PERSON COMPLETING THIS FORM: NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: STATE BAR NUMBER (IF APPLICABLE):	*FOR COURT USE ONLY* **DRAFT** **Not approved by the Judicial Council**
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTIFICATION OF MILITARY VETERAN/RESERVE/ACTIVE STATUS	CASE NUMBER:

1. This form is about *(name):* who is a party in a
   ☐ criminal ☐ family ☐ juvenile ☐ civil ☐ probate
   ☐ other *(specify):* court case.

2. The person listed in item 1 is:
   ☐ A current member of the state or federal armed services or reserves.
   ☐ A veteran of the state or federal armed services or reserves.
   Discharge Date:

3. ☐ I am not a party to this case. The person listed in item 1 is a party to the above entitled case.

4. ☐ I am an attorney in the above entitled case. I am informed and believe the person in item 1 is a current member or veteran of the state or federal armed services.

Date:

(TYPE OR PRINT NAME OF PERSON SUBMITTING THIS FORM)

▶ (SIGNATURE)

Notice

If this form is being submitted in a criminal case, the court will send copies of the form to the county veterans service officer and the Department of Veterans Affairs.

Local County Veterans
Services Office Information
(to be provided by local court):

Form Adopted for Mandatory Use
Judicial Council of California
MIL-100 [Revised January 1, 2020]

Penal Code, §§ 858, 1001.80, 1170.9, 1170.91
50 U.S.C. §§ 3901–4043
www.courts.ca.gov

YOU SHOULD CONSULT WITH YOUR ATTORNEY ABOUT THE FOLLOWING INFORMATION

In a criminal case, you may decline to provide this information to the court without penalty

If you are a current or former member of any branch of the U.S. Military, you may be entitled to certain rights under the law. Filling out the MIL-100 form is a way you can let the court know about your military status. Letting the court know about your military experience may allow consideration of possible benefits and protections for your case.

If you are a party to a civil or non-criminal case, you must complete the appropriate forms, which may include those listed below.

Filing of this form does not substitute for the filing of other required forms or petitions for your court case.
If you are filing:
- For relief from financial obligation during military service;
- A notification of military deployment and request to modify a support order; or
- For other relief under the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901–4043);

Please see *Notice of Petition and Petition for Relief From Financial Obligation During Military Service* (form MIL-010 and form MIL-015) and *Notice of Activation of Military Service and Deployment and Request to Modify a Support Order* (form FL-398).

You are not required to have an honorable discharge, to have combat service, or to be accepted into or involved in a Veterans Court to be eligible for the possible rights and protections under the law.

Some examples of benefits for a defendant in a criminal case who is a veteran or is on active duty include possible consideration for alternative sentencing and restorative relief, and diversion in misdemeanor cases. If you are a current or former member of any branch of the U.S. military who may be suffering from sexual trauma, also known as military sexual trauma (MST), traumatic brain injury (TBI), post traumatic stress disorder (PTSD), substance abuse, or mental health issues as a result of your military service, and charged with a crime, you may be entitled to certain rights under the following California laws:

Below is a brief description of possible rights and protections under the following California laws:

California Penal Code section 1170.9
- Treatment instead of prison or jail time for certain crimes;
- A greater chance of receiving probation;
- Conditions of probation deemed satisfied early, other than any victim restitution ordered;
- Felonies reduced to misdemeanors;
- Restoration of rights, dismissal of penalties, and/or setting aside of conviction for certain crimes

California Penal Code section 1001.80
- Pretrial diversion program instead of trial and potential conviction and incarceration;
- Dismissal of eligible criminal charges following satisfactory performance in program;
- Arrest deemed to have "never occurred" as part of restoration of rights following successful completion of program

California Penal Code section 1170.91
- The court must consider circumstances from which the defendant may be suffering as a result of military service as a factor in mitigation during felony sentencing, which could result in a more lenient sentence.

If you submit this form in a criminal case, you must file it with the court and serve a copy of it on the prosecuting attorney and defense counsel.

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 24,2019

Title
Juvenile Law: Competency

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rule 5.645; renumber rule 5.645(a)–(c) as rule 5.643

Recommended by
Collaborative Justice Courts Advisory Committee
Hon. Richard A. Vlavianos, Chair

Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack, Cochair
Hon. Mark A. Juhas, Cochair

Agenda Item Type
Action Required

Effective Date
January 1, 2020

Date of Report
July 22, 2019

Contact
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Executive Summary

The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommend amending and renumbering one rule, and amending one rule, to conform to recent statutory changes regarding a minor who is the subject of a petition filed under Welfare and Institutions Code sections 601 or 602, when the court has a doubt as to the minor's competency to understand the court proceedings.

Recommendation

The Collaborative Justice Courts Advisory Committee and the Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2020:

1. Renumber rule 5.645(a)-(c) as rule 5.643;

2. Amend rule 5.645 to address expert qualifications and court proceedings for competency evaluations.

The text of the amended rule is attached at pages 7-13

Relevant Previous Council Action

The Judicial Council adopted what is now rule 5.645, effective January 1, 1999 as rule 1498. It was renumbered and amended, effective January 1, 2007. It was further amended effective January 1, 2009 and January 1, 2012.

Analysis/Rationale

Assembly Bill 1214 (Stone; Stats. 2018, ch. 991) revises Welfare and Institutions Code sections 709 and 712, regarding a minor's competency to understand the court proceedings, to expand the duties of an expert evaluating the minor whose competency is in doubt. The bill also requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts, in consultation with specified stakeholders.[1] The bill also mandates the Judicial Council to develop and adopt rules to implement the other requirements in section 709(b), also in consultation with specified stakeholders.

Rule 5.645 would be amended, and five new subdivisions would be added to the rule. Subdivisions (a)–(c), with slight modifications to existing language, would be renumbered as rule 5.643.

Rule 5.643

The committees recommend that the subdivisions of current rule 5.645 that address the procedures for commitment to a county facility when the court believes a child has a mental disability or may have a mental illness be renumbered as rule 5.643. References to "mental retardation" would be replaced with "intellectual disability" or "developmental disability." References to "child" would be replaced with "minor." The remainder of the rule would be unchanged from what is now in subdivisions (a)-(c) of rule 5.645.

Rule 5.645

The committees recommend that the remainder of current rule 5.645 be amended to address expert qualifications and court proceedings for competency evaluations.

The committees recommend that subdivision (a) (currently, subdivision (d)) of the rule be amended to remove the reference to Penal Code section 1367, as this section addresses an adult's competency to stand trial, and to replace the current definition of competency with a cross-reference to the definition in section 709(a)(2).

[1] All further statutory references are to the Welfare and Institutions Code and all further rule references are to the California Rules of Court, unless otherwise indicated.

Subdivision (b) (currently, subdivision (d)(1)(B)–(C)) would be amended to identify the minimum training and experience needed for an expert to be eligible for appointment for forensic evaluations of juveniles.

Subdivision (c) would be added to identify the requirements of the court-appointed expert's interview of the minor.

Subdivision (d) would be added to address the mandate in section 709 that the expert must review all the available records, by requiring that each county, in its written protocol regarding competency required under section 709(i), include a description of the process for obtaining and providing the records to the expert to review.

Subdivision (e) would be added to identify the requirements for the expert's mandated consultation with the minor's counsel.

Subdivision (f) would be added to identify the requirements for the mandate that the expert gather a developmental history of the minor.

Subdivision (g) would be added to address the expert's written report requirements regarding whether the minor has the sufficient present ability to consult with counsel and whether the minor has a rational understanding of the proceedings.

Additionally, the Advisory Committee Comment at the end of the rule would be deleted as it is misleading and does not accurately reflect the procedure for obtaining regional center services.

Policy implications

Comments

This proposal circulated for comment as part of the spring 2019 invitation-to-comment cycle, from April 12 to June 10, 2019, to the standard mailing list for family and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, CASA programs, and other juvenile and family law professionals. Additionally, it was provided to the stakeholders who helped develop the proposed rule with an invitation to distribute it as they wished. Six organizations provided comment: two agreed with the proposal, one agreed with the proposal if modified, no commenters opposed the proposal, and three did not indicate a position. A chart with the full text of the comments received and the committee's responses is attached at pages 10-14.

Alternatives considered

The committees discussed multiple potential rule topics, several of which were deferred.

Records review process. The committees discussed whether the rule should address the requirement that the expert must review all the records provided and specify the process, such as who provides the records to the expert and how the expert obtains confidential records. The committees concluded it was best to allow each county to determine its own process and decided to propose amending rule 5.645 to require that the written protocol mandated under section 709(i) include a description of the process for obtaining and providing the records to the evaluator to review, including who will obtain and provide the records to the evaluator.

Testing. The committees discussed whether the rule should address the requirement that the expert must administer age-appropriate testing unless the facts of the case render testing unnecessary or inappropriate. The committees discussed whether the rule should address the nature and content of evaluation tools and whether the rule should specify when testing is unnecessary or inappropriate. The committees concluded that these areas should be deferred to the expert evaluators and did not include this topic in the proposed rule.

Interpreters. The committees discussed whether the requirements that apply to court interpreters should apply to interpreters used by competency evaluators.[2] The committees decided that the requirements for a Judicial Council–certified interpreter would be too difficult to meet, particularly in smaller counties and for more rare languages. The committees also noted that the interpreters used for mental health evaluations are more akin to medical interpreters than interpreters for court proceedings.

"Additional qualified experts." The committees discussed the new provision in section 709 that allows the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts who may testify during the competency hearing. The committees discussed whether the rule should specify the qualifications for these experts and whether additional experts should be subject to the requirements in the new rule. The committees concluded that the phrase "additional qualified experts" is ambiguous in the statute and that an appellate court should decide what this phrase means, not the Judicial Council through the rule-making process. The committees concluded that the current provision that does not preclude involvement of clinicians with other qualifications as consultants or witnesses should remain in the rule.

