

LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council of California on December 1, 2006,  
effective January 1, 2007

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1 **Rule 1.31. Mandatory forms**

2  
3 **(a) Use of mandatory forms and acceptance for filing**

4  
5 Forms adopted by the Judicial Council for mandatory use are forms  
6 prescribed under Government Code section 68511. Wherever applicable,  
7 they must be used by all parties and must be accepted for filing by all courts.  
8 In some areas, alternative mandatory forms have been adopted.

9  
10 **(b) List of mandatory forms**

11  
12 Each mandatory Judicial Council form is identified as mandatory by an  
13 asterisk (\*) on the list of Judicial Council forms in Appendix A to the  
14 California Rules of Court. The list is available on the California Courts Web  
15 site at [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms).

16  
17 **(c) Identification of mandatory forms**

18  
19 Forms adopted by the Judicial Council for mandatory use bear the words  
20 “Form Adopted for Mandatory Use,” “Mandatory Form,” or “Form Adopted  
21 for Alternative Mandatory Use” in the lower left corner of the first page.

22  
23 **(d) Words on forms**

24  
25 Publishers and courts reprinting a mandatory Judicial Council form in effect  
26 before July 1, 1999, must add the words “Mandatory Form” to the bottom of  
27 the first page.

28  
29 **(e) No alteration of forms**

30  
31 Except as provided in rule 5.504, concerning court orders in juvenile court  
32 proceedings, and rule 7.101.5, concerning court orders in proceedings under  
33 the Probate Code, courts may not alter a mandatory Judicial Council form  
34 and require the altered form’s use in place of the Judicial Council form.

35  
36 *(Subd (e) amended effective January 1, 2007.)*

37  
38 **(f) No colored forms**

39  
40 Courts may not require that any mandatory Judicial Council form be  
41 submitted on any color of paper other than white.

1 (g) **Orders not on mandatory forms**

2  
3 An otherwise legally sufficient court order for which there is a mandatory  
4 Judicial Council form is not invalid or unenforceable because the order is not  
5 prepared on a Judicial Council form or the correct Judicial Council form.  
6

7 *Rule 1.31 amended effective January 1, 2007; adopted effective January 1, 2007.*  
8

9 **Rule 2.1031. Juror note-taking**

10  
11 Jurors must be permitted to take written notes in all civil and criminal trials. At the  
12 beginning of a trial, a trial judge must inform jurors that they may take written  
13 notes during the trial. The court must provide materials suitable for this purpose.  
14

15 *Rule 2.1031 adopted effective January 1, 2007.*  
16

17 **Comment**

18  
19 Several cautionary jury instructions address jurors' note-taking during trial and use of notes in  
20 deliberations. (See CACI Nos. 102, 5010 and CALCRIM Nos. 102, 202.)  
21

22 **Rule 2.1032. Juror notebooks in complex civil cases**

23  
24 A trial judge should encourage counsel in complex civil cases to include key  
25 documents, exhibits, and other appropriate materials in notebooks for use by jurors  
26 during trial to assist them in performing their duties.  
27

28 *Rule 2.1032 adopted effective January 1, 2007.*  
29

30 **Comment**

31  
32 While this rule is intended to apply to complex civil cases, there may be other types of civil cases  
33 in which notebooks may be appropriate or useful. Resources, including guidelines for use and  
34 recommended notebook contents, are available in *Bench Handbook: Jury Management (CJER,*  
35 rev. 2006, p. 59).  
36

37 **Rule 2.1033. Juror questions**

38  
39 A trial judge should allow jurors to submit written questions directed to witnesses.  
40 An opportunity must be given to counsel to object to such questions out of the  
41 presence of the jury.  
42

43 *Rule 2.1033 adopted effective January 1, 2007.*  
44

45 **Comment**

1  
2 See CACI No. 112 and CALCRIM No. 106. Resources, including a model admonition and a  
3 sample form for jurors to use to submit questions to the court, are available in *Bench Handbook:*  
4 *Jury Management* (CJER, rev. 2006, pp. 60–62).

5  
6 **Rule 2.1034. Statements to the jury panel**

7  
8 Prior to the examination of prospective jurors, the trial judge may, in his or her  
9 discretion, permit brief opening statements by counsel to the panel.

