AMENDMENT TO THE CALIFORNIA RULES OF COURT
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Rule 1.31. Mandatory forms

(a)–(b) * * *

(c) Identification of mandatory forms

Forms adopted by the Judicial Council for mandatory use bear the words "Form Adopted for Mandatory Use," "Mandatory Form," ~~or~~ "Form Adopted for Alternative Mandatory Use," or "Alternative Mandatory Form" in the lower left corner of the first page.

(Subd (c) amended effective January 1, 2026)

(d)–(g) * * *

Rule 1.31 amended effective January 1, 2026; adopted effective January 1, 2007; previously amended effective January 1, 2007, January 1, 2009, July 1, 2009, January 1, 2015, and September 1, 2017.

Rule 1.51. California Law Enforcement Telecommunications System (CLETS) information form

(a) Confidential CLETS information form to be submitted to the court

(1) A person requesting protective orders under Code of Civil Procedure section 527.6, 527.8, or 527.85; Family Code section 6320, 6404, or 6454; Penal Code section 490.8 or sections 18100–18205; or Welfare and Institutions Code section 213.5 or 15657.03 must submit to the court with the request a completed *Confidential Information for Law Enforcement* (form CLETS-001).

(2) A prosecuting agency requesting protective orders under Penal Code section 136.2, 273.5(j), 368(*l*), 646.9(k), or 1203.097(a)(2) must submit to the court with the request a completed *Confidential Information for Law Enforcement—Criminal* (form CLETS-002).

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2019, and July 1, 2025.)

(b) Confidentiality of the form

Forms CLETS-001 and CLETS-002 ~~is~~ are confidential, and access to the information on the forms is limited to the persons listed in (c).

(Subd (b) amended effective January 1, 2026; previously amended effective July 1, 2025.)

(c) Access to information on the form

Forms CLETS-001 and CLETS-002 must not be included in the court file. After the form is submitted to the court, only the following persons may have access to the information on the form:

(1) Authorized court personnel; and

(2) Law enforcement and other personnel authorized by the California Department of Justice to transmit or receive CLETS information.

(Subd (c) amended effective January 1, 2026; previously amended effective July 1, 2025.)

(d) Amendment of the form

A person or party requesting protective orders or the person's attorney may submit an amended form CLETS-001 or CLETS-002 as a matter of right to provide updated or more complete and accurate information.

(Subd (d) amended effective January 1, 2026; previously amended effective July 1, 2025.)

(e) Retention and destruction of the form

(1) When form CLETS-001 or CLETS-002 is submitted to the court, the court, if a temporary restraining order or order after hearing is entered, may:

(A) Transmit the form to a law enforcement agency for entry into CLETS and not retain any copy; or

(B) Enter the information on the form into CLETS itself and promptly destroy the form or delete it from its records.

(2) If no temporary restraining order or order after hearing is entered, the court may promptly destroy the form or delete it from its records.

(3) Until the court has completed (1) or (2), the form must be retained in a secure manner that prevents access to the information on the form except to those persons identified in (c).

(Subd (e) amended effective January 1, 2026; previously amended effective July 1, 2025.)

Rule 1.51 amended effective January 1, 2026; adopted effective January 1, 2011; previously amended effective January 1, 2019, and July 1, 2025.

Title 2. Trial Court Rules

Chapter 5. Accommodations

Rule 2.40. Requests for accommodations to pump or express breast milk

(a) Definitions

As used in this rule:

(1) "Persons who are lactating" means individuals who may need to express breast milk, including but not limited to those specified in Government Code section 69894 et seq.

(2) "Applicant" means any court user who is participating in an ongoing court proceeding in a superior court.

(3) "Accommodations" means providing break time from court proceedings in a superior court to pump or express breast milk. Accommodations may include making reasonable modifications in policies, practices, and procedures and providing access to a lactation room if the court has one.

(b) Policy

It is the policy of the courts of this state to ensure that persons who are lactating have equal and full access to the judicial system.

(c) Process for requesting accommodations to pump or express breast milk

The process for requesting accommodations to pump or express breast milk is as follows:

(1) Requests for accommodations may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally.

(2) Requests for accommodations must include a description of the accommodation being requested. The court, in its discretion, may require the applicant to provide additional information about the request.

(3) Requests for accommodations should be made in advance, if possible.

(4) The court must keep confidential all information of the applicant concerning the request for accommodation unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant and all oral or written communication from the applicant concerning the request for accommodation.

(d) Permitted communication

Communications under this rule must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(e) Response to accommodation request to pump or express breast milk

The court must respond to a request for accommodation to pump or express breast milk as follows:

(1) In determining whether to grant an accommodation request or provide an appropriate alternative accommodation, the court must consider but is not limited by Government Code section 69894 et seq.

(2) The court must promptly inform the applicant of the determination to grant or deny an accommodation request. If the accommodation request is denied in whole or in part, the response must be in writing. The response to the applicant must indicate:

(A) Whether the request for accommodation is granted or denied, in whole or in part, or an alternative accommodation is granted;

(B) If the request for accommodation is denied in whole or in part, the reason for the denial;

(C) The nature of any accommodation to be provided;

(D) The duration of any accommodation to be provided; and

(E) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(f) Review procedure

(1) If the determination to grant or deny a request for accommodation is made by nonjudicial court personnel, an applicant may submit a written request for review of that determination to the presiding judge or designated judicial officer. The request for review must be submitted within 10 days of the date the response under rule 2.40(e)(2) was delivered in person or sent.

(2) If the determination to grant or deny a request for accommodation is made by a presiding judge or another judicial officer, an applicant may file a petition for a writ of mandate under rules 8.485–8.493 or 8.930–8.936 in the appropriate reviewing court. The petition must be filed within 10 days of the date the response under rule 2.40(e)(2) was delivered in person or sent to the petitioner. For purposes of this rule, only those participants in the proceeding who were notified by the court of the determination to grant or deny the request for accommodation are considered real parties in interest in a writ proceeding. The petition for the writ must be served on the respondent court and any real party in interest as defined in this rule.

(3) The confidentiality of all information of the applicant concerning the request for accommodation and review under rule 2.40(f)(1) must be maintained as required under rule 2.40(c)(4).

(g) Duration of accommodations

The accommodation by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance.

Rule 2.40 adopted effective January 1, 2026.

Advisory Committee Comment

Nothing in this rule limits the rights of persons who are lactating to seek accommodation under rule 1.100.

Subdivision (f)(2). Which court is the "appropriate reviewing court" under this rule depends on the court in which the accommodation decision is made and the nature of the underlying case. If the accommodation decision is made by a superior court judicial officer and the underlying case is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate division of the superior court. If the

accommodation decision is made by a superior court judicial officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of Appeal.

Rule 3.400. Definition

(a)–(b) ***

(c) Provisional designation

Except as provided in (d), an action is provisionally a complex case if it involves one or more of the following types of claims:

(1) Antitrust or trade regulation claims;

(2) Construction defect claims involving many parties or structures;

(3) Securities claims or investment losses involving many parties;

(4) Environmental or toxic tort claims involving many parties;

(5) Comprehensive adjudications of groundwater rights;

~~(5)~~(6) Claims involving mass torts;

~~(6)~~(7) Claims involving class actions; or

~~(7)~~(8) Insurance coverage claims arising out of any of the claims listed in (c)(1) through ~~(c)(6)~~(7).

(Subd (c) amended effective January 1, 2026; previously amended effective January 1, 2007.)

(d) ***

Rule 3.400 amended effective January 1, 2026; adopted as rule 1800 effective January 1, 2000; previously amended and renumbered effective January 1, 2007.

Rule 3.404. Requesting assignment of judge when a comprehensive groundwater adjudication is filed in a court overlying the groundwater basin at issue

If a comprehensive adjudication of groundwater rights under Code of Civil Procedure section 833 is filed in the superior court of a county that overlies any portion of the groundwater basin at issue, the presiding judge of that court must:

(1) Submit a request for judicial assignment to the Temporary Assigned Judges Program; and

(2) Indicate that the request is for "Comprehensive groundwater adjudication assignment under Code of Civil Procedure section 838(a)(1)."

Rule 3.404 adopted effective January 1, 2026.

Advisory Committee Comment

Under Code of Civil Procedure section 838(a)(1), a judge of a superior court of a county that overlies all or any portion of the groundwater basin at issue in the comprehensive adjudication is disqualified, and the Chair of the Judicial Council must assign a judge to preside over the proceedings. In such circumstances, only a presiding judge may submit a request to the Chair for assignment of a new judge. If the complaint is filed in the superior court of a county not overlying any portion of the groundwater basin at issue, the judges of that court are not disqualified under section 838(a)(1), and a presiding judge has no basis to request that the Chair of the Judicial Council assign a judge to preside in the action under that section. The definitions in Code of Civil Procedure section 832 apply to this rule.

A comprehensive adjudication of groundwater rights is presumed to be a "complex case" under rule 3.400 of the California Rules of Court, but because the underlying statutes differ concerning assignment of judges, the rules for assignment of judges in Coordination of Complex Actions (title 3, division 4, chapter 7) do not apply to such adjudications.

Rule 3.404 adopted effective January 1, 2026.

Rule 3.670. Telephone appearance

(a) * * *

(b) Application

Subdivisions (c) through (i) of this rule are suspended from January 1, 2022, to January 1, ~~2026~~ 2027, during which time the provisions in rule 3.672 apply in their place. This rule applies to all general civil cases as defined in rule 1.6 and to unlawful detainer and probate proceedings.

(Subd (b) amended effective January 1, 2026; previously repealed and adopted as subd (a) effective July 1, 1998; previously relettered effective January 1, 2008; previously amended effective January 1, 1999, January 1, 2001, January 1, 2003, January 1, 2007, January 1, 2022, and August 4, 2023.)

(c)–(o) * * *

Rule 3.670 amended effective January 1, 2026; adopted as rule 298 effective March 1, 1988; previously amended and renumbered as rule 3.670 effective January 1, 2007; previously amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2011, July 1, 2013, January 1, 2014, January 1, 2016, January 1, 2019, January 1, 2022, January 1, 2023, and August 4, 2023.

Rule 3.740. Collections cases

(a) Definition

"Collections case" means an action for recovery of money owed in a sum stated to be certain that is not more than ~~$25,000~~ $35,000, exclusive of interest and attorney fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking any of the following:

(1) Tort damages;

(2) Punitive damages;

(3) Recovery of real property;

(4) Recovery of personal property; or

(5) A prejudgment writ of attachment.

(Subd (a) amended effective January 1, 2026.)

(b) *Civil Case Cover Sheet*

If a case meets the definition in (a), a plaintiff must check the case type box on ~~the~~ *Civil Case Cover Sheet* (form CM-010) to indicate that the case is a collections case under rule 3.740 and serve ~~the~~ *Civil Case Cover Sheet* (form CM-010) with the initial complaint.

(Subd (b) amended effective January 1, 2026; previously amended effective January 1, 2009.)

(c) Exemption from general time-for-service requirement and case management rules

A collections case is exempt from:

(1) The time-for-service requirement of rule 3.110(b); and

(2) The case management rules that apply to all general civil cases under rules 3.712–3.715 and 3.721–3.730, unless a defendant files a responsive pleading.

(d) Time for service

The complaint in a collections case must be served on all named defendants, and proofs of service on those defendants must be filed, or the plaintiff must obtain an order for publication of the summons, within 180 days after the filing of the complaint.

(e) Effect of failure to serve within required time

If proofs of service on all defendants are not filed or the plaintiff has not obtained an order for publication of the summons within 180 days after the filing of the complaint, the court may issue an order to show cause why reasonable monetary sanctions should not be imposed. If proofs of service on all defendants are filed or an order for publication of the summons is filed at least 10 court days before the order to show cause hearing, the court must continue the hearing to 360 days after the filing of the complaint.

(f) Effect of failure to obtain default judgment within required time

If proofs of service of the complaint are filed or service by publication is made and defendants do not file responsive pleadings, the plaintiff must obtain a default judgment within 360 days after the filing of the complaint. If the plaintiff has not obtained a default judgment by that time, the court must issue an order to show cause why reasonable monetary sanctions should not be imposed. The order to show cause must be vacated if the plaintiff obtains a default judgment at least 10 court days before the order to show cause hearing.

Rule 3.740 amended effective January 1, 2026; adopted effective July 1, 2007; previously amended effective January 1, 2009.