School psychologists. The committees discussed whether rule 5.645 should be clarified to allow school psychologists to be appointed as experts in competency proceedings. This clarification would be made by removing the requirement that school psychologists have a doctoral degree and simply using the term "licensed psychologist." The committees discussed how this could create a larger pool of potential evaluators, but also discussed that school psychologists do not have the depth and breadth of education and training that one needs to obtain a doctoral degree. The committees concluded that school psychologists who do not hold a doctoral degree should not be included among the professionals listed in the rule who can conduct competency evaluations.

[2] Specifically, the committees reviewed Government Code section 68561 et seq. and rule 2.893.

"Child" or "minor." One of the more robust discussions was whether the rule should use the term "child" or "minor." The current rules all use "child," but the statutes use "minor." The committees note that throughout the juvenile court rules and forms there is a consistent practice of using "child," and this term is clearly defined in rule 5.502.[3] Use of the term "child" is a reminder to all in the system that juvenile offenders are developmentally distinct from adults. "Minor" is not defined in rule 5.502. Since section 101(b) defines "child or minor" as a person under the jurisdiction of the juvenile court under section 300, 601, or 602, and because most children in delinquency court do not like to be called "child," the committees resolved to use the word "minor" in the proposed rules. The committee is aware that this makes the proposed competency rules inconsistent with the other rules of court that use the term "child," but concluded that tracking the statutory language and recognizing that delinquency proceedings involve older children outweigh considerations of consistence with other rules of court and Judicial Council forms.

Interviews by remote communication. As circulated for public comment, the rule allowed for an interview of the youth, if an in-person interview was not possible due to distance, to be conducted remotely, using videoconference or another form of remote electronic communication. The hope was that this would decrease custodial time for youth who lived in more remote areas. The committees concluded, however, that youth are not comfortable in remote communication systems and this could skew results. There also would be much of the youth's demeanor and behaviors that the evaluator would not be able to see. It is also not possible to control what is going on outside of camera range, such as eavesdropping staff or other environmental issues that may affect testing. The committees concluded that until the medical or psychological profession established guidelines in this area, it was not appropriate to provide for it in the rule.

Consult with minor's counsel. AB 1214 amended section 709 to require the evaluator to consult with minor's counsel. As circulated for public comment, the proposed rule required that consultation to include three questions. The committees considered removing the portion of the proposed rule regarding the questions the evaluator must ask minor's counsel. The committees discussed the potential for interference with the confidential attorney client relationship. However, the committees concluded that since minor's counsel often has the most information about the minor and that evaluators routinely do not consult with minor's counsel, it was important to include these minimal, basic questions all evaluators should be asking. The committees discussed how they had made great efforts in the language of the rule to protect the attorney client privilege.

Fiscal and Operational Impacts

It is important to note that the new legislative mandates regarding evaluators will likely increase costs to the courts, with no additional funding made available.

[3] Rule 5.502(5) provides: "'Child' means a person under the age of 18 years."

Costs for evaluations may increase due to more comprehensive evaluation and written report requirements. Some counties, particularly smaller counties, will have challenges finding qualified evaluators.

For counties that do not have existing protocols, there will also be increased costs for local implementation to develop the statutorily required county protocols, again with no additional funding made available to cover these costs.[4]

There are also potential cost increases due to possible growth in litigation because, as the reports become more comprehensive, there will be more information on which to cross-examine the expert. Alternatively, more thorough reports could lessen the need for contested hearings because the reports may speak for themselves.

A major operational impact is that there likely will be longer time frames to complete the reports because of additional requirements to interview minor's counsel and attempt to interview the minor face-to-face, and increased written report requirements. Currently, the process generally takes three to four weeks. This time frame will likely expand, thus increasing the amount of time these children are held in secure custody.

A benefit, however, is that the reports received will be of much higher quality than under current standards and will be more useful for judicial decision-making.

Attachments and Links

1. Cal. Rules of Court, rules 5.643 and 5.645, at pages 7–13
2. Assembly Bill 1214, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1214

[4] Section 709(i) mandates that the "presiding judge of the juvenile court, the probation department, the county mental health department, the public defender and any other entity that provides representation for minors, the district attorney, the regional center, if appropriate, and any other participants that the presiding judge shall designate, shall develop a written protocol describing the competency process and a program to ensure that minors who are found incompetent receive appropriate remediation services."

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
1.	Antoinette Balta, Executive Director Veterans Legal Institute Santa Ana, CA	A	My name is Antoinette Balta and I am the Executive Director of Veterans Legal Institute and a member of the California State Military Reserve. In my individual capacity, I write this letter to support the proposed changes to MIL-100, specifically to make it mandatory so that the Courts are empowered to maximize benefits to active and former service members involved in the legal system. As is, MIL-100 in its optional nature lacks teeth and is not widely used- not because of its substance, but rather, because it is not mandatory. Less than 1% of our nation serves, and even less than that has seen combat, and therefore there is a lack of common and institutional knowledge about the sacrifices men and women in uniform make to serve our country. In an effort to best utilize available resources for veterans and active service members, it is imperative that we take a greater role in identifying them. Identification of former and active service members will undoubtedly open up multiple avenues for more holistic resolution and empowerment of the client and his/her family. Mandatory use of MIL-100 will ultimately impact epidemics like veteran suicide, housing, veteran families and generational trauma, employment, and more. Should MIL-100 be amended to become a mandatory form, data collection on those qualified will allow the Court system, VA, and other interested entities to better serve this population. 22 veterans per day commit suicide-	No response required.

	Commenter	Position	Comment	Committee Response
			more than in combat- and the Courts witnessing those with legal trouble (a common indication of other issues), is in a unique place to collect and share data that will undeniably save lives. In the criminal law context, those identified may be eligible for rehabilitation via the Collaborative Courts. These Courts enjoy favorable statistics in terms of recidivism and future success of the veteran which ultimately trickle down to his/her family. Further, there are sentencing guidelines specific to those who qualify that are significantly less likely to have the option of choosing because of their lack of knowledge of said guidelines. Further, for active service members in roles where they must deploy periodically or drill for weekends or weeks at a time in service to our country, the family law system has often failed to recognize these obligations and honor them. In fact, there are thousands of cases where active service members have had their custodial and parenting rights penalized as a result of their service. Mandatory usage of MIL-100 will provide Courts preliminary knowledge so that they can best serve the parties at hand and provide a judicious outcome to military families. In conclusion, service comes in many forms and while does not have to don a uniform to contribute to the success of our country, we should be mindful in providing the greatest	

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			support to those who serve, including military families. Simply put, if we don't know them, we can't serve them, and for this reason, I strongly urge your consideration in amending MIL-100 to become a mandatory form.	
2.	California Court of Appeal By: Eileen C. Moore, Associate Justice Santa Ana, CA	A	MIL-100 should be a mandatory form, and all parties in every type of case should be required to file it, stating whether or not they are in the military or ever served in the military for the following reasons: **Grants** We need to know more about military service members and veterans who are in our courts. Up and down California, courts are requesting grants for various creative ways to dispense justice to veterans and members of the military. With those grants, courts are able to supply extraordinary and exceptional services. In order to obtain those grants, the courts need to be able to demonstrate their needs vis-à-vis service members and veterans. **Sentencing** When a court sentences a criminal defendant, the law requires the court to consider certain conditions as mitigating factors. Penal Code § 1170.91. Courts need to know that a defendant is a veteran in order to carry out that mandatory duty. **Specialty/Collaborative Courts** More and more the courts are being called upon to adjudicate in nontraditional and innovative	No response required.

	Commenter	Position	Comment	Committee Response
			ways. Numerous statutes specifically concern members of the military and military veterans who require unique considerations. Gov. Code §§ 12920, 12926, 12940; Mil. & Vet. Code § 394; Penal Code §§ 858, 1001.80, 1170.9, 1170.91. The Legislature has made clear that it is in the interest of justice to restore a person who acquired a criminal record due to a disorder stemming from military service to the community of law abiding citizens. Penal Code § 1170.9 (h)(1). Courts need to know when a defendant has served in the military. **Suicide** Veterans commit suicide at a much greater rate than those in the general population. Little is known about why this is the case, although experts have identified some risk factors involved with veteran suicide. During the nine years I volunteered as a mentor in the local Veterans Treatment Court, I saw how horrible it was to have one of the defendants commit suicide. All the court staff and every veteran in the court was affected. But at least in Veterans Courts, the court is aware when a party is a veteran. That is not the case in most of our courts. It is important for the courts to know which type of case might be at least anecdotally associated with suicide. For example, intimate partner violence by both perpetrators and victims, stalking, employment instability, housing	

	Commenter	Position	Comment	Committee Response
			instability and discrimination are thought to be risk factors involved with suicide. Cases with all of these issues appear routinely in our courts. "Examining the Intersection Between Suicidal Behaviors and Intimate Partner Violence Among a Sample of Males Receiving Services From the Veterans Health Administration," Catherine Cerulli, Brady Stephens and Robert Bossarte, Amer. Jour. Of Men's Health, 2014, Vol. 8, pp. 440-444; "Intimate Partner Violence, Suicide, and Their Overlapping Risk in Women Veterans," Paige E. Iovine-Wong, Corey Nichols-Hadeed, Jennifer Thompson Stone, Stephanie Gamble, Wendi Cross, Catherine Cerulli and Brooke A. Levandowski; Military Medicine, 2018; "Intimate Partner Violence (IVP) and Suicide Prevention Fact Sheet," U.S. Department of Veterans Affairs IPV FACT SHEET SERIES. According to Dustin Halliwell, dustin.halliwell@va.gov LCSW at the Department of Veterans Administration who spoke at Goodwill Orange County on March 21, 2019, isolation is a "huge problem" regarding veterans and suicide. Thus, when a judge is considering issuing a restraining order, move-out order or any other order relating to separating a party from others, it would be important for the judge to know if the party is a veteran. Halliwell said the warning signs of suicide among veterans include rage, anger, visiting	

