporter must state in parentheses "(next volume and page number is ____)," and on the certificate page~~,~~ the reporter must add a hyphen to the last page number used, followed by the segment's assigned ending page number.

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

(g) * * *

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

Rule 8.204. Contents and format of briefs

(a) Contents

(1) Each brief must:

(A)–(B) * * *

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

(2) * * *

(Subd (a) amended effective January 1, 2024; previously amended effective January 1, 2006.)

**(b)–(e) * * *

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

Rule 8.452. Writ petition to review order setting hearing under Welfare and Institutions Code section 366.26

**(a)–(d) * * *

(e) Augmenting or correcting the record in the reviewing court

(1)–(2) * * *

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

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

(5)–(6) * * *

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

(f)–(i) * * *

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

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

(a)–(d) * * *

(e) Augmenting or correcting the record in the reviewing court

(1)–(2) * * *

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

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

(5)–(6) * * *

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

(f)–(i) * * *

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

Rule 8.504. Form and contents of petition, answer, and reply

(a) * * *

(b) Contents of a petition

(1)–(5) * * *

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

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

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

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

(c)–(d) * * *

(e) Attachments and incorporation by reference

(1) No attachments are permitted except:

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

(B)–(D) * * *

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

(3) * * *

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

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

Rule 8.622. Certifying the trial record for accuracy

(a) Request for corrections or additions

(1) Within 90 days after the clerk delivers the record to defendant's appellate counsel:

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

(B) * * *

(2)–(4) * * *

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

(b)–(e) * * *

Rule 8.622 amended effective January 1, 2024; adopted as rule 35.2 effective January 1, 2004; previously amended and renumbered as rule 8.622 effective January 1, 2007; previously amended effective January 1, 2018, and April 25, 2019.

Rule 8.834. Reporter's transcript

(a) * * *

(b) Deposit or substitute for cost of transcript

(1) * * *

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

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

(B)–(C) * * *

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

(E) * * *

(3) * * *

(Subd (b) amended effective January 1, 2024; previously amended effective January 1, 2014 and January 1, 2016.)

(c)–(f) * * *

Rule 8.834 amended effective January 1, 2024; adopted effective January 1, 2009; previously amended effective March 1, 2014, January 1, 2016, January 1, 2017, and January 1, 2018

Advisory Committee Comment

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

Rule 8.838. Form of the record

(a) Paper and format

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

(Subd (a) amended effective January 1, 2024; previously amended effective January 1, 2018.)

(b) * * *

(c) Binding and cover

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

(2)–(3) * * *

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

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

Division 4. Rules Relating to the Superior Court Appellate Division

Chapter 2. Appeals and Records in Limited Civil Cases

Article 2. Record in Civil Appeals

Rule 8.845. Appendixes

(a) Notice of election

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

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

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

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

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

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

(b)–(d) * * *

(e) Service and filing

(1) A party preparing an appendix must:

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

(B) File the appendix in the reviewing court.

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

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

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

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

(f)–(g) * * *

Rule 8.845 amended effective January 1, 2024; previously adopted effective January 1, 2021.

Advisory Committee Comment

Subdivision (a). * * *

Subdivision (b). * * *

Subdivision (d). * * *

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

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

Subdivision (g). * * *

Rule 8.866. Preparation of reporter's transcript

(a) When preparation begins

(1) * * *

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

(A) * * *

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

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

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

(ii)–(iii) * * *

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

(v)–(vii) * * *

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

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

(ii) * * *

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

(iv)–(vi) * * *

(E) * * *

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

(b) Format of transcript

The reporter's transcript must comply with rule ~~8.144~~ 8.838.

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

(c)–(f) * * *

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

Advisory Committee Comment

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

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

Rule 8.919. Preparation of reporter's transcript

(a) When preparation begins

(1) * * *

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

(A) * * *

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

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

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

(ii)–(iii) * * *

(iv) File a certified transcript of all of the proceedings required to be included in the reporter's transcript under rule 8.918. The transcript submitted by the appellant must not be accepted as a substitute for a deposit under (i) unless it complies ~~must comply~~ with the format requirements of rule ~~8.144~~ 8.838;

(v)–(vii) * * *

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

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

(ii) * * *

(iii) File a certified transcript of all of the proceedings required to be included in the reporter's transcript under rule 8.918. The transcript submitted by the appellant must not be accepted as a substitute for a deposit under (i) unless it complies ~~must comply~~ with the format requirements of rule ~~8.144~~ 8.838;

(iv)–(vi) * * *

(E) * * *

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

(b) Format of transcript

The reporter's transcript must comply with rule ~~8.144~~ 8.838.

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

(c)–(f) * * *

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

Advisory Committee Comment

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

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

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

(a) Definitions

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

(1) "Probate proceedings" are decedents' estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and by the rules in division 1 of title 7 of the California Rules of Court.

(2) * * *

(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) * * *

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

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

(a) Definitions

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

(1)–(2) * * *

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

(4) "Probate proceedings" are decedents' estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and by the rules in division 1 of title 7 of the California Rules of Court~~;~~.

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

(b) Content-based requirements for court investigators

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

(A)–(D) * * *

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

(F) Interviewing children and persons with mental function or communication deficits~~.~~; and

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

(2)–(4) * * *

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

(c) Content-based education for probate attorneys

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

(2)–(4) * * *

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

(d) Content-based education for probate examiners

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

(2)–(4) * * *

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

(e) * * *

(f) Hours-based education for probate attorneys

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

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

(2)–(4) * * *

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

(g) Hours-based education for probate examiners

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

(2)–(4) * * *

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

(h)–(i) * * *

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

Rule 10.493. ~~Instructor-led training~~ Delivery methods defined

~~(a) Definition~~

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

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

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

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

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

~~**(b) Application**~~

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

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

~~**Advisory Committee Comment**~~

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

Chapter XX

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

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

(a) Application

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

(b) Forms

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

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

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

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

Rule 10.970 adopted effective January 1, 2024.

Title 2. Standards for Proceedings in the Trial Courts

Standard 2.2. Trial court case disposition time goals

(a)–(*l*) * * *

~~**(m) Exceptional criminal cases**~~

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

~~**(n)**~~**(m)** * * *

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

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

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

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