Rule 3.764. Motion to certify or decertify a class or amend or modify an order certifying a class

(a)–(b) * * *

(c) Format and filing of motion

(1) *Time for service of papers*

Notice of a motion to certify or decertify a class or to amend or modify a certification order must be ~~filed and~~ served on all parties to the action and filed at least ~~28~~ 34 calendar days before the date ~~appointed~~ set for hearing. Any opposition to the motion must be served and filed at least ~~14~~ 20 calendar days before the noticed or continued hearing, unless the court for good cause orders otherwise. Any reply to the opposition must be served and filed at least ~~5~~ 11 calendar days before the noticed or continued date of the hearing, unless the court for good cause orders otherwise. The provisions of Code of Civil Procedure section 1005 otherwise apply.

(2)–(4) * * *

(Subd (c) amended effective January 1, 2026; previously amended effective January 1, 2007.)

(d)–(e) * * *

Rule 3.764 amended and renumbered effective January 1, 2026; adopted as rule 1854 effective January 1, 2002; previously amended and renumbered effective January 1, 2007.

Rule 4.130. Mental competency proceedings

(a) Application

~~(1) This rule applies to proceedings in the superior court under Penal Code section 1367 et seq. to determine the mental competency of a criminal defendant.~~

~~(2) The requirements of subdivision (d)(2) apply only to a formal competency evaluation ordered by the court under Penal Code section 1369(a).~~

~~(3) The requirements of subdivision (d)(2) do not apply to a brief preliminary evaluation of the defendant's competency if:~~

~~(A) The parties stipulate to a brief preliminary evaluation; and~~

~~(B) The court orders the evaluation in accordance with a local rule of court that specifies the content of the evaluation and the procedure for its preparation and submission to the court.~~

The duty to initiate a competency proceeding may arise at any time before judgment, and after judgment in a proceeding to revoke probation, mandatory supervision, postrelease community supervision, or parole.

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2018.)

(b) Initiation of mental competency proceedings

(1) ~~The court must initiate mental competency proceedings if the judge has a reasonable doubt, based on substantial evidence, about the defendant's competence to stand trial.~~ If the court has a reasonable doubt based on substantial evidence that the defendant, due to a mental disorder or developmental disability, is incapable of understanding the nature of the proceedings against them or of rationally assisting in their defense, the court must suspend criminal proceedings and commence competency proceedings.

(2) The opinion of counsel, without a statement of specific reasons supporting that opinion, does not constitute substantial evidence. The court may allow defense counsel to present ~~his or her~~ their opinion regarding the defendant's mental competency ex parte and in camera if the court finds there is reason to believe that attorney-client privileged information will be inappropriately revealed if the hearing is conducted in open court.

~~(3) In a felony case, if the judge initiates mental competency proceedings prior to the preliminary examination, counsel for the defendant may request a preliminary examination as provided in Penal Code section 1368.1(a)(1), or counsel for the People may request a determination of probable cause as provided in Penal Code section 1368.1(a)(2) and rule 4.131.~~

(Subd (b) amended effective January 1, 2026: previously amended effective January 1, 2020.)

(c) Effect of initiating mental competency proceedings

(1) If mental competency proceedings are initiated, criminal proceedings are suspended and may not be reinstated until ~~a trial on the competency of the~~

~~defendant has been concluded and~~ the defendant is found mentally competent at a trial conducted under ~~Penal Code~~ section 1369, by the court under section 1369(c)(1) when neither party objects to the competency report, at a hearing conducted under ~~Penal Code~~ section 1370(a)(1)~~(G)~~(I), or at a hearing following a certification of restoration under ~~Penal Code~~ section 1372.

(2) ~~In misdemeanor cases, speedy trial requirements are tolled during the suspension of criminal proceedings for mental competency evaluation and trial. If criminal proceedings are later reinstated and time is not waived, the trial must be commenced within 30 days after the reinstatement of the criminal proceedings, as provided by Penal Code section 1382(a)(3).~~ Statutory requirements governing the time in which hearings must occur in the underlying criminal proceeding are tolled from the date on which criminal proceedings are suspended until the date on which criminal proceedings are reinstated. Upon reinstatement of criminal proceedings, unless waived by the defendant, all statutory time periods in which proceedings are required to occur are applicable, regardless of whether such time was waived by the defendant before the initiation of competency proceedings.

(3) ~~In felony cases, speedy trial requirements are tolled during the suspension of criminal proceedings for mental competency evaluation and trial. If criminal proceedings are reinstated, unless time is waived, time periods to commence the preliminary examination or trial are as follows:~~ The fact that criminal proceedings have been suspended and that competency proceedings have been initiated, in and of itself, is not grounds to revoke the defendant's own recognizance status or to modify a previous bail order.

~~(A) If criminal proceedings were suspended before the preliminary hearing had been conducted, the preliminary hearing must be commenced within 10 days of the reinstatement of the criminal proceedings, as provided in Penal Code section 859b.~~

~~(B) If criminal proceedings were suspended after the preliminary hearing had been conducted, the trial must be commenced within 60 days of the reinstatement of the criminal proceedings, as provided in Penal Code section 1382(a)(2).~~

(Subd (c) amended effective January 1, 2026; previously amended effective January 1, 2020.)

~~(d) Examination of defendant after initiation of mental competency proceedings~~

~~(1) On initiation of mental competency proceedings, the court must inquire whether the defendant, or defendant's counsel, seeks a finding of mental incompetence.~~

~~(2) Any court-appointed experts must examine the defendant and advise the court on the defendant's competency to stand trial. Experts' reports are to be submitted to the court, counsel for the defendant, and the prosecution. The report must include the following:~~

~~(A) A brief statement of the examiner's training and previous experience as it relates to examining the competence of a criminal defendant to stand trial and preparing a resulting report;~~

~~(B) A summary of the examination conducted by the examiner on the defendant, including a summary of the defendant's mental status, a diagnosis under the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*, if possible, of the defendant's current mental health disorder or disorders, and a statement as to whether symptoms of the mental health disorder or disorders which motivated the defendant's behavior would respond to mental health treatment;~~

~~(C) A detailed analysis of the competence of the defendant to stand trial using California's current legal standard, including the defendant's ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental health disorder;~~

~~(D) A summary of an assessment – conducted for malingering or feigning symptoms, if clinically indicated – which may include, but need not be limited to, psychological testing;~~

~~(E) Under Penal Code section 1369, a statement on whether treatment with antipsychotic or other medication is medically appropriate for the defendant and whether the defendant has capacity to make decisions regarding antipsychotic or other medication as outlined in Penal Code section 1370. If a licensed psychologist examines the defendant and opines that treatment with antipsychotic medication may be appropriate, the psychologist's opinion must be based on whether the defendant has a mental disorder that is typically known to benefit from that treatment. A licensed psychologist's opinion must not exceed the scope of their license. If a psychiatrist examines the defendant and opines that treatment with antipsychotic medication is appropriate, the~~

~~psychiatrist must inform the court of their opinion as to the likely or potential side effects of the medication, the expected efficacy of the medication, and possible alternative treatments, as outlined in Penal Code section 1370;~~

~~(F) A list of all sources of information considered by the examiner, including legal, medical, school, military, regional center, employment, hospital, and psychiatric records; the evaluations of other experts; the results of psychological testing; police reports; criminal history; statement of the defendant; statements of any witnesses to the alleged crime; booking information, mental health screenings, and mental health records following the alleged crime; consultation with the prosecutor and defendant's attorney; and any other collateral sources considered by the examiner in reaching a conclusion;~~

~~(G) If the defendant is charged with a felony offense, a recommendation, if possible, for a placement or type of placement or treatment program that is most appropriate for restoring the defendant to competency; and~~

~~(H) If the defendant is charged only with a misdemeanor offense, an opinion based on present clinical impressions and available historical data as to whether the defendant, regardless of custody status, appears to be gravely disabled, as defined in Welfare and Institutions Code section 5008(h)(1)(A).~~

~~(3) Statements made by the defendant during the examination to experts appointed under this rule, and products of any such statements, may not be used in a trial on the issue of the defendant's guilt or in a sanity trial should defendant enter a plea of not guilty by reason of insanity.~~

~~(c) Trial on mental competency~~

~~(1) Regardless of the conclusions or findings of the court-appointed expert, the court must conduct a trial on the mental competency of the defendant if the court has initiated mental competency proceedings under (b).~~

~~(2) At the trial, the defendant is presumed to be mentally competent, and it is the burden of the party contending that the defendant is not mentally competent to prove the defendant's mental incompetence by a preponderance of the evidence.~~

~~(3) In addition to the testimony of the experts appointed by the court under (d), either party may call additional experts or other relevant witnesses.~~

~~(4) After the presentation of the evidence and closing argument, the trier of fact is to determine whether the defendant is mentally competent or mentally incompetent.~~

~~(A) If the matter is tried by a jury, the verdict must be unanimous.~~

~~(B) If the parties have waived the right to a jury trial, the court's findings must be made in writing or placed orally in the record.~~

~~(f) Posttrial procedure~~

~~(1) If the defendant is found mentally competent, the court must reinstate the criminal proceedings.~~

~~(2) If the defendant in a felony case is found to be mentally incompetent under section 1370 or the defendant in any criminal action is found to be mentally incompetent under section 1370.1 due to a developmental disability, the criminal proceedings remain suspended and the court either:~~

~~(A) Must issue an order committing the person for restoration treatment under the provisions of the governing statute; or~~

~~(B) In the case of a person eligible for commitment under sections 1370, if the person is found incompetent due to a mental disorder, may consider placing the person on a program of diversion under section 1001.36 in lieu of commitment.~~

~~(3) If the defendant is found to be mentally incompetent in a misdemeanor case under section 1370.01, the criminal proceedings remain suspended, and the court may dismiss the case under section 1385 or conduct a hearing to consider placing the person on a program of diversion under section 1001.36~~

~~(g) Reinstatement of felony proceedings under section 1001.36(g)~~

~~If a defendant eligible for commitment under section 1370 is granted diversion under section 1001.36, and during the period of diversion, the court determines that criminal proceedings should be reinstated under section 1001.36(g), the court must, under section 1369, appoint a psychiatrist, licensed psychologist, or any other expert the court may deem appropriate, to examine the defendant and return a report opining on the defendant's competence to stand trial. The expert's report must be provided to counsel for the People and to the defendant's counsel.~~

~~(1) On receipt of the evaluation report, the court must conduct an inquiry into the defendant's current competency, under the procedures set forth in (h)(2) of this rule.~~

~~(2) If the court finds by a preponderance of the evidence that the defendant is mentally competent, the court must hold a hearing as set forth in Penal Code section 1001.36(g).~~

~~(3) If the court finds by a preponderance of the evidence that the defendant is mentally incompetent, criminal proceedings must remain suspended, and the court must order that the defendant be committed and placed for restoration treatment.~~

~~(4) If the court concludes, based on substantial evidence, that the defendant is mentally incompetent and is not likely to attain competency within the time remaining before the defendant's maximum date for returning to court, and has reason to believe the defendant may be gravely disabled, within the meaning of Welfare and Institutions Code section 5008(h)(1), the court may, instead of issuing a commitment order under section 1370, refer the matter to the conservatorship investigator of the county of commitment to initiate conservatorship proceedings for the defendant under Welfare and Institutions Code section 5350 et seq.~~

~~(h) Posttrial hearings on competence under section 1370~~

~~(1) If, at any time after the court has declared a defendant incompetent to stand trial, and counsel for the defendant, or a jail medical or mental health staff provider, provides the court with substantial evidence that the defendant's psychiatric symptoms have changed to such a degree as to create a doubt in the mind of the judge as to the defendant's current mental incompetence, the court may appoint a psychiatrist or a licensed psychologist to examine the defendant and, in an examination with the court, opine as to whether the defendant has regained competence.~~

~~(2) On receipt of an evaluation report under (h)(1) or an evaluation by the State Department of State Hospitals under Welfare and Institutions Code section 4335.2, the court must direct the clerk to serve a copy on counsel for the People and counsel for the defendant. If, in the opinion of the appointed expert or the department's expert, the defendant has regained competence, the court must conduct a hearing, as if a certificate of restoration of competence had been filed under section 1372(a)(1). At the hearing, the court may consider any evidence, presented by any party, that is relevant to the question of the defendant's current mental competency.~~

~~(A) At the conclusion of the hearing, if the court finds that it has been established by a preponderance of the evidence that the defendant is mentally competent, the court must reinstate criminal proceedings.~~

~~(B) At the conclusion of the hearing, if the court finds that it has not been established by a preponderance of the evidence that the defendant is mentally competent, criminal proceedings must remain suspended.~~

~~(C) The court's findings on the defendant's mental competency must be stated on the record and recorded in the minutes.~~

Rule 4.130 amended effective January 1, 2026; adopted effective January 1, 2007; previously amended effective January 1, 2018, January 1, 2020, September 1, 2020, May 13, 2022, and May 15, 2023.