	Commenter	Position	Comment	Committee Response
			family members and increased alcohol or drug use. Because these actions are often involved with court cases, it is important for judges to know whether a person before them is a veteran. The website for the California Department of Veterans Affairs, www.ca.gov/agency/?item=department-of-veterans-affairs CalVet, states that nearly two million veterans live in California. Since California's population is about 40,000,000 people, it appears veterans make up about five percent of the state's population. According to CalVet's site, in 2017, the total number of suicides in California was 4,111 and the number of suicides among veterans in California was 640. https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/SACB/CDPH%20Document%20Library/Violence%20Prevention%20Initiative/CA%20Veteran%20Suicides%202017%20FINALa%203%2011%2019.pdf Those numbers indicate that 15.6 percent of the suicides in California are by veterans. Two things about this information: 1. If the courts know which parties are veterans, they can better assess the orders made; and, 2. On March 6, 2019, Dr. Karl Hamner of the University of Alabama spoke at the University of California, Irvine about a study he is doing on the risk factors that	

	Commenter	Position	Comment	Committee Response
			contribute to suicide among military veterans. He stated that other studies have been unable to determine why veterans commit suicide at such greater numbers than the general population, and that knowing whether and what kinds of court cases they are involved in would help in making determinations about the reasons. **Intimate Partner Violence** By keeping track of our cases involving military and veterans, the courts will be better equipped to predict the potential for problems within the courts. According to Jenny Williams, jenny.williams@va.gov LCSW at the Department of Veterans Administration who spoke at Goodwill Orange County on March 21, 2019, veterans are twice as likely to experience intimate partner violence, either as a perpetrator or a victim. Plus, Williams said the risk factors associated with both suicide and intimate partner violence are the same. Cases involving domestic violence appear in criminal, civil, family and juvenile courts. It just makes sense that when courts are determining what to order in matters involving the possibility of intimate partner violence, the court knows if either the perpetrator or victim is a veteran. **The Servicemembers Civil Relief Act** The Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq. SCRA, provides	

	Commenter	Position	Comment	Committee Response
			many protections for members of the military, National Guard, and reservists. Some of those protections include computing time limitations imposed by state laws. These protections are invoked in matters concerning evictions, repossessions, claimed breaches of contract, family law and juvenile dependency matters. Many practicing lawyers are unaware of this federal statute. If the courts are aware that a litigant is a member of the military by way of a filed MIL-100 form, the courts will be less likely to overlook important protections provided to active duty military. **Ongoing Survey** Currently there is a three-year survey of veterans and veterans treatment courts pursuant to statute. Government Code § 68530 Among other matters, the survey is simply counting the number of veteran participants in various courts. The information being compiled places burdens on courts, and might be largely unnecessary were the MIL-100 form mandatory. **Child Custody Evaluations** Military parents are sometimes absent from their children's lives during crucial developmental periods, and biases toward military families have been shown to influence the outcome of custody evaluations. "Improved Assessment of Child Custody Cases Involving Combat Veterans With Posttraumatic Stress Disorder," Evan R. Seamone, 50 Fam. Ct. Rev. 310, 2012. Family law judges and dependency	

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			judges have to know that a parent is either in the military or a veteran in order to examine an evaluator's conclusions for bias. If the MIL-100 form is not mandatory, the court may never even be aware of a military/veteran component in a case.	
3.	California Department of Child Support Services Intergovernmental Services By: Shannon Richards, Attorney III	AM	The California Department of Child Support Services (department) has reviewed the proposal identified above for potential impacts to the child support program, the local child support agencies, and our case participants. Specific feedback related to the provisions of the forms with potential impacts to the department and its stakeholders follows. While the changes proposed to the form MIL-100 seem to simplify the form for use in either a criminal or civil proceeding, the use of the form is unclear. A Rule may be appropriate to define who is to use the form (i.e. just the military member, or all parties to the case), when the form is to be filed (i.e. within 30 days of the start of the case, when the party enters the military, upon substituting into a case, or is this to be filed along with every motion, etc.) 1. If the form becomes mandatory and DCSS is required to complete the form, it would be helpful if there were an additional box for DCSS purposes that say: "5. ☐ I work for the Department of Child Support Services who is providing services pursuant to Family Code section 17400 in this	The Committee considered this comment and determined it is not in a position to create a new rule at this time. . The Committee considered this comment but determined that it was not necessary as DCSS would be able to use as currently drafted.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

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	Commenter	Position	Comment	Committee Response
			case. I am informed and believe the person in item one is a current member or veteran of the state or federal armed services." 2. Additionally, it would be helpful to clarify that this form is not the equivalent of the servicemember's notice to a creditor (i.e. DCSS) pursuant to 50 U.S.C. §3937. DCSS proposes the following language to be added to page two under the heading "If you are a party to a civil or non-criminal case, you must complete the appropriate forms, which may include those listed below." This form is not intended as the notice required by the military member to a creditor pursuant to 50 U.S.C. §§ 3937(b)(1)(A). REQUEST FOR SPECIFIC COMMENTS Question: Do the revisions to the form appropriately address the stated purpose? Response: Yes, however making additions would be helpful to the Department of Child Support Services, particularly if the form is to be mandatory. Question: Should the form remain an optional form or should it become mandatory? Response: The Department of Child Support Services takes no position but requests the first proposed revision if the matter is mandatory,	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			and the second proposed revision in either instance. Question: Should the form be two separate forms, one for criminal cases, one for civil cases? Response: Provided all warnings are provided, one form would create less confusion for the persons completing the document. Question: Are any additional revisions recommended? Response: This form should make it clear that it is notice to the courts of the military status only; it is not official notice to creditors or other parties of the military status, and the military person should not rely on this form for the same. Thank you for the opportunity to provide input, express our ideas, experiences and concerns with respect to the proposed from changes.	
4.	California Lawyers Association Executive Committee of the Family Law Section By: Saul Bercovitch, Director of Governmental Affairs Sacramento, CA		FLEXCOM's comments are limited to the use of this form in family law cases. Although FLEXCOM supports the overall purpose of the form, FLEXCOM recommends that use of this form be optional, not mandatory. FLEXCOM believes the goal of this form would be achieved more effectively if the information sought is added to existing family law forms, such as the Petition forms or the Request for Order form. This would	The Committee considered this comment but concluded that it was not appropriate to make this amendment to existing family law forms as the amendments to this proposal are intended to be inclusive of all case types, including those of family law.

SPRING 19-14

Notification of Military Service: Revise form MIL-100 (Revise form MIL-100)

All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			provide an opportunity for the court to track the information in the context of proceedings where the information may be directly relevant, rather than having a stand-alone, mandatory form that shows the status at the time the form was filed.	
5.	California Veterans Legal Task Force By: Jude Litzenberger Executive Director La Mesa, CA	N	My issue with the form is that it seems to require the County Veteran Service Office to verify service. That requires that CVSO to have a Claims Rep POA from the veteran to access the VA database to do that. And that is a cumbersome issue since CVSOs are not CO-located in the courthouse. Also, the veteran may be represented by or desire to choose another VSO to do their claims work and giving a POA to the County VSO would override that or confuse the veteran about his/her claims rep options. Shouldn't these veterans get to choose their VA representative? Also, in some counties CVSOs are already jammed and appointments to complete the service verification can take a while and slow down the case or foreclose Military Diversion entirely due to difficulties getting verification. I suggest that verification section be removed and we add a practice focus on what we can do to educate defense counsel and veterans/military on how to prove up military service in other ways. Getting DD-214s and Military Records should be a strongly suggested MCLE for anyone representing a military affiliated	The Committee considered this comment but determined that it was not appropriate to make this amendment per California Penal Code section 858 (c) and (e). Under the Penal Code, "the court shall transmit a copy of the form to the county veteran's service officer for confirmation of the defendant's military service. The court shall also

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All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Committee Response
			defendant. We need to help our colleagues learn how to get these records. I believe educating the defendant and defense counsel might be helped a bit by this form but it doesn't address the real problem in that the defense bar, particularly those appointed as Indigent defenders, are unaware of the military/veteran options for treatment, getting records, and mental health conditions generally. There are advocates who do and could help educate defense counsel and justice-involved veterans. For example, California Veterans Legal Task Force (CVLTF.org) last year did a three month pilot project at one of our four San Diego Military Diversion court branches where we engaged every active duty and veteran who appeared for arraignment and personally walked them through their statutory options using the MIL-100 form. We then provided these forms to counsel (if they were not present or yet assigned) and offered help if they needed it in getting records, understanding the client's mental health condition as its related to the alleged criminal behavior, or assisting the client in getting a treatment plan. This effort was cited by our Military Diversion judges in their recent program report as instrumental in doubling the admissions to Military Diversion in our county this year. This education of defense counsel cannot be done by form alone.	transmit a copy of the form to the Department of Veterans Affairs." Furthermore, under the Penal Code, "the Judicial Council…shall include a space for the local court to provide the contact information for the county veterans service office."