10  
11 *Rule 2.1034 adopted effective January 1, 2007.*

12  
13 **Comment**

14  
15 This statement is not a substitute for opening statements. Its purpose is to place voir dire  
16 questions in context and to generate interest in the case so that prospective jurors will be less  
17 inclined to claim marginal hardships.

18  
19 **Rule 2.1035. Preinstruction**

20  
21 Immediately after the jury is sworn, the trial judge may, in his or her discretion,  
22 preinstruct the jury concerning the elements of the charges or claims, its duties, its  
23 conduct, the order of proceedings, the procedure for submitting written questions  
24 for witnesses as set forth in rule 2.1033 if questions are allowed, and the legal  
25 principles that will govern the proceeding.

26  
27 *Rule 2.1035 adopted effective January 1, 2007.*

28  
29 **Rule 2.1036. Assisting the jury at impasse**

30  
31 **(a) Determination**

32  
33 After a jury reports that it has reached an impasse in its deliberations, the  
34 trial judge may, in the presence of counsel, advise the jury of its duty to  
35 decide the case based on the evidence while keeping an open mind and  
36 talking about the evidence with each other. The judge should ask the jury if it  
37 has specific concerns which, if resolved, might assist the jury in reaching a  
38 verdict.

39  
40 **(b) Possible further action**

41  
42 If the trial judge determines that further action might assist the jury in  
43 reaching a verdict, the judge may:



- 1           (A) The document is substantively identical to the mandatory Judicial  
2           Council form it is modifying;  
3  
4           (B) Any electronically generated form is identical in both language  
5           and legally mandated elements, including all notices and  
6           advisements, to the mandatory Judicial Council form it is  
7           modifying;  
8  
9           (C) The order is an otherwise legally sufficient court order, as  
10           provided in rule 1.31(g), concerning orders not on Judicial  
11           Council mandatory forms; and  
12  
13           (D) The court sends written notice of its election to change the form  
14           or format of the mandatory form to the Family and Juvenile Law  
15           Advisory Committee and submits additional informational reports  
16           as requested by the committee.

17  
18           *(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2006.)*

19  
20           *Rule 5.504 amended effective January 1, 2007; adopted as rule 1402 effective January 1, 1991;*  
21           *previously amended effective July 1, 1991, January 1, 1992, July 1, 1992, January 1, 1993,*  
22           *January 1, 1994, January 1, 1998, January 1, 2001, January 1, 2006, July 1, 2006; and*  
23           *renumbered effective January 1, 2007.*

24  
25           **Rule 7.101.5. Electronic Generation of Mandatory Judicial Council Form**  
26           **Orders**

27  
28           **(a) Applicability**

29  
30           This rule applies to the following mandatory Judicial Council form orders  
31           used in proceedings under the Probate Code:

- 32  
33           (1) Order for Probate (form DE-140);  
34  
35           (2) Order Prescribing Notice (form DE-200/GC-022);  
36  
37           (3) Order Appointing Guardian ad Litem—Probate (form DE-351/GC-  
38           101);  
39  
40           (4) Order Dispensing With Notice (form GC-021);  
41  
42           (5) Order Fixing Residence Outside the State of California (form GC-090);  
43

- 1           (6) Order Appointing Temporary Guardian or Conservator (form GC-  
2                   140);
- 3
- 4           (7) Order Appointing Guardian of Minor (form GC-240);
- 5
- 6           (8) Order Terminating Guardianship (form GC-260);
- 7
- 8           (9) Order Appointing Court Investigator (form GC-330);
- 9
- 10          (10) Ex Parte Order Re Completion of Capacity Declaration—HIPAA (form  
11                   GC-334);
- 12
- 13          (11) Order Appointing Probate Conservator (form GC-340); and
- 14
- 15          (12) Order Authorizing Conservator to Give Consent for Medical Treatment  
16                   (form GC-385).