Advisory Committee Comment

The case law interpreting Penal Code section 1367 et seq. established a procedure for judges to follow in cases ~~where~~ in which there is a concern whether the defendant is legally competent to stand trial, but the concern does not necessarily rise to the level of a reasonable doubt based on substantial evidence. Before finding a reasonable doubt as to the defendant's competency to stand trial and initiating competency proceedings under Penal Code section 1368 et seq., the court may appoint an expert to assist the court in determining whether such a reasonable doubt exists. As noted in *People v. Visciotti* (1992) 2 Cal.4th 1, 34–36, the court may appoint an expert when it is concerned about the mental competency of the defendant~~,~~ but the concern does not rise to the level of a reasonable doubt, based on substantial evidence, required by Penal Code section 1367 et seq. Should the results of this examination present substantial evidence of mental incompetency, the court must initiate competency proceedings under (b).

~~Once mental competency proceedings under Penal Code section 1367 et seq. have been initiated, the court is to appoint at least one expert to examine the defendant under (d). Under no circumstances is the court obligated to appoint more than two experts. (Pen. Code, § 1369(a).) The costs of the experts appointed under (d) are to be paid for by the court as the expert examinations and reports are for the benefit or use of the court in determining whether the defendant is mentally incompetent. (See Cal. Rules of Court, rule 10.810, function 10.)~~

~~Subdivision (d)(3), which provides that the defendant's statements made during the examination cannot be used in a trial on the defendant's guilt or a sanity trial in a not guilty by reason of sanity trial, is based on the California Supreme Court holdings in *People v. Arcega* (1982) 32 Cal.3d 504 and *People v. Weaver* (2001) 26 Cal.4th 876.~~

~~Although the court is not obligated to appoint additional experts, counsel may nonetheless retain their own experts to testify at a trial on the defendant's competency. (See *People v. Mayes* (1988) 202 Cal.App.4th 908, 917–918.) These experts are not for the benefit or use of the court, and their costs are not to be paid by the court. (See Cal. Rules of Court, rule 10.810, function 10.)~~

~~Both the prosecution and the defense have the right to a jury trial. (See *People v. Superior Court (McPeters)* (1995) 169 Cal.App.3d 796.) Defense counsel may waive this right, even over the objection of the defendant. (*People v. Masterson* (1994) 8 Cal.4th 965, 970.)~~

~~Either defense counsel or the prosecution (or both) may argue that the defendant is not competent to stand trial. (*People v. Stanley* (1995) 10 Cal.4th 764, 804 [defense counsel may advocate that defendant is not competent to stand trial and may present evidence of defendant's mental incompetency regardless of defendant's desire to be found competent].) If the defense declines to present evidence of the defendant's mental incompetency, the prosecution may do so. (Pen. Code, § 1369(b)(2).) If the prosecution elects to present evidence of the defendant's mental incompetency, it is the prosecution's burden to prove the incompetency by a preponderance of the evidence. (*People v. Mixon* (1990) 225 Cal.App.3d 1471, 1484, fn. 12.)~~

~~Should both parties decline to present evidence of defendant's mental incompetency, the court may do so. In those cases, the court is not to instruct the jury that a party has the burden of proof. "Rather, the proper approach would be to instruct the jury on the legal standard they are to apply to the evidence before them without allocating the burden of proof to one party or the other." (*People v. Sherik* (1991) 229 Cal.App.3d 444, 459–460.)~~

Rule 4.131. Evaluation of defendant after initiation of mental competency proceedings

(a) Application

The requirements of (b) of this rule apply only to a formal competency evaluation ordered by the court under section 1369(a). They do not apply to a brief preliminary evaluation of the defendant's competency if:

(1) The parties stipulate to a brief preliminary evaluation; and

(2) The court orders the evaluation in accordance with a local rule of court that specifies the content of the evaluation and the procedure for its preparation and submission to the court.

(b) Examination of defendant

A court-appointed expert or experts must examine the defendant, review the records provided, and, in a report filed with the court and made available to counsel for the defendant and the prosecution, opine as to whether the defendant is currently competent to stand trial. The expert's report must include the following:

(1) A brief statement of the examiner's training and previous experience as it relates to examining the competence of a criminal defendant to stand trial and preparing a resulting report;

(2) A summary of the examination conducted by the examiner on the defendant, including statements made by the defendant during that examination, and a list of the records, digital media, and other information reviewed and considered by the examiner;

(3) A detailed analysis of the competence of the defendant to stand trial using California's current legal standard, including the defendant's ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental health disorder;

(4) An analysis of all current diagnoses under the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders* applicable to the defendant, based on the available records and evaluation;

(5) A summary of any assessment—which may include test results—into whether the defendant is malingering or feigning symptoms;

(6) In a felony proceeding, an opinion as to whether:

(A) There is a substantial likelihood that the defendant will attain competency in the foreseeable future, with consideration as to the possible benefits of treatment with antipsychotic medication, if within the scope of the expert's licensure;

(B) Treatment with antipsychotic or other medication is necessary to restore the defendant to competency; and

(C) The defendant has capacity to make decisions regarding antipsychotic medication;

(7) An opinion as to whether the defendant is eligible for mental health diversion under section 1001.36, and a statement as to whether symptoms of the mental health disorder or disorders that motivated the defendant's behavior would

respond to mental health treatment. This opinion must be provided in a misdemeanor case or upon request by the defense in a felony case;

(8) An opinion as to whether cause exists to suspect that the defendant may have a developmental disability, with an explanation; and

(9) An opinion based on present clinical impressions and available historical data as to whether the defendant, regardless of custody status, appears to be gravely disabled, as defined in Welfare and Institutions Code section 5008(h)(1)(A).

Rule 4.131 adopted effective January 1, 2026.

Advisory Committee Comment

Once mental competency proceedings under Penal Code section 1367 et seq. have been initiated, the court is to appoint at least one expert to examine the defendant. Under no circumstances is the court obligated to appoint more than two experts. (Pen. Code, § 1369(a).) The costs of the experts appointed are to be paid for by the court, as the expert examinations and reports are for the benefit or use of the court in determining whether the defendant is mentally incompetent. (See Cal. Rules of Court, rule 10.810, function 10.)

Rule 4.132. Posttrial hearings on competence under section 1370

(a) If, at any time after the court has declared a defendant incompetent to stand trial, and counsel for the defendant, or a jail medical or mental health staff provider, provides the court with substantial evidence that the defendant's psychiatric symptoms have changed to such a degree as to create a doubt in the mind of the judge as to the defendant's current mental incompetence, the court may appoint a psychiatrist or a licensed psychologist to examine the defendant and opine as to whether the defendant has attained competence.

(b) Upon receipt of an evaluation report under (a) or an evaluation by the State Department of State Hospitals under Welfare and Institutions Code section 4335.2, the court must direct the clerk to serve a copy on counsel for the People and counsel for the defendant. If, in the opinion of the appointed expert or the department's expert, the defendant has attained competence, the court must conduct a hearing as if a certificate of restoration of competence had been filed under section 1372(a)(1). At the hearing, the court may consider any evidence, presented by any party, that is relevant to the question of the defendant's current mental competency.

(1) At the conclusion of the hearing, if the court finds that it has been established by a preponderance of the evidence that the defendant is mentally competent, the court must reinstate criminal proceedings.

(2) At the conclusion of the hearing, if the court finds that it has not been established by a preponderance of the evidence that the defendant is mentally competent, criminal proceedings must remain suspended.

(3) The court's findings on the defendant's mental competency must be stated on the record and recorded in the minutes.

Rule 4.132 adopted effective January 1, 2026.

Rule 4.133.~~4.131.~~ Probable cause determinations under section 1368.1(a)(2)

(a) Notice of a request for a determination of probable cause

The prosecuting attorney must serve and file notice of a request for a determination of probable cause on the defense at least 10 court days before the time appointed for the proceeding.

(b) Judge requirement

A judge must hear the determination of probable cause unless there is a stipulation by both parties to having the matter heard by a subordinate judicial officer.

(c) Defendant need not be present

A defendant need not be present for a determination of probable cause to proceed.

(d) Application of section 861

The one-session requirement of section 861 does not apply.

(e) Transcript

A transcript of the determination of probable cause must be provided to the prosecuting attorney and counsel for the defendant consistent with the manner in which a transcript is provided in a preliminary examination.

Rule 4.133 renumbered effective January 1, 2026; adopted as Rule 4.131 effective January 1, 2019.

Rule 4.200. Pre–voir dire conference in criminal cases

(a) * * *

(b) Written questions

The court may require counsel to submit in writing, and before the conference, all questions that counsel requests the court to ask of prospective jurors. This rule applies to questions to be asked either orally or by written questionnaire. The *Juror Questionnaire for Criminal Cases* (form ~~MC-002~~ JURY-002) may be used.

(Subd (b) amended effective, January 1, 2026; previously amended effective January 1, 2006.)

Rule 4.200 amended effective January 1, 2026; adopted as rule 228.1 effective June 6, 1990; previously amended and renumbered effective January 1, 2001; previously amended effective January 1, 2006, January 1, 2007, and March 14, 2022.

Rule 4.201. Voir dire in criminal cases

To select a fair and impartial jury, the judge must conduct an initial examination of the prospective jurors orally, or by written questionnaire, or by both methods. The ~~Juror Questionnaire for Criminal Cases~~ *Juror Questionnaire for Criminal Cases* (form ~~MC-002~~ JURY-002) may be used. After completion of the initial examination, the court must permit counsel to conduct supplemental questioning as provided in Code of Civil Procedure section 223.

Rule 4.201 amended effective January 1, 2026; adopted as rule 228.2 effective June 6, 1990; previously amended and renumbered effective January 1, 2001; previously amended effective January 1, 2006.

Rule 4.700. Firearm relinquishment procedures for criminal protective orders [Repealed]

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

~~This rule applies when a court issues a criminal protective order under Penal Code section 136.2 during a criminal case or as a condition of probation under Penal Code section 1203.097(a)(2) against a defendant charged with a crime of domestic violence as defined in Penal Code section 13700 and Family Code section 6211.~~

~~(b) Purpose~~

~~This rule is intended to:~~

~~(1) Assist courts issuing criminal protective orders to determine whether a defendant subject to such an order owns, possesses, or controls any firearms; and~~

~~(2) Assist courts that have issued criminal protective orders to determine whether a defendant has complied with the court's order to relinquish or sell the firearms under Code of Civil Procedure section 527.9.~~

~~(c) Setting review hearing~~

~~(1) At any hearing where the court issues a criminal protective order, the court must consider all credible information, including information provided on behalf of the defendant, to determine if there is good cause to believe that the defendant has a firearm within his or her immediate possession or control.~~

~~(2) If the court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control, the court must set a review hearing to ascertain whether the defendant has complied with the requirement to relinquish the firearm as specified in Code of Civil Procedure section 527.9. Unless the defendant is in custody at the time, the review hearing should occur within two court days after issuance of the criminal protective order. If circumstances warrant, the court may extend the review hearing to occur within 5 court days after issuance of the criminal protective order. The court must give the defendant an opportunity to present information at the review hearing to refute the allegation that he or she owns any firearms. If the defendant is in custody at the time the criminal protective order is issued, the court should order the defendant to appear for a review hearing within two court days after the defendant's release from custody.~~

~~(3) If the proceeding is held under Penal Code section 136.2, the court may, under Penal Code section 977(a)(2), order the defendant to personally appear at the review hearing. If the proceeding is held under Penal Code section 1203.097, the court should order the defendant to personally appear.~~

~~(d) Review hearing~~

~~(1) If the court has issued a criminal protective order under Penal Code section 136.2, at the review hearing:~~

~~(A) If the court finds that the defendant has a firearm in or subject to his or her immediate possession or control, the court must consider whether bail, as set, or defendant's release on own recognizance is appropriate.~~

~~(B) If the defendant does not appear at the hearing and the court orders that bail be revoked, the court should issue a bench warrant.~~

~~(2) If the criminal protective order is issued as a condition of probation under Penal Code section 1203.097, and the court finds at the review hearing that the defendant has a firearm in or subject to his or her immediate possession or control, the court must proceed under Penal Code section 1203.097(a)(12).~~

~~(3) In any review hearing to determine whether a defendant has complied with the requirement to relinquish firearms as specified in Code of Civil Procedure section 527.9, the burden of proof is on the prosecution.~~

Rule 4.700 repealed effective January 1, 2026: previously amended effective January 22, 2019; adopted effective July 1, 2010.