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			Until this part of the form is revised, I don't support it being mandatory as it usurps the veterans' right to choose their VA rep, causes confusion, slows down the process, and because it falls short of doing what is needed to really train our colleagues who represent them. I am hopeful that we can work together to improve on this form and the larger process of training and assisting our defense counsel colleagues.	
6.	Daniel R. Devoy Visiting Associate Professor Director, Veterans Legal Advocacy Center Golden Gate University School of Law 536 Mission Street San Francisco, CA 94105 415-442-6679 ddevoy@ggu.edu	A	I write in support of the proposal to make Judicial Council form MIL 100 mandatory in civil matters throughout California. I am currently a professor of law at Golden Gate University School of Law in San Francisco, California. In my capacity at the law school I serve as the Director of the Veterans Clinic and supervise student representation of California veterans in various legal matters. I am writing in support of the revision to MIL 100 both as the Director of the clinic, and in my personal capacity as a California attorney and veteran. Currently MIL 100 is required in criminal matters. I have worked with the San Francisco Veterans Treatment Court, and I have personally witnessed the transformative power that a veteran status has on the individual party and the court. Bringing this same experience into civil matters is essential. Case types that may have benefits for veterans include, but are not limited to: family/child custody, housing, employment, and consumer matters. Moreover, it has been my experience that many veterans do not have knowledge of benefits they may be	No response required.

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	Commenter	Position	Comment	Committee Response
			entitled to due to their military status. Without these benefits, many veterans suffer from unnecessary hardships. By requiring MIL 100 to be mandatory in civil matters, the court can increase veterans' access to benefits by informing them of applicable benefits. If nothing else, by making MIL 100 mandatory in civil matters, it provides the state an opportunity to provide veteran benefits information to a deserving veteran. Thank you for your consideration to this matter.	
7.	Mark B. Frazier, Attorney Rutan & Tucker, LLP Costa Mesa, CA	AM	Appropriately, California is developing a strong public policy supporting those in military service or in the reserves, and veterans, and their families (the CLMP explores advances in this regard). Current Judicial Council Form MIL-100 is an example of efforts to recognize the contributions of and challenges faced by service-members, veterans and their families, and to provide notice of rights, protections and resources to those persons who are willing to report their military/veteran status. However, rights unknown to the holder are illusory. Rights misunderstood by the holder are a deterrent to the exercise of the rights. Persons in active military service or the reserves, as well as veterans, and their families often lack the financial and experiential resources to retain legal counsel, understand their rights, or to otherwise obtain effective access to the courts and available rights and	

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	Commenter	Position	Comment	Committee Response
			remedies. Without counsel, active service members, reservists, and veterans, and their families, may be forced to "go it alone" in the judicial system. Thus, California's public policy suppo1iing those with active/military/reserve/veteran status, and their families, often is frustrated, if not thwarted, by lack of knowledge or misunderstanding of available rights and remedies. The courts and Legislature are well-positioned to address this issue if they have the information they need. Solutions to this information problem at the case level can be readily implemented by utilizing the Court's case management responsibility and each lawyer's role as an officer of the Court. Implementation requires only minor enhancements to the Judicial Council's management approach to civil matters involving persons with military/reserve/veteran status and their families. Modified Form MIL-100 is one such enhancement. I support the proposed modifications to Form MIL-100 to clarify and extend its reach to all persons with active service/reserve/veteran status, with one change. The title should be "NOTIFICATION OF ACTIVE MILITARY/RESERVE/VETERAN STATUS." The Form should highlight active duty and its effect on access to the courts (particularly if serving abroad), and is intended to apply to	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.

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	Commenter	Position	Comment	Committee Response
			persons serving in the reserves. The title should reflect these realities. Service of modified Form MIL-100 by all parties should be mandatory in all criminal and civil cases for reasons expressed in comments submitted by others. Mandatory notice of military status is already provided by federal law in the Servicemembers' Civil Relief Act ("SCRA") 50 U.S.C. app. §§ 501 et seq. in certain situations (e.g. when a default or foreclosure is sought). Mandatory notice will allow the Court to assess whether a litigant with military/reserve/veteran status is aware of resources under California law, as outlined in the Self Help section entitled "Rights and Protections for Veterans & Military Families" at www.courts.ca.gov, thereby helping to implement California's public policy. Thus, to require, as a matter of case management, that every attorney and person filing or defending a civil action notify the court of a party with military/reserve/veteran status is not novel, and as with the SCRA, will further enhance California's public policy promoting rights and benefits for those who are serving or have served in the military and their families. A separate enhancement opportunity exists in the Civil Cover Sheet, Form CM-010. Currently, most information collected in Form CM-010 is used only for statistical purposes.	

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			The two exceptions are collection cases and complex cases. A third exception for military/reserve/veteran status should be recognized, and counsel filing a civil complaint should be required to answer the question: "This case Does Does Not involve a person with military/reserve/veteran status." Notification of active military/reserve/veteran status in response to this question will allow statistical information concerning the percentage and nature of cases involving persons with military/reserve/veteran status to be reported to the Judicial Council and appropriate Legislative committees (e.g. Senate Standing Committee on Veterans Affairs, Assembly Committee on Veterans Affairs) for their use in fulfilling their roles in promoting California's public policy supporting Californians who are serving or have served in the military, and their families.	
8.	Inner City Law Center By: Kara Mahoney Directing Attorney	A	Inner City Law Center supports the revisions to MIL-100 and supports making the form, as revised, mandatory. ICLC is a nonprofit in downtown Los Angeles that has as part of its purpose the representation of veterans, particularly those suffering from or facing homelessness. In our experience the better informed a court is about a litigant's veteran status, the better the court can fashion remedies appropriate to the veteran's situation. Our veterans face particular problems of homelessness, potential for suicide, substance abuse, and warrant histories. Making a court	No response required.

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			informed about veteran status will unquestionably assist the court in dealing with all of these problems.	
9.	Military and Veterans Affairs Committee of the California Lawyers Association's Litigation Section By: Robert F. Muth, Chair	AM	The Military and Veterans Affairs Committee of the California Lawyers Association's Litigation Section has reviewed the proposed revisions to form MIL-100 (Notification of Military Status) and appreciates the opportunity to submit these comments. It is imperative that the rights of military personnel and veterans be protected and preserved and we thank the Collaborative Justice Courts Advisory Committee ("the Committee") for its efforts to do so through its proposed revisions to the MIL-100 form. 1. The Revisions Broadly Address the Stated Purpose The proposed revisions broadly achieve the Committee's goals to expand the applicability of the form, employ user-friendly language, devise a simpler form to more readily identify current and former military personnel and to provide relevant information to the court. The proposed revisions to add "Veteran" to the title form, replace "Attorney or Party Without Attorney" with "Person Completing This Form" and to add "State Bar Number (if applicable)" are sensible and in keeping with the Committee's intent to make the form more user-friendly.	

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			The Invitation to Comment proposes moving the statements "Consult your attorney…" and "You may decline…" from page one of the current form to page two of the new form in an apparent effort to simplify the form and consolidate notices on a single page. However, page two of the proposed form does not actually include the statement that "You may decline to submit this form to the court without penalty." We believe that, at a minimum, the new form should include both of these statements on page two, but would prefer that the statement "You may decline…" remain on page one. Revising the form to replace item 1 "I… Declare as follows" with "This form is about (name) who is a party…" is consistent with the Committee's efforts to make the form more user-friendly and we agree with this proposed revision. Additionally, the Committee's proposal to add "criminal," "family," "juvenile," "civil," and "other" case types as check box options in item 1 meets the Committee's worthwhile goal of broadening the applicability of the form. The Committee's proposal to consolidate the information sought in items 2 and 3 of the current form into one item is sensible. The proposal to consolidate what is currently Item 2, subsections a, b, c and d into one streamlined check box under Item 2 and listed as "A current member of the state or federal armed services or	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption. This omission has been corrected.

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			reserves" is particularly advantageous and will likely minimize confusion by users of the form. However, we believe the proposed revision of the form from its current wording of "I used to serve in the state or federal armed services or reserves" to the proposed check box of "A veteran of the state or federal armed services or reserves" is undesirable. We are concerned that some individuals who qualify for legal protections might not realize that their past service is encompassed by the word "veteran." Many individuals who have served in the military are confused about what is legally required for a person to claim the title of "veteran." Page two of the proposed form alludes to the potential confusion when it states that "You are not required to have an honorable discharge, to have combat service, or to be accepted into or involved in a Veterans Court to be eligible for the possible rights and protections under the law." Our concern is that an individual who reviews only page one of the form and does not, for whatever reason, understand they qualify as a veteran due to their discharge status, lack of military deployments, etc. may never review the second page of the form and realize the form is applicable. We therefore recommend the second checkbox instead read: "Used to serve in the state or federal armed services or reserves." We believe proposed Items 3 and 4 should be amended for clarity and to make the form more	The Committee considered this comment but believes that the proposal as currently written provides a clear description of the qualifications of those who may be considered to have military service status. The Committee considered this style recommendation and concluded that the form, as

	Commenter	Position	Comment	Committee Response
			user-friendly. Item 3 should simple state "I am a party to this case" while Item 4 should state "I am an attorney for the person identified in Item 1 (above)." We agree with the Committee's proposed revisions to page two to include relevant abbreviations of medical conditions and to state that "Letting the court know about your military experience may allow consideration of possible benefits and protections for your case." 2. Making the Form Mandatory Is Undesirable and Will Likely Lead to Confusion The Military and Veterans Affairs Committee of the Litigation Section engaged in spirited discussion regarding the Committee's proposal to make use of the MIL-100 form mandatory. While we were not unanimous in our determination, a strong majority of the Military and Veterans Affairs Committee expressed disagreement with the proposal to make the form mandatory. We commend the Committee's intent in proposing that the form be made mandatory in an effort to expand the use of the form to ensure veterans and military personnel are advised of their rights and to better assess the needs of military-connected personnel in the justice system. However, we are concerned that by calling the form mandatory, many veterans and military personnel will feel compelled to	currently drafted, makes it is clear if a party is filling out the form.