17

18 **(b) Definitions**

19

- 20          (1) “CCMS” is the California Case Management System, a statewide  
21                   integrated software application for managing all case types in the  
22                   superior courts of this state.
- 23
- 24          (2) “Electronic generation of a court order” is the electronic generation by  
25                   a court of a Judicial Council form order listed in (a).
- 26

27 **(c) Modification of electronically generated court orders**

28

- 29          (1) Any court using CCMS for case management of proceedings under the  
30                   Probate Code may modify any of the Judicial Council mandatory form  
31                   orders listed in (a) by generating the order electronically in a way that  
32                   includes in the order signed by the judicial officer only the party-  
33                   appearance and other preliminary information, findings, and orders  
34                   actually selected by the court.
- 35
- 36          (2) An electronically generated court order under this rule must express the  
37                   findings and orders selected by the court in substantially the same  
38                   language as the equivalent findings and orders in the Judicial Council  
39                   form order, and must provide substantially the same party-appearance  
40                   and other preliminary information provided in the form order.
- 41
- 42          (3) An electronically generated court order under this rule must have the  
43                   same general appearance as the Judicial Council form order, including

1 case name, case number, and court address captions and a footer,  
2 except that the order may be longer or shorter than the form order. The  
3 order must contain a recitation in the footer that it is an electronically  
4 generated court order in lieu of a mandatory Judicial Council form  
5 order under this rule.

6  
7 (4) The orders listed in (a) are mandatory forms for all purposes under rule  
8 1.31, except as provided in this rule. An order listed in (a) prepared  
9 and submitted to the court by a party or attorney for a party must be  
10 prepared on the mandatory Judicial Council form.

11  
12 (5) A court that elects to electronically generate court orders under this rule  
13 may also use or require the use of the Judicial Council form orders  
14 listed in (a) in any individual case or proceeding.

15  
16 **(d) Notification to advisory committees**

17  
18 Any court electing to electronically generate court orders under this rule  
19 must send written notice of its election to do so to the Probate and Mental  
20 Health and the Court Technology Advisory Committees and submit  
21 additional informational reports as requested by either committee.

22  
23 **(e) Expiration date**

24  
25 Unless amended or reenacted by Judicial Council action effective after the  
26 effective date of this rule, this rule is repealed effective January 1, 2012.

27  
28 *Rule 7.101.5 adopted effective January 1, 2007.*

29  
30 **Rule 7.1010. Qualifications and continuing education requirements for**  
31 **private professional guardians**

32  
33 **(a) \*\*\***

34  
35 **(b) Qualifications for appointment**

36  
37 (1) \*\*\*

38  
39 (2) \*\*\*

40  
41 (3) Has either:

42  
43 (A) \*\*\*



1  
2 (B) Received the Certificate in Fiduciary Management for  
3 Conservators from University Extended Education, California  
4 State University, Fullerton, or a certificate from an equivalent  
5 program in professional fiduciary management for guardians or  
6 conservators from an accredited educational institution approved  
7 by the Administrative Office of the Courts; Successfully  
8 completed a program of education approved by the  
9 Administrative Office of the Courts and received a certificate or  
10 its equivalent in professional fiduciary management for guardians  
11 or conservators; and

12  
13 (4) \*\*\*

14  
15 *(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2006.)*

16  
17 (c) \*\*\*

18  
19 **(d) Transitional provisions for qualifications**

20  
21 (1) *Completion of education requirements in 2006 and 2007*

22  
23 (A) During 2006 and 2007, the court may, in the exercise of its  
24 discretion, appoint as guardian of the estate, or of the person and  
25 estate, of an unrelated minor a private professional guardian who  
26 does not satisfy the prior experience requirement of (b)(2)(C) or  
27 the education requirement of (b)(3)(B) on the date of  
28 appointment.

29  
30 (B) A private professional guardian appointed under (A) must  
31 complete the education requirement of (b)(3)(B) and provide a  
32 certificate or other proof of completion satisfactory to the court  
33 before ~~January~~ July 1, 2007.