~~**Advisory Committee Comment**~~

~~When issuing a criminal protective order under Penal Code section 136.2 or 1203.097(a)(2), the court is required to order a defendant "to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control . . . ." (Code Civ. Proc., § 527.9(b).) Mandatory Judicial Council form CR-160, *Criminal Protective Order—Domestic Violence,* includes a mandatory order in bold type that the defendant "must surrender to local law enforcement or sell to a licensed gun dealer any firearm owned or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order."~~

~~Courts are encouraged to develop local procedures to calendar review hearings for defendants in custody beyond the two-court-day time frame to file proof of firearms relinquishment with the court under Code of Civil Procedure section 527.9.~~

Rule 5.9. Appearance by telephone

(a) Application

Subdivisions (b) through (d) of this rule are suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that time, the provisions in rule 3.672 apply in their place. This rule applies to all family law cases, except for actions for child support

involving a local child support agency and cases governed by the Indian Child Welfare Act. Rule 5.324 governs telephone appearances in governmental child support cases. Welfare and Institutions Code section 224.2(k) governs telephone appearances in cases under the Indian Child Welfare Act.

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2021, January 1, 2022, and August 4, 2023.)

(b)–(d) * * *

Rule 5.9 amended effective January 1, 2026; adopted effective January 1, 2013; previously amended effective January 1, 2021, January 1, 2022, and August 4, 2023.

Rule 5.16. Designation of parties

(a) Designation of parties

In cases filed under the Family Code, use the following designations for parties. ~~the party starting the case is referred to as the "petitioner," and the other party is the "respondent."~~

(1) Except as otherwise specified in this rule, the party starting the case is referred to as the "petitioner," and the other party is the "respondent."

(2) If the parties initiate the case by joint petition under Family Code sections 2330 and 2331 or section 2400:

(A) The first joint petitioner is referred to as "petitioner 1," and the second joint petitioner is referred to as "petitioner 2." For any Judicial Council forms that list the parties as "petitioner" and "respondent," petitioner 1 should identify themselves as "petitioner" and petitioner 2 should identify themselves as "respondent."

(B) If either party revokes the joint petition under Family Code section 2342.5(b), petitioner 1 will thereafter be referred to as the "petitioner" and petitioner 2 will thereafter be referred to as the "respondent."

(3) * * *

(Subd (a) amended effective January 1, 2026.)

(b) * * *

Rule 5.16 amended effective January 1, 2026; adopted effective January 1, 2013.

Rule 5.50. Papers issued by the court

(a) Issuing the summons; form

If a summons is required to commence a family law case, the clerk of the court must issue the summons using the same procedure for issuing a summons in civil actions, generally.

(1) The clerk of the court must:

(A) Issue ~~a~~ *Summons (Family Law)* (form FL-110) for divorces, legal separations, or annulment cases involving married persons or domestic partnerships;

(B) Issue ~~a~~ *Summons (Uniform Parentage—Petition for Custody and Support)* (form FL-210) for parentage or custody and support cases;

(C) Issue ~~a~~ *Summons (UIFSA)* (form FL-510) when a party seeks to establish or enforce child support orders from other states; ~~and~~

(D) Process ~~a~~ *Summons and Complaint or Supplemental Complaint Regarding Parental Obligations* (form FL-600) as specified in rule 5.325;

(E) Issue *Summons—Gestational Carrier Agreement* (form SUR-110) when parties file *Petition to Determine Parental Relationship* (form SUR-100); and

(F) Issue *Joint Summons—Joint Petition* (form FL-710) when parties file a joint petition for dissolution of marriage or domestic partnership or legal separation as specified in Family Code sections 2330(c) and 2331.

(2) * * *

(Subd (a) amended effective January 1, 2026.)

(b)–(c) * * *

Rule 5.50 amended effective January 1, 2026; adopted effective January 1, 2013; previously amended effective January 1, 2016.

Rule 5.68. Manner of service of summons and petition; response; jurisdiction

(a)–(b) * * *

(c) Continuing jurisdiction

The court has jurisdiction over the parties and control of all subsequent proceedings from the time of service of the summons and a copy of the petition. A general appearance of the respondent is equivalent to personal service within this state of the summons and a copy of the petition on the respondent ~~upon him or her~~.

(Subd (c) amended effective January 1, 2026.)

(d) Service of pleading revoking joint petition

If either party revokes a joint petition under Family Code section 2342.5(b), the revoking party must serve a copy of the following documents on the other party in the same manner as service of a notice or motion (Code Civ. Proc, § 1010 et seq.):

(1) A completed and filed pleading revoking the joint petition (amended *Petition—Marriage/Domestic Partnership* (form FL-100) or amended *Response—Marriage/Domestic Partnership* (form FL-120)); and

(2) A completed and filed *Notice of Revocation of Joint Petition* (form FL-720).

(Subd (d) adopted effective January 1, 2026.)

Rule 5.68 amended effective January 1, 2026; adopted effective January 1, 2013; previously amended effective January 1, 2024.

Rule 5.92. Request for court order; responsive declaration

(a) * * *

(b) Request for order; required forms and filing procedure

(1)–(6) * * *

(7) If the parties initiated the proceeding by joint petition under Family Code sections 2330 and 2331 and judgment has not yet entered in the case, a party must file a pleading revoking the joint petition under Family Code section 2342.5(b) and *Notice of Revocation of Joint Petition* (form FL-720) before or simultaneously with filing a request for order.

(Subd (b) amended effective January 1, 2026; adopted effective July 1, 2016; previous subd (b) repealed effective July 1, 2016, and previously amended effective January 1, 2025.)

(c)–(g) * * *

(Subd (g) amended effective January 1, 2026; adopted effective July 1, 2016.)

Rule 5.92 amended effective January 1, 2026; adopted effective July 1, 2012; previously amended effective July 1, 2016, and January 1, 2025.

Chapter 8. Child Custody and Visitation (Parenting Time) Proceedings

Article 6. Virtual Visitation

Rule 5.252. Guidelines for developing parenting plans and issuing court orders involving virtual visitation

(a) Application

(1) This rule applies to orders for virtual visitation made in proceedings under the Family Code.

(2) Virtual visitation is defined in Family Code section 3100(f).

(b) Guidelines

In determining whether virtual visitation is in the best interest of the child, judicial officers and parties developing parenting plans:

(1) Must consider evidence of the following:

(A) Potential safety concerns, especially in cases involving domestic violence and abuse, including whether one of parties is living in a confidential shelter under Family Code section 3100(e);

(B) The parties' access to firearms or ammunition under Family Code section 3100(e);

(C) Information provided by any:

(i) Child participation in the proceeding under Family Code section 3042;

(ii) Attorney appointed to represent the child under Family Code section 3150;

(iii) Child custody recommending counselor authorized to provide a recommendation under Family Code section 3183(a);

(iv) Child custody mediator authorized to communicate with the court about the case under Family Code section 216 and rule 5.235 of the California Rules of Court;

(v) Child custody evaluator or other expert under Family Code sections 3111 or 3118 or Evidence Code sections 730 or 733; or

(vi) Other person legally authorized to represent the child.

(2) Should consider evidence of the following:

(A) The child's age and capacity to participate in virtual visitation;

(B) The provider's experience and training with using remote technology to facilitate virtual visitation;

(C) The ability of the following persons to access the technology required to participate in, or implement, virtual visitation (for example, a computer, smartphone, laptop, desktop, or tablet, and an internet connection to allow for use of applications for audiovisual communications):

(i) The parents;

(ii) The child; and

(iii) The person providing, facilitating, or monitoring virtual visitation.

(A) Any other factors or information that weigh in favor of or against virtual visitation as part of the parenting plan or court order.

Rule 5.252 adopted effective January 1, 2026.

Rule 5.275. Standards for computer software to assist in determining support

(a) * * *

(b) Standards

The standards for computer software to assist in determining the appropriate amount of child or spousal support are:

(1) * * *

(2) ~~Using examples provided by the Judicial Council,~~ The software must calculate a child support amount, using its default settings, that is accurate to within 1 percent of the correct amount. ~~In making this determination~~ To determine the accuracy of the software, the Judicial Council ~~must~~ will develop scenarios for internal use to test the software, calculate the correct amount of support for each ~~example~~ scenario, and ~~must~~ then calculate the amount for each ~~example~~ scenario using the software program. Each person seeking certification of software must supply a copy of the software to the Judicial Council. If the ~~software does not operate on a standard Windows 95 or later compatible or Macintosh computer,~~ Judicial Council does not have the computer hardware or operating system necessary to use and test the software, the person seeking certification of the software must make available to the Judicial Council any hardware or operating system required to use and test the software. The person seeking certification must also grant or obtain all licenses necessary for the Judicial Council to use and test the software. The Judicial Council may delegate the responsibility for the calculation and determinations required by this rule.

(3) The software must contain, either on the screen or in written form, a glossary defining each term used on the computer screen or in printed hard copy produced by the software.

(4) The software must contain, either on the screen or in written form, instructions for the entry of each figure that is required for computation of

child support using the default setting of the software. These instructions must include but not be limited to the following:

(A) The gross income of each party as provided for by Family Code section 4058;

(B) The deductions from gross income of each party as provided for by Family Code section 4059 and ~~subdivision~~ (b)(1) of this rule;

(C) The additional items of child support provided for in Family Code section 4062; ~~and~~

(D) The ~~following factors~~ factor rebutting the presumptive guideline amount under Family Code section 4057(b)(2) (deferred sale of residence) ~~and 4057(b)(3) (income of subsequent partner).~~; and

(E) The income of a subsequent partner as provided for in Family Code section 4057.5.

(5) In making an allocation of the additional items of child support under ~~subdivision~~ (b)(4)(C) of this rule, the software must, as its default setting, allocate the expenses ~~one-half~~ for each additional item of child support to each parent in proportion to the parents' net incomes, as adjusted under Family Code section 4061(c) and (d). The software must also provide, in an easily selected option, ~~the~~ an alternative allocation of the expenses as provided for by Family Code section ~~4061(b)~~ 4061(a).

(6) The printout of the calculator results must display, on the first page of the results, the range of the low-income adjustment as permitted by Family Code section 4055(b)(7), if the low-income adjustment applies. If the software generates more than one report of the calculator results, the range of the low-income adjustment only must be displayed on the report that includes the user inputs.

(7) The software or a license to use the software must be available to persons without restriction based on profession or occupation.

(8) The sale or donation of software or a license to use the software to a court or a judicial officer must include a license, without additional charge, to the court or judicial officer to permit an additional copy of the software to be installed on a computer to be made available by the court or judicial officer to members of the public.

(Subd (b) amended effective January 1, 2026; previously amended effective January 1, 2003, January 1, 2007, and January 1, 2020.)

(c) Expiration of certification

Any certification provided by the Judicial Council under Family Code section 3830 and this rule must expire one year from the date of its issuance unless another expiration date is ~~set forth~~ stated in the certification. The Judicial Council may provide for earlier expiration of a certification if (1) the provisions involving the calculation of tax consequences change or (2) other provisions involving the calculation of support change.

(Subd (c) amended effective January 1, 2026; previously amended effective January 1, 2003.)

(d) Statement of certified public accountant

If the software computes the state and federal income tax liability as provided in ~~subdivision~~ (b)(1)(B) of this rule, the application for certification, whether for original certification or for renewal, must be accompanied by a statement from a certified public accountant that:

(1) The accountant is familiar with the operation of the software;

(2) The accountant has carefully examined, in a variety of situations, the operation of the software in regard to the computation of tax liability;

(3) In the opinion of the accountant the software accurately calculates the estimated actual state and federal income tax liability consistent with Internal Revenue Service and Franchise Tax Board procedures;

(4) In the opinion of the accountant the software accurately calculates the deductions under the Federal Insurance Contributions Act (FICA), including the amount for social security and for Medicare, and the deductions for California State Disability Insurance and properly annualizes these amounts; and

5) States which calendar year the statement includes and must clearly indicate any limitations on the statement. The Judicial Council may request a new statement as often as it determines necessary to ensure accuracy of the tax computation.

(Subd (d) amended effective January 1, 2026; previously amended effective January 1, 2003.)

(e) * * *

(f) Modifications to the software

The certification issued by the Judicial Council under Family Code section 3830 and this rule imposes a duty ~~up~~on the person applying for the certification to promptly notify the Judicial Council of all changes made to the software during the period of certification. Upon request, the Judicial Council will keep the information concerning changes confidential. The Judicial Council may, after receipt of information concerning changes, require that the software be recertified under this rule.

(Subd (f) amended effective January 1, 2026; previously amended effective January 1, 2003.)

(g) Definitions

As used in this chapter:

(1) "Software" refers to any program or digital application used to calculate the appropriate amount of child or spousal support.

(2) "Default settings" refers to the status in which the software first starts when it is installed on a computer system. The software may permit the default settings to be changed by the user, either on a temporary or a permanent basis, if (1) the user is permitted to change the settings back to the default without reinstalling the software, (2) the computer screen prominently indicates whether the software is set to the default settings, and (3) any printout from the software prominently indicates whether the software is set to the default settings.