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			disclose their military affiliated status even if they believe it will negatively impact their case or ongoing service in some way. Members of the Military and Veterans Affairs Committee expressed concerns that in some matters an individual might not want to disclose their status due to perceived stigma and/or bias against military affiliated individuals. Additionally, in certain cases, a service member may prefer not to disclose their military status due to fears about possible ramifications to their ongoing military service. For example, a service member in a collections case may prefer not to disclose their military status to avoid creditors attempting to pursue debt collection efforts improperly through military channels which could negatively impact the service member's security clearance. Similarly, a servicemember who is seeking to legally change their gender may be subject to involuntary discharge if their military status were discovered through a review of gender change petitions. Furthermore, we were concerned that no veteran should be penalized for choosing to not identify themselves as a military member or veteran. While naming the form "Mandatory" might only mean that no county may create an alternative form to the MIL-100 form, there was broad concern that military affiliated members might feel they were required to disclose their military status in order to access justice if the form is described as mandatory. To the extent	The Committee considered this recommendation and determined it is not appropriate to make this amendment as the proposal includes the Penal Code 858 requirement that an individual may decline to provide this information to the court without penalty.

	Commenter	Position	Comment	Committee Response
			that identifying the form as mandatory would require all military personnel and veterans to file the MIL-100 in order to access the courts, a strong majority of our committee would respectfully oppose that obligation. A minority of our committee, however, agrees with the proposal's recommendation to make the form mandatory and believes that the form should be filed in every case in which a veteran is a party. This minority position believes that the burden to file the form should be upon every party and/or attorney who is aware that one party is a veteran, not just the veterans and their attorney. This minority view is based, in part, upon the belief that this requirement would be the best way to ensure the rights of military personnel and veterans are protected and that making the form mandatory is the most effective way to gather information about the needs of military-affiliated individuals in the justice system. 3. One Form Is Sufficient The Military and Veterans Affairs Committee shares the Committee's view that keeping the MIL-100 form multi-purpose is advantageous. We believe that the streamlined approach taken in the proposed revisions ensures that a combined use of the form in both criminal and civil proceedings is neither cumbersome, nor prohibitive. We also believe that it is wise for criminal defendants to be exposed, via the	

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			notice provisions on page two of the form, to the protections they might have in civil proceedings and vice versa. However, we believe that the current notices listed on page two of the proposed form could benefit from the inclusion of certain civil protections such as, inter alia, those afforded to military-connected individuals under the Servicemembers Civil Relief Act ("SCRA"), the Uniformed Servicemembers Employment and Reemployment Rights Act ("USERRA") or protections provided under California's Military and Veterans Code. Additionally, we believe that the notice on page 2 of the proposed form describing protections available pursuant to California Penal Code section 1170.91 should also mention the rights of a veteran serving a sentence for a felony conviction to petition for a recall of sentence in certain circumstances.	The Committee considered this comment and concluded that the proposal includes appropriate language as to the broad reach of potential benefits and protection in many case types. The Committee considered this comment and concluded that the possible right and protection under Penal Code 1170.9 in the proposal is accurate and satisfactory and does not recommend this amendment.
10.	Orange County Bar Association By: Deirdre Kelly, President Newport Beach, CA	A	The revisions appropriately address the stated purpose, but consider providing a space for the specific military branch to be identified for the court's information. Making the form mandatory will ensure uniform compliance in all cases. One form is preferable to separate forms for criminal as opposed to other types of cases. As suggested above consider space for active service members to designate the branch of the military in which the person serves.	The Committee considered this suggestion but does not recommend this amendment to the proposal. The Committee prefers verification of service and additional information to be received through the Department of Veterans Affairs.

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11.	State Bar of California By: Jason P. Lee, Chair, Board of Trustees Los Angeles, CA	A	The State Bar of California appreciates the opportunity to comment on the Collaborative Justice Courts Advisory Committee's proposal to revise and make mandatory Judicial Council form MIL-100. The State Bar supports the proposal to make the MIL-100 mandatory and to revise the form to improve the ability to identify litigants in all case types who have a military affiliation. In 2018, the State Bar engaged in a variety of activities to support efforts to provide civil legal assistance for veterans and active duty military and their families, including identifying resources and educational material for veterans and those seeking to assist them, surveying programs that provide legal services to active duty military and to veterans to identify needs for legal advice clinics; and convening a roundtable of key organizations to identify potential opportunities for collaboration and innovation in the delivery of legal services to active duty military and veterans in California. These efforts, which included the publication of a Veterans Legal Services Report, provided valuable insight into challenges the state currently faces in providing needed support to active duty military and veterans. The report specifically found that: Though there are numerous successful legal services programs that focus on the needs of	No response required.

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			veterans and/or active duty military members throughout California, more services and resources are required to meet the significant needs of this population. Survey respondents noted that challenges in serving the veterans and active duty military populations include outreach…most outreach is done through veterans focused events. While this connects many veterans to legal services, there is potentially a large population of those who have served in the military that are not attending these events, and are thus not aware of the types of services available to assist them. The State Bar believes that making MIL-100 mandatory will greatly assist in identifying the number of veterans and active duty service members with legal issues, by county, thereby facilitating precisely the type of increased outreach identified as necessary to effectively meet the needs of these populations. This data will be invaluable to the State Bar and the legal services community as we work to expand our efforts to serve veterans and active duty military throughout the state.	
12.	Superior Court of Los Angeles County	AM	Form MIL-100 This form should be signed under penalty of perjury.	The Committee considered this suggestion but does not recommend this amendment to the proposal. The Committee prefers verification of service through the Department of Veterans Affairs.

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	Commenter	Position	Comment	Committee Response
			We recommend adding "probate" to the list of case types in item 1. Military personnel frequently are involved in guardianship cases if they are deploying. **Request for Specific Comments** Do the revisions to the form appropriately address the stated purpose? -Yes, this form appropriately addresses the stated purpose. Should the form remain an optional form or should it become mandatory? -This form should remain optional. Should the form be two separate forms, one for criminal cases, one for civil cases? -There should be one form for all case types. Are any additional revisions recommended? -As mentioned in the Proposed Modifications above, we recommend adding "probate" to the list of case types in Item 1. Military personnel frequently are involved in guardianship cases if they are deploying. The advisory committee also seeks comments from courts on the following cost and implementation matters: Would the proposal provide cost savings? If so, please quantify.	The proposal was revised in response to this comment.

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			-No, we do not anticipate cost savings. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training) or revising processes and procedures (please describe)? -Implementation requires training of staff to identify the form and the fact that they need to mail the form to veterans' services. Additionally, requires training for Judicial Officers, Mediators, Research Attorneys, and Self-Help. Procedures and workflows would need to be modified/created to address processing of the form. The Case Management Systems would need to be programmed with, at the very least, a document code and the expected mapping. At least one hour of training time would be needed for each employee. How well would this proposal work in courts of different sizes? -Size would only make a difference as it pertains to the training and electronic capabilities of the court.	
13.	Superior Court of Orange County Juvenile Court and Family Law Divisions By: Cynthia Beltran, Administrative Analyst	AM	▪ **Notification of Military/Veteran Status (MIL-100)** ▪ On page 1, include a section that identifies the person who is completing the form. Instead of separately listing sections one through four, indicate, "The	The Committee considered this suggestion and declines to follow this recommendation on style as the relevant answer is effectively elicited in the proposal.

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			person completing the form is: Myself/Name, Attorney/On Behalf Of, Other/On Behalf of. Then move sections one and two below the section referenced above. This would allow the flow to transition better with the name of the party, their military status, and type of case they are part of. ▪ On page 2, provide the form numbers: ▪ For relief from financial obligation during military service or Other relief under the Service Members Civil Relief Act (forms MIL-010 and MIL-015) ▪ For notice of military deployment and request for modify a support order (form: FL-398) *Would the proposal provide a cost savings?* ▪ No, there will not be a cost savings. *What would the implementation requirements be for courts?* ▪ Judges and staff would be informed of the changes. Updates to the procedure would also be needed.	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.
14.	Superior Court of Orange County By: Sean E. Lillywhite, Administrative Analyst/Officer	NI	Consider combining the two separate Notice boxes into one. For clarification, we recommend instructions as to filing fees (required or not; if so, first file or additional file), since someone who is not a party to the case may file this form. Also, we recommend including information regarding Proof of Service requirements.	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption. The Committee considered this suggestion and declines to revise the proposal as the service requirement is addressed on page two of the form.

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			Finally, we recommend adding the underlined phrase for clarity: "If you are a party to a civil or non-criminal case, in addition to this form, you must complete the appropriate forms, which may include those listed below.	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption
15.	Superior Court of Orange County By: Denise Parker, Program Coordinator/Specialist IMPACT Team – Criminal/Traffic Operations	A	**Request for Specific Comments** In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: • Do the revisions to the form appropriately address the stated purpose? Yes, it does appear that the form modification addresses the stated purpose. • Should the form remain an optional form or should it become mandatory? It should be a mandatory form, as it is simplified for clarity and provides ample information for the defendant. As it will be mandatory for all litigation types, it will ensure uniformity for the person in question. • Should the form be two separate forms, one for criminal cases, one for civil cases? I believe it is unnecessary. Combining the two does not appear to impact the readability of the form. • Are any additional revisions recommended? Yes, recommend to more clearly define the verbiage to allow for a person (e.g. defendant in a criminal case) to be the submitter. Currently,	The Committee considered this suggestion and declines to follow this recommendation as the printed and signed name at the bottom of the form

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			the verbiage reads from a third person perspective (e.g. this form is about ___" and allows the option for "I am not a party to this case" and "I am an attorney in the above entitled case" but does not clearly give an option to the effect of "I am the above mentioned party". The advisory committee also seeks comments from courts on the following cost and implementation matters: • Would the proposal provide cost savings? If so, please quantify. No cost savings would be realized. Currently, the existing MIL-100 form is utilized. • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training) or revising processes and procedures (please describe)? Implementation would involve preparation of procedure updates, less than 8 hours to update and implement. It does not appear that this change will require training sessions, only an update to staff. • How well would this proposal work in courts of different sizes? I think it would work for all courts, regardless of size.	will indicate if the submitter is in fact a party to the case.
16.	Superior Court of San Diego County By: Mike Roddy Executive Officer	A	Q: Do the revisions to the form appropriately address the stated purpose? Yes.	