34  
35 (C) \*\*\*

36  
37 (2) *Guardianships pending on January 1, 2006*

38  
39 (A) The court may, in the exercise of its discretion, permit a private  
40 professional guardian who was appointed and qualified as a  
41 guardian of the estate, or the person and estate, of an unrelated  
42 minor before January 1, 2006, to continue as guardian after that  
43 date on conditions approved by the court, although the guardian

1 does not on that date satisfy the qualifications specified in  
2 (b)(2)(A)—(E)

3  
4 (B) A private professional guardian permitted to continue as guardian  
5 under (A) may apply to the court for removal of any conditions  
6 imposed by the court at any time after January 1, 2006, that he or  
7 she becomes qualified under (b)(2)(A), (B), or (D) and satisfies  
8 the education requirement of (b)(3)(B).

9  
10 *(Subd (d) amended effective January 1, 2007.)*

11  
12 (e) \*\*\*

13  
14 (f) **Approved eligible continuing education providers**

15  
16 (1) \*\*\*

17  
18 ~~(2) Effective January 1, 2008, continuing education providers and courses~~  
19 ~~must be approved by the Administrative Office of the Courts.~~

20  
21 ~~(3)~~(2) Continuing education completed in calendar 2007 and through  
22 June 30, 2008, complies with the requirements of this rule if it  
23 addresses the subjects required by this rule, is certified for continuing  
24 education credit by the provider in accordance with the requirements of  
25 subdivision (g), and is provided by:

26  
27 (A)—(I) \*\*\*

28  
29 *(Subd (f) amended effective January 1, 2007.)*

30  
31 (g) **Requirements for continuing education providers**

32  
33 Each continuing education provider must:

34  
35 (1)—(3) \*\*\*

36  
37 ~~(4) Be approved under (f)(2).~~

38  
39 *(Subd (g) amended effective January 1, 2007.)*

40  
41 (h) **Proof of compliance**

42  
43 (1) *Qualifications*

1  
2 Every private professional guardian must demonstrate, under penalty of  
3 perjury, his or her qualifications under (b) in his or her information  
4 statement filed with the clerk of each appointing court under Probate  
5 Code section 2342, beginning with the first statement filed after the  
6 effective date of this rule and annually thereafter, through June 30,  
7 2008.  
8

9 (2) *Continuing education*

10  
11 (A) Every private professional guardian must declare, under penalty  
12 of perjury, that he or she has complied with the continuing  
13 education requirements under (e) for the previous calendar year in  
14 each his or her annual statement filed with the clerk of each  
15 appointing court after December 31, 2007, under Probate Code  
16 section 2342, ~~beginning with the first statement filed after~~  
17 ~~December 31, 2007, and annually thereafter.~~  
18

19 (B) Every private professional guardian must retain certificates of  
20 attendance or other proof of participation in continuing education  
21 required by this rule for a period of three years after the end of  
22 each year of education completed under this rule. An appointing  
23 court may require a private professional guardian to produce, in a  
24 manner determined by the court, proof of compliance with the  
25 requirement for any year at any time within that three-year period.  
26

27 (3) \*\*\*

28  
29 (*Subd (h) amended effective January 1, 2007.*)  
30

31 (i)-(j) \*\*\*

32  
33 **(k) Expiration date**

34  
35 This rule is repealed effective July 1, 2008.  
36

37 (*Subd (k) amended effective January 1, 2007.*)  
38

39 *Rule 7.1010 amended effective January 1, 2007; adopted effective January 1, 2006; previously*  
40 *amended effective July 1, 2006.*  
41

1 **Rule 7.1060. Qualifications and continuing education requirements for**  
2 **private professional conservators**

3  
4 (a) \*\*\*

5  
6 (b) **Qualifications for appointment**

7  
8 Except as otherwise provided in this rule, effective January 1, 2006, a court  
9 may not appoint a private professional conservator as conservator of an  
10 unrelated person unless on the date of the order of appointment the private  
11 professional conservator:

12  
13 (1) \*\*\*

14  
15 (2) \*\*\*

16  
17 (3) Has either:

18  
19 (A) \*\*\*

20  
21 (B) Received the Certificate in Fiduciary Management for  
22 Conservators from University Extended Education, California  
23 State University, Fullerton, or a certificate from an equivalent  
24 program in professional fiduciary management for guardians or  
25 conservators from an accredited educational institution approved  
26 by the Administrative Office of the Courts; ~~Successfully~~  
27 ~~completed a program of education approved by the~~  
28 ~~Administrative Office of the Courts and received a certificate or~~  
29 ~~its equivalent in professional fiduciary management for guardians~~  
30 ~~or conservators; and~~