(3) "Contain~~s~~" means, with reference to software, that the material is either displayed by the program code itself or is found in written documents supplied with the software.

(h) Explanation of discrepancies

Before the Judicial Council denies a certificate because of failure to comply with the standards in ~~paragraph~~ (b)(1) or (b)(2) of this rule, the Judicial Council may request the person seeking certification to explain the differences in results.

(Subd (h) amended effective January 1, 2026.)

(i)–(j) * * *

Rule 5.275 amended effective January 1, 2026; adopted as rule 1258 effective December 1, 1993; previously amended and renumbered as rule 5.275 effective January 1, 2003; previously amended effective January 1, 2000, January 1, 2007, January 1, 2009, January 1, 2016, and January 1, 2020.

Rule 5.324. Telephone appearance in title IV-D hearings and conferences

(a) Purpose

This rule is suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that time, the provisions in rule 3.672 apply in its place.

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2022, and August 4, 2023.)

(b)–(k) * * *

Rule 5.324 amended effective January 1, 2026; adopted effective July 1, 2005; previously amended effective January 1, 2007, January 1, 2008, July 1, 2008, July 1, 2011, January 1, 2014, January 1, 2017, January 1, 2022, and August 4, 2023.

Rule 5.502. Definitions and use of terms

Definitions * * *

As used in these rules, unless the context or subject matter otherwise requires:

(1)–(8) * * *

(9) "Date the child entered foster care" means:

(A) In dependency~~,~~:

(i) Except as provided in (ii), the earlier of the date on which the court sustained the petition filed under section 300 or 60 days after the "initial removal" of the child as defined ~~below~~in (21)(A)~~, whichever is earlier~~; or

(ii) If the court ordered custody retained by the parent or guardian at disposition on a petition filed under section 300, even if the child was initially detained, and later removed the child at disposition on a subsequent petition filed under section 342 or 387, the earlier of the date on which the court sustained the subsequent petition filed under section 342 or 387 or 60 days after the "initial removal" of the child, as defined in (21)(B).

(B) * * *

(10)–(20) * * *

(21) "Initial removal" means:

(A) Except as provided in (B), the date on which the child, who is the subject of a petition filed under section 300 or 600, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) or 628(c), if removal results in the filing of the petition before the court.; or

(B) If the child was not removed from the physical custody of their parent or guardian at disposition on a prior petition filed under section 300, the date on which the child, who is the subject of a subsequent petition filed under section 342 or 387, was taken into custody by the social worker or a peace officer, or was deemed to have been taken into custody under section 309(b) on the subsequent petition.

(22)–(46) * * *

Rule 5.502 amended effective January 1, 2026; adopted as rule 1401 effective January 1, 1990; previously amended and renumbered as rule 5.502 effective January 1, 2007; previously amended effective July 1, 1992, July 1, 1997, January 1, 1998, January 1, 1999, January 1, 2001, July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2010, January 1, 2011, January 1, 2012, July 1, 2012, January 1, 2014, January 1, 2016, and January 1, 2021.

Rule 5.510. Proper court; determination of child's residence; exclusive jurisdiction; retention of jurisdiction after death of child or nonminor dependent

(a)–(c) * * *

(d) Retention of jurisdiction (§ 10850.4(q)(1))

(1) If the death of a child or nonminor dependent occurs while the child or nonminor dependent is within the jurisdiction of the court, whether or not a petition was filed, the court may retain jurisdiction on its own motion or at the request of a party for the exclusive purpose of receiving documents and information related to the circumstances of the death, including but not limited to medical records, police reports, and autopsy reports.

(2) If the court retains jurisdiction, the case must remain open until the court receives the documents and information related to the circumstances of death. The court may order the placing agency to release the documents and information itemized in Welfare and Institutions Code section 10850.4(c) to the court, subject to the redactions set forth in section 10850.4(e).

(3) The court must terminate jurisdiction upon receipt of the documents and information.

(Subd (d) adopted effective January 1, 2026.)

Rule 5.510 amended effective January 1, 2026; adopted as rule 1403 effective January 1, 1991; previously amended effective January 1, 2021.

Rule 5.531. Appearance by telephone (§ 388; Pen. Code, § 2625)

(a) Application

Subdivisions (b) and (c) of this rule are suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that time, the applicable provisions in rule 3.672 or Welfare and Institutions Code sections 224.2(k) or 679.5, and any rules implementing those statutes, govern remote appearances and proceedings in juvenile court. The standards in (b) apply to any appearance or participation in court by telephone, videoconference, or other digital or electronic means authorized by law.

(Subd (a) amended effective January 1, 2026; previously effective January 1, 2022, and August 4, 2023.)

(b)–(c) * * *

Rule 5.531 amended effective January 1, 2026; adopted effective January 1, 2012; previously amended effective January 1, 2021, January 1, 2022, and August 4, 2023.

Rule 5.551. Confidentiality of a juvenile case file (§ 827)

This rule defines the scope of a juvenile case file for both living and deceased children and recognizes the applicability of other confidentiality laws.

(a) Definition of a juvenile case file

A juvenile case file is confidential and includes the records and information described in Welfare and Institutions Code section 827(e), as well as the following:

(1) All records and information filed in a juvenile court case or made available to the court;

(2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;

(3) Records and information made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;

(4) Records and information relating to a child within the jurisdiction of the juvenile court, whether or not a petition has been filed, that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;

(5) Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services program; and

(6) Records and information, including but not limited to video or audio recordings, photographs, digital images and recordings, and exhibits admitted into evidence at juvenile court hearings.

(b) Other applicable law (§ 827(a)(3))

Under no circumstances may this rule, rule 5.552, rule 5.553, or any subdivision of these rules be interpreted to permit access to or release of a juvenile case file, or any portion thereof, that is protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those laws, or to limit access to or release of a juvenile case file, or any portion thereof, permitted under any other federal or state law.

Rule 5.551 adopted effective January 1, 2026.

Rule 5.552. ~~Confidentiality of records~~ Procedure for requesting any juvenile delinquency case file and a living child's juvenile dependency case file (§§ 827(a)(1), 827.12, 828)

~~(a) Definitions~~

~~For purposes of this rule, "juvenile case file" includes:~~

~~(1) All documents filed in a juvenile court case;~~

~~(2) Reports to the court by probation officers, social workers of child welfare services programs, and CASA volunteers;~~

~~(3) Documents made available to probation officers, social workers of child welfare services programs, and CASA volunteers in preparation of reports to the court;~~

~~(4) Documents relating to a child concerning whom a petition has been filed in juvenile court that are maintained in the office files of probation officers, social workers of child welfare services programs, and CASA volunteers;~~

~~(5) Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services program; and~~

~~(6) Documents, video or audio recordings, photographs, and exhibits admitted into evidence at juvenile court hearings.~~

~~(b)~~ (a) Petition for access to any juvenile delinquency case file and a living child's juvenile dependency case file

Juvenile delinquency case files and a living child's juvenile dependency case file~~s~~ may be obtained or inspected, and information from the file may be disclosed, only in accordance with sections 827, 827.12, and 828. ~~They~~ The file may not be obtained or inspected by civil or criminal subpoena, and the information from the file may not be disclosed by testimony without a juvenile court order. With the exception of those persons permitted to inspect juvenile case files without court authorization under sections 827 and 828, and the specific requirements for accessing juvenile case files provided in section 827.12(a)(1), every person or agency seeking to inspect or obtain the juvenile delinquency case file or a living child's dependency case file~~s~~ must petition the court for authorization using *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570). A chief probation officer seeking juvenile court authorization to access and provide data from case files in the possession of

the probation department under section 827.12(a)(2) must comply with the requirements in ~~(c)~~ (d) of this rule.

(1) The specific file~~s~~ sought must be identified in the petition based on knowledge, information, and belief that such a file~~s~~ exists and ~~are~~ is relevant to the purpose for which ~~they are~~ it is being sought.

(2) Petitioner must describe in detail the reasons the file~~s~~ ~~are~~ is being sought and ~~their~~ its ~~relevancy~~ relevance to the proceeding or other purpose for which petitioner wishes to inspect or obtain the file~~s~~.

(Subd (a) relettered and amended effective January 1, 2026; adopted as subd (c); previously amended effective July 1, 1997, January 1, 2007, and January 1, 2019, September 1, 2020; previously amended and relettered as subd (b) effective January 1, 2018.)

~~(c)~~ (b) Notice of petition for access to any juvenile delinquency case file and a living child's juvenile dependency case file

(1) At least 10 days before the petition is submitted to the court, the petitioner must personally or by first-class mail serve *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570), *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572) on the following:

(A) The county counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action if the child~~'s~~ is or was the subject of a petition ~~was~~ filed under section 300;

(B) The district attorney if the child~~'s~~ is or was the subject of a petition ~~was~~ filed under section 601 or 602;

(C) The child if the child is 10 years of age or older;

(D) The attorney of record for the child who was or remains a ward or dependent of the court;

(E) The parents of the child if:

(i) The child is under 18 years of age; or

(ii) The child~~'s~~ is the subject of a petition ~~was~~ filed under section 300;

(F) The guardians of the child if:

(i) The child is under 18 years of age; or

(ii) The child~~'s~~ is the subject of a petition ~~was~~ filed under section 300;

(G) The probation department or child welfare agency, or both, if applicable;

(H) The Indian child's tribe, if applicable; ~~and~~

(I) The child's CASA volunteer, if applicable;

(J) Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3); and

(K) The attorney of record or legal representative of the individual protected under section 827(a)(3).

(2) The petitioner must complete *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-569) and file it with the court.

(3) If the petitioner or the petitioner's counsel ~~does~~ indicates on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the parties in ~~(c)~~(b)(1) ~~above~~ or the clerk possesses information, such as a more recent address, indicating that service by the petitioner on any of those parties may have been ineffective, the clerk must:

(A) Serve personally or by first-class mail to the last known address a copy of *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570), *Notice of Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-571), and a blank copy of *Objection to Release of Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-572); and

(B) Complete *Proof of Service—Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-569) and file it ~~with the court~~ in the court's case file.

(4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the *Petition for Access to Juvenile Delinquency Case File or a Living Child's Juvenile Dependency Case File* (form JV-570).

(Subd (b) relettered and amended effective January 1, 2026; adopted as subd (d); previously amended effective January 1, 2007, January 1, 2009 and September 1, 2020; previously amended and relettered as subd (c) effective January 1, 2018)

~~(d)~~ (c) Procedure for evaluating a petition for access to any juvenile delinquency case file and a living child's juvenile dependency case file

(1) The court must review the petition for access to a juvenile delinquency case file or a living child's juvenile dependency case file and, if petitioner does not show good cause, deny it summarily.

(2) If petitioner shows good cause, the court may set a hearing. The clerk must give notice of the hearing to the persons and entities listed in ~~(c)~~(b)(1) ~~above~~.

(3) Whether or not the court holds a hearing, if the court determines that there may be information or documents in the records sought to which the petitioner may be entitled, the juvenile court judicial officer must conduct an in camera review of the juvenile delinquency case file or a living child's juvenile dependency case file~~s~~ and any objections and assume that all legal claims of privilege are asserted.

(4) In determining whether to authorize inspection or release of the juvenile delinquency case file or a living child's juvenile dependency case file~~s~~, in whole or in part, the court must balance the interests of the child and other parties to the juvenile court proceedings, the interests of the petitioner, and the interests of the public.

(5) If the court grants the petition, the court must find that the need for access outweighs the policy considerations favoring confidentiality of the juvenile delinquency case file or a living child's juvenile dependency case file~~s~~. The confidentiality of the juvenile case file~~s~~ is intended to protect the privacy rights of the child.

(6) The court may permit access to the juvenile delinquency case file or a living child's juvenile dependency case file~~s~~ only insofar as is necessary, and only if

petitioner shows by a preponderance of the evidence that the records requested are necessary and have substantial relevance to the legitimate need of the petitioner.

(7) If, after in camera review and review of any objections, the court determines that all or a portion of the juvenile delinquency case file or a living child's juvenile dependency case file may be accessed, the court must make appropriate orders, specifying the information that may be accessed or disclosed and the procedure for providing access to or disclosure of it.

(8) The court may issue redaction and protective orders such as *Order Granting Section 827 Petition Attachment: Required Redactions* (form JV-576) to accompany authorized disclosure, discovery, or access to the juvenile delinquency case file or a living child's juvenile dependency case file.

(Subd (c) relettered and amended effective January 1, 2026; adopted as subd (e); previously amended effective January 1, 2007, and January 1, 2009, and September 1, 2020; previously amended and relettered as subd (d) effective January 1, 2018.)