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			Q: Should the form remain an optional form or should it become mandatory? Optional. Q: Should the form be two separate forms, one for criminal cases, one for civil cases? No, for simplicity, one form should be used. Q: Are any additional revisions recommended? Yes. Proposed changes: **Item 1:** Delete "This form is about" **Item 2:** Replace "The person this form is about is" with "The person listed in item 1 is:". This is consistent with item 4. **Item 3:** Replace "I am filling out this form about: _____ a party to the above entitled case" with "The person listed in item 1 is a party to the above entitled case." Q: Would the proposal provide cost savings? If so, please quantify. No. Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training) or revising processes and procedures (please describe). Notifying staff and updating non-criminal case managements systems to include the filing. Q: How well would this proposal work in courts of different sizes?	The Committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.

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			It appears that the proposal would work for courts of all sizes.	

Rule 5.645 of the California Rules of Court would be amended, and subdivisions (a)–(c) would be renumbered as rule 5.643, effective January 1, 2020, to read:

Rule 5.643. ~~5.645.~~ Mental health or condition of ~~child~~ minor; court procedures[1]

(a) ~~Doubt concerning the mental health of a child~~ When the court is concerned about the mental health of a minor (§§ 357, 705, 6550, 6551)

Whenever the court believes that the ~~child~~ minor who is the subject of a petition filed under section 300, 601, or 602 is mentally disabled or may be mentally ill, the court may stay the proceedings and order the ~~child~~ minor taken to a facility designated by the court and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation. The professional in charge of the facility must submit a written evaluation of the ~~child~~ minor to the court.

(b) Findings regarding a mental disorder (§ 6551)

Article 1 of chapter 2 of part 1 of division 5 (commencing with section 5150) applies.

(1) If the professional reports that the ~~child~~ minor is not in need of intensive treatment, the ~~child~~ minor must be returned to the juvenile court on or before the expiration of the 72-hour period, and the court must proceed with the case under section 300, 601, or 602.

(2) If the professional in charge of the facility finds that the ~~child~~ minor is in need of intensive treatment for a mental disorder, the ~~child~~ minor may be certified for not more than 14 days of involuntary intensive treatment according to the conditions of sections 5250(c) and 5260(b). The stay of the juvenile court proceedings must remain in effect during this time.

(A) During or at the end of the 14 days of involuntary intensive treatment, a certification may be sought for additional treatment under sections commencing with 5270.10 or for the initiation of proceedings to have a conservator appointed for the ~~child~~ minor under sections commencing with 5350. The juvenile court may retain jurisdiction over the ~~child~~ minor during proceedings under sections 5270.10 et seq. and 5350 et seq.

(B) For a ~~child~~ minor subject to a petition under section 602, if the ~~child~~ minor is found to be gravely disabled under section~~s~~ 5300 et seq., a

[1] The text of current rule 5.645(a)–(c) would be amended, moved, and renumbered as rule 5.643. It is not underlined as new text because the language is currently contained in the California Rules of Court and to highlight the proposed amendments to the current rule.

conservator is appointed under those sections, and the professional in charge of the ~~child's~~ minor's treatment or of the treatment facility determines that proceedings under section 602 would be detrimental to the ~~child~~ minor, the juvenile court must suspend jurisdiction while the conservatorship remains in effect. The suspension of jurisdiction may end when the conservatorship is terminated, and the original 602 matter may be calendared for further proceedings.

(c) Findings regarding ~~mental retardation~~ intellectual disability (§ 6551)

Article 1 of chapter 2 of part 1 of division 5 (commencing with section 5150) applies.

(1) If the professional finds that the ~~child~~ minor ~~is mentally retarded~~ has an intellectual disability and recommends commitment to a state hospital, the court may direct the filing in the appropriate court of a petition for commitment of a ~~child~~ minor ~~as a mentally retarded person~~ who has a developmental disability to the State Department of Developmental Services for placement in a state hospital.

(2) If the professional finds that the ~~child~~ minor ~~is not mentally retarded~~ does not have an intellectual disability, the ~~child~~ minor must be returned to the juvenile court on or before the expiration of the 72-hour period, and the court must proceed with the case under section 300, 601, or 602.

(3) The jurisdiction of the juvenile court must be suspended while the ~~child~~ minor is subject to the jurisdiction of the appropriate court under a petition for commitment of a ~~mentally retarded~~ person with an intellectual disability, or under remand for 90 days for intensive treatment or commitment ordered by that court.

Rule 5.645. Mental health or condition of ~~child~~ minor; ~~court procedures~~ competency evaluations

~~(d)~~(a) Doubt as to ~~capacity to cooperate with counsel~~ minor's competency (§§ 601, 602, 709~~; Pen. Code, § 1367~~)

(1) If the court finds that there is substantial evidence ~~that~~ regarding a ~~child~~ minor who is the subject of a petition filed under section 601 or 602 ~~lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding of the nature of the charges or proceedings against him or her,~~ that raises a doubt as to the minor's

competency as defined in section 709, the court must suspend the proceedings and conduct a hearing regarding the ~~child's~~ minor's ~~competence~~ competency. ~~Evidence is substantial if it raises a reasonable doubt about the child's competence to stand trial.~~

~~(A)~~(2) Unless the parties have stipulated to a finding of incompetency, the court must appoint an expert to ~~examine the child to~~ evaluate the minor and determine whether the ~~child~~ minor suffers from a mental illness, mental disorder, developmental disability, developmental immaturity, or other condition affecting competency and, if so, whether ~~the condition or conditions impair the child's competency~~ the minor is incompetent as defined in section 709(a)(2).

(3) Following the hearing on competency, the court must proceed as directed in section 709.

(b) Expert qualifications

~~(B)~~(1) To be appointed as an expert, an individual must be a:

~~(i)~~(A) Licensed psychiatrist who has successfully completed four years of medical school and either four years of general psychiatry residency, including one year of internship and two years of child and adolescent fellowship training, or three years of general psychiatry residency, including one year of internship and one year of residency that focus on children and adolescents and one year of child and adolescent fellowship training; or

~~(ii)~~(B) Clinical, counseling, or school psychologist who has received a doctoral degree in psychology from an educational institution accredited by an organization recognized by the Council for Higher Education Accreditation and who is licensed as a psychologist~~.~~; and

~~(C)~~(2) The expert, whether a licensed psychiatrist or psychologist, must:

~~(i)~~(A) Possess demonstrable professional experience addressing child and adolescent developmental issues, including the emotional, behavioral, and cognitive impairments of children and adolescents;

~~(ii)~~(B) Have expertise in the cultural and social characteristics of children and adolescents;

~~(iii)~~(C) Possess a curriculum vitae reflecting training and experience in the forensic evaluation of children and adolescents;

~~(iv)~~(D) Be familiar with juvenile competency standards and accepted criteria used in evaluating juvenile competence;

~~(v)~~(E) ~~Possess a comprehensive understanding of~~ Be familiar with effective interventions, as well as treatment, training, and programs for the attainment of competency available to children and adolescents; ~~and~~

~~(vi)~~(F) Be proficient in the language preferred by the ~~child~~ minor, or if that is not feasible, employ the services of a certified interpreter and use assessment tools that are linguistically and culturally appropriate for the ~~child.~~ minor; and

(G) Be familiar with juvenile competency remediation services available to the minor.

~~(2)~~(3) Nothing in this rule precludes involvement of clinicians with other professional qualifications from participation as consultants or witnesses or in other capacities relevant to the case.

~~(3) Following the hearing on competence, the court must proceed as directed in section 709~~.

(c) Interview of minor

The expert must attempt to interview the minor face-to-face. If an in-person interview is not possible because the minor refuses an interview, the evaluator must try to observe and make direct contact with the minor to attempt to gain clinical observations that may inform the evaluator's opinion regarding the minor's competency.

(d) Review of records

(1) The evaluator must review all the records provided as required by section 709.

(2) The written protocol required under section 709(i) must include a description of the process for obtaining and providing the records to the evaluator to review, including who will obtain and provide the records to the evaluator.

(e) Consult with minor's counsel

(1) The expert must consult with minor's counsel as required by section 709. This consultation must include, but is not limited to, asking minor's counsel the following:

(A) If minor's counsel raised the question of competency, why minor's counsel doubts that the minor is competent;

(B) What has minor's counsel observed regarding the minor's behavior; and

(C) A description of how the minor interacts with minor's counsel.

(2) No waiver of the attorney-client privilege will be deemed to have occurred from minor's counsel's report of the minor's statements to the evaluator, and all such statements are subject to the protections in (g)(2) of this rule.

(f) Developmental history

The expert must gather a developmental history of the minor as required by section 709. This history must be documented in the report and must include the following:

(1) Whether there were complications or drug use during pregnancy that could have caused medical issues for the minor;

(2) When the minor achieved developmental milestones such as talking, walking, and reading;

(3) Psychosocial factors such as abuse, neglect, or drug exposure;

(4) Adverse childhood experiences, including early disruption in the parent-child relationship;

(5) Mental health services received during childhood and adolescence;

(6) School performance, including an Individualized Education Plan, testing, achievement scores, and retention;

(7) Acculturation issues;

(8) Biological and neurological factors such as neurological deficits and head trauma; and

(9) Medical history including significant diagnoses, hospitalizations, or head trauma.