31  
32 (4) \*\*\*

33  
34 (*Subd (b) amended effective January 1, 2007.*)

35  
36 (c) \*\*\*

37  
38 (d) **Transitional provisions for qualifications**

39  
40 (1) *Completion of education requirements in 2006 and 2007*

41  
42 (A) During 2006 and 2007, the court may, in the exercise of its  
43 discretion, appoint as conservator of an unrelated person a private

1 professional conservator who does not satisfy the prior experience  
2 requirement of (b)(2)(C) or the education requirement of  
3 (b)(3)(B) on the date of appointment.  
4

5 (B) A private professional conservator appointed under (A) must  
6 complete the education requirement of (b)(3)(B) and provide a  
7 certificate or other proof of completion satisfactory to the court  
8 before ~~January~~ July 1, 2007.  
9

10 (C) The court must remove a private professional conservator  
11 appointed under (A) who fails to timely comply with (B).  
12

13 ~~(3)~~(2) *Conservatorships pending on January 1, 2006*  
14

15 (A) \*\*\*  
16

17 (B) \*\*\*  
18

19 *(Subd (d) amended effective January 1, 2007.)*  
20

21 (e) \*\*\*  
22

23 (f) **Approved eligible continuing education providers**  
24

25 (1) \*\*\*  
26

27 ~~(2) Effective January 1, 2008, continuing education providers and courses~~  
28 ~~must be approved by the Administrative Office of the Courts.~~  
29

30 ~~(3)~~(2) Continuing education completed in ~~calendar~~ 2007 and through  
31 June 30, 2008, complies with the requirements of this rule if it  
32 addresses the subjects required by this rule, is certified for continuing  
33 education credit by the provider in accordance with the requirements of  
34 subdivision (g), and is provided by:  
35

36 (A)–(I)  
37

38 *(Subd (f) amended effective January 1, 2007.)*  
39

40 (g) **Requirements for continuing education providers**  
41

42 Each continuing education provider must:  
43

1 (1)–(3) \*\*\*

2  
3 (4) ~~Be approved under (f)(2).~~

4  
5 (*Subd (g) amended effective January 1, 2007.*)

6  
7 **(h) Proof of compliance**

8  
9 (1) *Qualifications*

10  
11 Every private professional conservator, under penalty of perjury, must  
12 demonstrate his or her qualifications under (b) in his or her information  
13 statement filed with the clerk of each appointing court under Probate  
14 Code section 2342, beginning with the first statement filed after the  
15 effective date of this rule and annually thereafter, through June 30,  
16 2008.

17  
18 (2) *Continuing education*

19  
20 (A) Every private professional conservator must declare, under  
21 penalty of perjury, that he or she has complied with the  
22 continuing education requirements under (e) for the previous  
23 calendar year in ~~his or her~~ each annual statement filed with the  
24 clerk of each appointing court after December 31, 2007, under  
25 Probate Code section 2342, ~~beginning with the first statement~~  
26 ~~filed after the effective date of this rule, and annually thereafter.~~

27  
28 (B) \*\*\*

29  
30 (3) *Report of noncompliance to the Statewide Registry*

31  
32 If an appointing court determines that a private professional  
33 conservator has failed to comply with the qualification or continuing  
34 education requirements of this rule, the court clerk must forward a copy  
35 of the court's determination to the Statewide Registry under Probate  
36 Code section 2850(d).

37  
38 (*Subd (h) amended effective January 1, 2007.*)

39  
40 **(i) Waiver of continuing education**

41  
42 Notwithstanding any other provision of this rule, a court may, on ground of  
43 hardship, waive the continuing education requirements of (e), in whole or in

1 part and under conditions satisfactory to the court, for any private  
2 professional conservator appointed by the court.

3  
4 **(j) Expiration date**

5  
6 This rule is repealed effective July 1, 2008.

7  
8 *(Subd (j) adopted effective January 1, 2007.)*

9  
10 *Rule 7.1060 amended effective January 1, 2007; adopted effective January 1, 2006.*