~~(e)~~ (d) Release of ~~case file information~~ any juvenile delinquency case file and related probation records for research (§ 827.12(a)(2))

(1) The court may authorize a chief probation officer to access and provide data contained in juvenile delinquency case files and related juvenile records in the possession of the probation department for the purpose of data sharing or conducting or facilitating research on juvenile justice populations, practices, policies, or trends if the court finds the following:

~~(1)~~ (A) The research, evaluation, or study includes a sound method for the appropriate protection of the confidentiality of an individual whose juvenile delinquency case file is accessed for this purpose. In considering whether a method is sound, the court must have information on:

~~(A)~~ (i) The names and qualifications of any nonprobation personnel who will have access to personally identifying information as defined in Civil Code section 1798.79.8(b);

~~(B)~~ (ii) Procedures to mask personally identifying information that is shared electronically; and

~~(C)~~ (iii) Data security protocols to ensure that access to the information is limited to those people authorized by the court.

~~(2)~~ (B) No further release, dissemination, or publication of personally identifying information by the probation department or a program evaluator, researcher, or research organization that is retained by the probation department will take place for research or evaluation purposes.

~~(3)~~ (C) The disclosure requirements of section 10850 are met if any dependency information in a Juvenile Delinquency file may be disclosed.

~~(4)~~ (D) A date for destruction of records containing personally identifying information in the possession of nonprobation department personnel has been set to prevent inappropriate disclosure of the records.

(2) If the information is being released for human subject research as defined in 45 Code of Federal Regulations part 46, the probation department must provide notice to the office of the public defender or the juvenile's retained attorney 30 days before the court authorizes the release of the information so that the office has an opportunity to file an objection to the release with the court.

(A) If such an objection is filed within the 30 day period the court must set a hearing on the objection within 30 days of the filing of the objection to consider the objection and make a determination on whether and how release of information should be accomplished.

(B) Upon receiving authorization, but prior to the release of information, the probation department must enter into a formal agreement with the entity or entities conducting the research that specifies what may and may not be done with the information disclosed.

(Subd (d) relettered and amended effective January 1, 2026; adopted as subd (e) effective September 1, 2018.)

~~(f)~~ (e) Reports of law enforcement agencies (§ 828)

Except as authorized under section 828, all others seeking to inspect or obtain information gathered and retained by a law enforcement agency regarding the taking of a living child into custody must petition the juvenile court for authorization using *Petition to Obtain Report of Law Enforcement Agency* (form JV-575).

(Subd (e) relettered and amended effective January 1, 2026; adopted as subd (f) effective January 1, 1994; previously relettered as subd (g) effective January 1, 2001, as subd (f) effective January 1, 2009 and as subd (f) effective September 1, 2018; previously amended effective January 1, 2007; previously amended and relettered as subd (e) effective January 1, 2018.)

~~**(g) Other applicable statutes**~~

~~Under no circumstances must this rule or any section of it be interpreted to permit access to or release of records protected under any other federal or state law, including Penal Code section 11165 et seq., except as provided in those statutes, or to limit access to or release of records permitted under any other federal or state statute.~~

Rule 5.552 amended effective September 1, 2020; adopted as rule 1423 effective July 1, 1992; previously amended effective January 1, 1994, July 1, 1995, July 1, 1997, January 1, 2001, January 1, 2004, January 1, 2009, January 1, 2018, January 1, 2019, and September 1, 2010; previously amended and renumbered effective January 1, 2007.

Rule 5.553. ~~Juvenile case file of a deceased child~~ Procedure for requesting a deceased child's juvenile dependency case file (§ 827(a)(2))

(a) Petition for requesting a deceased child's juvenile dependency case file

When the juvenile dependency case file of a deceased child is sought, the court must proceed as follows:

(1) Under section ~~827(a)(2) if the request is made by a member of the public~~ 16502.5 if the request is made by a county board of supervisors; or

(2) Under section ~~16502.5 if the request is made by a county board of supervisors.~~ 827(a)(2) if the request is made by a member of the public. The remainder of this rule applies to the release of the juvenile dependency case file of a deceased child under section 827(a)(2). It does not apply to review of records relating to the deceased child by the county board of supervisors under section 16502.5.

(A) Except to the extent that the file has been released to the public by court order under section 827(a)(2) and this rule, the file may not be obtained or inspected by civil or criminal subpoena, and the information from the file may not be disclosed by testimony without a juvenile court order.

(B) Any person or agency seeking the release or disclosure of the juvenile dependency case file of a deceased child must petition the court under section 827(a)(2) using *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584).

(Subd (a) adopted effective January 1, 2026.)

(b) Notice of petition requesting a deceased child's juvenile dependency case file (§ 827(a)(2))

(1) Upon filing a petition under section 827(a)(2), the petitioner must personally or by first-class mail serve a copy of the *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-584) that was filed with the court, *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586) on the following, to the extent that their identity and contact information is known by the petitioner:

(A) The custodian of records, as defined in section 10850.4(k)(2);

(B) The county counsel, city attorney, or any other attorney representing the custodian of records;

(C) Any surviving sibling, child, or nonminor dependent whose information is directly or indirectly included in the deceased child's juvenile case file or who may be identified by information in the deceased child's juvenile case file;

(D) Any of the following who is authorized to represent the interest of a surviving sibling, child, or nonminor dependent described in (C):

(i) The parent or guardian of any surviving minor sibling or child; and

(ii) The attorney of record or legal representative of any surviving sibling, child, or nonminor dependent;

(E) Anyone with a surviving interest protected by another state or federal law prohibiting or limiting the release of the juvenile case file or any portions thereof under section 827(a)(3);

(F) The attorney of record or legal representative of the individual protected under section 827(a)(3);

(G) The Indian tribe—and, if applicable, the Indian custodian—of any surviving sibling, child, nonminor dependent, or individual protected under section 827(a)(3), who is or was an Indian child as defined in section 224.1(b); and

(H) Any other interested party as determined by the court.

(2) The petitioner must complete *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583) and file it with the court.

(3) If the petitioner or the petitioner's counsel indicates on the proof of service that they do not know or cannot reasonably determine the identity or address of any of the interested parties in (b)(1) or the custodian of records possesses information, such as a more recent address, indicating that service by the petitioner on any of those interested parties may have been ineffective, the custodian of records must, within 10 days of receipt of the petition:

(A) Serve on those parties, personally or by first-class mail to the last known address, a copy of *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-584), *Notice of Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-585), and a blank copy of *Objection to Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-586); and

(B) Complete *Proof of Service—Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (form JV-583) and file it with the court.

(4) For good cause, the court may, on the motion of the person seeking the order or on its own motion, shorten the time for service of the *Petition for Public Disclosure of a Deceased Child's Juvenile Dependency Case File* (JV-584).

(Subd (b) adopted effective January 1, 2026.)

(c) Procedure for evaluating a request for a deceased child's juvenile dependency case file

Section 827(a)(2)(A)–(C), (E), and (F) sets forth the procedures and timelines governing objections, replies to objections, and hearings on a *Petition for Public*

Disclosure of a Deceased Child's Juvenile Dependency Case File (JV-584) and, subject to section 827(a)(3)(A), the standards for granting or denying such a petition. The court may issue redaction and protective orders such as *Order Granting Section 827 Petition Attachment: Required Redactions* (form JV-576) to limit public disclosure of a deceased child's juvenile dependency case file, as necessary.

(Subd (c) adopted effective January 1, 2026.)

Rule 5.553 amended effective January 1, 2026; adopted effective January 1, 2009.

Rule 5.900. Nonminor dependent—preliminary provisions (§§ 224.1(b), 295, 303, 366, 366.3, 388, 391, 607(a))

(a)–(d) * * *

(e) Telephone appearance

Paragraph (1) below is suspended from January 1, 2022, to January 1, ~~2026~~ 2027. During that period, the juvenile dependency provisions in rule 3.672 apply in its place.

(1)–(3) * * *

(Subd (e) amended effective January 1. 2026; previously amended effective January 1, 2022, and August 4, 2023.)

(f) * * *

Rule 5.900 amended effective January 1, 2026; adopted effective January 1, 2012; previously amended effective January 1, 2014, January 1, 2022, and August 4, 2023.

Rule 7.1050. Conservator forms

(a) Forms to be submitted with petition

Each petitioner, unless the petitioner is a bank or other entity entitled to conduct the business of a trust company, must submit to the court with the petition for appointment of conservator or the petition for orders accepting transfer a completed *Confidential Supplemental Information* statement (form GC-312). In addition, each proposed conservator, except a bank or other entity entitled to conduct the business

of a trust company, or a public guardian, must submit a completed *Confidential Conservator Screening Form* (form GC-314).

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2002, and January 1, 2007.)

(b)–(c) * * *

Rule 7.1050 amended effective January 1, 2026; adopted effective January 1, 2001; previously amended effective January 1, 2002, and January 1, 2007.

Rule 7.2221. Papers to be filed (§ 5975)

(a) Alternative petitions to begin CARE Act proceedings

A petition to commence CARE Act proceedings must be made on *Petition to Begin CARE Act Proceedings* (form CARE-100) or, if the petitioner is a licensed behavioral health professional as defined in section 5971(*l*), on *Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only* (form CARE-102).

(Subd (a) amended effective January 1, 2026; adopted effective July 1, 2025.)

(b) Documentation required to support *Petition to Begin CARE Act Proceedings*

If using *Petition to Begin CARE Act Proceedings* (form CARE-100), the petition must include either:

(1) A completed *Mental Health Declaration—CARE Act Proceedings* (form CARE-101); or

(2) The evidence described in section 5975(d)(2).

(Subd (b) amended effective January 1, 2026; adopted effective July 1, 2025.)

(c) Documentation required to support *Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only*

If using *Petition to Begin CARE Act Proceedings by Licensed Behavioral Health Professional Only* (form CARE-102), the documentation in subdivision (b) is not required.

(Subd (c) amended effective January 1, 2026; adopted effective July 1, 2025.)

Rule 8.885. Oral argument

(a) Calendaring and sessions

(1) Unless otherwise ordered, and except as provided in (2), all appeals in which the last reply brief was filed or the time for filing this brief expired 45 or more days before the date of a regular appellate division session must be placed on the calendar for that session by the appellate division clerk. By order of the presiding judge or the appellate division, any appeal may be placed on the calendar for oral argument at any session.

(2) Oral argument will not be set in appeals under *People v. Wende* (1979) 25 Cal.3d 436 where no arguable issue is raised.

(Subd (a) amended effective January 1, 2026; previously amended effective January 1. 2020.)

~~**(b) Oral argument by videoconference**~~

~~(1) Oral argument may be conducted by videoconference if:~~

~~(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting that oral argument be conducted by videoconference must be filed within 10 days after the court sends notice of oral argument under (c)(1); or~~

~~(B) A local rule authorizes oral argument to be conducted by videoconference consistent with these rules.~~

~~(2) If oral argument is conducted by videoconference:~~

~~(A) Each judge of the appellate division panel assigned to the case must participate in the entire oral argument either in person at the superior court that issued the judgment or order that is being appealed or by videoconference from another court.~~

~~(B) Unless otherwise allowed by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, all the parties must appear at oral argument in person at the superior court that issued the judgment or order that is being appealed.~~

~~(C) The oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, oral argument may also be open to the public at any of the locations from which a judge of the appellate division is participating in oral argument.~~

~~(D) The appellate division must ensure that:~~

~~(i) During oral argument, the participants in oral argument are visible and their statements are audible to all other participants, court staff, and any members of the public attending the oral argument;~~

~~(ii) Participants are identified when they speak; and~~

~~(iii) Only persons who are authorized to participate in the proceedings speak.~~

~~(E) A party must not be charged any fee to participate in oral argument by videoconference if the party participates from the superior court that issued the judgment or order that is being appealed or from a location from which a judge of the appellate division panel is participating in oral argument.~~

(b) Remote proceedings

(1) Definitions

(A) "Court facility" has the same meaning as that provided in Government Code section 70301(d).

(B) "Party" is as defined in rule 1.6(15), meaning any person appearing in an action and that person's counsel.

(C) "Remote appearance" or "appear remotely" means the appearance of a party at oral argument through the use of remote technology.

(D) "Remote technology" means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer,

tablet, telephone, cellphone, or other electronic or communications device.

(2) Oral argument may be conducted in whole or in part through the use of remote technology if:

(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting to appear remotely at oral argument must be filed within 10 days after the court sends notice of oral argument under (c). The court may not require a party to appear through remote technology; or

(B) A local rule authorizes remote appearances consistent with these rules, so long as the court procedure includes a process for self-represented parties to agree to their remote appearance and for parties to show why remote appearances should not be allowed.