(g) Written report

(1) Any court-appointed evaluator must examine the minor and advise the court on the minor's competency to stand trial. The expert's report must be submitted to the court, to the counsel for the minor, to the probation department, and to the prosecution. The report must include the following:

(A) A statement identifying the court referring the case, the purpose of the evaluation, and the definition of competency in the state of California;

(B) A brief statement of the expert's training and previous experience as it relates to evaluating the competence of a minor to stand trial;

(C) A statement of the procedure used by the expert, including:

(i) A list of all sources of information considered by the expert;

(ii) A list of all sources of information the expert tried or wanted to obtain but, for reasons described in the report, could not be obtained;

(iii) A detailed summary of the attempts made to meet the minor face-to-face and a detailed account of any accommodations made to make direct contact with the minor; and

(iv) All diagnostic and psychological tests administered, if any.

(D) A summary of the developmental history of the child minor as required by (f) of this rule;

(E) A summary of the evaluation conducted by the expert on the minor, including the current diagnosis or diagnoses that meet criteria under the most recent version of the *Diagnostic and Statistical Manual of Mental Disorders*, when applicable, and a summary of the minor's mental or developmental status;

(F) A detailed analysis of the competence of the minor to stand trial under section 709, including the minor's ability or inability to understand the nature of the proceedings or assist counsel in the conduct of a defense

in a rational manner as a result of a mental or developmental impairment;

(G) An analysis of whether and how the minor's mental or developmental status is related to any deficits in abilities related to competency;

(H) If the minor has significant deficits in abilities related to competency, an opinion with explanation as to whether treatment is needed to restore or attain competency, the nature of that treatment, its availability, and whether restoration is likely to be accomplished within the statutory time limit;

(I) A recommendation, as appropriate, for a placement or type of placement, services, and treatment that would be most appropriate for the minor to attain or restore competence. The recommendation must be guided by the principle of section 709 that services must be provided in the least restrictive environment consistent with public safety; and

(J) If the expert is of the opinion that a referral to a psychiatrist is appropriate, the expert must inform the court of this opinion and recommend that a psychiatrist examine the minor.

(2) Statements made to the appointed expert during the minor's competency evaluation and statements made by the to mental health professionals during the remediation proceedings, and any fruits of these statements, must not be used in any other hearing against the minor in either juvenile or adult court.

~~**Advisory Committee Comment**~~

~~Welfare and Institutions Code section 709(b) mandates that the Judicial Council develop and adopt rules regarding the qualification of experts to determine competency for purposes of juvenile adjudication. Upon a court finding of incompetency based on a developmental disability, the regional center determines eligibility for services under Division 4.5 of the Lanterman Developmental Disabilities Services (Welf. & Inst. Code, § 4500 et seq.).~~

JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 23, 2019

Title
Collaborative Justice: Recommended Allocations of Fiscal Year 2019–20 Substance Abuse Focus Grants

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Collaborative Justice Courts Advisory Committee
Hon. Richard Vlavianos, Chair

Agenda Item Type
Action Required

Effective Date
September 23, 2019

Date of Report
July 15, 2019

Contact
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Executive Summary

As part of the Budget Act of 2019 (Stats. 2019, ch. 23), the Legislature allocated a total of $1.16 million for the California Collaborative and Drug Court Projects to maintain, expand, or enhance collaborative courts. The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council continue to use this annual allocation to fund court programs through the non-competitive Collaborative Justice Courts Substance Abuse Focus Grant Program. Additionally, $75,000 in federal Court Improvement Program funds have been made available for fiscal year (FY) 2019–20 to fund the non-competitive Dependency Drug Court Augmentation to the Collaborative Justice Court Substance Abuse Focus Grant Program. The committee recommends funding programs in 49 courts for FY 2019–20 with these annual grants, and providing augmentation grants to dependency drug courts in 18 counties.

Recommendation

The Collaborative Justice Courts Advisory Committee recommends that the Judicial Council, effective September 23, 2019, approve the distribution of grants from the Collaborative Justice

Courts Substance Abuse Focus Grant Program and the Dependency Drug Court Augmentation for FY 2019–20.

The proposed distribution is listed in the last column of Attachment A, *Allocation Summary: Fiscal Years (FY) 2018–19 and 2019–20*.

Previous Council Action

The Judicial Council has approved the annual funding allocation for the Substance Abuse Focus Grant Program since FY 1998–99. In November 2005, at the recommendation of the Collaborative Justice Courts Advisory Committee, the council approved the Caseload-Based Funding-Level Formula for distributing the funds, as shown on the grant calculation worksheet in Attachment B. In July 2014, following the formula, grant funds from the Court Improvement Program of the U.S. Department of Health and Human Services, Administration for Children and Families, were distributed as an augmentation to the grants of the Substance Abuse Focus Grant Program.

Analysis/Rationale

Substance Abuse Focus Grant

This year's funding authorization for the annual grants comes from a legislative mandate under California Collaborative and Drug Court Projects in the Budget Act of 2019 (Stats. 2019, ch. 23), as referenced in item 0250-101-0001.

This recommendation distributes the funding for FY 2019–20 in allocation amounts calculated using the formula previously approved by the Judicial Council and used in previous years (see Attachment B). The 2019–20 State Budget allocates $1.16 million for these projects—the same level of funding that was allocated for the Collaborative Justice Courts Substance Abuse Focus Grant Program in FY 2018–19.

As in previous years, grants are awarded to all proposed projects that meet the following criteria:

- Consistency with both the California Standards of Judicial Administration and the *Guiding Principles of Collaborative Justice Courts* (see Attachment C);
- Involvement of a local steering committee; and
- Fulfillment of statistical and financial reporting requirements for previous grant funding periods (if applicable).

As in previous years, courts were permitted to apply for grants for more than one project and at more than one site. The funding formula worksheet—which weighs total adjusted funding allocation, type of program, and number of individuals served by each program—is provided in Attachment B of this report.

The formula starts with the presumption that all projects that meet the grant criteria start with a base funding amount of $12,000 per county. This base figure may be adjusted upward or downward to reflect the actual amount of total funding approved by the Legislature for the year and the number of court projects eligible for grants from those funds. Each project's adjusted base figure may then be augmented depending on the program's focus and the number of participants who may potentially benefit from the program. Programs that focus on treatment receive higher allocations than those that do not, in recognition of the intensive case management required in treatment court programs. Courts can also request grants for program planning, which may include an augmentation for the estimated number of participants if the project will become operational before the end of the fiscal year. These adjustments combine to arrive at the algorithm applied against the year's total allocation to determine each program's grant award.

For the 2018–19 fiscal year, the $1.16 million allocation supported 277 court projects in 49 counties. The types of projects funded were adult domestic violence courts (6), adult drug courts (53), adult mental health/dual-diagnosis courts (31), community courts (2), dependency drug courts (29), DUI courts (19), elder courts (1), girls' courts (2), homeless courts (5), juvenile delinquency drug courts (18), juvenile mental health/dual-diagnosis courts (4), peer/youth courts (54), reentry courts (7), truancy courts (6), veterans courts (17), and other collaborative justice court programs (23).

Dependency Drug Court Augmentation Grant

Federal Court Improvement Program funds of $75,000 are available to support dependency drug courts funded by the Collaborative Justice Courts Substance Abuse Focus Grant Program. In past years, the Judicial Council has made these grants available through a formulaic distribution available to all eligible dependency drug courts requesting funding through the Substance Abuse Focus Grant Program for the purpose of implementing, maintaining, enhancing, or expanding their dependency drug courts. Because these augmentation funds are federal funds, this grant augmentation must be administered in compliance with conditions stated in part B of title IV of the Social Security Act (specifically, section 438(b) of the act: the approved state application and plan, including all assurances, approved amendments, and revisions) and with applicable federal regulations, program policies, and instructions. These funds augment the Substance Abuse Focus Grant awards following the Judicial Council–approved Caseload-Based Funding-Level Formula for distributing the funds, as shown on the funding calculation table in Attachment B.

Application process

The presiding judges and court executive officers of the superior courts were informed of this year's grant opportunity on June 6, 2019. Courts submitted project action plans that staff of the Judicial Council's Center for Families, Children & the Courts reviewed for conformance with the requirements of addressing substance abuse issues and adhering to the Collaborative Justice Courts principles (see Attachment C, *Guiding Principles of Collaborative Justice Courts*).

Policy implications
The recommended action is consistent with the currently existing Judicial Council policy regarding allocating these funds to local courts.

Comments
The recommended action was discussed at an open meeting of the Collaborative Justice Courts Advisory committee. No external comments were received. Committee members were unanimous in their agreement on the recommended action.

Alternatives considered
All program proposals that meet grant guidelines, including those for planning grants, are considered eligible for funding. The committee considered introducing a competitive process for determining which programs deserve awards. The idea was rejected because distributing funds to all qualified applicants by straight formula has proven to be an effective and efficient process and feedback from local courts has indicated their preference for a noncompetitive grant process.

Fiscal and Operational Impacts
In FY 2010–11, grants from the Substance Abuse Focus Grant Program changed from reimbursable to deliverable. Under the reimbursement model, courts were required to submit monthly invoices to receive reimbursement for their program costs. Under the deliverable model, courts now submit program information that documents the program model, use and participation levels, and outcomes via two progress reports accompanied by two invoices. This change has streamlined the process for distributing funding to the courts, resulting in significant time savings for the courts and for the Judicial Council's grant-processing staff. In 2017 the grant application cover sheet was enhanced to automatically calculate the maximum eligible grant amount. This made the application easier to complete for local courts and improved their grant application accuracy. In turn, this reduced the amount of Judicial Council staff time needed to review grant request calculations.