(3) The appellate division must ensure that:

(A) Participants are identified when they speak.

(B) Only persons who are authorized to participate in the proceedings speak.

(C) The oral argument is open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, public access to oral argument may in addition be provided to the public through remote technology or at any of the locations from which a judge of the appellate division is participating in oral argument.

(4) Remote appearance fees

(A) Parties who, by statute, are not charged filing fees or fees for court services may not be charged a videoconference fee under Government Code section 70630 or otherwise.

(B) Parties with a fee waiver may not be charged fees for remote appearances.

(i) To obtain remote appearance services without payment of a fee from a vendor or a court that provides such services, a party must advise the vendor or the court that they have received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

(ii) If a party, based on a fee waiver, receives remote appearance services under this rule without payment of a fee, the vendor or court that provides the remote appearance services has a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the remote appearance. There is no charge for filing the lien.

(5) Location of judicial officer

(A) A judicial officer may preside from the following locations:

(i) In person from a courtroom;

(ii) Remotely from within a court facility other than a courtroom; or

(iii) Remotely from outside a court facility, with the approval of the court's presiding judge.

(B) If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.

(Subd (b) adopted effective January 1, 2026.)

(c) Notice of argument

~~(1)~~ Except for appeals covered by (a)(2), as soon as all parties' briefs are filed or the time for filing these briefs has expired, the appellate division clerk must send a notice of the time and place of oral argument to all parties. The notice must be sent at least 20 days before the date for oral argument. The presiding judge may shorten the notice period for good cause; in that event, the clerk must immediately notify the parties by telephone or other expeditious method.

~~(2) If oral argument will be conducted by videoconference under (b), the clerk must specify, either in the notice required under (1) or in a supplemental notice sent to all parties at least 5 days before the date for oral argument, the location from which each judge of the appellate division panel assigned to the case will participate in oral argument.~~

(Subd (c) amended effective January 1, 2026; adopted as subd (b); previously amended and relettered effective January 1, 2010; previously amended effective January 1, 2020.)

(d)–(e) * * *

Rule 8.885 amended effective January 1, 2026; adopted effective January 1, 2009; previously amended effective January 1, 2010, and January 1, 2020.

Advisory Committee Comment

Subdivision (a). * * *

Subdivision (b)(4). Statutes currently provide that courts are not to charge fees to certain types of parties, such as governmental entities; representatives of tribes in cases covered by the Indian Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to prevent domestic violence. This rule would preclude courts from charging videoconference fees to such parties as well.

Rule 8.929. Oral argument

(a) Calendaring and sessions

Unless otherwise ordered, all appeals in which the last reply brief was filed or the time for filing this brief expired 45 or more days before the date of a regular appellate division session must be placed on the calendar for that session by the appellate division clerk. By order of the presiding judge or the appellate division, any appeal may be placed on the calendar for oral argument at any session.

~~(b) Oral argument by videoconference~~

~~(1) Oral argument may be conducted by videoconference if:~~

~~(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting that oral argument be conducted by videoconference must be filed within 10 days after the court sends notice of oral argument under (c)(1); or~~

~~(B) A local rule authorizes oral argument to be conducted by videoconference consistent with these rules.~~

~~(2) If oral argument is conducted by videoconference:~~

~~(A) Each judge of the appellate division panel assigned to the case must participate in the entire oral argument either in person at the superior court that issued the judgment or order that is being appealed or by videoconference from another court.~~

~~(B) Unless otherwise allowed by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, all of the parties must appear at oral argument in person at the superior court that issued the judgment or order that is being appealed.~~

~~(C) The oral argument must be open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, oral argument may also be open to the public at any of the locations from which a judge of the appellate division is participating in oral argument.~~

~~(D) The appellate division must ensure that:~~

~~(i) During oral argument, the participants in oral argument are visible and their statements are audible to all other participants, court staff, and any members of the public attending the oral argument;~~

~~(ii) Participants are identified when they speak; and~~

~~(iii) Only persons who are authorized to participate in the proceedings speak.~~

~~(E) A party must not be charged any fee to participate in oral argument by videoconference if the party participates from the superior court that issued the judgment or order that is being appealed or from a location from which a judge of the appellate division panel is participating in oral argument.~~

(b) Remote proceedings

(1) Definitions

(A) "Court facility" has the same meaning as that provided in Government Code section 70301(d).

(B) "Party" is as defined in rule 1.6(15), meaning any person appearing in an action and that person's counsel.

(C) "Remote appearance" or "appear remotely" means the appearance of a party at oral argument through the use of remote technology.

(D) "Remote technology" means technology that provides for the transmission of video and audio signals or audio signals alone. This phrase is meant to be interpreted broadly and includes a computer, tablet, telephone, cellphone, or other electronic or communications device.

(2) Oral argument may be conducted in whole or in part through the use of remote technology if:

(A) It is ordered by the presiding judge of the appellate division or the presiding judge's designee on application of any party or on the court's own motion. An application from a party requesting to appear remotely at oral argument must be filed within 10 days after the court sends notice of oral argument under (c). The court may not require a party to appear through remote technology; or

(B) A local rule authorizes remote appearances consistent with these rules, so long as the court procedure includes a process for self-represented parties to agree to their remote appearance and for parties to show why remote appearances should not be allowed.

(3) The appellate division must ensure that:

(A) Participants are identified when they speak.

(B) Only persons who are authorized to participate in the proceedings speak.

(C) The oral argument is open to the public at the superior court that issued the judgment or order that is being appealed. If provided by local rule or ordered by the presiding judge of the appellate division or the presiding judge's designee, public access to oral argument may in addition be provided to the public through remote technology or at any

of the locations from which a judge of the appellate division is participating in oral argument.

(4) Remote appearance fees

(A) Parties who, by statute, are not charged filing fees or fees for court services may not be charged a videoconference fee under Government Code section 70630 or otherwise.

(B) Parties with a fee waiver may not be charged fees for remote appearances.

(i) To obtain remote appearance services without payment of a fee from a vendor or a court that provides such services, a party must advise the vendor or the court that they have received a fee waiver from the court. If a vendor requests, the party must transmit a copy of the order granting the fee waiver to the vendor.

(ii) If a party, based on a fee waiver, receives remote appearance services under this rule without payment of a fee, the vendor or court that provides the remote appearance services has a lien on any judgment, including a judgment for costs, that the party may receive, in the amount of the fee that the party would have paid for the remote appearance. There is no charge for filing the lien.

(5) Location of judicial officer

(A) A judicial officer may preside from the following locations:

(i) In person from a courtroom;

(ii) Remotely from within a court facility other than a courtroom; or

(iii) Remotely from outside a court facility, with the approval of the court's presiding judge.

(B) If one or more parties appear in person, at least one judge of the appellate panel must preside in person from the courtroom.

(Subd (b) adopted effective January 1, 2026.)

(c) Notice of argument

~~(1)~~ As soon as all parties' briefs are filed or the time for filing these briefs has expired, the appellate division clerk must send a notice of the time and place of oral argument to all parties. The notice must be sent at least 20 days before the date for oral argument. The presiding judge may shorten the notice period for good cause; in that event, the clerk must immediately notify the parties by telephone or other expeditious method.

~~(2) If oral argument will be conducted by videoconference under (b), the clerk must specify, either in the notice required under (1) or in a supplemental notice sent to all parties at least 5 days before the date for oral argument, the location from which each judge of the appellate division panel assigned to the case will participate in oral argument.~~

(Subd (c) amended effective January 1, 2026; adopted as subd (b); previously amended and relettered January 1, 2010.)

(d)–(e) *** * ***

Rule 8.929 amended effective January 1, 2026; adopted effective January 1, 2009, and effective January 1, 2010.

Advisory Committee Comment

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

Subdivision (b)(4). Statutes currently provide that courts are not to charge fees to certain types of parties, such as governmental entities; representatives of tribes in cases covered by the Indian Child Welfare Act; and parties in certain types of cases, such as juvenile cases or actions to prevent domestic violence. This rule would preclude courts from charging videoconference fees to such parties as well.

Rule 10.492. Temporary extension and pro rata reduction of judicial branch education requirements [Repealed]

~~(a) Application~~

~~This rule applies to the requirements and expectations in the California Rules of Court relating to judicial branch education, except rule 10.491 on minimum education requirements for Judicial Council employees.~~

~~(b) Definitions~~

~~As used in this rule:~~

~~(1) "Content-based education requirement" means a requirement or expectation of:~~

~~(A) Attendance at any specific program;~~

~~(B) A course of study on any specific topic or topics; or~~

~~(C) A course of study limited to a specific delivery method, such as traditional (live, face-to-face) education.~~

~~(2) "Hours-based education requirement" means a requirement or expectation of a specified number of hours of education to be completed within a specified time period.~~

~~(c) Content-based education requirement~~

~~(1) Notwithstanding any other rule, any deadline for completion of a content-based education requirement or expectation, except for the deadline for the B. E. Witkin Judicial College, is extended for 12 months from that deadline, even if the deadline has passed.~~

~~(2) The deadline for completion of the B. E. Witkin Judicial College is extended for 30 months from the deadline specified in rule 10.462(c)(1)(C), even if the deadline has passed.~~

~~(d) Hours-based education requirement~~

~~Notwithstanding any other rule, the months of April 2020 through March 2021 are excluded from the education cycles in which those months fall, and the number of hours of education to complete hours-based education requirements or expectations is prorated accordingly.~~

~~(e) Sunset~~

~~This rule remains in effect through December 31, 2024, or until amended or repealed.~~

Rule 10.492 repealed effective January 1, 2026; adopted January 1, 2021; previously amended effective January 1,2022.

~~Advisory Committee Comment~~

~~Various rules in title 10, chapter 7, of the California Rules of Court authorize, for good cause, the granting of an extension of time to complete content-based and hours-based education requirements and expectations. Nothing in this rule modifies that authority.~~

~~Nothing in this rule alters education requirements and expectations outside the California Rules of Court, including education requirements mandated by statute or regulation (e.g., Welf. & Inst. Code, § 304.7) or required by Judicial Council policy (e.g., the Qualifying Ethics Program and the Temporary Assigned Judges Program).~~

~~Subdivision (c). This subdivision applies to all rules of court containing content-based education requirements. Below are examples of this subdivision in practice.~~

~~Rule 10.462(c)(1) contains education requirements for new trial court judges and subordinate judicial officers. Based on the date on which individuals took their oath of office, rule 10.462(c)(1) allows judges six months within which to attend the New Judge Orientation (NJO) program, one year within which to attend an orientation course in their primary assignment, and two years within which to attend the B. E. Witkin Judicial College of California.~~

~~Under rule 10.462(c)(1), a judge who took the oath of office on January 1, 2020, is required to complete these programs by June 30, 2020 (NJO), December 31, 2020 (primary assignment orientation), and December 31, 2021 (judicial college), respectively. With the 12-month extension under rule 10.492(c)(1), this same judge now has to complete NJO by June 30, 2021, and a primary assignment orientation by, December 31, 2021. With the 30-month extension under rule 10.492(c)(2), the same judge must now complete the judicial college by June 30, 2024.~~

~~As another example of the extensions under rule 10.492(c), a judge who took the oath of office on December 1, 2018, needs to complete NJO by May 31, 2020 (within 18 months), a primary assignment orientation by November 30, 2020 (within two years), and the judicial college by May 31, 2023 (within 4.5 years).~~

~~Using a different rule as an example, rule 10.478(b)(1) requires court investigators to complete 18 hours of education on specified topics within 1 year of their start date. Rule 10.492(c) allows a court investigator up to 2 years to complete this education.~~

~~**Subdivision (d).** This subdivision applies to all rules of court containing hours-based education requirements. Below are examples of this subdivision in practice.~~

~~Rule 10.461(c)(1) contains education requirements for Supreme Court and Court of Appeal justices. Each justice must complete 30 hours of judicial education every three years.~~

~~Under rule 10.492(d), a justice's hours requirements are prorated for the three-year education cycle that runs from January 1, 2019, through December 31, 2021. For example, justices who~~

~~were confirmed for appointment before January 1, 2019, must complete 20 hours of education by December 31, 2021.~~

~~Education hours requirements for justices who were confirmed for appointment on or after January 1, 2019, would be prorated by rule 10.492(d) and prorated additionally based on the number of years remaining in the three-year educational cycle. For example, a justice confirmed for appointment on October 1, 2020, ordinarily has 10 hours of hours-based education to complete for the last year of the three-year cycle. Under rule 10.492(d), the months of January 2021 through March 2021 would be excluded, and the justice would have 7.5 hours rather than 10 hours of hours-based education to complete.~~

~~As an additional example, rule 10.474(c)(2) requires 8 hours of continuing education every two years for nonmanagement court staff. For a court employee hired on or before January 1, 2020, rule 10.492(d) prorates the number of hours of education required for the cycle that runs from January 1, 2020, through December 31, 2021. The number of hours required would be prorated for 4 quarters—April 1, 2020, through March 31, 2021—and would result in a reduced hours-based requirement of 4 hours.~~

Standard 5.20. Uniform standards of practice for providers of supervised visitation and exchange services

(a) ~~Scope of service~~ Application and goals

~~This standard defines the standards of practice, including duties and obligations, for providers of supervised visitation under Family Code sections 3200 and 3200.5. Unless specified otherwise, the standards of practice are designed to apply to all providers of supervised visitation, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation center or agency. The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided. Each court is encouraged to adopt local court rules necessary to implement these standards of practice.~~

(1) This standard defines the standards of practice for providers of supervised visitation and exchange services, including the duties and obligations for providers of supervised visitation and exchange services under Family Code sections 3200 and 3200.5.

(2) Unless specified otherwise, the standards of practice are designed to apply to:

(A) All providers of supervised visitation and exchange services, whether the provider is a friend, relative, paid independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation and exchange services center or agency.

(B) Supervised visitation that occurs by the use of audiovisual electronic communication (known as "virtual visitation," as defined in (b)(7)).

(3) The goal of these standards of practice is to assure the safety and welfare of the child, adults, and providers of supervised visitation and exchange services. Once safety is assured, the best interest of the child is the paramount consideration at all stages and particularly in deciding the manner in which supervision is provided.

(4) Each court is encouraged to adopt local court rules as necessary to implement these standards of practice.

(Subd (a) amended effective January 1, 2026; previously amended effective January 1, 2007, and January 1, 2015.)

(b) Definition

For purposes of this standard, the following definitions apply:

(1) A "nonprofessional provider," as defined in Family Code section 3200.5, is any person who is not paid for providing supervised visitation and exchange services.

(2) A "professional provider," as defined in Family Code section 3200.5, is any person who is paid for providing supervised visitation and exchange services, or an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation and exchange services center or agency.

(3) A "provider," as defined in Family Code section 3200, includes any individual who functions as a visitation and exchange services monitor, as well as supervised visitation centers. A provider may also include those employees and contractors designated by the superior court to provide supervised visitation and exchange services or assistance with those services.

(4) "Supervised visitation" is contact between a noncustodial party and one or more children in the presence of a neutral third person.

(5) "Exchange services" or "exchange" means the transfer of the child from one party to another by a professional or nonprofessional provider for the purpose of implementing a court order for visitation (parenting time).

~~(5)~~ (6) A "TrustLine provider~~,~~" is a professional provider of supervised visitation and exchange services ~~provider~~ who is registered on TrustLine, a database that is administered by the California Department of Social Services.

~~(6)~~ (7) "Virtual Visitation," as defined in Family Code section 3100, means use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. Virtual visitation may be supervised or unsupervised, based on the court's determination of what is in the best interest of the child, but is not a means to implement exchange services.

(Subd (b) amended effective January 1, 2026; previously amended effective January 1, 2007, and January 1, 2015.)

(c) * * *

(d) Qualifications of nonprofessional providers

(1) Unless otherwise ordered by the court or stipulated by the parties, the nonprofessional provider must:

(A)–(C) * * *

(D) Agree to adhere to and enforce the court order regarding supervised visitation and exchange services.

(2) * * *

(3) Sign a local court form or *Declaration of Supervised Visitation and Exchange Services Provider (Nonprofessional)* (form FL-324(NP)) stating that all requirements to be a nonprofessional provider have been met.

(Subd (d) amended effective January 1, 2026; adopted as part of subd (c).); previously relettered and amended effective January 1, 2015

(e) Qualifications of professional providers

The professional provider must:

(1)–(8) * * *

(9) Agree to adhere to and enforce the court order regarding supervised visitation and exchange services;

(10) Complete a Live Scan criminal background check, at the expense of the provider or the supervised visitation and exchange services center or agency, before providing visitation and exchange services;

(11)–(12) * * *

(13) Sign a *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* (form FL-324(P)) stating that all requirements to be a professional provider have been met; and

(14) * * *

(Subd (e) amended effective January 1, 2026; adopted as part of subd (c); previously relettered and amended effective January 1, 2015.

(f) Training for professional providers

(1) Before providing services, professional providers must complete 24 hours of training, including at least 12 hours of classroom instruction in the following subjects:

(A)–(I) * * *

(J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence, including safety considerations for virtual visitation; and

(K) * * *

(2)–(3) * * *

Subd (f) amended effective January 1, 2026; adopted as subd (d) effective January 1, 2007; amended and relettered effective January 1, 2015.)

(g) Safety and security procedures

All providers must make every reasonable effort to assure the safety and welfare of the child and adults during the visitation and exchange. Professional providers should establish a written protocol, with the assistance of the local law enforcement agency, that describes the emergency assistance and responses that can be expected from the local law enforcement agency. In addition, the professional provider should:

(1) Establish and state in writing minimum security procedures and inform the parties of these procedures before the commencement of supervised visitation and exchange services;

(2) Conduct comprehensive intake and screening to understand the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit and exchange. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit under this standard. If the child is of sufficient age and capacity, the provider should include the child in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child's developmental stage;

(3) Obtain during the intake process:

(A)–(B) * * *

(C) Any Judicial Council form relating to orders for supervised visitation and exchange services ~~orders~~;

(D)–(E) * * *

(4) Establish written procedures that must be followed in the event a child is abducted during supervised visitation and exchange services.

(Subd (g) amended effective January 1, 2026; adopted as subd (d) effective January 1, 1998; previously amended and relettered as subd (e) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(h) Ratio of children to provider

The ratio of children to a professional provider must be contingent on:

(1)–(2) * * *

(3) The number and ages of the children to be supervised during a visit and exchange;

(4) The number of people, as provided in the court order, visiting the child during the visit and exchange;

(5) The duration and location of the visit and exchange; and

(6) * * *

(Subd (h) amended effective January 1, 2026; adopted as subd (e) effective January 1, 1998; previously amended and relettered as subd (f) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(i) Conflict of interest

All providers should maintain neutrality by refusing to discuss the merits of the case or agree with or support one party over another. Any discussion between a provider and the parties should be for the purposes of arranging visitation and exchange services, as well as providing for the safety of the children. In order to avoid a conflict of interest, the professional provider should not:

(1)–(4) * * *

(Subd (i) amended effective January 1, 2026; adopted as subd (f) effective January 1, 1998; previously amended and relettered as subd (g) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(j) Maintenance and disclosure of records for professional providers

(1) Professional providers must keep a record for each case, including the following:

(A) A written record of each contact, ~~and~~ visit, and exchange;

(B) Who attended the visit and exchange;

(C) Any failure to comply with the terms and conditions of the visitation and exchange services; and

(D) * * *

(2) * * *

(3) If ordered by the court or requested by either party or the attorney for either party or the attorney for the child, a report about the supervised visit and exchange must be produced. These reports should include facts, observations, and direct statements and not opinions or recommendations regarding future visitation and exchanges. The original report must be sent to the court if so ordered, or to the requesting party or attorney, and copies should be sent to all parties, their attorneys, and the attorney for the child.

(4) * * *

(Subd (j) amended effective January 1, 2026; adopted as subd (g) effective January 1, 1998; previously amended and relettered as subd (h) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(k) Confidentiality

Communications between parties and providers of supervised visitation and exchange services are not protected by any privilege of confidentiality. Professional providers should, whenever possible, maintain confidentiality regarding the case except when:

(1)–(5) * * *

(Subd (k) amended effective January 1, 2026; adopted as subd (h) effective January 1, 1998; previously amended and relettered as subd (i) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(*l*) Delineation of terms and conditions

The provider bears the sole responsibility for enforcement of all the terms and conditions of any supervised visitation and exchange service. Unless otherwise ordered by the court, the provider should implement the following terms and conditions:

(1) * * *

(2) Enforce the frequency and duration of the visits and exchanges as ordered by the court;

(3)–(9) * * *

(10) Allow no visits and exchanges to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;

(11)–(13) * * *

(Subd (l) amended effective January 1, 2026; adopted as subd (i) effective January 1, 1998; previously amended and relettered as subd (j) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(m) Safety considerations for sexual abuse cases

In cases where there are allegations of sexual abuse, in addition to the requirements of (*l*), the provider should comply with the following terms and conditions, unless otherwise ordered by the court:

(1) Allow no ~~exchanges~~ giving or receiving of gifts, money, or cards;

(2)–(4) * * *

(5) Allow no supervised visitation and exchange services in the location where the alleged sexual abuse occurred.

(Subd (m) amended effective January 1, 2026; adopted as subd (j) effective January 1, 1998; previously amended and relettered as subd (k) effective January 1, 2007, and amended and effective January 1, 2015.)

(n) Legal responsibilities and obligations of a provider

All nonprofessional providers of supervised visitation and exchange services should, and all professional providers must:

(1) Advise the parties before commencement of supervised visitation and exchange services that no confidential privilege exists;

(2) * * *

(3) Suspend or terminate visitation and exchanges under (p).

(Subd (n) amended effective January 1, 2026; adopted as subd (k) effective January 1, 1998; previously amended and relettered as subd (l) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(o) Additional legal responsibilities of professional providers

In addition to the legal responsibilities and obligations required in (n), professional providers must:

(1) Prepare a written contract to be signed by the parties before commencement of the supervised visitation and exchange services. The contract should inform each party of the terms and conditions of supervised visitation and exchange services; and

(2) Review custody and visitation orders relevant to the supervised visitation and exchange services.

(Subd (o) amended effective January 1, 2026; adopted as subd (l) effective January 1, 1998; previously amended and relettered as subd (m) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(p) Temporary suspension or termination of supervised visitation and exchange services

(1) All providers must make every reasonable effort to provide a safe visit and exchange for the child and the noncustodial party.

(2) However, if a provider determines that the rules of the visit and exchange have been violated, the child has become acutely distressed, or the safety of the child or the provider is at risk, the visit and exchange may be temporarily interrupted, rescheduled at a later date, or terminated.

(3) All interruptions or terminations of supervised visits and exchanges must be recorded in the case file.

(4) All providers must advise ~~both~~ all parties of the reasons for interruption or termination of a visit ~~or termination~~ and exchange.

(Subd (p) amended effective January 1, 2026; adopted as subd (m) effective January 1, 1998; previously amended and relettered as subd (n) effective January 1, 2007, and amended and relettered effective January 1, 2015.)

(q) Additional requirements for professional providers

Professional providers must state the reasons for temporary suspension or termination of supervised visitation and exchange services in writing and provide

the written statement to both parties, their attorneys, the attorney for the child, and the court.

(Subd (q) amended effective January 1, 2026; adopted as subd (n) effective January 1, 1998; previously amended and relettered as subd (o) effective January 1, 2007, and, and amended and relettered effective January 1, 2015.)

(r) Informational materials; procedures

(1) Each court is encouraged to make available to all providers informational materials about the role of a provider, the terms and conditions of supervised visitation and exchange services, and the legal responsibilities and obligations of a provider under this standard.

(2) By January 1, 2022, each court must develop and adopt local rules that establish procedures for processing and maintaining:

(A) *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* (form FL-324(P)), along with the professional provider's original report required in (j)(3) of this standard; and

(B) The declaration regarding qualifications of the nonprofessional provider of supervised visitation and exchange services ~~provider's declaration regarding qualifications~~, whether the provider uses the court's local form or *Declaration of Supervised Visitation and Exchange Services Provider (Nonprofessional)* (form FL-324(NP)).

(Subd (r) amended effective January 1, 2026; adopted effective January 1, 2021.)

(s) Virtual visitation services

(1) Before the commencement of supervised visitation, any professional or nonprofessional provider must consider:

(A) The safety and privacy of the parties and the child if the case involves domestic violence and sexual abuse, including whether the party or child should have a private location;

(B) How the virtual visitation can be conducted in a manner that is age appropriate and based on the developmental needs of the child; and

(C) What the party will need, including audiovisual equipment or internet access, to ensure safe virtual visitation.

(2) Before the commencement of supervised visitation, professional providers must:

(A) Have written policies and procedures in place and must give the parties a copy of the written policies. The written policies must include information about the provider's qualifications, experience, and understanding of how remote technology works; and

(B) Give the parties a copy of the written policies.

(Subd (s) adopted effective January 1, 2026.)

Standard 5.20 amended effective January 1, 2026; adopted as sec. 26.2 effective January 1, 1998; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2015, and January 1, 2021.