Attachments
1. Attachment A: *Allocation Summary: Fiscal Years (FY) 2018–19 and 2019–20*
2. Attachment B: *Caseload-Based Funding-Level Formula: 2019–20 Judicial Council Collaborative Justice Courts Substance Abuse Focus Grant Program*
3. Attachment C: *Guiding Principles of Collaborative Justice Courts*

Allocation Summary: Fiscal Years (FY) 2018–19 and FY 2019–20

Collaborative Justice Courts Project—Substance Abuse Focus Grant (SAFG) and Dependency Drug Court (DDC) Augmentation Awards (by Court)

	County	FY 18–19 Allocation Based on Formula	FY 18–19 Final SAFG Funding Allocation[1]	FY 18–19 DDC Augmen-tation Allocation[2]	FY 18–19 Total Allocation (SAFG + DDC)	FY 19–20 Allocation Based on Formula	FY 19–20 Final SAFG Funding Allocation	FY 19–20 DDC Augmentation Allocation	FY 19–20 Total Allocation (SAFG + DDC)
1	Alameda	$42,000	$33,832	$4,713	$38,545	$42,000	$34,142	$5,162	$39,304
2	Amador	31,000	25,828		25,828	31,000	26,024		26,024
3	Butte	20,000	17,822		17,822	24,000	20,857		20,857
4	Contra Costa	22,000	19,277		19,277	22,000	19,381		19,381
5	Del Norte	18,000	16,366		16,366	18,000	16,428		16,428
6	El Dorado	24,000	20,733		20,733	24,000	20,857		20,857
7	Fresno	45,000	36,015	1,952	37,967	45,000	36,355	2,028	38,384
8	Glenn	41,000	33,103		33,103	39,000	31,928		31,928
9	Humboldt	23,000	20,005	404	20,409	31,000	26,023	1,032	27,055
10	Inyo	16,000	14,911		14,911	16,000	14,952		14,952
11	Kern	16,000	14,911		14,911	16,000	14,952		14,952
12	Kings	20,000	17,822		17,822	20,000	17,905		17,905
13	Lake	16,000	14,911		14,911	12,000	12,000		12,000
14	Lassen	20,000	17,822		17,822	16,000	14,952		14,952
15	Los Angeles	35,000	28,739	1,683	30,422	29,000	24,548	5,900	30,448
16	Madera	18,000	16,366		16,366	18,000	16,428		16,428
17	Marin	16,000	14,911		14,911	16,000	14,952		14,952
18	Mendocino	22,000	19,277	808	20,085	20,000	17,905	922	18,827
19	Merced	12,000	12,000		12,000	12,000	12,000		12,000
20	Modoc	16,000	14,911	168	15,079	16,000	14,952	111	15,063
21	Monterey	45,000	36,015	4,208	40,223	45,000	36,355		36,356
22	Nevada	24,000	20,733		20,733	24,000	20,857		20,857
23	Orange	42,000	33,832		33,832	42,000	34,142		34,142
24	Placer	16,000	14,911		14,911	16,000	14,952		14,952
25	Plumas	16,000	14,911		14,911	16,000	14,952		14,952
26	Sacramento	42,000	33,832	13,465	47,297	42,000	34,142	14,749	48,891
27	San Bernardino	45,000	36,015		36,015	45,000	36,355		36,356
28	San Diego	42,000	33,832	4,578	38,410	42,000	34,142	5,015	39,157
29	San Francisco	45,000	36,015	9,762	45,777	44,000	35,618	6,932	42,550
30	San Joaquin	45,000	36,015	15,147	51,162	45,000	36,355	16,592	52,948

	County	FY 18–19 Allocation Based on Formula	FY 18–19 Final SAFG Funding Allocation[1]	FY 18–19 DDC Augmen-tation Allocation[2]	FY 18–19 Total Allocation (SAFG + DDC)	FY 19–20 Allocation Based on Formula	FY 19–20 Final SAFG Funding Allocation	FY 19–20 DDC Augmentation Allocation	FY 19–20 Total Allocation (SAFG + DDC)
31	San Luis Obispo	32,000	26,555	3,535	30,090	32,000	26,761	3,872	30,633
32	San Mateo	32,000	26,555		26,555	32,000	26,761		26,761
33	Santa Barbara	42,000	33,832		33,832	44,000	35,618	5,531	35,618
34	Santa Clara	42,000	33,832	4,713	38,545	45,000	36,356		41,887
35	Santa Cruz	39,000	31,649	1,683	33,332	39,000	31,928		31,928
36	Shasta	26,000	22,189		22,189	26,000	22,334		22,334
37	Sierra	12,000	12,000		12,000	16,000	14,952	922	14,952
38	Siskiyou	16,000	14,911	808	15,719	20,000	17,905	1,475	18,827
39	Solano	45,000	36,015	1,347	37,362	41,000	33,404		34,879
40	Sonoma	36,000	29,466	1,178	30,644	36,000	29,714	553	29,714
41	Stanislaus	24,000	20,733	337	21,070	20,000	17,905		18,458
42	Sutter	22,000	19,277		19,277	22,000	19,381	553	19,381
43	Tehama	20,000	17,822	505	18,327	20,000	17,905		18,458
44	Trinity	26,000	22,188	673	22,861	22,000	19,381		19,381
45	Tulare	39,000	31,649		31,649	30,000	25,285	1,475	25,285
46	Tuolumne	20,000	17,822	1,347	19,169	20,000	17,905	2,176	19,380
47	Ventura	32,000	26,555	1,986	28,541	32,000	26,761		28,937
48	Yolo	12,000	12,000		12,000	16,000	14,952		14,952
49	Yuba	22,000	19,277		19,277	22,000	19,381		19,381
	Total	**$1,374,000**	**$1,160,000**	**$75,000**	**$1,235,000**	**$1,363,000**	**$1,160,000**	**$75,000**	**$1,235,004**

[1] In FY 19–20 there is $1,160,000 available for allocation among the 49 courts who applied to the Collaborative Justice Courts Substance Abuse Focus Grant Program (SAFG). According to the funding formula, the maximum amount of funding for which courts are eligible is $1,363,000. This amount exceeds the available funding by $203,000. As a result, the total awards reflect a reduction in funding of approximately 13 percent. Each court was awarded a base allocation of $12,000 and the remaining funds were distributed proportionally among those courts who were eligible for additional funds above the base amount.

[2] Dependency Drug Court Augmentation funds were allocated based on the number of participants.

Caseload-Based Funding-Level Formula:
2018~~8~~9–20 Judicial Council Collaborative Justice Courts Substance Abuse Focus Grant Program

FUNDING CALCULATION TABLE

Program Focus Category	Base Amount	Number of Total Program Participants						Enhancement	
		5–19	20–49	50–99	100–199	200–499	500+	10–24	25+
Treatment Court	**$12,000**	$0	$4,000	$8,000	$12,000	$20,000	$30,000	$2,000	$3,000
Education / Nontreatment Program	**$12,000**	$0	$2,000	$4,000	$6,000	$10,000	$15,000	$1,000	$2,000

INSTRUCTIONS

1. **Program Focus Category:** Identify whether the primary focus of the program is on treatment or education.

2. **Base Amount:** Minimum base program funding level. Only one base amount can be included in funding calculation.

3. **Number of Total Program Participants:** Number of total participants who will be directly served by the grant program for FY 19–20.
   a. Find the number range of participants for your program.
   b. Match it with the appropriate Program Focus Category. **Note:** For treatment-focused programs, include all participants enrolled in the program, not just the participants receiving a particular level or kind of treatment.
   c. Add the matching funding amount to the Base Amount—**this is your maximum funding level.**

*** Example: $12,000** (Base) **+ $12,000** (Treatment Court Focus with 125 program participants) = $24,000 eligible maximum funding level.

4. **Enhancement:** For court programs that increase their program capacity (i.e., the maximum number of participants they can serve) beyond their FY 18–19 program capacity.
   A minimum of 10 additional participants is required for enhancement funding.

*** Example: $12,000** (Base) **+ $12,000** (Treatment Court Focus w/ 125 program participants) **+ $2,000** (increase in program capacity from previous year by 15 additional participants) = $26,000 eligible maximum funding level.

CALCULATION TOOL

5. Court Calculation	Base	Treatment	Nontreat	Enhance	Maximum Funding Level
Enter numbers here:	**$12,000**	$0	$0	$0	**$12,000**
					Total

Note: This tool is provided to assist courts in understanding how the maximum eligible grant allocation is calculated. Please note that actual award amounts will be based on the number of courts applying and the total allocation available in the 2019-20 California State Budget.

Guiding Principles of Collaborative Justice Courts

Using the National Drug Court Institute's 10 key components of drug courts as a model, the Collaborative Justice Courts Advisory Committee identified 11 essential components as the guiding principles of collaborative justice courts:

1. Integrate services with justice system processing;

2. Achieve the desired goals without the use of the traditional adversarial process;

3. Intervene early and promptly to place participants in the collaborative justice court program;

4. Provide access to a continuum of services, including treatment and rehabilitation services;

5. Use a coordinated strategy that governs the court's response to participant compliance, using a system of sanctions and incentives to foster compliance;

6. Use ongoing judicial interaction with each collaborative justice court participant;

7. Use monitoring and evaluation to measure the achievement of program goals and gauge effectiveness;

8. Ensure continuing interdisciplinary education;

9. Forge partnerships among collaborative justice courts, public agencies, and community-based organizations to increase the availability of services;

10. Enhance the program's effectiveness and generate local support; and

11. Emphasize team and individual commitments to cultural competency.